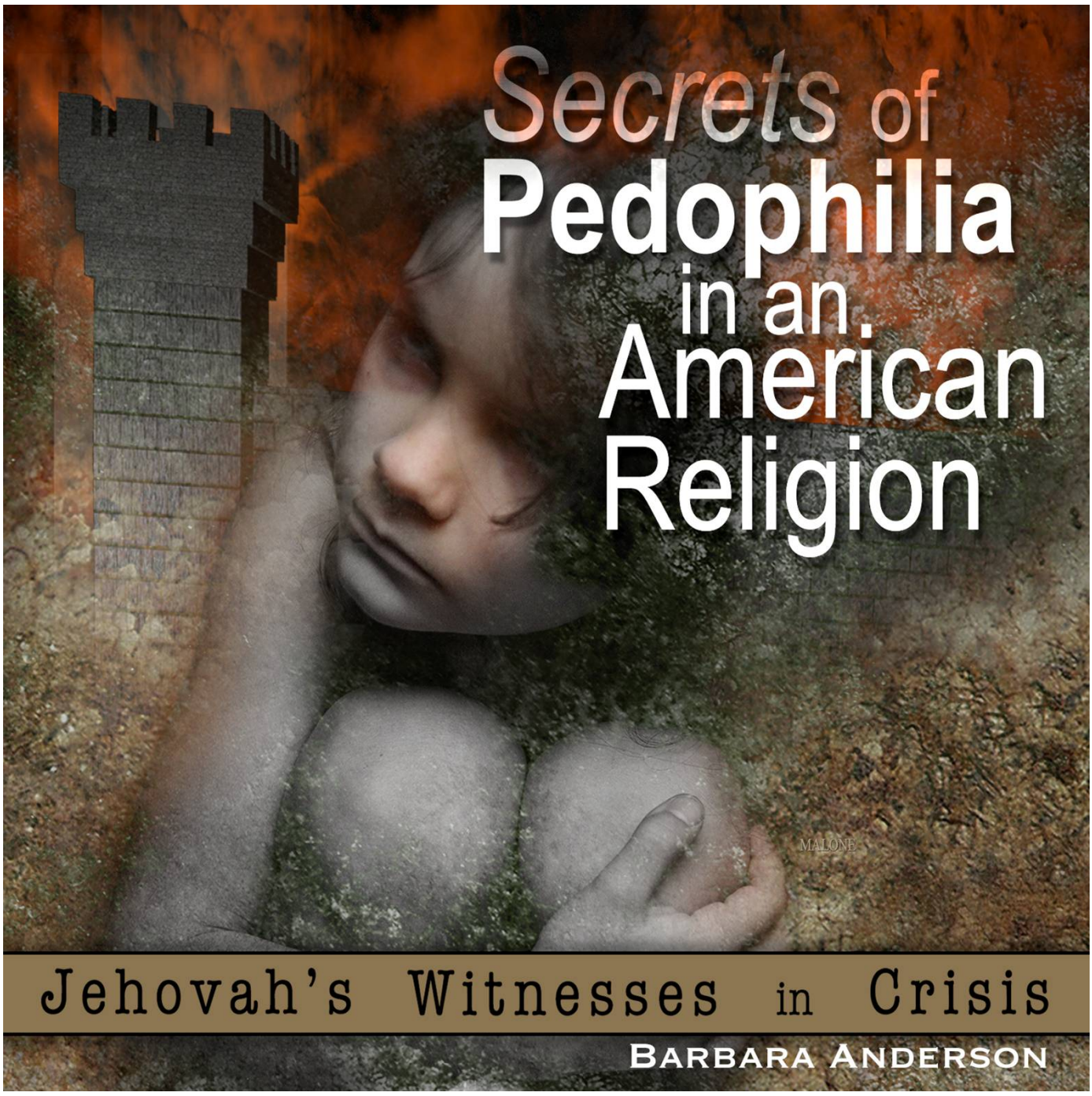

Secrets of
Pedophilia
in an
American
Religion
MALONE
Jehovah's Witnesses in Crisis
Barbara Anderson

SECRETS OF PEDOPHILIA

in an

AMERICAN RELIGION

Jehovah's Witnesses in Crisis

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ACKNOWLEDGMENT

The goal of this project was to shine a bright light on the secret policies and procedures utilized by Jehovah's Witness leaders to manage victims' accusations of sexual abuse by Witness molesters.

"Child abuse is abhorrent to us" is a commendable statement and one Jehovah's Witnesses repeat often. Knowing there were documents that would prove their secret actions spoke louder than their public words, I committed to unveil what has been too long hidden in a religious community which proclaims their child abuse policy "is without equal in the religious community." But to do so was dependant upon obtaining thousands of pages of court documents. However, without help, this task would not have been accomplished in just a few months. I want to thank all the marvelous folks who offered their assistance in so many ways.

Ordering court records from twelve lawsuits was not exactly a pleasant experience. If it wasn't for my good friend, Richard Rawe, it is doubtful I would have accomplished all I was able to do. He must have spent up to fifty or more hours on the phone maneuvering through the bureaucratic maze to order court documents. Richard was absolutely invaluable in this regard. I can't thank him enough for his assistance.

Without the love and support of my husband, Joe, such a huge project would have been difficult. He was almost a bachelor during the months I worked from sunup to sundown to read and analyze all the documents and then write the commentary. My sister-in-law, Lynda, helped out with many household tasks, that is, after her fractured wrist healed, and she has my gratitude.

Not to embarrass anyone for all the good works they did to assist me, but I want to mention a few names of some pretty wonderful people. They made this CD possible with their support, financial assistance and technical expertise. Much gratitude and affection goes to dear people like Bruce and Dorian Baker, Joy Grant, the Galvez family, Alan Feuerbacher, Kerry Louderback-Wood, Jim Penton, Randy Watters and a number of others who don't want their names mentioned for fear of reprisal by Jehovah's Witnesses for aiding someone like me whose only motive is to make life safer for Witness children.

The extraordinary cover for this work was designed by a wonderful and most generous guy, Dave Malone of Malone Illustrations. He did not hesitate for a moment when asked if he would use his skills to produce a cover. He quickly rounded up a friend whose little girl posed for her photographer mother to provide a photo for Dave to work with. I want to thank all of you for your help with this undertaking.

Also, Chris, who kept my computer system running, has my gratitude. And, never will I forget the support from some pretty wonderful Canadian gals and guys who were there for me whenever I needed their input.

The commentary provided in this CD is meant to make it easier for readers to make sense of some of the thousands of pages of court records provided. My work is just a glimpse into the internal workings of Jehovah's Witnesses in the matter of child sexual abuse. I certainly have not expressed all the information that can be gleaned out of the records. Now it is up to you, the reader, to pick up the gauntlet and explore what has been provided. While you are doing that I'll be putting the finishing touches on a hard copy of *Secrets of Pedophilia in an American Religion—Jehovah's Witnesses in Crisis*, containing even more commentary than this publication includes.

Special gratitude goes to my son who will always remain the apple of my eye. You have made me proud, Lance, by becoming a first-rate father and husband. The experience of being your mother was so unique and joyous. It remains the compelling force steering me to pursue the protection of children.



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INTRODUCTION

When I was an inexperienced, discontented fourteen-year old, I made a choice that for the next forty-four years of my life would narrow my opportunities to make choices—I joined one of the most aggressive, controversial religious groups, Jehovah's Witnesses, which became the center of my life. I put aside my heart's desire, the study of archeology, because of the religion's ban on higher education for their members. Hence, evangelistic activities took priority over education. I heeded their rules as to choice of friends, only Jehovah's Witnesses, and choice of a marriage mate, only one of Jehovah's Witnesses.

I was one of Jehovah's Witnesses from 1954 until 1998. When I married Joe Anderson in 1959, he was, of course, a Witness. In 1961, our son, Lance, was born. He was carefully trained to be one of Jehovah's Witnesses. As a family, we were very familiar with opposition to our religion because of our persistence in making our beliefs known to people whether they wanted to hear us or not. Although we were disliked by some people because of our preaching, my husband and I helped convert about 80 people.

In 1982, during a time of expansion of Jehovah's Witnesses' world headquarters in Brooklyn, NY, as longtime faithful Jehovah's Witnesses we were invited to live and work there as volunteer staff members. The place is called "Bethel" and we became "Bethelites." At that time, the workers at the Bethel complex numbered a few thousand. The purpose for being there was to support the publishing of hundreds of millions of pieces of Witness literature such as the *Watchtower and Awake!* journals. For one year my job assignment was in the Shipping Department. Then I was transferred to the Engineering Department for six years where I did secretarial and research work. After that, for nearly four years, my assignment was the Writing Department where I was the major researcher for the Witnesses' last published history book, *Jehovah's Witnesses Proclaimers of God's Kingdom*, (1993).

While working in the Writing Department at the Witnesses' world headquarters, I learned in the early 1990s there were members of Jehovah's Witnesses, including some elders, who engaged in child sexual abuse; that Jehovah's Witnesses officials knew of many of these incidents of child sexual abuse but had in place organizational policies that effectively prevented the reporting of most of these incidents to appropriate authorities and also to Witness congregational members. These policies were directly contrary to the public position taken by Jehovah's Witnesses that child sexual abuse is neither tolerated nor concealed.

Leaving the Witnesses' World Headquarters in January of 1993, we returned to Tennessee where I continued researching for Awake! senior writers; also, exploring the abuse issue and writing some *Awake!* articles until December 1996.

When I first became aware of child sexual abuse in the Watchtower organization, I had no idea the Bible teaching requiring two-witnesses to prove sin was also applied to molestation. It was only after 1997 when I discovered how the requirement of two witnesses to molestation protected pedophiles that I understood how this policy was such a danger to children. If abuse victims can not back up their charge of molestation through another witness, and the accused denies the allegation, the accusation goes nowhere. Then the confidentiality rule goes into

effect. Victims are told not to speak of the accusation or else be disfellowshipped themselves. This was the way molesters were kept hidden and children were open game.

Finally Disillusioned

I belonged to an organization whose members appear to be no different from society at large**.** Yet**,** underneath the surface they really are very different in their approach to life because Jehovah's Witnesses are a self-proclaimed theocracy meaning they believe God is guiding their organization. And it is the leaders of the Witness theocracy who make the rules for the flock about all aspects of life including rules to protect the members from threatening influences. Regardless of good intentions, Witness leaders have become like Pharisees in that they provide instructions for just about every human condition. Their directives are supposedly written with the intention of protecting the congregation, yet in too many cases, the polices end up protecting the bad guys and their secrets.

In 1998, I officially left the organization, although I had been fading for about a year. I tried to put my anxiety about the child abuse situation aside and went to the local community college where I received a scholarship. This gift gave me the strength to go on without my Jehovah's Witnesses' friends from all over the world who I knew for a certainty would shun me when they realized I was no longer one of them. Going to college was how I discovered there was life outside of the Watchtower. At the time my husband and I were married thirty-nine years. We never kept secrets from one another. Therefore, my husband accepted my exit from our religion because he was aware that in good conscience, I was having a very difficult time associating myself with the Witness organization knowing what I did about the Watchtower Society's child sexual abuse policies which I considered evil. As a woman, I had to remain silent about this evil or be disfellowshipped. My anger and frustration knowing I was helpless to protect children from molestation was a burden I could no longer bear. In any case, I did not say anything negative to anyone about the Witness organization so I was not perceived as a threat by them.

"Silentlambs" and NBC Dateline

Towards the end of 2000, I met a Witness elder, Bill Bowen, who decided to resign his position and go public about the child sexual abuse issue. This took place on January 1, 2001. When Bill resigned as an elder over the child abuse issue, the media coverage in Bill's home state of Kentucky was tremendous. In addition, Bill and I came up with an idea for an Internet website which Bill created that we named silentlambs.org. Here Jehovah's Witnesses, who were victims of child sexual molestation by Witness perpetrators, could post their stories. Within weeks there were 1,000 stories. After five years, there are nearly 7,000.

Initially, I did not publicly reveal myself. Within weeks, Bill and I were on a plane bound for New York City and NBC's *Dateline* show. After the producers did extensive research, which established our claims were true, our interviews were scheduled.

Disfellowshipped for Appearing on Dateline

After calling NBC time and again to find out when the program would air, Watchtower leaders were told the program would be shown on May 28, 2002. Immediately, Watchtower officials notified local elders to schedule judicial hearings for all of us who appeared as whistleblowers on *Dateline*. In early May, I proved to the elders I was not guilty of the false

charges brought against me. Within days the local elders scheduled another judicial hearing with new, concocted charges. I declined to attend the meeting because it seemed futile—if I disproved those charges, it was obvious they would just come up with different charges. In any event, I was subsequently disfellowshipped on May 19, 2002 for causing divisions within the brotherhood.

Disfellowshipped members are construed as being unrepentant sinners and not to be believed, so it was a cunning move for the Watchtower. It was obvious to me I was disfellowshipped shortly before *Dateline* was broadcast so Witness viewers would not believe what I said about there being a pedophile problem within their group.

Joe subsequently was disfellowshipped in July 2002, also for causing divisions. By defending me and expressing his personal views about the child sexual abuse situation, Joe was no longer a company man. Like Bill Bowen and me, Joe became critical of the process elders were instructed to go through when child abuse was reported to them. He believed back then and still does that Witness elders should not investigate accusations of child sexual abuse. It is a crime that should be reported by elders to the police no matter which state they live in, even if not mandated by law in that state for clergy to do so.

A New Commitment

When I look back over my life from the time I was baptized as one of Jehovah's Witnesses at the age of 14, it simply amazes me where that first step led to. My only desire then was to help people understand the mysteries of life as taught by Jehovah's Witnesses. Now I'm no longer under the illusion that the mysteries of life can be explained, or that Jehovah's Witnesses are a benevolent religion.

Although I have been labeled by Witnesses as "a Judas" for publicizing the child sexual abuse problems within the Witness organization, I am still committed to exposing the secrets hidden within this religious organization.

During the past five years since the filing by attorneys of the first child sexual abuse lawsuit in 2003, I have been active in aiding all to understand polices and practices of Jehovah's Witnesses in the matter of child sexual abuse. Of course, I was disappointed that not one filed child sexual abuse lawsuit since 2003 made it to open court but were settled by the leaders of Jehovah's Witnesses in out-of-court settlements in February 2007. However, that was not the end of this story because the thousands of pages of court records I recently obtained reveal the *Secrets of Pedophilia in an American Religion*, Jehovah's Witnesses, who are now in crisis.



PREFACE

Approximately 5,000 pages of court documents have been amassed from twelve court record depositories in four states. These court documents are the result of twelve lawsuits that Defendants' Jehovah's Witnesses, et al. were involved with since 1999.

Primarily of interest at this point are the nine lawsuits settled in early 2007 between Jehovah's Witness victims of molestation and Defendants' Jehovah's Witnesses, et al. However, also located were case records from two other lawsuits that were settled out-of-court by Watchtower, one in 2000 and the other in 2006. In our search for court records, another lawsuit was found. This one was dismissed without prejudice in 2004. The case documents are included for informational purposes.

Over all, the facts are common to all of the nine lawsuits involving sixteen victims which were settled in 2007. These cases were filed from 2003 through 2006 by the law firm, Love & Norris, located in Fort Worth, Texas. The primary defendants were the Watchtower Bible and Tract Society of New York, Inc.; one Oregon congregation of Jehovah's Witnesses; one Texas congregation of Jehovah's Witnesses; six Northern California congregations of Jehovah's Witnesses, and one Southern California congregation of Jehovah's Witnesses. There were eight abusers, all Jehovah's Witnesses who were co-defendants. The Jehovah's Witness Defendants, unlike the Catholic Church, ***secretly*** settled these nine lawsuits. The majority of the nine were settled at the end of January and then dismissed in mid-February.

In October 2006, I was given the impression that cases involving sixteen victims would soon be settled. In early February, I, as well as Bill Bowen (www.silentlambs.org), learned that these cases had been settled out-of-court. We were provided with no additional information other than learning that Plaintiffs and Defendants were not in favor of any publicity. Inasmuch as Bill did not want to wait any longer to announce the settlement, he held a press conference on May 10, 2007 and the Associated Press carried the story on May 11, 2007. Jehovah's Witnesses confirmed the settlement. However, Bill had few facts to report, although he did provide proof each case was settled by posting on his website, www.silentlambs.org, a copy of a dismissal notice for each of the nine cases. This proved all cases were dismissed with prejudice which meant that both sides agreed no more legal action could be taken again on these cases. Such an agreement usually indicates a financial settlement paid by Defendants, in this case, Jehovah's Witnesses.

In the ensuing months since the settlement, I am now able to provide many important details about the nine lawsuits, along with many extraordinarily interesting documents—secret material that Defendants' Watchtower and Jehovah's Witnesses expected would remain buried in court records for perpetuity.

I have also discovered that instead of nine cases settled, there probably were more. In the documents obtained there was a Notice of a Case Management Conference scheduled for March 15, 2007. The name of the case is *Dennis S.* vs. *Watchtower Bible And Tract Society of New York, Inc., et al.* It was filed in Sonoma County Superior Court, No. 234168. On the document it states this case was part of the *Charissa W.* and *Nicole D.* coordinated cases. During the month

of July 2007, the Sonoma County Superior Court Records Department confirmed that *Dennis S.* was settled out-of-court in March 2007, dismissed with prejudice by the judge. When I first heard about the out-of-court settlements, I wrote down that there were fourteen cases involved. Later, I came to believe that I mistakenly wrote down that figure when documents from the Napa County Courthouse listed only seven California cases settled and dismissed in February 2007, and, also, at the same time, one case was settled in Texas and another in Oregon which added up to nine. Upon questioning by an Associated Press reporter, nine cases were acknowledged by one of the Watchtower Society's attorneys, Mario Marino. If there were more, Mr. Marino found it prudent not to reveal the information. However, now we know there were ten, and additional research into this matter is required to see if there were indeed fourteen cases settled but that will have to wait for another time.



1

What Exactly Were These Lawsuits About?

It is the Governing Body of Jehovah's Witnesses who establish policies and dictate practices for Jehovah's Witnesses. That Body operates through various corporate entities, primarily Watchtower Bible and Tract Society of New York, Inc., and Watch Tower Bible and Tract Society of Pennsylvania, Inc. The Plaintiffs charged in their Complaints that Jehovah's Witnesses assumed a duty to protect children in their organization but failed to exercise reasonable care and common sense policies in fulfilling that duty. For example, Defendants failed to enact a policy forbidding unsupervised one-on-one contact between elders or ministerial servants and children. They permitted children to go out in door-to-door ministry alone with male members and encouraged parents in the congregations to allow their children attend un-chaperoned Bible study with adult males (elders/ms) and allowed these men to "counsel" children without any supervision.

The Watchtower undertook the responsibility to instruct Jehovah's Witness elders what to do when they received allegations of child sexual abuse. They promulgated policies directing elders to call Watchtower's "Legal Department" for direction about whether to report allegations of sexual abuse to law enforcement. However, these policies were designed *to obstruct cooperation* with secular investigators. For example, elders were sometimes instructed to make *anonymous calls from telephone booths* so that law enforcement authorities would be unable to contact them for more information.

The Defendants' Watchtower required Jehovah's Witness elders to investigate allegations of child sexual abuse. Elders were required to apply the "two witness rule" which under Jehovah's Witnesses internal policy and doctrine relegates allegations of child molestation to a notation written in a confidential file if the perpetrator does not confess to the crime but pleads innocence. Elders were required to gather evidence, question witnesses, and render judgments about what internal punishment, if any, would be imposed upon a child abuser. They were forbidden from revealing the results of their investigations to law enforcement authorities. In fact, there was no policy in place to report child abuse. Victims and their families were told not to inform secular authorities or other members. Secrecy was emphasized above all other concerns. The victims and their families were discouraged from receiving appropriate medical and psychological care.

When elders called the Legal Department with allegations of child abuse, they were asked questions that were indicative of the intended investigative process. Shockingly, one inappropriate question asked was if any of the elders believed the child victim of molestation was "somewhat at fault" for their own sexual victimization.

When allegations were concealed from secular authorities, the perpetrators often received no punishment except for that internally administered by Witness elders. Sometimes the offenders were disfellowshipped or expelled from the organization, but other times their punishment was secret reprimand or they had restrictions or lost privileges. Sadly, congregation members would not know a dangerous child abuser was in their midst**.** Watchtower would usually reinstate a

disfellowshipped molester or remove his restrictions after a shockingly short period of time. In addition, evidence indicates that reappointment of a molester to elder or ministerial servant after a few years was not all that unusual. Who would reappoint a child molester to a position of power? We know the name of one such person because his name appears in a court document. That man works in Watchtower's Service Department and it was claimed he reappointed a molester over and over again to a supervisory position since 1964.

The Watchtower instructed the elders to make written reports to their "Service Department" about allegations and judicial committee actions. They maintained a computerized database containing such information and negligently concealed the information from other elders and followers. Jehovah's Witness leaders undertook the responsibility to compile this information to protect congregation members. However, despite having information that would allow parents, elders, and law enforcement authorities to identify predators and actually take steps to protect children, the Watchtower concealed this information.

Watchtower's Service Department was Watchtower's Legal Department's client (attorney/client privilege) so plaintiffs and the courts could not easily obtain documents to substantiate the scope and depth of sexual child abuse within the Watchtower organization.

Communiqués between Jehovah's Witness supervisory people and the Watchtower are rarely, if ever, seen. Not only does attorney/client privilege enter into the picture, but to publish a letter without permission is not allowable by copyright laws. However, now a secret letter from one long-time United States district representative of the Watchtower organization can be read where he discusses a little-known rule which allowed molesters to stay in their positions of authority and continue molesting. (This letter, along with other confidential material, was found among public domain records in an Oregon courthouse.) The letter writer asked for a change to this little-known policy where no longer would leniency be extended to sexual child abusers. This was back in 1994 when he was monitoring an especially egregious situation in a Witness congregation where the predator, who sexually abused many children, was not going to be removed from his position as elder, nor was there to be a judicial hearing or any discipline because of this rule. Yet, that policy was still in effect in 2000.

Watchtower has the ability to know when a "known pedophile" moves from one congregation to another, yet they chose not to monitor the movements of predators so that appropriate warning could be issued. In 1991, one known predator was appointed Ministerial Servant by the Governing Body and the other Watchtower Defendants**.** He abused four children, who were plaintiffs in one case, from approximately 1991 to 1999. The facts are that he was confronted a number of times over the years by those he molested, but since Jehovah's Witness judicial committees require two witnesses to an event of molestation before taking any kind of disciplinary action, he was never disciplined. By moving from one congregation to another over the years, he was able to keep his crimes mostly hidden for 25 to 30 years. Parents told the press they had no clue that an alleged sexual predator was amongst them even though church elders had prior knowledge of complaints against this molester from another congregation.

Jehovah's Witnesses organization has been settling out of court child sexual abuse lawsuits for many years, but always quietly, ***secretly***, one at a time. A friend, who also was a volunteer

worker at the Witnesses' headquarters in Brooklyn, New York, told me four years ago about a private conversation he had with attorney friends who were Jehovah's Witnesses. These attorneys were often called upon by the Watchtower organization to meet with victims of child abuse or their parents, and were authorized to discuss monetary offers of up to $250,000 to quickly get lawsuits settled and dismissed. It was not unusual, the attorneys said, for the plaintiffs to accept compensation of only a few thousand dollars out of concern that accepting more would remove money from the Witnesses' ministry work. Surely, if those victims knew the Witness organization paid a secret $50,000 payment in 1996 to a California congregation for "elder misconduct" due to his molesting Witness children, they would be incensed.

However, as previously mentioned, along with the court records of the nine cases settled in February 2007, three other dismissed child abuse cases from the past were located and are included on this CD for examination.

Instead of offering victims in these nine lawsuits acceptable settlements as soon as possible, the Watchtower Defendants stubbornly fought through the courts to have these cases dismissed. This turned out to be a legal nightmare for them because California and Oregon High Courts ruled against the Watchtower in their quest to keep requested documents from the plaintiffs by claiming clergy-penitent privilege. The courts refused to recognize their claim for clergy-penitent privilege because communications with the Judicial Committee did not fall within the scope of the penitential communication privilege. The California ruling stated that the Judicial Committee's purpose was to investigate sins for which disfellowship was a potential penalty. In addition, the Judicial Committee was under no duty to keep the communications private. In fact, Judicial Committees were required to communicate information it obtained to the Watchtower Society Headquarters. In California, for nearly a year, Defendants refused to abide by a lower court's decision requiring them to produce communiqués between Defendants and the predator, and between Defendants and the elders or the victims. Watchtower Defendants' finally filed a writ petition to appeal the lower court's ruling. Within one month after submitting their appeal, the Court of Appeal of the State of California denied the petition and sent the case back to the lower court where the court subsequently forced Defendants to produce the documents.

In the future, Jehovah's Witnesses, et al., will have it much more difficult to hide behind their so-called First Amendment right not to disclose information to secular courts because they are a "religion." The defeat of Defendants' clergy-penitent privilege claim was only one of a number of excellent rulings in favor of the plaintiffs who have been forever harmed by this religion's lack of appropriate actions in the matter of child abuse.



2

The Facts

These lawsuits had nothing to do with the Watchtower's religion. The Watchtower Defendants kept clouding the issue in every brief they filed by claiming that any and all points the Plaintiffs introduced were somehow trampling on their First Amendment rights. Not so, said Plaintiffs' attorneys.

> This case is about young children who were devastatingly violated by the Watchtower Defendants' appointed agents who used appointed positions of trust and authority within that organization to criminally, sexually abuse children entrusted to the perpetrators' care by the Watchtower Defendants. These cases are also about the Watchtower Defendants' intentional conduct in not only covering up the abuse, but also actively preventing the reporting of this and other instances of abuse within the organization. At the same time, the Watchtower Defendants continued to appoint these particular perpetrator-agents, to positions of trust and authority after the Watchtower Defendants knew of their propensities to use their appointed positions in the organization to sexually abuse innocent children. Finally, it is a case about this nation's and the state of California's compelling state interest in protecting its children from the crime of sexual abuse through the application of secular laws designed to hold accountable those responsible for such abuse.
>
> Nothing in the First Amendment prohibits this Court from addressing the Watchtower Defendants' knowing appointment and protection of pedophiles who criminally assaulted Plaintiffs after the Watchtower Defendants were on notice that the perpetrators would do just that if they continually appointed to positions of authority over children. Also, the First Amendment does not bar this Court from addressing the Watchtower Defendants' liability for their intentional conduct in coercing the silence of victims and preventing the reporting of abuse, not for religious reasons, but to protect the Watchtower Defendants from liability for their own conduct in knowingly continuing to appoint pedophiles to positions of leadership with authority over children without even taking the minimal step of warning members of the congregations to which they were appointed or reporting the abuse to the proper secular authorities.[1]

Now that the out-of-court settlements are over and there will be no open court trials where Plaintiffs' attorneys would air Watchtower's dirty laundry, there is proof aplenty for all to read which substantiates the statements above. That proof will be taken from previously confidential material in the form of court documents which are now in public domain.

The Defendants waged a long-drawn-out court battle to keep Jehovah's Witnesses' congregational communications and documents from being seen by Plaintiffs/victims and their lawyers, and most importantly, from public scrutiny. They used whatever tactics to keep the crimes hidden, and settled out of court with victims to keep from testifying in open court about what Witness officials knew and what they failed to do to protect kids from predators.

[1] Plaintiffs' Opposition to Watchtower Defendants' Motion to Strike in All Coordinated Cases, pgs. 2-3, filed, March 11, 2005.

Read from court documents the allegations of Plaintiffs' *Charissa W.* and *Nicole D.* who maintained that Defendants did little or nothing to protect them from a Witness sexual predator. Of course, these allegations against the *"Roe"* Defendents [2] were yet to be proven.

Abuse of Nicole D.

Beginning by at least 1972, the ROE DEFENDANTS' agent, Edward Villegas, used his position as an Elder to gain access to children under the care of the ROE DEFENDANTS organization and to sexually abuse them.

During this time period, the ROE DEFENDANTS' agent, Edward Villegas, was also using his position of authority as an Elder to sexually abuse other children under the ROE DEFENDANTS' care.

In approximately 1978, Edward Villegas used his position as an Elder and leader in the ROE DEFENDANTS' organization to gain access to and sexually abuse Plaintiff, NICOLE D., a child under the care of the ROE DEFENDANTS' organization. Plaintiff, NICOLE D. was approximately seven (7) years old when the abuse occurred. Using his delegated authority as a leader in the ROE DEFENDANTS' organization, Edward Villegas forced Plaintiff, NICOLE D. to have oral sex with him.

When Plaintiff, NICOLE D. told her parents about the abuse, her father immediately reported it to the Elders of Defendant, ROE 9 pursuant to instructions by the ROE DEFENDANTS. In response, the ROE DEFENDANTS privately reproved their agent for his conduct, but took no other steps to hold him accountable or to otherwise notify members and the families of the children whom they had placed under the authority of their agent, Edward Villegas. Therefore, Edward Villegas was able to continue to use his position of authority.

For over two decades, the ROE DEFENDANTS knew or should have known that their appointed agent, Edward Villegas was using his position of authority in the organization to gain access to and sexually molest and physically abuse adolescents under the care of the organization. Nevertheless, the ROE DEFENDANTS continued to appoint Edward Villegas to leadership positions in their local congregations, entrusting him with the welfare of numerous adolescents in the ROE DEFENDANTS' local congregations. The ROE DEFENDANTS' agent then used his position of authority in the organization to sexually molest Plaintiff and others. The ROE DEFENDANTS failed to notify anyone that their agent, Edward Villegas was molesting or had sexually molested adolescents under the ROE DEFENDANTS' care. They further failed to take any steps to protect these young victims from his abuse. Instead, they knowingly concealed this information from Plaintiff and others. The ROE DEFENDANTS also aided, abetted and ratified the abuse.

When the ROE DEFENDANTS received reports of their agent's acts of sexual abuse against children entrusted to their care, the ROE DEFENDANTS assumed the responsibility for dealing with the problem. They told families of victims that they should leave the matter to the ROE DEFENDANTS to handle. However, the ROE DEFENDANTS did not report the abuse to law enforcement authorities nor did they warn any other members of the organization that they had appointed a dangerous pedophile to positions of leadership with authority over children. They did not act to help Plaintiff or their families deal with the
trauma of abuse and actively prevented them from obtaining help from trained professionals and other available sources. The ROE DEFENDANTS failed to take appropriate steps to hold their agent, Edward Villegas, accountable for his conduct or to assist him in addressing his propensities.[3]

Abuse of Clarrisa W.

[2] "*Roe*" was the name given to all the Defendants, some of whom were unidentifiable at that point.

[3] Memorandum of Points and Authorities in support of *Nicole D.*'s Ex Parte Application for In Camera Review of Certificates of Merit, Certificate of Corroborative Fact, and for Issuance of Findings and Orders Thereon, pgs. 4-5, filed 7/24/03.

In approximately 1970, Plaintiff CLARISSA W. and her mother, Betty Hopkins, came under the instruction and care of the ROE DEFENDANTS' organization through their agent, Edward Villegas, and his wife, Marsha Villegas. The ROE DEFENDANTS used the daycare center run out of the Villegas home to attract new converts. Plaintiff CHARISSA W. was approximately 1 year old at the time. Betty Hopkins became one of those new converts and entrusted her daughter, Plaintiff CHARISSA W. to the ROE DEFENDANTS' care.

Beginning by at least 1972, the ROE DEFENDANTS' agent, Edward Villegas, used his position as an Elder to gain access to children under the care of the ROE DEFENDANTS' organization and to sexually abuse them.

In about 1972, the ROE DEFENDANTS' agent, Edward Villegas began sexually molesting Plaintiff, CHARISSA W. by, among other things, fondling her genitals, digitally penetrating her vagina and forcing her to have oral sex. She was approximately three (3) or four (4) years old at the time. For the next twelve (12) to thirteen (13) years, the ROE DEFENDANTS' agent, Edward Villegas continued to use his leadership position as an Elder to gain access to and sexually abuse Plaintiff, CHARISSA W., who was under the ROE DEFENDANTS' care. Plaintiff's position as a minor in the ROE DEFENDANTS' organization, as well Edward Villegas' position as a spiritual leader and authority figure in the ROE DEFENDANTS' organization allowed him to maintain control and influence over Plaintiff and others. The ROE DEFENDANTS enabled Edward Villegas to abuse Plaintiff and others by placing him in positions of authority, and then actively concealing his sexual abuse. The ROE DEFENDANTS, each of them, used their positions in the organization to aid and abet Edward Villegas and other leaders in the sexual abuse and exploitation of minors in the organization and in furtherance of the conspiracy to conceal the sexual molestation occurring within the ROE DEFENDANTS' organization.

For over two decades, the ROE DEFENDANTS knew or should have known that their appointed agent, Edward Villegas was using his position of authority in the organization to gain access to and sexually molest and physically abuse adolescents under the care of the organization. Nevertheless, the ROE DEFENDANTS continued to appoint Edward Villegas to leadership positions in their local congregations, entrusting him with the welfare of numerous adolescents in the ROE DEFENDANTS' local congregations. The ROE DEFENDANTS' agent then used his position of authority in the organization to sexually molest Plaintiff and others. The ROE DEFENDANTS failed to notify anyone that their agent, Edward Villegas was molesting or had sexually molested adolescents under the ROE DEFENDANTS' care. They further failed to take any steps to protect these young victims from his abuse. Instead, they knowingly concealed this information from Plaintiff and others. The ROE DEFENDANTS also aided, abetted and ratified the abuse.

When the ROE DEFENDANTS received reports of their agent's acts of sexual abuse against children entrusted to their care, the ROE DEFENDANTS assumed the responsibility for dealing with the problem. They told families of victims that they should leave the matter to the ROE DEFENDANTS to handle. However, the ROE DEFENDANTS did not report the abuse to law enforcement authorities nor did they warn any other members of the organization that they had appointed a dangerous pedophile to positions of leadership with authority over children. They did not act to help Plaintiff or their families deal with the trauma of abuse and actively prevented them from obtaining help from trained professionals and other available sources. The ROE DEFENDANTS failed to take appropriate steps to hold their agent, Edward Villegas, accountable for his conduct or to assist him in addressing his propensities.[4]

In this matter, Plaintiff's charging allegations are corroborated by the fact that while Defendants' agent, Edward Villegas, was sexually abusing Plaintiff, as described above, he was abusing other children in Defendants' organization, which was brought to Defendants' attention. Defendants did nothing to reprimand Edward Villegas,

[4] Memorandum of Points and Authorities in support of *Charissa* W.'s Ex Parte Application for In Camera Review of Certificates of Merit, Certificate of Corroborative Fact, and for Issuance of Findings and Orders Thereon, pgs. 4-5, filed 7/24/03.

> thereby allowing him to continue sexually abusing Plaintiff and others, nor did Defendants warn congregation members of Villegas' conduct to protect those over whom Edward Villegas has authority. Further, Edward Villegas was criminally convicted for his numerous acts of sexual abuse in Napa County, Case Number CR17623.[5]

Shortly after *Charissa W.* and *Nicole D.*, the first California lawsuit of eighteen to be filed by Plaintiffs' attorneys on July 24, 2003, Defendants' attorneys filed papers which asserted "…that plaintiffs claims are barred because they seek to impermissibly entangle the court in ecclesiastical affairs and in the interpretation of religious doctrine, practices and beliefs." The judge wrote in his ruling, "Put plainly, this is simply not so." Further he wrote, "Defendants cannot use the First Amendment to shield them from these allegations, and none of the cases cited by defendants say otherwise. As made clear from plaintiffs' thorough review of the relevant case law, this court may hear plaintiffs' claims without threading on the Constitution's free exercise clause. Accordingly, defendants' demurrer to plaintiffs' tort claims on the ground that they are barred by the First Amendment is OVERRULED."[6]

Once this hurdle was overcome, the battle raged on for another three years. During that time period more lawsuits were filed in California against the Watchtower Defendants. However, only seven California lawsuits survived to reach out-of-court settlements in February of 2007. Documents reveal that earnest settlement talks were already underway by the time the seventh lawsuit was filed in October 2006 in San Diego, it being an especially damning case against the Defendants. Authorities said publicly, the predator, a congregational Ministerial Servant who was finally "outed" to the authorities and general public **is now on the FBI's Most Wanted List**. By the time the San Diego case was filed, although Defendants' attorneys had been engaged in settlement talks since that summer, intense negotiations were underway as the trial date set by the court for the first case to begin in Napa, California, on April 3, 2007, was fast approaching.



[5] Ibid, p. 8

[6] Order on Demurrer and Motion to Quash Service of Summons, Endorsed, December 17, 2003, dated December 2, 2003, and signed by W. Scott Snowden, Judge of the Superior Court of California, County of Napa.

3

BACKGROUND OF PERTINENT EVENTS

Originally, Sacramento law firm Nolan Saul Brelsford and co-counsels, Love & Norris of Fort Worth, Texas, Kenneth Fibich and Harley Hampton of Houston, Texas on behalf of Plaintiffs filed seventeen cases in various northern California counties in 2003. The Defendants were the Watchtower Bible and Tract Society of New York, Inc., the Watchtower Bible and Tract Society of Pennsylvania, Inc., and various local Jehovah's Witnesses Congregations in northern California. Then Plaintiffs' counsel voluntarily dismissed five of those cases because they lacked merit with Plaintiffs' counsel seeking coordination in May of 2004 of the twelve remaining cases. Soon, an additional six cases were voluntarily dismissed by Plaintiffs' counsel leaving six remaining cases before the Napa County Court.[7]

On August 31, 2004, the judge of the Yolo County Superior Court, the Honorable Thomas E. Warriner, heard the Plaintiffs' Petition for Coordination. One of the arguments for coordination was to make abuse of the discovery process negligible in behalf of the Defendants. On September 3, 2004, Judge Warriner granted Plaintiffs' motion and designated Napa County as the site for the coordination proceedings. From then on, these six cases were filed under the name of oldest of the six lawsuits filed, *Charissa W*. and *Nicole D*., vs. *Watchtower Bible and Tract Society of New York, Inc*., *et al*., Case No. 26-22191. The six were also designated as Judicial Council Coordination Proceeding (JCCP) No. 4374. Two of these cases were designated as Tract I. The four other cases were designated as Non-Tract I.

The six cases involved ten different Plaintiffs accusing five different alleged abusers/co-Defendants with six different Northern California congregations of Jehovah's Witnesses involved.

On May 8, 2006, informal settlement discussions with the Defendants were unsuccessful in regards to one of the Tehama County, CA cases, No. 52594, *Tim W*., and also the Yolo County, CA case, No. CV 03-1439, *Daniel West, Shane Pence and Amber Pence*. Within that same month, Plaintiffs suggested that the case which was most appropriate for assignment of the first trial date should be *West/Pence* of Yolo County. It was requested that case be set for trial in late 2006 or early 2007. The three Plaintiffs had their depositions completed by defense counsel and a key witness deposition had also been completed. Arrangements were made to have a few remaining depositions completed in the summer of 2006. The perpetrator, Timothy Silva, could not be located and was thought to be dead. At that time it was also requested that the trial assignment for *Tim W.* of Tehama County be set for April 2007 and another Tehama County Case, No. 52598, *Julianne Wimberley Gutierrez* and *Joshua Wimberley*, be considered for a trial date in June 2007. Also in May of that year, the Plaintiffs' agreed to have the trials set separately.[8]

[7] Church Defendants' Response In Opposition To Plaintiffs' Petition To Coordinate An "Add On" Case, filed 11/21/06

[8] Motion To Set A Trial Date, filed May 24, 2006, Napa Superior Court, Case No. 26-22191

Watchtower Loses Penitent Privilege Fight

The road to get to the point of setting trial dates was not an easy one to travel on. As Defendants usually do, many motions were filed by them to prove they were not guilty of Plaintiffs' allegations. Early on, Defendants sought recognition of their right to clergy-penitent privilege to keep from producing certain requested documents. However, Defendants were ordered on September 29, 2005 to deliver the documents to the Plaintiffs because the court ruled that communications with Witness Judicial Committees did not fall within the scope of clergy-penitent privilege.

> Case No.: 26-22191
> JCCP No. 4374
> RULING ON SUBMITTED MOTION TO COMPEL PRODUCTION OF DOCUMENTS
>
> Plaintiffs' Motion To Compel Production Of Documents came on for hearing on August 31, 2005. The court, having read and considered the papers and heard oral argument, took the matter under submission and now rules as follows:
>
> Plaintiffs' motion to compel production of documents is GRANTED in part and continued in part to allow for the production of an attorney-client privilege log.
>
> Although defendants raised a number of objections when responding to plaintiffs' request for production of documents, they address only two of those objections in opposing plaintiffs' motion to compel: the penitential communication privilege and the attorney-client privilege, which the court will discuss in more detail below. As to the other objections not discussed by defendants, the court finds the objections are not well taken. The requested discovery requests are not overbroad, are relevant, and are not barred by *Serbian East Orthodox Diocese v Milivojevich* (1976) *426 U.S.* 696.
>
> 1. Penitential Privilege
>
> Evidence Code section 1032 provides:
>
> > As used in this article, "penitential communication" means a communication made in confidence, in the presence of no third person so far as the penitent is aware, to a member of the clergy who, in the course of the discipline or practice of the clergy member's church, denomination, or organization, is authorized or accustomed to hear those communications and, under the discipline or tenets of his or her church, denomination, or organization, has a duty to keep those communications secret.
>
> Defendants object to the production of a number of documents requested by plaintiffs on the ground that they are protected by the penitential communication privilege contained in Evidence Code section 1032. This court finds that the privilege does not apply to communications between the alleged abusers and the Judicial Committee. The evidence presented by both sides establishes that communications with the Judicial Committee do not fall within the scope of the privilege. First, it is clear that the Judicial Committee's purpose is to investigate sins for which disfellowship is a potential penalty. This is established not only by the deposition excerpts provided by plaintiffs, but by the Watchtower publication provided by defendants in connection with the objections to plaintiffs' evidence. ("Judicial action is necessary only if a gross sin has been committed that could lead to disfellowshipping" p. 18.) Second, the privilege

> does not apply because the Judicial Committee was under no duty to keep the communications private. In fact, the evidence establishes that the Judicial Committee was required to communicate information it obtained regarding potential cases of child molestation to the Watchtower Society Headquarters.
>
> Because the penitential communication privilege does not apply, within 20 days defendants shall produce all documents for which it previously asserted this privilege.
>
> 2. Attorney-client privilege: Defendants have not produced a privilege log for those few documents they apparently claim are protected by the attorney client privilege. Neither the plaintiffs nor the court can adequately address the objection without a privilege log. Defendants shall serve a privilege log on plaintiffs within 10 days. Plaintiffs may thereafter file and a supplemental brief addressing the log within 10 days. The court will then issue a written ruling on the matter. Dated: 09/29/2005, Raymond A. Guadagni, Judge[9]

Against their will, Defendants produced two Privilege Logs as ordered, one for Defendant North Congregation and one for Defendant Watchtower.[10]

> **Defendant North Congregation of Jehovah's Witnesses, Red Bluff, CA., Inc. (''North Congregation"), provides the following privilege log:**
>
> Request no. 3: Minister - Communicant or Clergy - Penitent Privilege and Evidence Code §§1030. et seq.
>
> 1. January 21, 1981, letter from elders in Upper Lake Congregation to North Congregation elders
> 2. November 23, 1988, S-53b form from Service Department elders to all congregation elders in Red Bluff, CA
> 3. December 1, 1994, S-77 Form prepared by North Congregation Judicial Committee elders to Service Department elders
> 4. December 1, 1994, S-79b Form prepared by North Congregation Judicial Committee elders to Service Department elders
> 5. Letter dated December 1, 199[4], from North Congregation Judicial Committee elders to Service Department elders
> 6. December 3, 1994, letter from North Congregation elders to Service Department elders (This letter found in Oregon's Grafmeyer case files)
> 7. October 2, 1998, letter from North Congregation elders to East Congregation, Cottonwood, California elders (Found In Grafmeyer case)
> 8. October 16,1988, letter from circuit overseer to Service Department elders
> 9. December 31, 2002, letter from James Henderson to North Congregation elders
>
> Request no. 3. Attorney – Client Privilege
>
> 1. July 11, 1995, letter from Watchtower NY Legal Department to North Congregation elders
> 2. Undated, handwritten notes containing legal direction provided by Watchtower NY Legal Department to North Congregation elders
> 3. November 20, 1995, letter from Watchtower NY Legal Department to North Congregation elders
> 4. June 6, 1996, letter from Watchtower NY Legal Department to North Congregation elders [11]

[9] Ruling On Submitted Motion To Compel Production Of Documents, filed 9/29/05.
[10] Both were filed as Exhibit A and B, October 19, 2005, attached to Declaration of Mario F. Moreno.

Defendant Watchtower Bible and Tract Society of New York, Inc. ("Watchtower NY") provides the following privilege log:

Request no. 27(d): Minister - communicant or clergy - penitent privilege and Evidence Code 66 1030. et seq.

1. October 16, 1988, letter from circuit overseer to Service Department elders
2. November 23, 1988, S-53b form from Service Department elders to all Congregation elders in Red Bluff, CA
3. December 3, 1994, letter from North Congregation elders to Service Department elders

Request no. 27(I): Minister - communicant or clergy - penitent privilege end Evidence Code 66 1030. et seq,

1. December 1, 1994, S-77 Form from North Congregation Judicial Committee elders to Service Department elders
2. December 1, 1994, S-79b Form from North Congregation Judicial Committee elders to Service Department elders
3. Letter dated December 1, 199[4], from North Congregation Judicial Committee elders to Service Department elders
4. Letter dated December 26, 1994, from district overseer to Service Department elders (Letter found in Oregon's Grafmeyer case records)

Attorney - client privilege:

1. July 11, 1995, letter from Watchtower NY Legal Department to North Congregation elders
2. November 3, 1995, letter from Watchtower NY Legal Department to East Congregation, Ukiah**,** California, elders
3. Undated, handwritten notes containing legal direction provided by Watchtower NY Legal Department to North Congregation elders
4. November 20,1995, letter from Watchtower NY Legal Department to North Congregation elders
5. June 6, 1996, letter from Watchtower NY Legal Department to North Congregation elders[12]

For one year the Defendants objected to the Court's order. Finally, the Defendants appealed the order to the California Court of Appeal, First Appellate District.

Rudy and Bill: To follow up on my email sent this morning, I write to advise that Watch Tower Pennsylvania has decided not to seek a wit on the adverse personal jurisdiction ruling, but will reserve the issue for appeal through an affirmative defense in its answer**. Watchtower New York and the North Congregation have decided to pursue a writ to seek appellate review in the two Track I cases on the court's ruling on the clergy - penitent or minister - communicant privilege issue.** Therefore, I will appear at ex parte in Napa on Wednesday, 10/19/2005 at 1:30 pm with respect to a motion to stay execution of the court's order on the documents ordered produced that are subject to that privilege. The department in the Napa court has not been assigned but will be either Dept. B or Dept. C. When I check in one half hour ahead of time with the clerk's office, whichever department will be handling the matter. Thanks. - Bob Schnack[13]

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[11] Defendant North Congregation's Privilege Log, dated 9/24/05, Exhibit A.
[12] Defendant Watchtower Bible & Tract Society of NY, Inc. Privilege Log, dated 9/24/05, Exhibit B.
[13] Fax message from Robert J. Schnack to Rudy Nolen/William Brelsford, dated 10/15/02.

The following is the reason for the Defendants' Petition for Writ of Mandate to the Court of Appeal of the State of California dated, June 28, 2006. It is taken from the Petition for Writ of Mandate. Also, what follows "the issue" is "CHRONOLOGY OF PERTIMENT EVENTS," copied from the Petition for Writ of Mandate. This should help the reader follow the sequence of events from the Defendants' point of view:

> The issue presented in this writ petition is whether the trial court erred in granting the motion to compel. In granting the motion, the trial court abused its discretion because disclosure of the requested documents is prohibited by (1) the penitent-clergy privilege, (2) the First Amendment of the United States Constitution, and (3) the free exercise clause in both the federal and the California constitution.[14]

CHRONOLOGY OF PERTINENT EVENTS

These Track I Cases arise from the alleged sexual abuse by co-defendant James Henderson in *Tim W*: that occurred more than 10 years ago and co-defendant Alvin Heard in *Wimberley* that occurred more than 24 years ago.

On July 24, 2003, Plaintiffs filed separate civil complaints against the Church Defendants asserting claims arising from allegations that the Church Defendants failed to report and/or disclose their knowledge of child abuse allegedly committed by James Henderson and Alvin Heard.

On January 13,2005, Plaintiffs propounded document requests to the Church Defendants seeking, *inter alia,* documents and information related to confidential spiritual communications that penitents Henderson and Heard had separately with clergy within a Jehovah's Witness congregation.

On April 5, 2005, the Church Defendants objected to certain of Plaintiffs' document requests on the grounds that the responsive documents are protected from disclosure by the penitent clergy privilege and the attorney-client privilege.

On July 29, 2005, Plaintiffs filed a motion to compel responses to their requests for production of documents, arguing that the documents sought are not protected by either the penitent-clergy or attorney-client privileges.

On August 19, 2005, the Church Defendants filed their opposition to the motion to compel, asserting the requested documents were protected from disclosure based on privilege and constitutional grounds.

The documents at issue in the underlying motion to compel relate to spiritual communications between penitent James Henderson and ordained elders of the Jehovah's Witnesses, and spiritual communications between penitent Alvin Heard and ordained elders of the Jehovah's Witnesses.

On September 29, 2005, the trial court granted, in part, Plaintiffs' motion to compel and ordered the Church Defendants to produce all documents for which they previously asserted the penitent-clergy privilege. The trial court also ordered the Church Defendants to produce a privilege log with respect to all documents for which they asserted the attorney-client privilege, reserving Plaintiffs' right to challenge the log.

On October 24, 2005, the trial court granted the Church Defendant's motion to stay execution of order to produce documents until such time that a writ can be filed and ruled upon by the Court of Appeal.

On November 22, 2005, the trial court entered its stipulated order extending the time for the filing of the instant writ to April 28, 2006.

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[14] Court of Appeal of the State of California, First Appellate District, Watchtower Bible and Tract Society of New York and North Congregation of Jehovah's Witnesses, Red Bluff, California, *Petitioner*, vs. Superior Court of the State of California, County of Napa, *Respondent* Tim W. et al. Petition For Writ Of Mandate; Verification of Robert J. Schnack and Memorandum of Points and Authorities, pgs. 2-4, dated 6/28/06.

On May 1, 2006, the trial court entered a further stipulated order extending the time for the filing of the instant writ up to and including June 30, 2006.

BASIS FOR RELIEF

The issue presented in this writ petition is whether the trial court erred in granting the motion to compel. In granting the motion, the trial court abused its discretion because disclosure of the requested documents is prohibited by (1) the penitent-clergy privilege, (2) the First Amendment of the United States Constitution, and (3) the free exercise clause in both the federal and the California constitution.

ABSENCE OF OTHER REMEDIES

Interlocutory review is the only adequate remedy for the trial court's order compelling the Church Defendants to produce potentially privileged documents since "once privileged matter has been disclosed there is no way to undo the harm which consists in the very disclosure." *(Korea Data Systems Co.* v. *Superior Court (1997)* 51 Cal.App.4th 1513, 1516.)

PRAYER

Petitioners/Church Defendants pray that this Court:

1. Issue an alternative writ directing respondent superior court set aside and vacate its order of September 29, 2005, granting Plaintiffs' motion to compel, or show cause why it should not be ordered to do so, and upon return of the alternative writ, issue a peremptory writ of mandate and/or probation or such other extraordinary relief as is warranted, directing respondent superior court to set aside and vacate its order of September 29, 2005, granting Plaintiffs' motion to compel, and to enter a new and different order denying the motion;

2. Award Petitioners/Church Defendants their costs pursuant to Rule 56.4 of the California Rules of Court; and 3. Grant such other relief as may be just and proper. [15]

Defendants' Petition for a Writ of Mandate was DENIED on July 6, 2006 and on October 16, 2006 the lower court once again took up the subject:

Case No.: 26-22191
JCCP No. 4374
RULING ON SUBMITTED DISCOVERY MOTIONS

Plaintiffs' Motions To Compel Discovery came on for hearing on October 13, 2006. The court, having read and considered the papers in support of and in opposition to the motion and having heard oral argument, took the motions under submission and now rules as follows:

Plaintiffs' Motion to Compel Depositions and/or for Protective Order re: the Woodland Elders (Motion #1)

The Watchtower defendants have informed the plaintiffs that, at the depositions of four Church Elders, they will invoke the clergy-penitent privilege and object to "any inquiries concerning judicial investigations and judicial committees." Plaintiffs seek an order compelling the deponents to attend their depositions and to respond to such inquiries.

This court has previously ruled in the Track I cases that the penitential communication privilege does not apply to communications between the alleged abusers and the Judicial Committee. (See Court's ruling of September 29, 2005.) Although that ruling is not res judicata in non-track I cases, defendants provide no convincing reason why the court should rule differently in this case. For the reasons expressed in the earlier ruling, the court concludes that the witnesses may not assert

[15] Ibid

the penitential communication privilege. To the extent the motion also encompasses the production of documents, defendants shall produce responsive documents, regardless of when they are dated. As plaintiffs note, it is possible that documents dated after the alleged abuse will contain relevant information. For these reasons, plaintiffs' motion #1 is GRANTED.

Plaintiffs' Motion to Compel PMK Deposition and Documents - General (Motion #2)

Plaintiffs have noticed the deposition of the Church defendants' Person(s) Most Knowledgeable (PMK) on a number of specified topics. Defendants have objected to six areas of inquiry, again invoking the clergy-penitent privilege. For the reasons discussed above and in the court's earlier ruling, the court finds that the clergy-penitent privilege does not apply to these areas of inquiry. Defendants also object to the scope of the document requests, claiming that documents that post-date the alleged abuse are not relevant or likely to lead to the discovery of admissible evidence. As above, the court finds that the documents are discoverable. For these reasons, plaintiffs' motion #2 is GRANTED.

Plaintiffs' Motion to Compel PMK Deposition and Documents - Legal [Motion #3)

Plaintiffs previously issued a PMK deposition notice concerning "any and all policies that the Jehovah's Witnesses organization had for handling accusations and proof of child sexual abuse from 1970 to the present." During that PMK deposition of Mr. Breaux, he identified functions that were handled by the Legal Department rather than by the Service Department, where he worked. As to these, he lacked the information necessary to provide responses.

Plaintiffs subsequently noticed a PMK deposition to inquire into (1) the organization, staffing and operation of the Legal Department; (2) the Legal Department's role in responding to and investigating child sexual abuse allegations within the organization; (3) the development and use of "Child Abuse Telememos" which were forms developed to obtain and record information concerning reports of abuse (blank forms were produced in discovery); (4) records kept by or under the direction of the Legal Department concerning allegations of abuse; and (5) answers given to "survey questions" contained on one of the Telememos.

Defendants have objected that these areas of inquiry are protected by the attorney-client and/or work product privileges. As to the first two categories, plaintiffs contend that they concern only policies and implementation, and do not invade any privileges. As to categories 3 and *5,* they assert only that the requested information is related to the blank documents they already received in discovery, and that the information goes to the heart of their case. Finally, as to category 4, they claim again, that no privileges would be invaded, because they seek general information about the types of records kept by the legal department.

The court agrees that items 1, 2 and 4, which seek general structural, policy and organizational information concerning the Legal Department, implicate neither the attorney/client nor the work product privileges. Items 3 and 5, on the other hand, seek protected information. As set forth in the declaration of the Church's associate general counsel, the Telememo forms are completed by attorneys or legal assistants based upon information provided them by congregation elders, and are used to assist in giving legal advice to the elders, as clients of the Legal Department. Similarly, any compilation of information, as from the "survey questions" constitutes attorney work product and is not discoverable.

For these reasons, the court will GRANT the motion as to items 1, 2 and 4 and will DENY the motion as to items 3 and 5.

Dated: 10/16/06, Raymond A. Guadagni, Judge

Subsequent information is inserted to help the reader understand from the Plaintiffs' point of view, a summation of the events taking place towards the end of 2006 after the court ordered that discovery was to continue. At this time, Plaintiffs' attorneys were filing a request that the seventh lawsuit, a San Diego case, be included in the Napa coordinated cases.

> The Tract I cases were set for trial. The first was set to commence on April 3, 2007. Discovery was progressing in those cases although there was considerable discovery which needed to be conducted.
>
> The Non-Tract I cases were in the initial stages of discovery. The depositions of the Plaintiffs in one case were taken. The depositions of the Plaintiffs in the three other cases were not scheduled. The deposition of one witness had been taken in those cases. Initial sets of discovery were exchanged between the parties. The depositions of the Elders (the individuals who oversee the local Jehovah's Witnesses Organization) were not taken in any of the Non-Tract I cases. Due to the discovery which had been conducted in the Non-Tract I cases, the discovery in the instant action was expected to proceed quickly.
>
> Based on information, research and belief, the actions involved the following questions of fact and law: Various perpetrators, all of whom were Jehovah's Witnesses who held leadership positions and who exercised authority over members of the congregation, each engaged in nefarious acts under different circumstances. Crucial to every case, the molestations by these individuals became known to other church leaders at the local Kingdom Halls and eventually the information was disseminated further into the church's organizational structure. Common to each case was a decision by church officials to keep these crimes from law enforcement officials. Common to each case was a decision to manage internally the criminal behavior of their fellow member by counseling the person within the church's structure. Common to each case was a concomitant decision not to tell other members of the congregation that one of their leaders was a sexual predator who had committed heinous and criminal acts on children of their fellow church members. Common to each case, the perpetrator/church leader continued to molest members' children after the perpetrator's criminal acts were known. Each lawsuit asserts identical legal theories consisting of common law negligence; negligent appointment, retention, and supervision; gross negligence — willful misconduct; breach of fiduciary duty. Some of the cases assert fraud — intentional misrepresentation; fraud — concealment; conspiracy; and intentional infliction of emotional distress. These questions predominate and are significant in each action. The pleadings have been tested on numerous occasions and the coordination judge has ruled on the various theories of liability and causes of action.
>
> The actions are complex: Each plaintiff is claiming emotional and psychological injuries caused by the trauma of the molestations. The injuries and damages, although complex and personal as to each individual, are no more involved than other tort actions claiming personal injuries. The complexity of these cases is related more to the number of injured individuals, their inter-family relationships in the context of their Jehovah's Witnesses belief and the control and influence the organization exercised over its members. This cult milieu demanded obedience to the church leadership, and a corresponding fear of ostracization if the leaders' directives were not followed. These facts allowed the events of these lawsuits to persist for years resulting in further injuries to a number of innocent children. Because the allegations involve a religious entity, unique issues of a constitutional nature are extant which are unlike those usually found in most tort claims.

> The trial of these common issues before one judge at one site will (1) advance the efficient use of judicial resources (2) prevent duplicative and inconsistent rulings, orders and judgments, and (3) increase the likelihood of settlement: Consuming the time of a number of judges and their staffs with telephone calls, lengthy and complex briefs, time consuming law and motion hearings could all be avoided by a single judge presiding over the case. His or her familiarity with the case would certainly expedite these procedures and the amount or time devoted to each matter. Naturally; multiple jury trials would clearly consume an enormous amount of time and expense, particularly when the same legal theories will be pled in each case. It is likely, given the unique constitutional issues and the anticipated objections to discovery, the potential of several judges reaching different opinions is inevitable. Most importantly, since these cases will be the subject of motions for summary judgment and/or adjudication, a single briefing and hearing would best serve the interests of justice. The possibility that judges would issue different rulings on *in limine* motions and evidentiary objections during a trial is unmistakable. Whether collateral estoppel applies from one case to another is likely to be another contested matter. Appeals from these rulings, given. the enormity of the claims, creates further consumption of judicial resources that can be avoided if a single trial were ordered.
>
> Napa County is the best county for coordination of these actions. This County is located close proximity of the law offices & Plaintiffs' and Defendants counsel. Although the Plaintiffs and the Elders of the local congregation in the instant action are in Southern California, many of the same depositions of the New York and Pennsylvania Defendants would not be located in Southern California. Therefore, coordination of the new action with the included actions will serve to protect the convenience of the parties and counsel. Defendants' attorneys have been informed of this motion and request and have informed Plaintiffs' counsel that they will be opposing coordination this new action.[16]

When in late 2006 the judge permitted the San Diego case to be part of the Napa County California coordinated cases, there were seven cases, fourteen plaintiffs, six perpetrators and seven congregations involved.



[16] Declaration of Rudy Nolen In Support Of Motion For A Request That The Coordination Trial Judge Determine Whether To Submit A Case As An Add On Case To Previously Coordinated Actions, pgs. 1-4, filed 10/30/06.

4

Court Records: Five Other Lawsuits

Grafmyer vs. *Watchtower et al.*

Jared Grafmyer's lawsuit was filed June 6, 2006 in Oregon and settled out-of-court with Watchtower Defendants in February 2007.

Within the *Grafmyer* records are to be found many extraordinary exhibits such as James Walter Whitney's discovery deposition which was part of the California, *Jocelyn A.* vs. *Watchtower Bible and Tract Society of New York Inc., et al.,* lawsuit. Plaintiffs' attorneys entered *Jocelyn A.* into the *Grafmeyer* case as an exhibit to provide personal testimony that judicial hearings by Witness elders are definitely not spiritual in nature. The parts of the Whitney deposition which were provided are absolutely fascinating to read. It was difficult to keep track of the number of Witness molesters and victims which Mr. Whitney encountered when he lived in Northern California.

Without doubt, the exhibits attached to Plaintiff's attorney's motions are the most important documents in all of the approximately 5,000 pages that are seen on this CD. These previously confidential communiqués are between agents (elders and District Overseer) of Defendants' Watchtower in Red Bluff, California and Defendant Watchtower of New York .

Amy B. vs. *Watchtower et al.*

Amy B's lawsuit was filed June 3, 2003 in Texas and settled out-of-court with Watchtower Defendants in February 2007.

Molester, Larry Kelley, had been a former elder. Plaintiff's attorney points out Kelley had been disciplined by the Dumas, Texas congregation in 1985. However, the Watchtower Defendants concealed the crime from law enforcement authorities "pursuant to a policy that all such matters would be handled within the Watchtower organization."

Found among the court records for *Amy B* is Defendant's Motion for Summary Judgment. Attached was "summary judgment evidence" such as three affidavits including molester, Larry Kelley's affidavit. There are excerpts from the Deposition of *Amy B,* where she explains how two elders took her and her parents "into the back room at the Kingdom Hall and told us that it would better not to gossip about those things and that we let it die and that it's done with and that it's over and we need to just go on about our business." Also included are *Amy B's* medical records which detail the effects from her child sexual abuse between the ages of 8 and 13 years.

According to Larry Kelley's deposition, he was a TV personality in the Amarillo area. His TV show was for little kids. At one point, Kelley was a ministerial servant in the Southwest Congregation and an elder in the Dumas Congregation.

On March 29, 2004, Judge Pirtle of Potter County, Texas, granted the Defendants' Motion for Summary Judgment for only Defendants Watchtower Bible And Tract Society of New York, Inc. and Watchtower Bible and Tract Society of Pennsylvania. However, Judge Pirtle overruled Defendants' objection to turn over documents because of "clergy-penitent" privilege. He ordered, for the most part, in favor of the Plaintiffs' Motion to Compel Defendants Dumas Congregation and Amarillo-Southwest Congregation of Jehovah's Witnesses, to produce documents Plaintiffs requested.

On November 24, 2004, Plaintiff's attorney provides supplemental information asking the court to review evidence to establish that all elders and other appointed officials are agents of the Governing Body and that Defendants Watchtower New York and Watch Tower Pennsylvania's Motions for Summary Judgment should be denied. Part of the evidence provided included acting head of Watchtower's Treasury Department, Alex Reinmueller's, testimony, and a 1986 Affidavit of Don Adams, President of the Watch Tower of Pennsylvania, Inc.

Although Defendants' Watchtower of New York and Watchtower of Pennsylvania were officially no longer a part of *Amy B's* lawsuit, the Governing Body decided to settle out-of-court with the Plaintiff. In that Watch Tower of Pennsylvania "operated a Risk Management business that included investigating and discretionarily paying claims to protect the congregations," and on the strength of plaintiff's evidence against two Texas congregations, Watch Tower apparently concluded it was best to also settle *Amy B's* case in February 2007.

Richard Churchfield and Lezly Churchfield, husband and wife; And *Lezly Churchfield* as Guardian Ad Litem for their minor child*, Tina L. Churchfield* vs. *Daniel Steven Fitzwater* and; *Lynne Fitzwater; Yerington Kingdom Hall of Jehovah's Witnesses,* an unknown entity; *Watchtower Bible and Tract Society of New York, Inc.,* a New York corporation; and DOES I through X, inclusive.

This lawsuit was filed December 5, 1997 in Nevada and **secretly** settled out-of-court with Defendants January 26, 2000.

Numerous depositions, not provided, were taken. Plaintiffs allege that Defendants concealed and covered up Defendant *Fitzwater's* misconduct toward minor children and this was a direct and proximate cause of the injuries of the Plaintiffs.

Morley vs. North Albany Oregon Congregation of Jehovah's Witness, Inc., North Bothell Congregation of Jehovah's Witnesses, Watchtower Bible and Tract Society of New York, Inc., et al.

This lawsuit was filed February 20, 2003 in Oregon and **secretly** settled out-of-court with Defendants in May 2006 and dismissed, July 19, 2006.

Plaintiff alleges that for three decades Defendants Watchtower knew that ministerial servant, Don Serjeant, now deceased, was sexually molesting young children. This case was due to go to trial first in August 2006 but was rescheduled for October 2006. On November 4, 2004, Judge John A. McCormick rendered his complex Opinion agreeing with many of both Plaintiff's and Defendants claims.

Included in the *Morley* case records as an exhibit are parts of a deposition of Edward L. Burke from the *Churchfield v. Fitzwater* Nevada lawsuit. Also, the Deposition of Leanna *Morley* Stone. She relates that she did whatever her abuser asked of her because he was a **ministerial servant**. The deposition makes for pretty grim reading, especially when she said the reason she ran away from home at fourteen was so she would be put in foster care where she thought she would be safe, where Mr. Serjeant would not have access to her.

Kaleena S. and Dee Dee Harvey as Next Friend of Amanda M., a minor vs. Watchtower Bible and Tract Society of New York, Inc., Jehovah's Witnesses – East Congregation, Jehovah's Witnesses – Whitehouse Congregation Watchtower Bible and Tract Society of Pennsylvania, Inc., Christian Congregation of Jehovah's Witnesses, and James Harvey

This Lawsuit was filed April 25, 2003 in Texas and a joint motion was filed to Dismiss without prejudice July 21, 2004, which means that Plaintiff can re-file in the future. The *Kaleena S.* court records are included for informational purposes only.

The deposition of Curtis Hall is quite informative as he tells what he knew about the molestation of the Plaintiffs by their stepfather, James Harvey, who pled guilty in 2002 to the sexual abuse of *Kaleena S* and was sentenced to life imprisonment. The evidence at his criminal trial revealed a number of victims over a twenty-year period

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Where Did Jehovah's Witnesses Go Wrong?

I was one of Jehovah's Witnesses for most of my life, yet had no idea there were certain organizational policies in my religion that made possible the sheltering of molesters. It is understandable that a woman in a primarily patriarchal organization would not be aware of internal procedures. Nonetheless, it is extraordinary that most men who are in the chain of command within this group are also not aware of one Witness organizational policy quietly adopted in 1972 which was the avenue used by immoral Witness elders and ministerial servants, who knew how to work the system, to stay in positions of power to further their debauched aims.

The Three-Year Rule

One would assume that the likelihood of a Witness, who is an authority figure in the congregation, to remain in power after he molested a child would be remote. However, this situation became possible because of a course of action taken by Witness leaders who set certain guidelines in place that could allow for such a shocking state of affairs.

In the spring of 1972 the Watchtower Society published the book, *Organization FOR KINGDOM-PREACHING AND DISCIPLE-MAKING*. On page 170, ¶ 2, it states:

> If the person was serving as an elder or a ministerial servant when he **committed a serious wrong** even though it was ***some years ago***, he bears a degree of reprehensibility, for he continued to serve in that position though knowing that he had, for the time at least, disqualified himself, not being then "free from accusation." (1 Tim. 3:2, 10; Titus 1:6, 7) He should have informed the judicial committee that he did not adhere to the requirements and should have stepped down from his position. In view of his failure to do this at that time, he would now be removed from that position.

Approximately six months later, Jehovah's Witnesses read in the October 1972 *Kingdom Ministry* (*KM*)[17] Question Box on p. 8:

> What is meant by "some years ago" on page 170, paragraph two, in the "Organization" book?
>
> This indicates more than a year or two. It may be noted that it did not say "many years ago." So it is not an exact number of years, but more like two or three years. It was not intended to have a brother go back into the distant past to bring up wrongs of which he repented years ago and that have evidently been forgiven by Jehovah and are not being practiced now. In many cases the wrongs occurred prior to the time when the "Watchtower" drew attention to what the Scriptures say on such misconduct.

[17] The *Kingdom Ministry*, produced by the Watchtower Society, is an instructional monthly published publication designed to be studied by Jehovah's Witnesses weekly during one hour sessions at their Kingdom Halls throughout the world. It features articles that educate Jehovah's Witnesses in the latest methods used when participating in their public ministry. It also informs members of many of the latest organizational procedures and policies to do with their ministry.

> If a brother has been serving faithfully for some years and has seen evidence of Jehovah's blessings upon him, why should he now step down from office? If he has a right viewpoint now on conduct and will give good counsel he should be able to continue to serve. If the local body of elders see that he has the respect of the congregation and has shown the proper qualifications over the last two or three years, he may remain in his position of service.
>
> Must wrongdoing be brought to public attention after many years? The book (page 168) under "Public Reproof" quotes 1 Timothy 5:20 and mentions reproof of those who confess to committing more than one offense. But it really has to do with recent events. The "Interlinear" refers to those "sinning," something going on at the time. So if repentance occurred some years ago, three years ago or more, and sinning ceased, and he is respected by the congregation, it is not necessary now to publicly reprove one who committed more than one offense "some years ago."

The clarification of what the *Organization* book meant when it said "some years ago" is clearly spelled out in the *KM*. It means, "the last two or three years." As one knowledgeable insider told me, "The comments in the *KM* simply exemplify the customary concern of the organization for being very specific and leaving as little as possible to the judgment of individuals, whether elders or others."

However, there is a more important issue that comes in for questioning other than determining how long "some years ago" meant. And that is regarding the change in position found in these two Watchtower publications published within a few months apart. The *Organization* book points out the necessity of removing a man from his position of authority in a Witness congregation if he committed a serious wrong a few years before and hid it; however, the *KM* allows a man in that circumstance to remain in his position if he meets certain criteria.

It is doubtful we'll ever find out the reason for this published adjustment of policy in 1972, but that dramatic change had serious consequences. If allowed to stand, the original instructions would have prevented much heartache in the future for many children. As will be seen, no matter what the reason for the divergence, the new approach would prove disastrous.

Principal guides and directors of the Witness organization deny that the point of the *KM* was to excuse serious sin done many years ago, but was intended to address minor indiscretions of elders like smoking, or an occasional bout of drunkenness or extreme loss of temper. That doesn't wash because in the *Organization* book, the discussion centered upon a man committing "**a serious wrong,"** not a minor indiscretion.

In November of 1991, two-day Kingdom Ministry Schools (KMS) for all Jehovah's Witness elders and ministerial servants were held at designated areas across the United States. At one of the sessions, Circuit Overseers (COs), assigned to particular areas where schools were held, reiterated the 1972 *KM* policy. Basically, these men stated that those who held positions of authority in congregations of Jehovah's Witnesses who admitted or were found to have committed **a serious sin**, did not have to be removed from their leadership position ***if*** the event took place *two or three years prior* and if the circumstances were such that the sinning elder was held in high esteem and gave evidence of God's blessing during those years. In addition, a decision whether he should step down could be made without forming a judicial committee.

Some elders claim they were instructed to write in the margin of their elder's handbook[18], "***except* in the case of *porneia***," which is having illicit sex relations outside of marriage (fornication), but generally speaking, few men remember such instruction. Upon looking in one elder's personal handbook at the page where elders were supposedly directed to write "*except in the case of porneia,* the penciled-in note in the margin read, "Oct. 72 KM" and there is no mention of the above mentioned statement.

One elder went so far as to say that at the KMS he attended in Oregon, the CO said even the serious sin of adultery would not be cause for an elder's removal if he had progressed spiritually during the three previous years. Apparently, there was confusion over the issue. If the porneia detail added at the 1991 KMS was indeed part of the instructions given, the issue should have been settled—if a man commits a serious sin like fornication, he was to be removed—but most elders didn't understand it that way.

Now let's push ahead to 1995. When COs met with congregation elders during the time they were assigned to visit each congregation in their circuit, they read from a Watchtower prepared outline updating the information presented at the 1991 KMS about the 1972 *KM* three-year policy teaching. I have it on good authority elders were told that if porneia was the serious sin involved, elders should look at the whole picture before deciding to form a judicial committee hearing. That is, if an elder confessed porneia from many years ago, but since that time had progressed spiritually, then forming a judicial committee was not a foregone necessity, but rather the "whole picture" should guide whether a judicial committee was necessary. So if a man committed *porneia some years ago* his removal was not automatic but depended upon the circumstances surrounding the sinning.

Bill Bowen, the Kentucky elder who resigned as an elder in 2001 and went public accusing the Watchtower Society of covering up child sexual abuse (www.silentlambs.org), described a situation in the congregation where he attended, of how the use of this three-year policy was instrumental in guiding the elders to allow an elder/molester remain in his position. Going through the congregation files, Bowen subsequently discovered that the presiding elder was not removed from his position when he was accused of abuse and admitted he had molested a young girl many years before. In 2000, when Bowen confronted the elders who knew of the sexual abuse, and asked why the molester wasn't removed, they pointed to the 1972 *KM* and explained that for many years after the event, although he hid his sin, the man lived a seemingly spotless life and it appeared that God's blessing was upon him.

Finally, in 2005, during sessions of yet another round of Kingdom Ministry Schools for elders and ministerial servants, the subject was touched upon once again. This time KMS students were told that men who had committed a minor sin such as watching porn only once a few years before and did not repeat the sin could remain in their position. If serious sins in the area of porneia were hidden, no consideration was given and a judicial committee was necessary.

Why did the Witnesses finally adjust their policy to one that made it impossible for a man to remain in an authority position if the sin was porneia? Most likely it was because in mid-2003,

[18] Pay Attention To Yourselves And To All The Flock, 1991, Watchtower Bible and Tract Society of New York, Inc.

attorneys began to file lawsuits in California where the application of the three-year rule was too often used as guidance in cases where an elder or ministerial servant was guilty of child sexual abuse, yet remained in his position or was reappointed if he had moved to another congregation. In Red Bluff, California, one presiding elder/molester would have remained an elder in 1994 because of the application of the three-year policy had not another victim come forward to accuse him.

District Representative Donald Amy's Letter

Copies of previously confidential documents contained herewith provide insight as to the confusion about the policy. Note the following letter written to the Watchtower Society in 1994 by Watchtower district representative (DO), Donald Amy. DOs are the highest ranking field man in the organization. Amy relates details of the Red Bluff molestation case and of his concern about the application of the guidelines found in the 1972 *KM*. In the letter, it is important to note when the Red Bluff judicial committee spoke to a Service Department representative at headquarters (most likely Merton Campbell who was in charge of providing advice to elders in California), the committee was informed that "a clarification was made on pg. 97, par. 7. …we should have added to our book the statement: 'except in cases of porneia'" Amy then goes on to discuss the policy of not convening a judicial committee when an elder commits a sin as outlined in the 1972 *KM* and whether this should still continue to be applied when the sin is child molestation. This letter proves that the application of this 1972 *KM* guideline was applied by elders to those who molested children.

Furthermore, consider another letter which has become available. It was written to the Watchtower Society's Service Department from the Red Bluff North Congregation elders about elder/molester, James Henderson. This letter adds additional details about the use of the three-year rule by the predator, Henderson, as his means to escape a judicial committee hearing and from being removed from his position as an elder.

Without these documents, it would have been impossible to prove the three-year rule was one of the primary ways molesters among Jehovah's Witnesses leaders, who committed frightful sins against children, remained in power after they confessed or were discovered, only to go on to molest more helpless victims who kept silent because they were in fear of these men who they were told represented God's appointed servants, the Witnesses'Governing Body.

For those who are interested, the date stamped on the right hand corner of the following letter lacks the year. It should read "SSC August 12, 2003.

SSC AUG 12

CONFIDENTIAL

Jehovah's Witnesses
District #34

Donald D. Amy
P.O. Box 36,
Woodburn, OR. 97071

December 26, 1994

Watchtower Bible and Tract Society
of New York, Inc.
25 Columbia Heights
Brooklyn, NY 11201

Dear Brothers:

Brother Paul Pierre and I served the North Congregation of Red Bluff, CA the week of Nov. 29-Dec. 2, 1994. During that week it was brought to our attention that the elders had formed a judicial committee and publicly reproved Brother James Henderson, who served in that congregation as the presiding overseer. He had confessed to sexually abusing a young person that was not a brother but was associated with the Palermo, CA Congregation. His name is Nathan Dotta. Nathan had come forward and virtually forced James Henderson to come forward and confess to his past sins.

The local body of elders was informed by James Henderson at first that he had stopped committing these sins 3 years ago. It seemed in view of the Kingdom Ministry of Oct. 1972, "Question Box," that this case may not even be a judicial one and that James Henderson may even be allowed to stay in his position. The judicial committee with Brother Bodie Lyon as the chairman contacted the Society's legal department and spoke to a brother in the Service Department also. During that discussion points were mentioned that there had to be repentance back three years ago. It was mentioned that some evidence of repentance would have been his confessing his sins to his wife. Also, is there evidence of Jehovah's blessing on him since. It was also mentioned that at the 1991 KM School a clarification was made on page 97, par. 7. The judicial committee said that we should have added to our book the statement: "except in cases of pornaia."

We are happy that further evidence came forward and we now know that James Henderson was committing cases of sexual abuse of minors up until this past August. But this has brought up a question that the body of elders and us traveling brothers would like to have answered and that is: "Are we to take the statement in the October Kingdom Ministry, "Question Box," as a difinitive answer on this subject? What about cases such as this of sexual abuse of minors and where it might very well become a public scandal? Does that change whether this becomes a judicial matter or not? Also, James Henderson was removed as a servant or an elder in the early '70's in the Marysville, CA area. Now he has admitted to doing it again. Could we simply say that if it was 3 years ago that he last committed the act, that he could stay on as an elder and not be handled by a judicial committee? That Kimgdom Ministry doesn't mention anything about something that

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may become scandalous and how would the congregation be able to answer questions that may come up in the territory? Also, I find that most of the brothers that attended that KM School in 1991 did not get the point that they were to insert the statement on page 97, par. 7: "except in cases of porneia." Could an update on this information be made so that we can better handle a situation as I have just described? In paragraph 2 of that "Question Box" article in the last sentence it states: "In many cases the wrongs occurred prior to the time when the Watchtower drew attention to what the Scriptures say on such misconduct." We certainly can't say that about many matters today. So, it does appear that an update would be in order, wouldn't it?

We met with the judicial committee that publicly reproved James Henderson on Wednesday evening after field service and discussed the case. More information had come forward by that time and it seemed wise to speak with the body of elders and form a judicial committee again and re-open the case. We met with the body of elders on Thursday evening and the judicial committee that originally handled the case was appointed to re-open the case. This committee invited Brother Paul Pierre and myself in as advisors as we met with James Henderson later that evening. At this meeting James Henderson admitted to sexually masturbating with another young person in the congregation, Tim Ward. After extensive questioning, he admitted to playing with his son's sexual organs years before. He admitted that he had lied to the judicial committee when they asked him if he had committed any other sexual acts of misconduct. After this Brother Pierre and I left the Kingdom Hall and we learned later that the judicial committee had disfellowshipped James Henderson.

The district attorney called the chairman of the judicial committee, Brother Lyon, in for questioning and Brother Lyon said that he couldn't say anything that was learned at a judicial meeting as it was priviledged information. He agreed but asked for his cooperation in handling this case. The brothers have cooperated very well with the police and the two young persons that are associated with the congregations, Nathan Dotta and Tim Ward, have come forward and told the police what James Henderson did to them as minors. James Henderson was arrested last week and in two or three newspapers and on television his picture appeared and the story of his arrest was mentioned. Thus far nothing concerning his being one of Jehovah's Witnesses has been mentioned. The brothers on the judicial committee feel that this was probably because of their cooperation with the police and James Henderson's being disfellowshipped before the case really became public. We hope that this will continue to be the case and that Jehovah's name can be kept out of this very dirty situation. It has been learned that at least 4 other young boys of the world came forward in the past and complained about James Henderson. We don't know to what extent he was being accused but it's apparent that he hasn't stopped his filthy habits of the '70's. He does not deserve to be in this organization.

We hope this information will inform the Society of just what was done in this case. May Jehovah continue to bless you brothers there at Bethel and to give you insight to deal with matters in the field.

Your brother,
Donald D. Amy--dist. #34

P.S.: Paul Pierre, CA #69 &
Brother Bodie Lyon, chairman of judicial committee
North Congregation, Red Bluff, CA

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Settlement Indicates Responsibility

In July 2003, *Tim W*., one of the victims of pedophile James Henderson, sued the Watchtower Society for damages. In February 2007, *Tim W*. was one of sixteen victims who agreed to settle his lawsuit with the Watchtower Society, the exact amount being secret. Nonetheless, the *total* out-of-court settlement for all sixteen victims is conservatively estimated at around thirteen million dollars. In this way, although the Watchtower did not admit liability in these lawsuits, they accepted responsibility for the role they played in allowing molesters to remain in supervisory positions, or reappoint these men to positions of authority within the congregations of Jehovah's Witnesses, which absolutely led to many more children of Jehovah's Witnesses being molested.

Of all of the lawsuits filed, *Tim W*. of Tehama County, California, is the one where a large amount of information is available to the public of the way in which the Defendants, *Watchtower Bible and Tract Society, et al*., failed to protect the children in their religion from harm. *Tim W*'s Second Amended Complaint avers that

> Watchtower Bible and Tract Society of New York, Inc. had actual knowledge that James Henderson was a sexual predator since at least 1964. Yet, for the better part of three decades, they appointed and re-appointed him to the positions of elder and ministerial servant.

In fact, as the Second Amended Complaint points out, in 1988, James Henderson was appointed to be Red Bluff City Overseer "at about the same time, an elder or ministerial servant from the Red Bluff South Congregation received and ignored a report that Henderson had molested a young boy at Henderson's place of employment" where he was Regional Manager for the **Sacramento Bee** newspaper.

The introduction of a copy of the Second Amended Complaint of *Tim W*., Case No. SCV 52594, Tehama County, California, here is vital. Keep in mind that *Tim W*'s case was set for trial on April 3, 2007, and trial in the *Wimberley Gutierrez et al.* was set for May 15, 2007. Each trial was scheduled to last ten days. April 3rd was about two months away when attorneys for *Tim W*. were asking for permission to file their Second Amended Complaint. And what a damaging document it was for Defendants.

Of course, a plaintiff's complaint represents only one side of the story. It would take a jury to decide if the particulars as presented were found to be true based upon obtainable evidence. It is my opinion that the Defendants knew the outcome for them would be disastrous after the jurors heard and saw the evidence introduced by Plaintiffs' attorneys such as those asserted in *Tim W*'s Second Amended Complaint (reproduced below). Accordingly, fearing the strength of *Tim W*'s accusations, along with all the other victims' accusations in this coordinated action, within days of *Tim W*'s proposed complaint being filed and the next hearing scheduled for January 31, 2007, Attorney Robert J. Schnack, representing Defendants' *Watchtower, et al*. (of course, with

Jehovah's Witnesses' Governing Body approval), signed a Notice Of Settlement for the seven coordinated actions which was filed on January 31, 2007. Plaintiffs' attorney, Gregory S. Love, signed a request for dismissal on January 31, 2007, filed on February 13, 2007. The expected settlement date was on or about February 1, 2007 and the entire action was dismissed on February 13, 2007 with prejudice, meaning both sides agreed that legal action pertaining to these issues would never be taken to civil court again.

[PROPOSED] SECOND AMENDED COMPLAINT

Rudy Nolen, SBN 59808
Stephen W. Owens, SBN 84859
NOLEN & ASSOCIATES
1501 28'h Street
Sacramento, CA 95816
Telephone: (916) 733-0600
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Attorneys for Plaintiff
TIM W.
SUPERIOR COURT OF CALIFORNIA
COUNTY OF TEHAMA
CASE NO: SCV 52594 Judicial Council Coordination
Coordinated with Case No.: 26-22191 Proceeding No. 4374

TIM W.,
Plaintiff,
VS.
WATCHTOWER BIBLE AND TRACT
SOCIETY OF NEW YORK, INC., NORTH
CONGREGATION OF JEHOVAH'S
WITNESSES, RED BLUFF, CA, INC.
JAMES HENDERSON AND DOES 1 through 20, inclusive,
Defendants.

Jury Trial Demanded
1. Common Law Negligence
2. Negligent Appointment. Retention, and Supervision
3. Breach of Fiduciary Duty

[PROPOSED] SECOND AMENDED COMPLAINT FOR DAMAGES:
COMES NOW TIM W., Plaintiff in the above entitled cause, and files this, his Second Amended Complaint, and alleges as follows:

I.
PARTIES
1. Plaintiff TIM W., born October 26, 1977 is, and at all times mentioned herein, was a resident of Tehama County, California.

2. Defendant WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK, INC., a corporation organized and existing under the laws of the State of New York, has been served with process and has filed an answer.

3.Defendant NORTH CONGREGATION OF JEHOVAH'S WITNESSES, RED BLUFF, CA, INC., a corporation organized and existing under the laws of the State of California, has been served with process and has filed an answer.

4. The Defendant entities, collectively referred to herein as the "WATCHTOWER DEFENDANTS," operate as a single business enterprise.

II.
JURISDICTION AND VENUE
5. Plaintiff has been damaged in an amount exceeding the minimum jurisdictional requirements of this Court.

6. Venue is proper in Tehama County, California because most of the acts or omissions that give rise to Plaintiff's claims occurred in Tehama County, California.

III.
FACTS COMMON TO ALL CAUSES OF ACTION
7. The WATCHTOWER DEFENDANTS comprise a hierarchical organization made up of different corporations and other entities. The "Governing Body" establishes policies and dictates practices for Jehovah's Witnesses and operates through various corporate entities, primarily the Watchtower Bible and Tract Society of New York.

8. Local congregations are led by elders and ministerial servants whom are appointed by the Governing Body acting through the Watchtower Bible and Tract Society of New York, Inc. and are required to obey and follow the rules handed down by those entities.

9. At all times material hereto, the North Congregation of Jehovah's Witnesses, Red Bluff, CA, Inc. as well as the elders of that congregation, were acting as agents and managing agents of the Governing Body and the Watchtower Bible and Tract Society of New York, Inc., and their wrongful conduct occurred during the course and scope of that agency relationship.

10. Through their rules and policies, the WATCHTOWER DEFENDANTS assumed a duty to protect children in their organization, including Plaintiff; unfortunately, they negligently failed to exercise reasonable care in fulfilling that duty.

11. Despite the fact that the WATCHTOWER DEFENDANTS knew or should have known of the potential for children in the organization to be sexually exploited by appointed leaders, they negligently failed to enact common sense policies to prevent sexual abuse within the organization. For example, they negligently failed to promulgate a policy forbidding unsupervised one-on-one contact between elders or ministerial servants and children.

12. Rather than taking reasonable steps to prevent children from being vulnerable to assault and abuse, the WATCHTOWER DEFENDANTS actually encouraged parents in the congregation to view elders and ministerial servants as persons with whom they could entrust their children's safety. They permitted children to go out in service, alone, with male congregation members; they encouraged children to attend un-chaperoned Bible study and book study with adult males and they allowed elders to "counsel" children away from the Kingdom Hall and without any supervision.

13. The WATCHTOWER DEFENDANTS undertook the responsibility to instruct their elders as to what to do when they received allegations of child sexual abuse. They promulgated policies and rules directing the elders to call the WATCHTOWER DEFENDANTS' "Legal Department" for direction about whether to report allegations of sexual abuse to police and law enforcement. However, such policies were designed to prevent cooperation with, if not frustrate, secular investigations. For example, elders were sometimes instructed to make anonymous calls from telephone booths so that law enforcement authorities would be unable to contact them for more information.

14. The WATCHTOWER DEFENDANTS promulgated policies and rules requiring local congregations, through their elders, to investigate allegations of child sexual abuse, and prescribing the manner in which such investigation would be conducted. For example, the elders were required to apply the "two witness rule," which required allegations of child sexual abuse to be disregarded unless the perpetrator confessed or there were two eye witnesses to the crime.

15. The WATCHTOWER DEFENDANTS enacted procedural and evidentiary rules governing the formation and operation of "Judicial committees,'' comprised of elders, which gathered and considered evidence, questioned witnesses and rendered judgments about what punishment, if any, would be imposed on a child abuser. The elders were forbidden from revealing the results of their investigations to law enforcement authorities.

16. The WATCHTOWER DEFENDANTS assumed the duty to punish organization members who were guilty of child sexual abuse. Since the allegations were usually concealed from secular authorities, the perpetrators often received no punishment except for that meted out by the WATCHTOWER DEFENDANTS. Sometimes the offenders were "disfellowshipped," or expelled from the organization. But other times their punishment was secret; they were "reproved" or placed on "restrictions" so that other congregation members would not know that a dangerous child abuser was in their midst. In either case, the WATCHTOWER DEFENDANTS would usually reinstate a disfellowshipped member or remove his restrictions after a shockingly short period of time. In the interim, the child molester often continued to attend meetings at the Kingdom Hall and members of the congregation were not warned.

17. The WATCHTOWER DEFENDANTS' policies, which ostensibly were promulgated to protect children in the organization, emphasized secrecy above all other concerns. Victims of child sexual abuse, and their families, were routinely told not to inform secular authorities. Victims were often discouraged, if not prevented, from obtaining appropriate medical and psychological care or from confiding in their siblings or close friends. Instead, they were instructed to rely on elders for counsel.

18. The WATCHTOWER DEFENDANTS instructed the local congregations and elders to make written reports to the WATCHTOWER DEFENDANTS' "Service Department" about allegations of child sexual abuse leveled against elders, ministerial servants and pioneers, as well as written reports of judicial committee actions concerning child sexual abuse allegations made against any Jehovah's Witness. The WATCHTOWER DEFENDANTS have for years maintained files and, more recently, a computerized database containing such information. The WATCHTOWER DEFENDANTS undertook the responsibility to compile this information to protect congregation members and they therefore assumed a duty to utilize this information with reasonable care. However, despite having confidential information that would allow parents, law enforcement authorities and even elders to identify sexual predators and actually take steps to protect children, the WATCHTOWER DEFENDANTS negligently concealed this information from the persons who needed it most urgently and they negligently failed to implement any policies to actually prevent child sexual abuse.

19. The WATCHTOWER DEFENDANTS have, at all material times, had the ability to know when a "known pedophile," a term they sometimes use, moves from one congregation to another. However, they have negligently failed to utilize the information they have compiled to monitor the movement of sexual predators through their organization so that appropriate warnings could be issued.

20. The WATCHTOWER DEFENDANTS promulgated rules and policies that require the former congregation to write a "letter of introduction" when a member moved to another congregation. However, the WATCHTOWER DEFENDANTS negligently failed to take any steps to ensure that such a letter was actually sent or that the letter contained accurate information and adequate warnings. If a sexual predator moved from a congregation where he was known to be a pedophile, but then moved a second time, the WATCHTOWER DEFENDANTS' rules did not even require the first congregation's letter to be passed along to the third congregation.

21. These are but a few examples of the WATCHTOWER DEFENDANTS assuming a duty to protect children in the organization but failing to exercise reasonable care in fulfilling that duty.

22. The Watchtower Bible and Tract Society of New York, Inc., had actual knowledge that James Henderson was a sexual predator since at least 1964. Yet, for the better part of three decades, they appointed and re-appointed him to the positions of elder and ministerial servant. They also

permitted him to move from congregation to congregation, committing acts of sexual perversion and abuse, acts which were reported, again and again, to various Jehovah's Witnesses entities.

23. On July 13, 1964, the Clearlake Highlands Congregation wrote the Service Department of the Watchtower Bible and Tract Society of New York, Inc., describing an incident in which Henderson had sodomized another congregation member who had passed out from intoxication. The letter quoted Henderson, who had occupied appointed positions in the congregation since 1962, as telling the victim that he had "done it only once before."

24. The letter, which actually sought counsel about whether to disfellowship Henderson's victim for having an extramarital, heterosexual affair, was received by **Merton Victor Campbell**, the service department "desk man" in charge of California. As a desk man, Campbell was responsible for providing advice to congregations, including, occasionally, direction as to whether a member should be disfellowshipped. He also had been delegated the authority to appoint elders and ministerial servants. He was a managing agent of the Watchtower Bible and Tract Society of New York, Inc.

25. Campbell recognized that Henderson was a danger to others in the congregation. Nevertheless, eight years later, Campbell, acting as an agent and managing agent of Watchtower Bible and Tract Society of New York, Inc. and the Governing Body, appointed Henderson to the positions of congregation servant, then elder and field overseer in the Ukiah, California Congregation.

26. Since at least the mid-1960s, congregations have sent letters of introduction, as described above, when a member moves to a new congregation, and those letter were supposed to describe any accusations of serious offenses, such as child sexual abuse. Thus, according to the policies of the WATCHTOWER DEFENDANTS, the Ukiah Congregation would have been advised about Henderson's past.

27. From Ukiah, Henderson moved to Yuba City where he was again appointed elder. He was removed from that position in about 1974 after he confessed to a judicial committee that he had "done some perverted things with two young men." Even his wife was not told the reason he was reproved. The Jehovah's Witnesses' practice was, and remains, that members can be disciplined secretly and even their spouses are not told the reason. However, according to the policies of the WATCHTOWER DEFENDANTS, the service department would have received a report.

28. Henderson moved on to another congregation and, if the Watchtower Defendants' policies were followed, a letter of introduction followed him. At some point during the 1970s, Henderson was again reproved and removed from his position of elder or ministerial servant by a congregation in the Marysville, California area for sexual abuse. Another report would have been made to headquarters.

29. On January 21, 1981, The Upper Lake Congregation wrote a letter of introduction for Henderson to the Red Bluff Congregation stating, among other things, that Upper Lake had considered appointing him to be a ministerial servant. It mentioned nothing about his criminal past.

30. On November 23,1988, Henderson, by then an elder in Red Bluff North, was appointed to be Red Bluff City Overseer. At about the same time, an elder or ministerial servant from the Red Bluff South Congregation received and ignored a report that Henderson had molested a young boy at Henderson' place of employment.

31. On October 20, 1992, a young man called an elder at the Red Bluff congregation and told him that he had been molested by Henderson. He also told the elder that Henderson had signed a confession admitting to abusing him and others. He offered to meet with the elder and give him a copy of the confession. The elder rejected the offer and told him not to contact him again.

32. After another Henderson victim went to the police in 1994, Henderson confessed to elder Bodie Lyon that he had committed child sexual abuse. Once again, the WATCHTOWER

DEFENDANTS attempted to deal with Henderson with a slap on the wrist reproval - until information about other victims, including Plaintiff, was brought to their attention and, more importantly, the attention of the Red Bluff police. Finally, Henderson was disfellowshipped.

33. Thus, at least five times, between 1963 and 1993, when Henderson's abuse of Tim Ward began, the WATCHTOWER DEFENDANTS received reports that Henderson had committed a sexual crime.

34. Beginning in 1993, thirty years after the WATCHTOWER DEFENDANTS first had actual, incontrovertible knowledge that James Henderson was a dangerous sexual predator, they negligently allowed him unsupervised access to Plaintiff, Tim W. Predictably, he exploited the confidence and respectability that his status as elder and city overseer conferred and began to prey upon Tim W. The abuse continued until 1994.

35. By repeatedly appointing Henderson to serve as an elder and permitting him to remain in that position, the WATCHTOWER DEFENDANTS put him in a position of trust and confidence vis-a-vis his congregation. The WATCHTOWER DEFENDANTS knew that congregation members would view him as being worthy of their trust and that they would feel comfortable entrusting him with their children's safety. Likewise, the children in the congregation were taught that they could trust elders and ministerial servants such as Henderson.

36. The WATCHTOWER DEFENDANTS intentionally concealed a material fact from Plaintiff Tim W. and his mother. They withheld the knowledge that Henderson had been, for at least three decades, a sexual predator whose conduct they tolerated and covered up and thus aided and abetted. The WATCHTOWER DEFENDANTS concealed this information because they valued secrecy above the rights and safety of children in the congregation. They thus concealed this material fact with the intention of depriving Tim W. and others of their legal right to be safe.

IV.
FIRST CAUSEOF ACTION
COMMON-LAW NEGLIGENCE
37. Plaintiff incorporates and re-alleges paragraphs 1 through 36 of this Amended Complaint as if fully set forth herein.

38. Plaintiff alleges that at all times herein mentioned, WATCHTOWER DEFENDANTS assumed a duty to protect Plaintiff from sexual predators within the WATCHTOWER DEFENDANTS' organization.

39. However, they negligently failed to implement any policies to prevent unsupervised, un-chaperoned contact between elders or ministerial servants and children within their congregations; to the contrary, they actually encouraged such contact.

40. The WATCHTOWER DEFENDANTS knew or should have known that Plaintiff was at risk of foreseeable harm by their agent, James Henderson, but failed to act to protect him from such harm. The WATCHTOWER DEFENDANTS breached their duty to Plaintiff, thereby causing him great harm.

41. Despite the fact that the Watchtower Defendants knew or should have known of Henderson's history of pedophilia, they negligently failed to warn Plaintiff or his family of Henderson's history of sexually abusing children and actually conceded those facts.

42. Despite the fact that the WATCHTOWER DEFENDANTS knew, or should have known, of Henderson's history of pedophilia, they negligently permitted him to be alone with children in the congregations including Plaintiff.

43. As a result of Defendants' negligence, Plaintiff has suffered, and will continue to suffer psychological trauma, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life.

V.
SECOND CAUSE OF ACTION
NEGLIGENT APPOINTMENT, RETENTION AND SUPERVISION
44. Plaintiff incorporates and re-alleges paragraphs 1 through 43 of this Amended Complaint as if fully set forth herein.

45. Despite the fact that the WATCHTOWER DEFENDANTS knew, or should have known, of Henderson's history of pedophilia, they negligently appointed him to the office of Elder and City Overseer when they knew or should have known that he would be allowed unsupervised access to minor children in the course and scope of his duties.

46. The WATCHTOWER DEFENDANTS negligently failed to monitor and/or supervise Henderson despite their actual or constructive knowledge that he posed a potential and foreseeable danger to children.

47. As a result of Defendants' negligence, Plaintiff has suffered, and will continue to suffer psychological trauma, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life.

VI.
THIRD CAUSE OF ACTION
BREACH OF FIDUCIARY DUTY
48. Plaintiff incorporates and re-alleges paragraphs 1 through 47 of this Amended Complaint as if fully set forth herein.

49. Plaintiff alleges, at all times mentioned herein, that by assuming the responsibility to protect and care for Plaintiff, who was young and vulnerable, the WATCHTOWER DEFENDANTS created a fiduciary relationship with Plaintiff. The WATCHTOWER DEFENDANTS occupied positions of trust and confidence with Plaintiff and such relationship imposed on them a duty to act to protect Plaintiff's best interests.

50. Plaintiff further alleges that because of this special relationship, Plaintiff placed his trust and confidence in the WATCHTOWER DEFENDANTS to protect him from harm and to warn Plaintiff of the potential harm. The conduct described above constituted a breach of the fiduciary duty owed to Plaintiff by WATCHTOWER DEFENDANTS.

51. As a result of Defendants' misconduct as described hereinabove, Plaintiff has suffered, and will continue to suffer psychological trauma, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life.

VII.
PRAYER
WHEREFORE, Plaintiff demands judgment against the WATCHTOWER DEFENDANTS individually, jointly and severally as follows:

For general damages according to proof;
For past and future medical expenses according to proof;
For past and future loss of earnings according to proof;
For prejudgment interest;
For costs of suit incurred herein; and
For such other and further relief as the Court deems just and proper

NOLEN & ASSOCIATES
Rudy Nolen, Esq., Attorneys for Plaintiffs.

What follows are more copies of correspondence to the Watchtower Society's Service Department regarding pedophile, James Henderson. Plaintiffs received the material in California

as part of discovery. These documents were entered into Oregon's *Grafmeyer* vs. *Watchtower, et al.* case by the Napa attorneys as exhibits, although the material originated in Red Bluff, California. *Grafmeyer* was also settled by Jehovah's Witnesses leaders in February 2007. The documents are not part of the public domain records found in the Napa County Courthouse although they are now public records in Oregon,

Notice the question about half way down on the first document which is an S77 Form elders fill in and send to the Society after a Witness has been disfellowshipped: "What evidence established the wrongdoing, such as confession, two or more witnesses?" This is an example of the use of the infamous "two-witness" (to wrong doing) policy of the Watchtower Society. In the Henderson judicial hearing there were at least two witnesses to accuse Henderson. Hence, he was disfellowshipped. The question hangs in the air though, "What if there was not another witness to come forth to corroborate the accusation of the boy who went to the police, would a child predator such as Henderson not be disfellowshipped?"

Two Molesters in Same Congregation

If this information doesn't convince the reader of the responsibility of the Defendants in this matter of failing to protect children by appointing known molesters to positions of authority, read on. Here is selected information from court documents in the *Wimberley Gutierrez et al*. case which was set for trial beginning on May 15, 2007. The predator, Alvin Heard, molested three children in a Red Bluff Congregation. Note disfellowshipping correspondence and his deposition. **Predators Alvin Heard and James Henderson were in the same congregation at one point!** Alvin Heard is confined at the Two Rivers Correctional Institute in Umatilla, Oregon.

> Alvin Heard sexually abused several children over a 30+ year period of time. Between 1976 and 1981, Heard molested Plaintiffs Wimberley and Gutierrez. Heard was subject to a judicial committee and was reproved. Heard then went on to sexually molest other children in the Jehovah's Witnesses organization, and was again subject to a judicial committee and reproved. Heard moved to yet other Jehovah's Witnesses congregations in South Dakota and Oregon where he molested additional children, and was presumably subject to a judicial committee and disfellowshipped before being criminally convicted in Klamath Falls, Oregon. (See excerpts of Alvin Heard's deposition attached hereto as Exhibit 5). Excerpts from Heard's testimony clearly describe Heard's molestation of many children while affiliated with several different congregations. Heard's testimony also indicates that he had several interactions with Elders subsequent to 1981: judicial committee for sexual molestation in Oroville, CA for molesting children in Paradise; interaction with Elders in Oregon and South Dakota who knew about his sexual molestations from the past and dealt with new allegations and the impacts of the changes in Watchtower Society policies in 1997 which led to communications among Elders regarding Heard's past abuse. [19]

[19] Motion To Compel PMK Deposition and Document Request Re General Discovery Matters, p. 5, filed 9/15/06.

CONFIDENTIAL

SDU MAR 22 1995

NOTIFICATION OF DISFELLOWSHIPPING OR DISASSOCIATION

(Please use typewriter or neatly print all information in ink.)

South	Red Bluff	CA	20727
Name of congregation	City	State	Congregation Number

Jim Henderson	12/1/94	
Name of disfellowshipped or disassociated person	Date disfellowshipped or disassociated	Date reinstated

Check if applicable: ☑ Elder ☐ Ministerial servant ☐ Regular or special pioneer ☐ Listed with the Society as person to receive literature or magazine shipments to congregation (If so, new name and address should be sent to the Society.)

Offense(s) for which disfellowshipped (if disassociated give reason):

child molestation (power) Romans 1:24,26,27,32
1 Cor 6:9,10 Rev 22:15

Please give a brief but complete review of the matter: (1) What led up to the wrongdoing? (2) Was the individual previously counseled or reproved? (3) What factors, including lack of works befitting repentance, convinced you that this action was necessary? (See Point #3 on other side.) (Use additional sheet if more space is needed.)

He molested 2 children in the congregation that we know about. He has a confessed Homosexual Lifestyle, he lyed scheamed and lived a hypocritical life style for years.

What evidence established the wrongdoing, such as confession, two or more witnesses?

Two witnesses

Elders who served on the committee sign below. (Print or type names below the line. Sign on the line.) (If disassociation, committee selected to handle the matter should sign.) (Indicate who served as chairman.)

Bodie [signature] [signature]

LeRoy M. Reddy Ronald Potts

Did individual appeal your decision? NO If so, this form should be sent to the Society by the appeal committee with their letter. If the original committee has further observations they should put them in writing and give them to the appeal committee to send to the Society.

If individual was previously disfellowshipped or disassociated show:

1. Date _____
2. Name at that time _____
3. Date reinstated _____

NOTE: Send *original* copy of this form to the Society along with S-79a and S-79b cards you have filled out. Retain a copy of this form for the congregation's confidential files. After the Society receives these forms, the S-79b card will be returned to you. If person is reinstated (or dies) send the S-79b card to the Society, and on your copy of this S-77 form record the date of reinstatement (or death).

D 0007

S-77 12/87 (SEE OVER)

Printed in U.S.A.

SDU APR 0 8 1995

EXHIBIT A

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12/1/95 WITNESS

Judicial Committee
Red Bluff North Congregation
Bodie Lyon Chairman

Jim Henderson

On 10/04/94 informed brother Lyon that he was guilty of child abuse in a sexual manner with Nathan Dota.

The body of elders met on 10/04/94 and set up a judicial committee consisting of Bodie Lyon, Bill Mullins, Ron Pitts and LeRoy Reid, Jr.

The judicial committee met with Jim Henderson on 10/06/94 at which time he confessed to having pornea with Nathan Dota an un- baptized son of an inactive brother in Palermo California. Jim Henderson advised us that the situation had ceased 3 years before this date and that he had come forward because Nathans father had found out about this matter.

The committee sought advice from the society by telephone because of the child abuse matter. There was some confusion generated from the kingdom ministry article dated Oct.72 about sins older than 3 years. The society was called again and we proceeded as a judicial committee after approximately a weeks discussion by the body.

Hendersons went on vacation for a week and we use the time to investigate the matter. We found out that approximately 5 persons knew of the matter and that there were some irregularities in Jim's story. We met with him again on 11/10/94 and discussed the matter with him further he stuck to his story. We met with Jim and Donna Henderson on 11/12/94 and discussed the matter with them further.

A meeting was requested by Nathan Dota so brother Reid and brother Lyon arbitrated as Dotas and Henderson confronted one another Henderson said he was firm on his story Dota said the incidents had happened hundreds of times and that the most recent was one and one half years ago, Henderson agreed the incident was as Dota had stated, this meeting was on 11/19/94.(The Dotas Father Mother and Son were there)

On 11/13/94 brother Reed and Brother Lyon met with several other who were named by Dota as victim but they said no.

On 11/17/94 judicial committee met with Jim had heard that he was paying blackmail for a similar offence that had occured in 1972. the matter was confirmed that Jim was paying what he termed restitution for a similar offence.

On 11/17/94 the judicial committee suggested he is no longer fit to serve and was publicly reproved for the incident with

D 0009

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Nathan Dota, the announcement was made to the congregation at the service meeting.

One week later Brother George from Red Bluff South Congregation came to brother Lyon and told him that 5 years or so ago Tammy Anderson had come to him and told him that a friend of hers told her that her little brother had been molested by Jim at work (Jim is the Regional Manager for The Sacramento Bee Newspaper) but at the time brother George told here there was no way it could be true so it was forgotten.

On the next morning brother Lyon was called before the authorities and questioned about the matter because Nathan Dotas father had turned it in to them. During the earlier mentioned questioning brother Lyon ascertained that the authorities had at least 4 other persons who had filed complaints against Henderson but would not press charges.

The commitee was re - established. Brother Reid and brother Lyon were able find out that these were not isolated incidents after both being questioned by the authorities.

Brother Lyon asked brother Pier and brother Amy (Amy District Overseer,,, Pier Circuit Overseer) to sit in on the matter and on 12/01/94 at the meeting we determined that brother Henderson:

1. Molested Nathan Dota as previously stated many times.
2. Henderson had raped Nathan Dota one Time.
3. Henderson had molested Tim Ward a young unbaptized publisher in the north congregation.
4. Henderson was paying blackmail money.
5. Henderson has molested his son Grant.
6. When questioned about the paper boy he couldn't remember who he was but denied it , we are sure he was lying. He also caught at this time in other lies he told the commitee. Brother Amy and Pier were excused and the judicial commitee made a decision to disfellowship Jim Henderson.

The matter is in the public spotlight and due to an agreement that brother Lyon and brother Reed had made with the authorities all parties have been referred to the police and the name of Jehovah has not as of yet been intertwined in this matter.

Jim Henderson was shown to have schemed, lied, was devious and attempted to minimize the severity of his sin. He was shown to have a life pattern of homosexuality and child molestation . HE is a DANGER to other young boys in the congregation and the community. He came forward only when forced to. He evidenced more worldly sadness rather than godly , therefore, we felt that he was unrepentant.

D 0010

The following scriptures hold the basis for our decision: Romans 1:24,26,27,32..... 1Corinthians 6:9,10. .. Revelation 22:15

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Your Brothers,

Bodie Lyon Jr. Bodie Lyon

Leroy Reid Jr. Leroy M. Reid Jr.

Ron Pitts Ronald Pitts

Bill Mullins

D 0011

EXHIBIT A
Page 6 of 10

JEHOVAH'S WITNESSES
North Congregation

16 Root Avenue
Red Bluff, CA
96080

DEC 12 1994

SSY DEC 13 1994

CONFIDENTIAL

delete

December 3, 1994

Watchtower
25 Columbia Heights
Brooklyn, NY 11201

Dear Brothers,

This letter is to inform you that James L. Henderson will no longer be serving as Presiding Overseer in the North Congregation. It was necessary to remove him because he confessed to committing adultery.

The Body of Elders has selected Ronald L. Pitts to serve temporarily as Presiding Overser. Since Brother Pitts has been serving as Secretary, the Body decided to put Grant L. Henderson in as Secretary. Brother Grant L. Henderson has been the Service Overseer, so the Body has chosen Billy J. Mullins to serve in that position.

Both the District Overseer, Brother Amy, and the Circuit Overseer, Brother Pierre are aware of these changes. Please see the enclosed S-29 form for the address changes.

Your Brothers,

Ronald L. Pitts — Grant L. Henderson — Billy J. Mullins

D 0012

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RECD FEB 1 0 2003

NORTH CONGREGATION OF JEHOVAH'S WITNESSES
Kingdom Hall, 755 Reeds Ave., Red Bluff, CA 96080
Correspondence: 13735 Lisa Way, Red Bluff, CA 96080
Phone: 530-527-4923

East Cottonwood Congregation of Jehovah's Witnesses
c/o Jack Dean
4053 LaHoma Lane
Cottonwood, CA 96022

CONFIDENTIAL

Oct. 2, 1998

Dear Brothers,

This letter is being written to you concerning James Henderson. He is currently disfellowshipped but is attending meetings in your congregation. Even though we feel you already know what he was disfellowshipped for, we are writing this letter in line with the direction from the letter from the Society dated 3/14/97, as well as the direction we recieved at our Kingdom Ministry School in 12/97, concerning the informing of the body of elders of a person who is "known to have been a child molester" moving in to your congregation even if he is disfellowshipped.

James Henderson was disfellowshipped from the North Red Bluff congregation in December 1994 for the above offense. He served a jail sentence for his convicted crime and since his release in December 1997 has been attending the meetings in your congregation. We write this letter to you so as to inform you this situation.

Thank you for your consideration in this matter. May Jehovah bless your efforts as you work hard for kingdom interests.

Your brothers,

North Red Bluff Congregation - Service Committee

Rodney Cummins

D 0017

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Page 10 10

CONFIDENTIAL

Red Bluff Cong. of Jehivah's Witnesses
Rt. # 3 Box 40 Meister Ct/
Red Bluff, Calif. 96080
8-31-81

Watchtower Bible & Tract Soc.
25 Columbia Heights
Brooklyn, N.Y. 11201

Dear Brothers,
We, as a judicial committee of the Red Bluff Congregation of Jehovah's Witnesses, have disfellowshipped from the congregation Alvin Heard.

This action was taken on August 22, 1981.

The reason for our taking this action was for the flagrant violation of Jehovah's law in respects to fornication. Even though there seemed to be a measure of repentance we ~~has~~ a committee all agreed there was no other choice to make but to remove him from possibly contaminating the congregation. The evidence that lead us to that conclusion is as follows:

1. He has been committing oral copulation with three of the young ones in the congregation. There ages range from five, nine and eleven yearsn. All such acts were committed by him toward these young ones.
2. As the Sept. 1, 1981 Watchtower stated on page 26 par. 23, "exercise particular care if the wrongdoer has secretly carried on gross sin over a long period". He admitted to these acts to the older girl at least three times, the nine year old girl he has been molesting her every since she was six years old, the last time was on Aug. 8, 1981. The boy he molested four or five times in recent months.

Because of the number of persons involved and their families and the established pattern of sinning we made the above decision.

With you in serving Jehovah,

Kenyon E. Manning
Kenyon E. Manning

Glenn Hinkle
Glenn F Hinkle

William Miller
William Miller

YOUNG ONES INVOLVED & Holly [redacted]
Julie [redacted]
Joshua [redacted]

D 0003

EXHIBIT A
PAGE 1 OF 10

RED BLUFF, CA
(Name of congregation)

Congregation Disfellowshiping or Disassociation Record

NAME _____ DATE OF DISFELLOWSHIPING OR DISASSOCIATION _____

REASON _____

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DATE REINSTATED _____

SSR OCT 21 1981

NAME Alvin Heard DATE OF DISFELLOWSHIPING OR DISASSOCIATION 8/22/81

REASON porneia, homosexuality (oral sex with two young girls and one young boy in congregation)

DATE REINSTATED 3/22/82 SSR JUN 14 1982

NAME _____ DATE OF DISFELLOWSHIPING OR DISASSOCIATION _____

REASON _____

DATE REINSTATED _____

NAME _____ DATE OF DISFELLOWSHIPING OR DISASSOCIATION _____

REASON _____

DATE REINSTATED _____

NAME _____ DATE OF DISFELLOWSHIPING OR DISASSOCIATION _____

REASON _____

D 0004

DATE REINSTATED _____

6/72

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF TEHAMA

JULIANNE WIMBERLEY GUTIERREZ, et al.,) Case No.: 52598
) JCCP no. 4374
Plaintiffs,
v.
WATCHTOWER BIBLE & TRACT SOCIETY OF NEW YORK, INC., et at.,
Defendants.
AND COORDINATED CASES

VIDEOTAPED DEPOSITION OF
ALVIN BLANCHARD HEARD

Taken at the instance of the Plaintiffs

February 17 ,2006
10:30 a.m.
82911 Beach Access Road
Umatilla, Oregon 97882

BRIDGES & ASSOCIATES
Certified Shorthand Reporters
P. O. Box 223
Pendleton, Oregon 97801
(541) 276-9491 (800) 358-2345

1

BE IT REMEMBERED that the deposition of ALVIN BLANCHARD HEARD was taken in behalf of the Plaintiffs pursuant to the California Rules of Civil Procedure before Susanne Starkweather, Professional Shorthand Reporter for Oregon, on Friday, the 17th day of February, 2006, at the Two Rivers Correctional Institution, 82911 Beach Access Road, Umatilla, Oregon 97882, commencing at the hour of 10:30 a.m.

* * *

APPEARANCES:

For the Plaintiffs: RUDY NOLEN ESQ.
Nolen Saul Brelsford
Attorneys at Law
350 University Avenue
Suite 280
Sacramento, CA 95825

For the Defendants: ROBERT J. SCHNACK, ESQ.
Bullivant Houser Bailey, PC
Attorneys at Law
11335 Gold Express Drive
Suite 105
Gold River, CA 95670-6310

2

Watchtower Legal Dept.: ROBERT C. JAMES, ESQ.
Associate General Counsel
Watchtower Bible and Tract Society of New York, Inc.
100 Watchtower Drive
Patterson, NY 12563-9204

The Videographer: BOB KREIDER, CINEMATOGRAPHER
Sight & Sound Services
6201 W. Clearwater Avenue
Suite D
Kennewick, WA 99336

Also present: Officer Paul Sollman
Officer Aaron Piper

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Julianne Wimberley Gutierrez, et al., v. Watchtower Bible and Tract Society of New York, Inc., et al.

Case No. 52598 JCCP No. 4374

February 17, 2006

TESTIMONY

ALVIN BLANCHARD HEARD	PAGE NO:
Examination by Mr. Nolen	6 - 171
Examination by Mr. Schnack	172 - 185
Further examination by Mr. Nolen	185 - 196
STIPULATIONS:	
Standing objection under Evidence Code Section 1030, et seq. with respect to the privilege issues for all of Mr. Heard's testimony about the judicial committee.	113
PRODUCTION REQUESTS: (None)	
EXHIBITS: (None)	

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Pages 1 to 4

for drunk driving?
A. Yes.
Q. And you believe that occurred sometime in '98?
A. Yes, sir.
Q. All right. And there's a record of that, you believe, in the police records in Rapid City?
A. Yes, there is.
Q. Did you hold a valid driver's license for the state of Oregon at the time of your arrest?
A. Yes, I did.
Q. And did you hold a valid driver's license while you lived in South Dakota?
A. I did for awhile. Because when I was -- had attended an alcohol treatment program.
And I could have gotten it back, but I couldn't -- we couldn't afford insurance. So you have to have insurance to have your driver's license back there. So when I got to Oregon, I had it renewed, so --
Q. But you had a driver's license in South Dakota for some period of time?

A. Oh yes. I had to have that to drive back and forth on the freeway, deliver the papers and so forth.
Q. When you were privately reproved, did you appear personally in front of a judicial committee?
A. Yes.
Q. Composed of three elders?
A. I believe there was three. Yes.
Q. And what was the result of the private reprovement?
A. I was just reproved for alcohol. And I didn't -- wouldn't be holding anything in the congregation. But I wasn't even attending then, so --
Q. So it really had no effect on you personally as far as the church was concerned?
A. No.
Q. Is that correct?
A. That's correct.
Q. During your affiliation with the Altamont congregation in Klamath Falls, did you appear in front of any judicial committees?
A. It was not a judicial committee. I just come in, in front of some elders. And

they were aware that I had been a child molester.
So they would have to watch me and make sure there was no -- I didn't use the rest room without being watched or any of that, so --
Q. And how did they know that you were a molester?
A. Because I told, when I was in South Dakota, I told those brothers there that I had been a child molester at one time. And they told me, you know, they'd pass it on to the congregation.
I guess evidently after 1995, I think it was 1997, Watchtower come out at that time saying that child molesters couldn't be used in positions of responsibility or anything like that, so --
Q. Do you remember the elders that you told in South Dakota that you were a child molester?
A. One was Roger Kelly. And the other one I believe was Steve Taylor. I don't remember the other one, the other one that was there, what his name was.

Q. Did you voluntarily provide this information to these two individuals?
A. Yes.
Q. Did you understand that you were under some obligation to do that at the time that you made this statement to them?
A. Yes. I was a baptized person, so I needed to do that.
Q. And when they learned that you had a history of child molestation, what special precautions did they take with you in terms of the other members of the congregation?
A. They told me that I wasn't allowed to hold any position in the congregation. And basically I wasn't attending meetings, so there wasn't a problem there.
Q. Well, you attended meetings from '92 to '95.
A. That's in Rapid City, South Dakota.
Q. Right.
A. And the question had never come up until that time until the information come out, I believe it was 1997 it came out.
I wasn't attending meetings at all during that time, from '97 to '98.

Q. Well, I'm trying to put some time frame here. When you had this conversation with the two elders, Kelly and Taylor, was this after you stopped attending services?
A. Yes, it was.
Q. So when you first arrived in Rapid City, and you attended services from '92 to '95, you didn't reveal this information to the congregation, is that right?
A. Right. It wasn't necessary to do that. They send a letter of record, your publisher's card, to the congregation that you're going to attend. And it's on that. So they would have been aware of it anyway.
Q. And you think that Watchtower had a new policy in '97 that required you to reveal this information to the elders?
A. Well, absolutely. You would have to.
Q. What happened in 1997 that changed?
A. In '97, I had that DUI. And they brought me in on that. And then they asked me if I had problems in that area and I told them yes, so --
Q. Okay. I'm asking about what church

or not. I know that when they send your publisher's card to another congregation, that information's usually on that.
And maybe enough time had passed in between that it wasn't there. I don't know.
Q. Did any of these elders that made up this committee meeting tell you they had received information from another congregation about your history of child molestation?
A. No.
Q. When you got to Altamont, did you disclose to them that you had a history of child molestation?
A. No. They called me in and said that they were going to have to let my niece and nephew know, because they had a child. So they did do that.
Q. So Cindy and Chester were members of the Jehovah Witnesses, correct?
A. They are.
Q. They attended church?
A. Yes.
Q. And you were called to a committee meeting of elders?
A. No. Just two elders talked to me.

policy changed in 1997 that prompted you to tell these two elders in South Dakota that you were a child molester?
A. They just outright asked the question, Roger Kelly did so -- that's as much as I can recollect.
Q. So you didn't go to them, they came to you, that's right?
A. Yes. And they asked if I would come to a committee meeting and I said yes, so --
Q. And you attended a committee meeting that was made up of these two individuals?
A. And there was another brother there too.
Q. Do you remember his name?
A. No, I don't.
Q. And in this committee meeting you revealed or acknowledged your history of child molestation?
A. Well, Roger Kelly directed that question right to me. And I told him I had been.
Q. Did you understand that he already knew?
A. No. In fact, I don't know if he did

Q. Do you remember those two elders?
A. One was Mark Durr. And you'd have to get the other one's name from him, because I don't recall.
Q. How do you spell Mark's last name?
A. I believe it's D-u-r-r or D-u-r.
Q. All right. Now, it's important for me to understand whether you volunteered this information or you only gave the information when they asked.
A. I gave the information when they asked.
Q. Okay. And after you told them or acknowledged that you were a child molester, did they then want to contact Cindy and Chester Miller and let them know?
A. Let me straighten something out. I was brought to the floor on that by Roger Kelly in South Dakota.
When I got here, he had sent the information he had. It would have been on my publisher's card. So that's how they knew here.
So then they called me and asked about it. And they said they were going to

A. No. Because the information was already there. And when they sent it to another congregation, if there was any restrictions on it, then I'd be notified of that.
Q. So only if there was some negative history on the card such as a private or public reproving or a disfellowshipping would the new congregation meet with you?
A. No. They would automatically know on that, what was on the card, so --
Q. While you attended services in Rapid City, South Dakota, did the other -- and I don't want you to guess about this, but were you ever at a meeting of the church where it was made known to the members of that congregation that you had a history of child molestation?
A. No.
Q. You know that these two elders knew about it, correct?
A. Yes. Because I told them.
Q. Right. But you don't know what they did with that information in terms of passing it on to the other members of the congregation,

correct?
A. Correct.
Q. And then you said that you told this -- or Mark Durr and Altamont also knew, because apparently he had received information from South Dakota that you were a child molester, correct?
A. Yes.
Q. Do you know whether Mark Durr and the other individual whose name you don't recall, both of whom were elders, ever pass that information on to the other members of the congregation in Altamont?
A. It wasn't really necessary for them to do that. They would keep an eye on the individual that's --
Q. That's not my question. I want to know if you were ever told or sitting in the congregation at a meeting where you heard an announcement made that, to the other members of the congregation, that you had a history of child molestation.
A. No.
Q. Let's go to Susanville now. I take it from the chronology we've gone through so

far that you were in Susanville in 1991, approximately?
A. It would be -- actually I moved to Rapid City, South Dakota, just in '92, so --
Q. So you were in Susanville immediately before going to Rapid City, South Dakota, correct?
A. Yes.
Q. And so that would have been 1991 that you were in Susanville, correct?
A. Yes.
Q. All right. By the way, while you were in Rapid City, South Dakota, you were arrested, correct?
A. Yes.
Q. For pedophilia?
A. No.
Q. I have here a felony warrant of arrest, File No. 04-1762, dated May 4, 2004, that is an indictment for the crimes of criminal pedophilia against Alvin Heard.
A. That was -- I had left South Dakota and was in Klamath Falls. And I was even incarcerated then when that was brought to me. So I was in the Klamath County Jail when that

was brought forward to me.
Q. So you were in fact arrested in South Dakota?
A. Just for drunk driving.
Q. What is this felony warrant of arrest that I have here for criminal pedophilia then?
A. That's because of what happened in 1998 with some boys that I molested. And I had moved to Klamath Falls.
So they sent out a fugitive warrant. And I was arrested and given a plea bargain. If I would take this 75 months, that would be dropped. And it was.
Q. I just want to make sure this is clear. It's your testimony then that you were never arrested in South Dakota for allegations of child molestation?
A. No.
Q. That's correct?
A. Not when I was in South Dakota.
Q. All right. Let's return to Susanville. While you were in Susanville living with your niece and nephew, did you hold any positions of authority in the Susanville

congregation?
A. No.
Q. Did you attend the services regularly?
A. Yes.
Q. Up to this point in time, had you ever been arrested for child molestation?
A. No.
Q. But you had been molesting children up to this point, correct?
A. Yes.
Q. All right. And did you contact any of the elders in the Susanville congregation and tell them that you were a pedophile?
A. No.
Q. Why not?
A. It just wasn't necessary at the time.
Q. Why wasn't it necessary?
A. Well, the information that we had prior to the 1997 I think it was, information was -- it was taken care of within the congregation that you were in, so --
Q. Are you telling me then that that congregation, that is the elders in the

Susanville congregation already knew?
A. Actually they wouldn't. I don't see how they would have known.
Q. Well, you had --
A. Other than one elder that had been on a committee that I was in front of in Paradise, California.
That's when I was still married. And he may have passed that information on, I don't know.
Q. All right. So one of the elders, I mean we're going backwards here and I'm doing this for a very specific reason, because we're dealing with time frames that go all the way back, we're going to go back into the '70's here.
There was an elder in Susanville at the time you were there that had previously been an elder in Paradise?
A. He was in Paradise. And he went to the Susanville congregation to give a Bible talk. And I believe he talked to the residing overseer there. I'm not for sure.
Q. Well, that's okay. Who was this elder that had come from Paradise?

A. Dennis Thompson.
Q. Dennis Compton?
A. Thompson.
Q. Thompson. And Dennis Thompson knew of your acts of child molestation?
A. That's correct. Because he handled the committee meeting that was on it.
Q. And this involved the Herman children?
A. No. This involved children in Paradise -- I mean in Oroville, California.
Q. Oroville?
A. Because I lived in Oroville at the time. And when that meeting went on, that I went before a committee, I was in Paradise at the time. I had moved from Oroville to Paradise.
Q. We're going to get there, but I want to deal here with Susanville. So Dennis Thompson comes to Susanville during this one year period that you're there and gives a presentation to that congregation?
A. Yes.
Q. And he knows you're there?
A. Yes.

Q. Do you know whether he told any of the elders in Susanville about his experience with you in Paradise?
A. I don't know. I know he talked to the presiding over at the time who was Glen Strahan.
Q. Could I have his name again please?
A. Glen Strahan. I don't know if he's affiliated with the congregation still or not there.
Q. Glen Strahan, for the one year period that you were there, was the presiding overseer for the Susanville congregation?
A. Yes.
Q. While you were in Susanville, did anybody make any reference to this publisher's card that we talked about earlier?
A. No. Not that I know of.
Q. Under your understanding of the purpose of this card, this card would have come from the preceding congregation, correct?
A. Right.
Q. And before Susanville, where did you attend?
A. Paradise, California. I'm starting

to remember some things now on that card. The thing that I remember, it goes to the field overseer.

When you get into a new congregation, they'll send for it. And then it's sent there.

Very seldom would it be sent along with you. It's sent there separately. That's to know your activity even if you're standing in the congregation at the time. So that's basically what I can remember.

Q. Now, when you move from let's say Paradise to Susanville and you begin attending services in Susanville, do you call Paradise and let them know that you've now affiliated with the Susanville congregation, is that the way you do it?

A. No. They were aware that I was going to be leaving. And I wasn't for sure where I was going to go at the time.

Q. Well, that's what I'm trying to find out. How would the people in Paradise know where you're going?

A. Because the field overseer writes or calls and has them send my publisher's card to

dise.

Q. 1988.

A. Yeah. But I was -- in 19 -- yeah, it would have been '88. 1990 I was in Paradise, so --

Q. All right. So in 1988, you're living in Paradise and you're attending services at the Kingdom Hall there, is that right?

A. Yes.

Q. Now, are you working?

A. Yes, I am.

Q. And where are you working while you lived in Paradise?

A. I worked for Louisiana Pacific in Oroville, California.

Q. Now, did you live in Paradise continuously until you moved to Susanville?

A. No. Because before Paradise, we had lived, Hazel and I had lived in Chico, California.

Q. Now, from Paradise you moved to Susanville, correct?

A. Correct.

Q. And I just want to know if for the entire period of time that you lived in

their congregation.

Q. But you have to tell them where you are, correct?

A. Yeah.

Q. You'd have to tell Susanville that you've previously come from Paradise and then they would get the information from Paradise or you would have to tell Paradise to send it to Susanville, correct?

A. Well, he, the field overseer -- I talked to the field overseer. When you become a member of that congregation, they have to have a publisher's card first.

And they will call or write the field overseer of the other congregation. Then it sends it forth.

Q. So how long were you a member of the Paradise congregation?

A. I can't recall exactly on that.

(Short pause in the proceedings).

Q. I'm going to represent to you that according to your wife Hazel, that you lived in Paradise from roughly 1988 until you moved to Susanville. Does that sound about right?

A. No. Because in 1980 I was in Para-

Paradise, okay --

A. Yes, I did.

Q. Let me rephrase the question. From 1988 when you moved to Paradise until you moved to Susanville in 1991, did you live continuously for that three year period in Paradise?

A. Yes.

Q. All right. Now, while you were in Paradise, you confessed to the elders of that congregation that you had been molesting children, is that right?

A. That I had molested children in the Oroville congregation.

Q. Fine. In Oroville. But you confessed to the molestations, correct?

A. Yes.

Q. And did you do that in front of a judicial committee of elders?

A. When I confessed?

Q. Yes.

A. No. Two elders were there. And then when I confessed it, they wrote up -- took all the information down. Then I went before a committee.

Q. Okay. So first you tell two elders

outside of a committee?
A. Yes.
Q. Then they convene the committee, and you related your admissions to them again?
A. Yes.
Q. Who were the two elders that you told before the committee was convened?
A. Actually I can picture their faces in my mind, but I can't remember their names. I can remember who was on the committee.
Q. Who's on the committee?
A. The one that I can remember would be Dennis Thompson. And he was the same one, by the way, that was in Susanville to give that talk.
Q. Anyone else that you can remember, even a first name that was on the committee?
A. I can't remember their names. I don't recollect.
Q. And the two elders that you told before you made the confession, were either one or both of these individuals on the judicial committee?
A. One of them, I believe one of them was. He was the older brother that was there,

admission on your part did not have to be communicated to the parents of these children, is that right?
A. No. Not at all. I told -- I went and told the parents myself. And told them that I would wait there at their house if they wanted to call the sheriff or whatever.
Q. That doesn't answer my question though, Mr. Heard. And I want to try it again.
When you were privately reproved, if the parents were not there for this judicial committee meeting and it was just you and the three elders, is it your understanding that the elders would not have had to go to these parents and tell them?
A. They went to the parents. I mean, they talked to the parents. The thing on private reprove is that when the judicial committee was convened and I was there, since none of the parents showed up, they were invited to show up, to come there.
And they were told that they still could take action within six years afterwards.
Q. So it's your understanding then that the parents already had been informed and knew

so --
Q. And as a result of this admission of molesting children in Oroville, what action was taken?
A. I was privately reproved because -- I was privately reproved, so -- If you want further details, you'll have to ask.
Q. I'm going to, yes.
A. Okay.
Q. First of all, I want you to tell me what a private reproving is in the Jehovah Witness religion.
A. Privately reproved means that it's done within, right there. It doesn't have to be announced if you're privately reproved.
If it's public reproved, yes. In other words, if there's people that are around that are aware of the whole situation and those parents of those children that were involved were invited there.
If they would have came, then it would have been a public reprove. Since none of them showed up, then it was a private reprove.
Q. And your understanding is that this

as well as the fact that you had told them?
A. Yes. Absolutely.
Q. All right. Now, this molestation involved four girls, is that right?
A. One boy and three girls.
Q. One boy and three girls?
A. Yes.
Q. And do you remember their names?
A. I don't recall.
Q. Do you remember the names, the last names?
A. Belmont was the name of the boy, the last name of the boy. Nathan was his first name, Nathan Belmont.
Q. What was the name of the boy?
A. Nathan Belmont.
Q. Nathan Belmont.
And were the three girls all in one family?
A. No, they weren't.
Q. What were their last names?
A. I don't recall.
Q. I'm going to give you some names and see if it refreshes your recollection. Was there a girl by the name of Maria?

A. No.
Q. Was one of the girls, did one of the girls have the last name of Herman?
A. That was in the Red Bluff congregation.
Q. I'm only talking about Oroville right now.
A. Okay.
Q. How about -- let me look here.
(Short pause in the proceedings).
Q. Did you ever molest a young girl by the name of Maria Sackoll, S-a-c-k-o-l-l?
A. Not that I recall. No.
Q. Did you ever molest Roxanne, Heather, and Natalie -- Roxanne, Heather, and Natalie Herman?
A. I just touched them inappropriately at one time.
Q. All three?
A. All three.
Q. Okay. Mona McIntosh?
A. She accused me. But, no, I never did molest Mona. That was my ex-wife's sister.
Q. Shawn McIntosh?
A. Yes.

I had. That's as near as I can recall.
Q. Well, I don't want you to guess. I mean if --
A. Well, she didn't want to deal with that.
Q. She dealt with it before, correct?
A. Right.
Q. And this was another instance of child abuse that had come to her attention?
A. Yes.
Q. And she left you?
A. Yes.
Q. And where did she --
A. Excuse me. She didn't leave me, because I didn't confess to that until after she left. She went to Sacramento then.
Q. Where did she move when she separated from you?
A. She moved to Chico, California.
Q. And do you know where she lived?
A. I can just remember -- recall an apartment there. I moved back. We went back together there so --
Q. So she got an apartment in Chico and moved from your residence in Paradise?

Q. Vickie Carroll?
A. Yes.
Q. But as you sit here today you cannot remember the names, and I've got them in here but I'm not going to take the time right now, the names of the children in Oroville other than Nathan Belmont?
A. The one kid's mother's name was Pat. But I can't remember what her last name is. It might have been Sackoll. Is that the one you --
Q. Yeah.
A. And then I never did know the name of her child. Just, she was two years old when I touched her inappropriately.
Q. As a result of -- Well, let me put the question differently. While you were living in Paradise, did you and your wife Hazel separate?
A. Yes, we did.
Q. Do you know why -- well, first of all, did she leave you?
A. Yes, she did.
Q. And do you know why she left you?
A. I guess because of the problems that

A. Yes.
Q. And how long did she live in Chico before you reunited?
A. Actually she -- I believe at one time she moved back to Red Bluff. And I went and got a -- well, that's when we lived --
I'm trying to get this all put together, where I can help you with that. In Paradise she had left me twice.
The first time she went to Sacramento. And then we got back together after that.
But when she was in Sacramento, I confessed to this other child molestation, or the ones that happened in Oroville.
Q. Do you remember what year you admitted to the molestations in Oroville?
A. It would have had to have been right after we moved to Paradise, California.
Q. Around 1988, correct?
A. Right. Because we moved from Paradise -- I mean, from Oroville. Let me get it straight now.
We moved from Oroville to Paradise. And then she -- that's where she left me was i

Paradise the first time. Then we got back together. And then she left another time right around 1990.
Q. Why did you admit to the molestation of the four children in Oroville?
A. Because of conscience, Bible conscience, conscience. I was having a struggle to try to -- with this sort of behavior.
Q. So you just decided that you were going to tell the elders?
A. Yes, I did.
Q. And it isn't because anybody was accusing you of anything, is that right?
A. No. No, they weren't.
Q. That includes the parents of these children?
A. Yes.
Q. And you said that you went to the parents and told them as well?
A. I did. The ones that I couldn't face, I called.
Q. Now, when you were privately reproved in Paradise, that didn't prevent you from attending services, correct?
A. No, no.

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Q. And private reproval didn't mean that any of the other members of the congregation knew what had happened, correct?
A. Right. Yes.
Q. That's correct?
A. Yes.
Q. And to your knowledge, none of the other members of the congregation knew of this private reproving, correct?
A. No, they didn't.
Q. And you remained in that congregation, attending services there until you relocated to Susanville in 1991, correct?
A. Yes. Yes. But our addresses in Paradise had changed, so --
Q. And do you know as you sit here today whether the publisher's card that showed up in Susanville made note of the admission of child molestation in Paradise?
A. I have no idea. I don't think it did.
Q. Do you know whether that publisher's card noted your private reproving in Paradise?
A. It probably did. But I don't know. I can't recollect, so -- not that I can't

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recollect, I just don't know.
Q. Okay. And if you're privately reproved and it's put on the card, the card doesn't have to say what you were reproved for, correct?
A. I'm not aware, so I don't know.
Q. Well, that would be a publishing of the reproval. And the whole concept of the private reproval is to keep it within this meeting involving the elders and the person that's involved, isn't that right?
MR. SCHNACK: I'm going to object to the form of the question. I think you're mischaracterizing his testimony.
You can answer.
THE WITNESS: Rephrase the question.
MR. NOLEN: Sure.
Q. (BY MR. NOLEN:) The private reproving, as you've explained it, means that the information that's discussed in this session with the elders remains private?
A. Yes, it does.
Q. And it's not announced to the congregation, correct?

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A. Correct.
Q. And it's not given to the other elders, correct?
A. The other elders would have known what -- that there was a private reprove that took place.
Q. But beyond that, no one else knows the reasons, correct?
A. No.
Q. And therefore would the publishing card that we've been talking about contain the specific information about the private reproving?
A. It depends on how many -- this is my own thinking on it. It depends on how long ago that it took effect. If it was within the last few years or so forth. And I don't recall.
Q. Okay.
MR. NOLEN: Why don't we take a short break.
THE VIDEOGRAPHER: I'm off the record.
(Short recess).
THE VIDEOGRAPHER: We're back on the record.

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Pages 61 to 64

Q. (BY MR. NOLEN:) Mr. Heard, according to information provided by your former wife, you lived in Oroville beginning in about 1985?
A. Yes.
Q. And did you live in Oroville continuously from 1985 until you moved to Paradise in 1988?
A. Yes, sir.
Q. And were you affiliated with the congregation of Jehovah's Witnesses while you were living in Oroville?
A. Yes.
Q. And do you remember the name of that congregation?
A. No, I don't.
Q. Do you remember the street location?
A. I can't remember that either.
Q. Did you attend services on a regular basis?
A. For awhile, yes.
Q. How long did you attend regularly at the congregation in Oroville?
A. Probably eight months to a year, nearly as I can remember.

A. Yes.
Q. What did you do for Louisiana Pacific?
A. I pulled chain and did grading.
Q. Is that what you did while you lived in Paradise?
A. Yes.
Q. Did you hold any positions of leadership at the Kingdom Hall in Oroville?
A. No.
Q. When did you begin molesting the children in Oroville?
A. It was several months after -- well, as near as I can recollect, it was probably a month or so after I quit attending meetings. And I can't recall exactly when that was.
Q. And how did you come in contact with these children?
A. My daughter was a regular pioneer. And they would come to the house, so --
Q. So the molestations all occurred in your personal residence?
A. Yes.
Q. And this is while the children were there to see your daughter?

Q. And I haven't asked this question. I probably should. When you would attend services, would you always go together; that is, you and your wife?
A. Most of the time, yes.
Q. She was a member of the Jehovah Witness faith?
A. Yes, she was.
Q. And with just rare exceptions, the two of you would attend the meetings and the services together, correct?
A. Most of the time we both did. My daughter also attended.
Q. That's Beth?
A. Beth.
Q. So better yet, explain it to us why you didn't attend services except for eight months to a year while you lived in Oroville.
A. Just sometimes you just get involved too much in work and other activities that knocks it out, so --
Q. Where were you working?
A. I was working for Louisiana Pacific.
Q. The same place you worked while you lived in Paradise, correct?

A. Well, they would leave them there because my daughter would be out -- go out in the field service with her mother or whatever.
Q. So you were in effect baby-sitting these children?
A. Just the one, Nathan. The other one, she was just there at one time I think with Beth.
Q. Well, there were four children, correct?
A. Three.
Q. All right. Nathan and two girls?
A. Right.
Q. And you don't remember their names?
A. The one I believe, since you brought up Pat Sackoll, it would have been her little daughter who was two years old. And I inappropriately touched her.
Q. She was only two years old?
A. Yes.
Q. Were you ever confronted by the parents of these children while you lived in Oroville?
A. No.
Q. They didn't know about it, correct?

7

Defendants Did Not Report Child Abuse

Although evidence supports the claim that Watchtower Defendants routinely failed to report accusations of sexual abuse to law enforcement, in California as of January 1, 1997, clergy members were added to the list of "mandatory reporters" pursuant to California Penal Code § 11165.7(a)(32).

As found in the documents on pg. 9 of Plaintiffs' Opposition to Watchtower Defendants' Motion to Strike in All Coordinated Cases, and on pgs. 8-9 in Plaintiffs' Opposition to Watchtower Defendants' Demurrers in All Coordinated Cases, Defendants excused their conduct of not reporting childhood sexual abuse in California by their own appointed agents on the claim that they were not required by law to do so before 1997. This defense is in regards to five of the six cases. (The seventh lawsuit in the coordinated action was filed October 2006 and not involved in the Napa coordinated action in March 2005 when the following brief was filed by plaintiffs.) Plaintiffs' attorneys put to rest Defendants' arguments thusly:

> The only case where it is alleged that Watchtower Defendants were required to report consistent with Penal Code § 11164, et. seq., is Daniel West, et. al., on behalf of Shane Pence. The remaining cases allege Watchtower Defendants' failure to report incidents of childhood sexual abuse to law enforcement as a basis of their negligent conduct. This organization **could** have actively proceeded to protect the children entrusted to their care, but **chose** not to act in the best interests of the children. Instead, they chose to protect pedophiles. Plaintiffs contend the Organization's failures to protect victims of sexual abuse by, including but not limited to, failing to notify law enforcement is negligent conduct.
>
> Plaintiffs contend that a reasonably prudent organization, like the Watchtower Defendants, should have notified Plaintiffs, Plaintiffs' families, and law enforcement that pedophiles were sexually abusing children within their Organization.[20]
>
> This cause of action has been asserted on behalf of Shane Pence, only, in the Daniel West, *et* a/., matter. As alleged in that complaint, Shane was abused by the perpetrator after January 1, 1997. As of January 1, 1997, Clergy members were added to the list of "mandatory reporters" pursuant to Penal Code § 11165.7(a)(32). Shane alleged that from approximately 1992 through 1997, he was sexually abused by Timothy Silva. (See West Amended Complaint at ¶¶ 26 and 57.) Shane also alleged that the Watchtower Defendants had actual and/or constructive knowledge as early as 1987 that Silva, who they appointed to a position of authority, was using his position of authority to sexual abuse children entrusted to their care. (See West Amended Complaint at ¶¶ 22 and 57.) The California Child Abuse and Neglect Reporting Act, enumerated in California Penal Code **§**11164, et. seq., became effective January I, 1997, which mandated that members of the clergy report suspicions of abuse to law enforcement. Shane alleged that the Watchtower Defendants failed to report to law enforcement the abusive and illegal acts of their agent, Silva, both prior to and after Shane was abused. (See West Amended Complaint at ¶ 58.)
>
> Shane was abused after Penal Code **§** 11164, et. seq., was enacted and Defendants failed to report this abuse to law enforcement, despite their mandatory

[20] Plaintiffs' Opposition to Watchtower Defendants' Motion to Strike in All Coordinated Cases, p. 9, filed 3/15/05.

> obligation to do so. They failed to uphold their legal duty, which allowed Silva to continue abusing Shane.[21]

Yes, Defendants claimed they did not report child abuse before 1997 because they were not required by law to do so. However, after the law was passed they still did not report child abuse if they could get away with it. For all practical purposes, the rationale behind Defendants and the rest of this religious group to not report child abuse has always been "to not bring reproach upon God's name and his organization," and not expressly to protect pedophiles, although it appears there were exceptions. But what does the expression, "…not bring reproach," mean in real terms?

To gain adherents, the Witnesses maintain their group is a brotherhood where "true" Christian love exists; where members are superior in morals and values than adherents are in other religions. Members insist Witness beliefs make for better husbands, better wives and better children. Without a doubt, negative publicity would spoil that carefully crafted image and hamper conversion to the religion. Insular religions such as Jehovah's Witnesses are communities closed to "worldly gaze," who do not want others to know they are not as they portray themselves to outsiders. They are like dysfunctional families who keep family secrets out of a misguided sense of loyalty, not wanting neighbors to know what really goes on behind closed doors.

Another reason why Jehovah's Witnesses were not encouraged to report child sexual abuse, which is difficult for non-Witnesses to comprehend, is because Witnesses viewed sexual child abuse as a "sin" not a crime; Men who molested were sinners—not criminals—and there were rules in place how to deal with sinners, although attitudes have changed on this subject due to recent negative publicity. Speaking of Witness rules, read what one prominent Watchtower official, Richard Abrahamson, now deceased, who taught at one of the 1994 Kingdom Ministry Schools, told elders on November 26th: "The principle of two witnesses must stand when dealing with any accusation of wrongdoing. On the other hand if there is a clear case of child abuse that has substance it would be handled *as any other charge of judicial wrongdoing in the congregation.*" Clearly, this leaves out reporting child abuse to the authorities.

Even after exposure of hidden child abuse within the Witness organization, elders, who are "clergy" for the group, are still not instructed to report child sexual abuse in states where it is not mandated for clergy do so, and even now do not *encourage* members to report child abuse to the authorities. However, since at least the 1970s, Witness elders were mandated to report child abuse accusations to Watchtower leaders who promulgated very specific policies, the most important of them was that elders had to call Watchtower's "Legal Department" for direction when there were allegations of child sexual abuse. Elders were required to gather evidence, question witnesses and render judgments about what punishment, if any, would be imposed on a child abuser. They were forbidden from revealing the results of their investigations to law enforcement authorities, but would report the results of their investigation to the Watchtower Legal Department.

[21] Plaintiffs' Opposition to Watchtower Defendants' Demurrers in All Coordinated Cases, pgs. 8-9, filed 3/15/05

However, these **policies were designed *to prevent cooperation*** with secular investigators. For instance, when an elder called the Legal Department he would be asked what state he lived in. If that state required clergy to report child abuse to law enforcement, a recommendation was made that the elder make an *anonymous call from a telephone booth* with another elder looking on. They were instructed to "Keep a written record of who made the call, to whom it was made, the date and time of the call, and other pertinent factors. This record should then be signed by the two elders and placed in congregation files as proof that a report of child abuse was made in compliance with the law." No doubt this was done so that law enforcement authorities would be unable to contact them for more information. And since state reporting laws do not specify the way or how clergy should report, it appears the requirements in the Telememo form are done this way for only one reason—to protect Watchtower leaders—not to protect children from a dangerous sexual predator.

In 2001, when NBC *Dateline* was preparing its news program about child sexual abuse within the Witness organization, one of Jehovah's Witnesses was arrested for child sexual abuse in Fayetteville, Tennessee. One of the Witness children he had molested was the daughter of a friend of ours. The event had happened about nine years previously. I phoned our friend who told me she reported the molestation to the elders when it first happened. "Leave it in our hands," she was told, which she did. Nine years later, when the Fayetteville, Tennessee, Witness molester was arrested, she inquired if the elders had reported her daughter's molestation to the police, she was told that one of the elders was assigned to call the authorities from a phone booth and the other elders assumed he had done just that. My friend thought it curious that she was never contacted by the police, but over the years, assumed that the elders were handling things correctly until another girl who was molested by the same man mustered up enough courage to go to the police.

I remember thinking how odd it was that a call was made to the police from a phone booth. Kingdom Halls had telephones. Elders had telephones at home, so why call from a phone booth? But I thought no more about it until recently when I found within court documents from California a form entitled, "Child Abuse Telememo," published by the Watchtower Society. This form is completed by a member of the Legal Department when an elder calls Watchtower to report child abuse. Amazingly, that phone booth directive is found in the Telememo as a suggestion to elders if they lived in a clergy-mandated reporting state.

Among many survey questions found written on the Telememo form is one very inappropriate question: "How many elders felt that the victim was somewhat at fault or willingly participated in the acts?" This one and the other survey questions clearly show the depth of investigative action elders were expected to be involved with.

Through the discovery process, Plaintiffs' attorneys were able to procure from Defendants Watchtower four of the blank forms that were used until 1994. What Plaintiffs' attorneys really wanted were completed Child Abuse Telememo forms involving one of the victims of child abuse they were representing. Defendants refused to provide such as explained by Watchtower Attorney, Mario F. Moreno:

> 3. There are four blank forms (dated 1989; 1992, 1993, and 1993, respectively) contained in Exhibit 3 to plaintiffs' discovery motion no. 3 concerning the Watchtower

> Legal Department. Watchtower NY earlier produced each of those forms in discovery, and each was stamped "CONFIDENTIAL" prior to being produced. The Watchtower Legal Department and its attorneys used one of these forms when taking calls from congregation elders who sought legal advice from the Legal Department on child abuse matters from about July 1989 until about 1995. Each of these forms, when used, was completed by attorneys and legal assistants working under the attorneys' legal supervision within the Legal Department after attorneys and their legal assistants obtained information through confidential and privileged communications with congregation elders as clients of the Legal Department. The completed forms are used by attorneys in the Legal Department to assist in providing legal advice to the elders as clients of the Legal Department and document the legal advice given to the congregation elders. Thus, any such completed forms retained in the Legal Department contain confidential and privileged information obtained through confidential and privileged communications between a Legal Department attorney and a client of the Legal Department. As such, disclosure in this litigation or otherwise of any such completed forms or of the information contained in any such completed forms would necessarily result in the disclosure of confidential and privileged communications between a Legal Department attorney and a client of the Legal Department. In addition, disclosure of any summary that might have been prepared by the Legal Department of any of the confidential and privileged information contained in the completed forms would likewise result in the disclosure of confidential and privileged communications between a Legal Department attorney and a client of the Legal Department or potentially of attorney work product information.[22]

On October 16, 2006, Judge Raymond Guadagni ruled in favor of the Defendants saying, "…any compilation of information, as from the 'survey questions' constitutes attorney work product and is not discoverable." This meant that *completed* forms were protected under the attorney-client privilege.

[22] Declaration of Mario F. Moreno In Support of Church Defendants' Opposition To Plaintiffs' Motion to Compel PMK Deposition and Document request regarding the Legal Department, p. 2, filed September 29, 2006.

SRS000000090

Legal

CHILD ABUSE TELEMEMO

Service ____

1. Date and time of telephone call: _____
2. Person handling call: _____
3. Name and phone number of caller: _____
4. Congregation name, city, and state of caller: _____
5. Name, age, and congregation status of offender: _____
6. Name, age, and congregation status of victim: _____
7. Briefly describe the nature and extent of abuse: _____

CONFIDENTIAL

8. When did the abuse occur? _____
9. Is victim in same home with offender? _____
10. What efforts are being made to protect victim? _____
11. Has a report been made to authorities? YES-☐ NO-☐
12. Give details of how reported: _____
13. Who else has knowledge of abuse? _____
14. Have any elders been contacted by authorities for testimony or cong. records? YES-☐ NO-☐
15. Direction given:

NONREPORTING ☐

The elders have no duty to report child abuse under the _____ child abuse reporting law. Whether others who have knowledge make a report or pursue the matter legally is a personal decision. We explained the Society's policy of confidentiality and directed the elders to contact the Legal Department if they are subpoenaed. We had no legal objection to the elders handling this matter as they would any other case of serious wrongdoing. The elders should refer to the *Awake!* issues on child abuse (6-22-82, 1-22-85, 12-22-86, 10-1-83) in giving appropriate spiritual assistance to the family. Positive steps should be taken to prevent further abuse. The elders should monitor the situation carefully for the protection of other potential victims.

REPORTING ☐

The elders have a duty to report child abuse under the _____ child abuse reporting law. They should speak to the offender directly and find out if he is willing to turn himself in. If he is unwilling, there may be someone else who has knowledge of the abuse who will make a report. If no one who has knowledge of the abuse is willing to make a report, two elders should make an anonymous phone report from a neutral location, such as a phone booth. They should keep a written record of who made the call, to whom it was made, the date and time of the call, and other pertinent factors. This record should then be signed by the two elders and placed in congregation files as proof that a report of child abuse was made in compliance with the law. We explained the Society's policy of confidentiality and directed the elders to contact the Legal Department if they are subpoenaed. We had no legal objection to the elders handling this matter as they would any other case of serious wrongdoing. The elders should refer to the *Awake!* issues on child abuse (6-22-82, 1-22-85, 12-22-86, 10-1-83) in giving appropriate spiritual assistance to the family.

16. Other direction: _____
17. Follow up required: _____

See Reverse Side ☐

1989

WTNY 00566

SRS000000092

DESK: *Legal* *Service*

CHILD ABUSE TELEMEMO

Date of telephone call:

Person handling call:

Name of caller:

Congregation name, city, and state of caller:

Name, age, and congregation status of offender:

Name, age, and congregation status of victim:

Briefly describe the nature and extent of abuse:

CONFIDENTIAL

Direction given:

Follow up required:

1992

WTNY 00568

SRS000000093

Legal

CHILD ABUSE TELEMEMO

Service ____

1. Date and time of telephone call: _____
2. Person handling call: _____
3. Name and phone number of caller: _____
4. Congregation name, city, and state of caller: _____
5. Name, age, and congregation status of offender: _____
6. Name, age, and congregation status of victim: _____
7. Briefly describe the nature and extent of abuse: _____

CONFIDENTIAL

8. When did the abuse occur? _____ ☐ Confessed ☐ Denied ☐ Unknown
9. Is victim in same home with offender? _____
10. What efforts are being made to protect victim? _____
11. Has a report been made to authorities? YES-☐ NO-☐
12. Give details of how reported: _____
13. Who else has knowledge of abuse? _____
14. Have any elders been contacted by authorities for testimony or cong. records? YES-☐ NO-☐
15. Direction given:

NONREPORTING ☐

Elders have no duty to report child abuse under the _____ child abuse reporting law. Whether others who have knowledge make a report or pursue the matter legally is a personal decision. We explained the Society's policy of confidentiality and asked the elders to review the letter of July 1, 1989. Encourage parties not to involve the congregation if authorities investigate. Contact the Legal Department if they are subpoenaed. No legal objection to the elders handling this as any other case of serious wrongdoing. The elders should refer to the letter of March 23, 1992, and use the articles cited on child abuse in giving appropriate spiritual assistance to the family. (See also *Awake!* 10-8-93) Treat victim with extreme thoughtfulness and kindness. Is it necessary to make the sexual abuse victim, who is still a minor, confront the accused? Positive steps should be taken to prevent further abuse. The elders should monitor the situation carefully for the protection of other potential victims.

REPORTING ☐

Elders have a duty to report child abuse under the _____ child abuse reporting law. They should speak to the offender directly and find out if he is willing to turn himself in. If he is unwilling, there may be someone else who has knowledge of the abuse who will make a report. If no one who has knowledge of the abuse is willing to make a report, two elders should make an anonymous phone report from a neutral location, such as a phone booth. They should keep a written record of who made the call, to whom it was made, the date and time of the call, and other pertinent factors. This record should then be signed by the two elders and placed in congregation files as proof that a report of child abuse was made in compliance with the law. We explained the Society's policy of confidentiality and asked the elders to review the letter of July 1, 1989. Encourage parties not to involve the congregation if authorities investigate. Contact the Legal Department if they are subpoenaed. No legal objection to the elders handling this as any other case of serious wrongdoing. The elders should refer to the letter of March 23, 1992, and use the articles cited on child abuse in giving appropriate spiritual assistance to the family. (See also *Awake!* 10-8-93) Treat victim with extreme thoughtfulness and kindness. Is it necessary to make the sexual abuse victim, who is still a minor, confront the accused? Positive steps should be taken to prevent further abuse. The elders should monitor the situation carefully for the protection of other potential victims.

16. Other direction: _____
17. Follow up required: _____

See Reverse Side ☐

1993

WTNY 00569

SRS000000094

18. Additional comments: _____

CONFIDENTIAL

SURVEY QUESTIONS

1. What action has been taken by the elders? _____
2. How long have the elders known of the accusation before calling Legal? _____
3. Have the elders reviewed the letter of:

	Yes	No
July 1, 1989	___	___
March 23, 1992	___	___
February 3, 1993	___	___

4. Have previous accusations been made against the accused? _____
5. Has the child received a medical examination? _____
6. What person brought this charge to the elders? _____
7. Where did any conversations with the child occur? _____
8. Did the elders talk directly with the child? _____
9. How many elders felt that the victim was somewhat at fault or willingly participated in the acts? _____

WTNY 00570

SRS000000095

CM PROFILE

Attorney-Client Privileged

CONFIDENTIAL

Legal:

1. Date entered:
2. Caller's name:
   Congregation:
3. Accused:
   Congregation:
   Date of Birth:
   Did he ever serve as an elder, ministerial servant, or pioneer? ○ No ○ Yes
   When did he serve? In what capacity?
   Relationship(s) of accused to victim(s)?
4. Victim(s):
   Congregation:
5. Who reported:
   Relationship of reporter to victim? to accused?
6. Have elders spoken with the accused? ○ No ○ Yes
   Under what circumstances?
   Admitted to elders? Denied? ○ Confessed ○ Denied ○ Unknown
7. Briefly, the nature and extent of abuse:
8. Categorize the abuse:
9. When did abuse occur?
10. Now living in same home? ○ No ○ Yes
11. Other minors living in same home?
12. What efforts to protect victim(s)?
13. Reported to authorities? ○ No ○ Yes
    Give details of how reported:
14. Who has knowledge of abuse?
15. Elders contacted by authorities? ○ No ○ Yes
    Direction given: See Statutes book
16. Other direction:
17. Comments...
18. Follow-up description:
    Follow-up date:

Service:
Person handling call:
Phone number:
City: State:
Congregation status:
Date of Baptism:
Age:

Congregation status:
Age:
When first told elders:

1993

WTNY 00571

No Child Abuse Reporting Policy

Plaintiffs' attorneys requested of Defendants to provide the "Person most knowledgeable (PMK) regarding any and all policies that the Jehovah's Witness organization had for handling accusations and proof of child sexual abuse from 1970 to the present." Watchtower Defendants complied by supplying Gary N. Breaux, a Watchtower Service Department representative. He was deposed on November 15, 2005 by Plaintiffs attorneys. Pertaining to reporting child abuse, this is the way the deposition reads:

> Q. But you've also told us that the elders are not trained in the type of investigative techniques that law enforcement employs. True?
>
> A. That's right.
>
> Q. So my question is – is not directed at anybody other than the – than the expectation of what the elders should do. My question is simply this: Why don't the elders, as soon as they receive an allegation of child sexual abuse pick up the phone and call the police and ask the police to come in and investigate?
>
> A. You're speaking of prior to '94?
>
> Q. Yes, sir.
>
> A. Well, it would depend—many states didn't require it. And the position of the body of elders is to – care for that individual within the confines of the congregation. But at times it did require individuals to call the authorities.
>
> Q. Okay.
>
> A. And certainly the family and those – those that are knowledgeable of it to inform the authorities for extra protection.
>
> Q. But prior to 1994, it was not the policies – I don't know what the policy is after '94 and I'm not suggesting what it is after '94. But at least up through 1994, it was not the policy of the Jehovah's Witnesses to have the elders pick up the phone and call the police and have them come over and investigate allegations of child sexual abuse across the board, was it?
>
> A. ***Well, no, it was not a policy***, but it doesn't mean that the congregation didn't do something to protect. Certainly they didn't encourage people not to call the authorities.[23]

[23] Exhibit 2, Excerpts Of Deposition Of Gary N. Breaux, pgs. 97-8, 11/15/05, Motion #3, Memorandum Of Points And Authorities In Support Of Motion To Compel PMK Deposition And Document Request Regarding The Legal Department, filed 9/15/06.

8
Watchtower Legal Department Represents Service Department

A little known fact about Watchtower's Legal Department is their attorney-client relationship with the "…various corporations of Jehovah's Witnesses in the United States, the Governing Body of Jehovah's Witnesses, the United States Branch Committee, other departments at the United States branch offices in New York, congregations of Jehovah's Witnesses in the United States, including congregations in California, and the elders of those congregations." This situation then makes it next to impossible to see communications between the Legal Department and any of the above. This is how Mario Moreno described the situation to the judge:

> The Watchtower Legal Department is and functions as in-house legal counsel for Watchtower NY, similarly to in-house legal departments for private companies and corporations. The Watchtower Legal Department has a number of attorneys who serve as associate general counsel or associate legal counsel in the Legal Department. The Watchtower Legal Department's clients include various corporations of Jehovah's Witnesses in the United States, the Governing Body of Jehovah's Witnesses, the United States Branch Committee; other departments at the United States branch offices in New York, congregations of Jehovah's Witnesses in the United States, including congregations in California, and the elders of those congregations. The Watchtower Legal Department thus has an attorney-client relationship with the United States Service Department and congregations and their elders. The Watchtower Legal Department considers its lawyers' communications from, to, and with the United States Service Department and congregations and their elders to be confidential and privileged under the attorney-client privilege and any other applicable privileges. As a congregation elder and as associate general counsel for the Watchtower Legal Department, it is my understanding and belief that United States Service Department and congregation elders who have communicated with the Watchtower Legal Department attorneys for legal advice consider those communications to be privileged and confidential: and the attorneys in the Legal Department in fact frequently remind the elders that their communications with the Legal Department are privileged and confidential under the attorney-client privilege.[24]

It is for the above reasons why Plaintiffs' attorneys were unable to have the court order Defendant Watchtower of New York provide them with *completed* Child Abuse Telememo forms.

I'm reminded of something I heard around late 1991 when I was part of the Watchtower's Writing Department staff. One very exasperated senior Watchtower writer, in this matter of the child abuse revelations which were back then coming to a head, told me that copies of all correspondence regarding child and domestic abuse that came into the Service Department were to go to the Legal Department. He said the Service Department had messed up things 'so royally' in the past that the Governing Body decreed that the Legal Department had to be informed of every abuse case. Back then I certainly thought that was a good idea, but now since I know that elders and the Service Department are all clients of Watchtower's Legal Department, it is

[24] Declaration of Mario F. Moreno In Support of Church Defendants' Opposition To Plaintiffs' Motion to Compel PMK Deposition and Document request regarding the Legal Department, p. 2, filed September 29, 2006.

apparent that this arrangement protects the Society by making it very difficult for members who sue the Watchtower Society to be able to compel them to supply documentation of what actually transpired between elders, the Service Department. I find this arrangement very telling because in the matter of sexual child abuse there must have been something to hide just as Defendants' Watchtower, et al. **secret** out-of-court settlements with sixteen victims indicate. How extraordinary it is to me that Watchtower leaders protect everybody in their hierarchy except any "harmed" members whose past donations made it possible for the leadership to survive in their ivory tower.



9

Chief Watchtower Spokesman J. R. Brown's Deposition

On September 15, 2005, Defendants' attorney, Robert J. Schnack, received Plaintiffs' Notice of Deposition for the deposition of J.R. Brown who was the Director of the Office of Public Information for Watchtower Bible and Tract Society of New York, Inc. Subsequently, Defendants sought a protective order from the court ordering that J.R. Brown not be required to sit for deposition.

Along with two other briefs, on September 30, 2005, Defendants' attorney filed a document named, DECLARATION OF J.R. BROWN… where J. R. declared as follows:

> I am the Director of the Office of Public Information for Watchtower Bible and Tract Society of New York, Inc. I am legally competent in all respects and make the following statements from personal knowledge, or on information and belief where so stated.
>
> On information and belief, in or about April or May 2002, the Office of Public Information was made aware of a facsimile inquiry from Betsan Powys of the British Broadcasting Corporation ("BBC") regarding a television segment the BBC planned to air that would address Jehovah's Witnesses and how they handle child abuse matters. The letter did not inquire about the coordinated California lawsuits. A responsive letter, which did not contain information regarding the coordinated California lawsuits, was prepared to Betsan Powys of BBC Panorama sometime prior to May 9, 2002. As the Director of the Office of Public Information, I was asked to sign the letter, which I did. However, **I have no unique or superior personal knowledge regarding the subject matter of how Jehovah's Witnesses generally handle child abuse matters addressed in the letter that I signed,** nor did I perform any personal research in regard to Betsan Powys and the BBC's inquiry. My only function was to sign the letter, as the Director of the Office of Public Information.
>
> I am now aware that there are coordinated lawsuits pending in California and that plaintiffs have issued notice requesting my deposition. I have no personal knowledge regarding the coordinated California lawsuits or of the facts alleged in the complaint. I was not involved in the handling, supervision, or management of the coordinated California lawsuits, of which I have no personal knowledge.
>
> If called to testify in deposition, I would not be able to testify regarding any unique or superior personal knowledge related to the contents of the May 9, 2002 letter describing how Jehovah's Witnesses generally handle child abuse matters. Neither would I be able to testify regarding the coordinated California lawsuits, of which I have no personal knowledge.
>
> I declare under penalty of perjury under the laws of the State of New York and California that the foregoing is true and correct, except where it states upon information and belief, where I am informed and believe the information is true and correct.[25]

[25] Declaration of J.R. Brown In Support Of Motion For Protective Order Regarding The Deposition Notice For J.R. Brown, filed 9/30/05.

To get the sense of what J. R. Brown is referring to, a copy of his letter to Betsan Powys of BBC's program, *Panorama,* is reproduced on the following pages.[26]

For the record, J. R. Brown's job assignment at Jehovah's Witnesses world headquarters when I was in the Writing Department from 1989 through 1992 is open to discussion in light of his statement, "*I have no unique or superior personal knowledge regarding the subject matter of how Jehovah's Witnesses generally handle child abuse matters addressed in the letter that I signed.*".

After publishing the October 8, 1991 *Awake!* journal which contained excellent articles related to child sexual abuse, the Watchtower Society received thousands of letters in response. Many of these letters were provided to Harry Peloyan, the Editor of the *Awake!*, by personnel working in a department named Writing Correspondence which at that time came under the direction of the Writing Department with Governing Body member, Lloyd Barry, as "overseer." Writing Correspondence was located at the other end of the Writing Department's floor from where my office was located. It was in Writing Correspondence where many of the child abuse letters were read, dealt with accordingly, and then scanned into computers for archiving purposes. The man who managed that area back then was J. Richard Brown, who has been the Watchtower Society's official spokesman for quite some time now. He was Director of the Office of Public Information in September of 2005 when he submitted his Declaration. J. R., as everyone calls him, directed, to the best of my knowledge, the activities of about eight men and three or four women in Writing Correspondence.

As far as I know, men in Writing Correspondence were there to review and answer communiqués addressed to the Watchtower Bible and Tract Society that were restricted to material found somewhere in Watchtower literature meant for public distribution. Furthermore, some of J. R.'s men staffed the phones. They were there to answer questions that were related to material found in Watchtower literature, whether it was theological or otherwise.

The Writing Correspondence team, including J. R. Brown, was aware of the huge response to the child abuse articles in the *Awake!*. Two of the staff, men who had been at headquarters for fifteen years or more, were told to discontinue their in-depth phone discussions related to repressed memories, Multiple Personality Disorder (MPD), now called Dissociative Identity Disorder (DID), and ritual/Satanic abuse. They were removed from their jobs because of not adhering to strict regulations regarding their involvement with these issues. Both men were extremely sympathetic to the plight of child sexual abuse victims. To my knowledge they used personal time to study all sides of the problem which put them in a good position to help

[26] Declaration of Robert J. Schnack In Support Of Church Defendants' Motion For Protective Order Regarding The Deposition "Subpoena of J. R. Brown, Received, September 30, 2005, Exhibit 1.

WATCH TOWER
Bible and Tract Society of Pennsylvania
Office of Public Information
25 Columbia Heights, Brooklyn, NY 11201-2483, U.S.A.
Phone (718) 560-5600 Fax (718) 560-5619

Original via fax

May 9, 2002

Betsan Powys
BBC Panorama

Dear Ms. Powys:

This is in response to your fax of April 30, 2002, in which you advise us that BBC-TV is preparing a program on the way Jehovah's Witnesses handle child abuse matters. You have kindly offered us the opportunity to be interviewed on-camera; however, we must respectfully decline.

We are not opposed to giving interviews in general; however, it is likely that among those whose views will be expressed on your broadcast will be some persons who are Jehovah's Witnesses. In our view, it would be neither proper nor Scriptural for us to place ourselves in what might turn out to be an adversarial position with our Christian brothers and sisters in a public setting. (1 Corinthians 6:1-8; Ephesians 4:2) We trust that you will understand our position in this regard.

Although unable to participate in an interview, we are certainly willing to comment on the questions that you raised in your fax. We note that these center almost exclusively on the nature of the records that we keep on alleged child abusers. You tell us that it is vital that we answer your questions on our record-keeping procedures because of the "very serious nature of the allegations made to the programme," although you do not specify what the allegations are. First of all, however, please allow us to comment on the way that child abuse accusations are handled by Jehovah's Witnesses. We realize that you did not ask us to touch on this aspect; nevertheless, it is essential that we comment on it to provide an appropriate, frank answer.

In the United States, when any one of Jehovah's Witnesses is accused of an act of child abuse, the local elders are expected to investigate. The procedure is as follows. Two elders meet separately with the accused and the accuser to see what each says on the matter. If the accused denies the charge, the two elders may arrange for him to have the opportunity to confront the accuser in their presence. If during that meeting the accused still denies the charges and there are no others who can substantiate them, the elders cannot take action within the congregation at that time. Why not? As a Bible-based organization, we must adhere to what the Scriptures say, namely, "No single witness should rise up against a man respecting any error or any sin . . . at the mouth of two witnesses or at the mouth of three witnesses the matter should stand good." (Deuteronomy 19:15) Jesus reaffirmed this principle as recorded at Matthew 18:15-17.

When the branch office receives an allegation of child abuse, a check of the records might reveal that similar, uncorroborated allegations were lodged against the same person in the past, perhaps when he was living in another part of the country. When a second credible allegation by a different person is lodged against the same individual, the elders are authorized by the Scriptures to handle the case.

However, even if the elders cannot take congregational action, they are expected to report the allegation to the branch office of Jehovah's Witnesses in their country, if local privacy laws permit. Again, privacy laws permitting, a record is made at the branch office that the individual has been accused of child abuse. Each branch office of Jehovah's Witnesses keeps its own records, if that is allowed by local jurisdiction. In the United States we do not have records of child abusers who live in other lands. If privacy laws do not allow such records to be kept, the elders do whatever is permitted within the law to see to it that children are protected. The aim is to balance the right to privacy of the individual with the overriding need to protect the safety of children.—1 Timothy 5:19.

In addition to making a report to the branch office of Jehovah's Witnesses, the elders may be required by law to report even uncorroborated or unsubstantiated allegations to the authorities. If so, we expect the elders to comply. Additionally, the victim may wish to report the matter to the authorities, and it is his or her absolute right to do so. In the United States, reporting requirements vary from state to state. It can be quite a challenge to keep abreast of the reporting requirements, but our Legal Department makes every effort to do so.

If, when confronted, the accused confesses that he is guilty of child abuse, the elders take appropriate action. If he is not repentant, he will not be permitted to remain a member of the congregation. Even if he is repentant—is cut to the heart, and is thus resolutely determined to avoid such conduct in the future—what was stated in the January 1, 1997, issue of *The Watchtower* applies. The article said: "For the protection of our children, a man known to have been a child molester does not qualify for a responsible position in the congregation. Moreover, he cannot be a pioneer [full-time missionary of Jehovah's Witnesses] or serve in any other special, full-time service." (1 Timothy 3:2, 7-10) We take such action because we are concerned with maintaining Bible standards and protecting our children. Everyone in our organization is expected to meet the same requirements, namely, to be clean physically, mentally, morally, and spiritually.—1 Corinthians 7:1; Ephesians 4:17-19; 1 Thessalonians 2:4.

In a few instances, individuals guilty of an act of child abuse have been appointed to positions within the congregation if their conduct has been otherwise exemplary for decades. All of the circumstances would need to be considered carefully. Suppose, for example, that a long time ago a 16-year-old boy had sexual relations with a consenting 15-year-old girl. Depending upon the U.S. jurisdictions where he lived when this happened, elders are required to report this as an incident of child abuse. Let us say that twenty years have passed. The child abuse reporting law may have changed; he may even have married the girl! Both have been living exemplary lives and they are respected. In such a rare case, the man could possibly be appointed to a responsible position within the congregation.

Our procedures have been refined over time. Our policy over the past several years has been that at least twenty years must have passed before an individual who committed an act of child abuse could even be considered for appointment to a responsible position in the congregation, if ever. The Bible teaches that individuals can repent of their sins and "turn to God by doing works that befit repentance," and we accept what the Bible says. (Acts 26:20) Still, the safety of our children is of the utmost importance, so we realize that the local elders must be very careful when recommending individuals who may have been guilty of an act of child abuse in the distant past.

You have been told that here in the United States we have compiled a list of 23,720 names of child abusers. That is false. First of all, the total number of names in our records is considerably lower

than that. In addition, it is not meaningful to focus on the number of names we have in our records. This is because our figures include the names of many persons who have only been accused of child abuse whereas the charges have not been substantiated. We keep these records to document our compliance with what the law requires in many U.S. jurisdictions. Also included on our list are allegations made on the basis of so-called "repressed memories," the validity of which many authorities challenge. Then there are the names of persons who have been accused of abusing children before becoming Jehovah's Witnesses as well as individuals who have never been baptized Witnesses but whose names we are obliged to keep because of their association with the Witnesses. (An example of this would be a non-Witness father or step-father who is accused by his Witness children or step-children of abusing them.) To be safe, we also list the names of persons who may or may not be considered as child abusers, depending upon the jurisdiction where they live (for example, that 16-year-old boy who had sexual relations with the consenting 15-year-old girl). The name of an individual who was guilty of voyeurism or involved with child pornography, as further examples, would also be included on the list. And, to be sure, the list also includes names of persons who are actually guilty of child abuse. We do not apologize for keeping such records here in the United States. Apart from being legally needed, they have been very helpful to us in our efforts to protect the flock from harm. (Isaiah 32:2) Christian parents can rightly feel secure in the knowledge that such efforts are made to screen out possible child abusers from appointment to responsible positions within the congregation.

Ms. Powys, please do not conclude that we believe that our system is perfect. No human organization is perfect. But we do believe that we have a strong, Bible-based policy on child abuse. Anyone in a responsible position who is guilty of child abuse would be removed from his responsibilities without hesitation. We certainly would not knowingly transfer him to serve elsewhere.

Child abuse is abhorrent to us. Even one abused child is one too many. At least since 1981, our journals, *The Watchtower* and *Awake!*, have featured articles to educate both Witnesses and the public regarding the importance and need to protect children from child abuse. Among others, there was the article "Let Us Abhor What Is Wicked!" published in the January 1, 1997, issue of *The Watchtower*; "Help For the Victims of Incest" in the October 8, 1993, *Watchtower*; "Your Child Is in Danger!", "How Can We Protect Our Children?", and "Prevention in the Home," all in the October 8, 1993, *Awake!*, as well as "Child Molesting—Every Mother's Nightmare" in the January 22, 1985, *Awake!* Over the years, as we have noted areas where our policies could be strengthened, we have followed through. We are continuing to refine them.

We trust that you will find the information in this letter to be helpful. As you will note, we have responded to the broad issues you raise rather than providing specific answers to your detailed list of questions. We note that you sent a similar list of questions to our offices in London. We understand they are answering your questions in accordance with their procedures and adherence to British law. With every good wish, I am,

Very truly yours,

J. R. Brown
Director
Office of Public Information

JRB:nt

victims with advice, something totally frowned upon by most of the Governing Body.

I should add here that I was not privy to the details of what actually transpired to cause the final order transferring **Michael St. Jean and Ricki Hutson to menial jobs** at headquarters. Certainly, J. R. Brown was privy to all the details. However, I do know it had to do with not obeying Lloyd Barry, who had ordered them to cease and desist from their therapy-like help to those suffering the effects of child sexual abuse. I was told Lloyd Barry was pressured by other members of the Governing Body to act accordingly.

Most of the letters I read from abuse victims were provided to me by Harry Peloyan. In the beginning I didn't know where he obtained the correspondence, but later on when Harry fully trusted me, and after he had enlightened people in Writing Correspondence that I was working with him, he sent me over to that area to pick up some especially sensitive or particularly horrific letters. One time, Harry directed me to go to J. R. Brown's office. When J.R. saw me coming, he got up from his desk chair and came out of his office to personally hand me some letters. Two women in his staff were sitting at their desks just a few feet from where we were standing. They stopped work and chimed into our brief exchange about the amazing amount of letters generated by the Awake! abuse articles and about the extraordinary information found within the letters.

One time I remember receiving a folder containing a twenty-three page, single-spaced typewritten letter from one of J. R's crew. The author of that dreadful letter described her sister's abuse and her own abuse starting when they were toddlers. She became a baptized Witness after marriage although both of her alcoholic Satanic Cult member parents were disfellowshipped Witnesses. Surviving a childhood of some of the most vile treatment I've ever read about, marriage brought stability and happiness until circumstances caused terrifying emotional upheaval resulting in horrifying memories and multiplicity or "splitting" of personalities. After a diagnosis of MPD, she said the elders expressed support and compassion and were of great comfort to her. She added special thanks for the help she received from the Witness she spoke to on the phone at headquarters in Writing Correspondence. He offered her scriptural counsel, whereupon, she said, she learned to trust in God completely for help. Another time when she called, this same person walked her through what she believed was demon harassment by one of her alters. It was an extraordinary letter meant to show appreciation for the help she had received, yet little did she know that the help given was frowned upon by this man's superiors.

Surely, J. R. Brown was not ignorant of the developments as they unfolded "…regarding the subject matter of how Jehovah's Witnesses generally handle child abuse matters," especially since he is and has been the Watchtower Society's spokesperson for many years and the handling of child sexual abuse has been an issue within headquarters since 1991 when he was director of Writing Correspondence.



10

Watch Tower's Secret Payment

Watch Tower Bible and Tract Society of Pennsylvania has operated an insurance program named Kingdom Hall Assistance Arrangement (KHAA) throughout the United States since 1989.[27] Plaintiffs' attorneys sought information about KHAA doing business in California. Through discovery, Defendant Watch Tower of Pennsylvania was ordered to provide Plaintiffs' attorneys KHAA ledger sheets for claims and payments. Recorded therein can be found a claim of interest. In the column titled, *Brief Description*, **Elder misconduct** is listed. In the column titled, *Incident*, the date lodged is 01/01/1989. In the *Insured* column, the name of the insured is Red Bluff Congregation, CA. The amount was for $50,000.

Note Plaintiffs' remarks below:

> b. KHAA and Risk Management
>
> Watch Tower Pennsylvania has been engaged in the insurance and risk management business in California for over 25 years. Watch Tower Pennsylvania relating to the Jehovah's Witnesses organization's business through its insurance programs (including K W) during the relevant time periods, Watch Tower Pennsylvania collected millions of dollars from California for the purchase of insurance policies. Additionally, Watch Tower Pennsylvania operated a Risk Management business that included investigating and discretionarily paying claims in California. **Those claims include a significant payment by Watch Tower Pennsylvania for "Elder Misconduct" by one of the Track I defendant Elders.**
>
> Through the narrowly drawn discovery requests listed below, Plaintiffs have attempted to discover the details of this significant California contact. Plaintiffs seek information regarding Watch Tower Pennsylvania's risk management business, the processing of claims made to Watch Tower Pennsylvania from California and the process for investigating and paying claims in California. [28]

The Track I Cases involved co-defendant James Henderson in *Tim W*, and co-defendant Alvin Heard in *Wimberle Gutierrez, et al. v. Watchtower, et al.* As can be seen from the Check Ledger sheet found below, the issuing date of the $50,000 payment was February 14, 1996.

[27] Deposition of Alexander Reinmueller, pg. 121, August 25, 2004, Exhibit B, attached to Declaration of Robert Schnack In Support Of Watch Tower Of Pennsylvania's Response In Opposition To Motion To Compel Discovery, filed 3/14/05.

[28] Plaintiffs' Reply Brief in support of Motion to Compel, pg. 7, dated 3/30/05.

KHAA claims 1996 - 2003 / TX and CA 05/28/2004 - Page 1

Reported	Brief Description	Incident	Insured	BI Incu	BI Out.	PD Inc	PD Out.
	Termites / Mold / Asbestos		Arden - Sacramento, CA (21170)			$10,448.	$0.00
	Broke into the shed of KH.		Bayview San Francisco, CA (130930)			$21,731.	$0.00
	Pipe burst flooding KH		Dumas, TX (129866)			$3,135.5	$0.00
	Mold		East - Sacramento, CA			$1,307.2	$0.00
	Mold		Las Plumas - Oroville CA # 20164			$3,008.5	$0.00
	Mold		Northgate - Sacramento CA # 21261			$2,407.0	$0.00
			Vasona Park - Santa Cruz CA			$50.00	$0.00
	Elder misconduct	01/01/1989	Red Bluff Cong, CA	$50,000.	$0.00		
	Vehicle collision at stop sign	07/01/1994	Mira Loma Assembly Hall	$36,738.	$0.00		
	Windstorm damaged roof	02/01/1996	North Red Bluff CA (20727)			$1,168.1	$0.00
	Fell on driveway	02/19/1996	Reseda CA Cong	$10,000.	$0.00		
	Tripped over bookbag	03/01/1996	Green Haven Cong Sacramento CA	$1,200.0	$0.00		
	Fell on wheelchair ramp	05/21/1996	North Spanish Cong, Turlock, CA	$0.00	$0.00		

WTPA 00265

Checks (MultiperFilters) 05/31/2004 - Page 10

Reimbursing	Date Req	Number	Amount	Date Issue	Payee	Incident
	02/20/2001	401298	$6.00	02/23/2001		12/22/20
	03/22/2001	401371	$3,000.00	03/29/2001		12/22/20
	03/22/2001	401371	$94.80	03/29/2001		12/22/20
	05/05/2001	401441	$1,721.51	05/09/2001		12/22/20
	03/15/2002	401908	$1,654.18	03/19/2002		12/22/20
	12/21/1998	400056	$210.00	12/24/1998		12/05/19
	01/13/1999	400100	$172.00	01/15/1999		12/05/19
	01/13/1999	400102	$361.00	01/15/1999		12/05/19
	11/24/1998	400015	$925.00	11/26/1998		04/27/19
	01/03/2003	ACH-2003218	$125.00	01/08/2003		12/28/20
	01/24/2003	ACH - 203022	$4,219.51	01/29/2003		12/28/20
	02/06/2003	ACH - 200023	$700.00	02/12/2003		12/28/20
	03/07/2003	ACH - 200024	$575.00	03/13/2003		12/28/20
	10/05/1999	400525	$545.93	10/08/1999		07/04/19
	08/11/1999	400436	$155,000.0	08/12/1999		08/22/19
	09/30/1998	89805	$836.00	10/06/1998		08/22/19
	04/04/1996	19827	$50,000.00	02/14/1996		01/01/19
	11/12/1996	247163	$260.99	11/15/1996		02/19/19

WTPA 00259

Using these ledger sheets, Plaintiffs' attorney questioned acting director of the Treasury Department, Alex Reinmueller,[29] about a $50,000 payment made to the Red Bluff Congregation for "Elder misconduct":

Page 362
A. REINMUELLER
2 Q. 265?
3 A. Your question again?
4 Q. Do you see that on that page,
5 there is a whole list of types of claims?
6 A. Yes.
7 Q. In fact, this document is full
8 of different types of claims that the
9 Kingdom Hall Assistance Arrangement has
10 paid in California, correct?
I1 A. That's correct.
12 Q**. Do you see in the middle of the**
13 **page an item "elder misconduct"?**
14 A. Yes.
15 Q. Do you have any idea what kind
16 of elder misconduct that was?
17 A. No, I don't.
18 Q. **Do you see that this says the**
19 **Red Bluff Congregation California?**
20 A. Yes, I see that.
21 Q. Do you have any understanding as
22 to whether or not the Red Bluff
23 Congregation contributed funds to the
24 Kingdom Hall Assistance Arrangement?
25 A. I cannot say specifically…

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11 …from Watch Tower Pennsylvania's insurance
12 desk back to the congregation?
13 A. The congregation likely would
14 have contacted the risk management desk
15 with particulars of the situation, and the
16 risk management desk would have
17 communicated back to determine what
18 assistance would be needed.
19 Q. How many people are available to
20 answer that phone at the insurance desk?

[29] In August of 2004, Alex Reinmueller was, according to his words, "…the acting overseer of the treasurer's office which operates through Watchtower of New York but provides financial services to Watch Tower of Pennsylvania and has done so for the years in question." In answer to the question, "For how long have you been the acting overseer of the treasurer's office?" Mr Reinmuller replied, "For six months." Further, in answer to the question, "Prior to that six months, in what way were you affiliated with Watch Tower Pennsylvania?" Mr. Reinmuller replied, "I was the accounting overseer for the accounting office in Watchtower of New York for about nine years, and provided all of the accounting services to Watch Tower of Pennsylvania." Information found in Deposition of Alexander Reinmueller, pgs. 15, 17-18, August 25, 2004, Exhibit B, attached to Declaration of Robert Schnack In Support Of Watch Tower Of Pennsylvania's Response In Opposition To Motion To Compel Discovery, filed 3/14/05.

21 A. There are, um, five that would
22 answer the phones.
23 Q. Has always been a handful,
24 like five, or less?
25 A. Probably less. Five is probably…

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1 A. REINMUELLER
2 the most we've had.
3 Q. Is there a high turnover at the
4 desk, or has it been pretty much the same
5 people?
6 A. There has been a considerable
7 turnover through the years.
8 Q**. Would there be records to**
9 **determine who could have processed this**
10 **particular elder misconduct claim at the**
11 **legal -- at the insurance desk?**
12 **A. I'm not certain.**
13 **Q. If I wanted to know more about**
14 **that particular elder misconduct, what**
15 **records exist?**
16 A. Likely would be the computer
17 database records what we're looking at
18 here, which would be the payment. There'd
19 likely be a file of the correspondence
2O with the congregation. From 1989, I'm not
21 certain whether that file still exists, if
22 the file is complete. I couldn't say that
23 specific file still exists, but likely in
24 a typical case, there would be a file with
25 the correspondence…

Page 365
1 A. REINMUELLER
2 Q. And where would that file be
3 kept?
4 A. In our office.
5 Q. That is a file that you would
6 have access to if you were asked to access
7 it?
8 A. Yes.
9 Q. Are you familiar with any claim
10 ever being paid out of the Kingdom Hall
11 Assistance Arrangement in California for
12 child sexual abuse?
13 A. I am not personally aware.
14 Q. **Do you know whether or not child**
15 **sexual abuse is a claim that the Kingdom**
16 **Hall Assistance Arrangement is available**
17 **to cover?**
18 A. **Yes. I believe if there was a**
19 **claim, that Kingdom Hall Assistance**

Arrangement would be available to cover.
Q. And that would be true in California, correct?
A. Yes.
Q. **Do you have any idea whether this particular elder misconduct was child**

Page 366
A. REINMUELLER
sexual abuse?
A. I do not.
Q. **Before this amount of $50,000 was paid, what information or processing went into deciding that that would be the appropriate amount?**
MR. SCHNACK: He's already testified he's not aware of it. Are you asking him in general terms what I1 might happen?
Q. I'm just asking what that process might look like.
A. This particular case?
Q. In a case such as this?
MR. SCHNACK: He's asking in general terms.
A. In general terms, there would be communication with the congregation. There would be communication with legal counsel. Depending on the circumstances, there may also be communication with a higher-up. Immediate oversight, before making a final decision.
Q. When injury in California, and

Page 367
A. REINMUELLER
there is a number of them listed on this document, involves someone who was not a Jehovah's Witness, would there customarily be a settlement agreement or release document created?
A. Customarily, if there is a settlement agreement, there would be a release document executed.
Q. And who would prepare that document?
A. The legal counsel appointed to work on that particular file.
Q. Would there potentially be a legal counsel in the legal department or a legal counsel appointed in California?
A. That's correct.
Q. And would a copy of that

19 settlement agreement, if one were created,
10 be kept in the file in your office?
21 A. Yes. I believe that would be
22 the case.
23 Q. And it would be fair for me to
14 assume that if your file contained a
15 settlement agreement, it would also

Page 368
1 A. REINMUELLER
2 contain the rest of the correspondence
3 that was involved in that claim being
4 processed?
5 A. Yes, as I've already indicated.
6 **Q. So with respect to this**
7 **particular elder misconduct claim that was**
8 **paid, if, in fact, Red Bluff Congregation**
9 **was not a participant in the Kingdom Hall**
10 **Assistance Arrangement, then the monies**
11 **being paid to resolve this particular**
12 **claim would have been contributions from**
13 **other congregations, correct?**
14 A. That's correct.
15 Q. Administered by Watch Tower
16 Pennsylvania, correct?
17 A. Yes.[30]

Overview-KHAA Ins. Program From Reinmueller Deposition

Congregations of Jehovah's Witnesses throughout the United States voluntarily contribute to the KHAA program. The suggested contribution is $4.50 annually per member. The total number of members in each congregation is multiplied by $4.50 and divided by 12. This is the amount paid in monthly payments. The KHAA fund is used to purchase commercial excess insurance to protect the congregations and Watch Tower Pennsylvania

When the KHAA program came into existence in 1989, Watch Tower Pennsylvania continued to purchase commercial insurance, but there was a high self-insured retention amount. If the amount of the claim was above the self-insured retention, then the insurance company was liable. Interestingly, "claims against elders and ministerial servants performing assigned work on behalf of the congregation" were included as covered by KHAA. This would explain why Reinmueller said KHAA would cover child sexual abuse claims.

One claim found on a Watch Tower Pennsylvania ledger sheet was for $142,256 paid out of the KHAA fund which indicates that the self-insurance retention was obviously high. Inasmuch as Reinmueller said Watch Tower people investigate claims for large amounts, this would enable them to make secret settlements for claims based on *criminal* "elder misconduct" without anyone calling in the authorities.

[30] Reinmueller Deposition, pgs. 334-36, 341, 345-6, 353-55, 362-368, 374.

Red Bluff Congregation, California, was the place the claim for $50,000 for "elder misconduct" originated from in 1989. Although the record did not say the claim was for child sexual abuse, Plaintiffs' attorney indicated as much when he said "elder misconduct" was committed by one of the Track I Defendant elders**.** Without additional information, it is impossible to discover why he was not turned over to the authorities.

The payment of the claim was made sometime early in 1996, a little over a year after District Overseer, Don Amy, wrote a letter to the Watchtower Society in December 1994 about elder/molester, James Henderson. Which man, James Henderson or Alvin Heard was guilty of "elder misconduct"? Henderson moved to Red Bluff in 1981 where he lived until his arrest in 1994. He molested a number of boys during those years, but was not removed as an elder until 1994. It would seem if KHAA received a claim of $50,000 in 1989, Henderson would have been removed as an elder if the Defendants thought he was responsible for a claim of this size.

Alvin Heard molested *Guitierrez* From 1977 through 1981, and her brother, *Wimberly,* from 1980-1982. This was in the Red Bluff area where he also molested three Herman children and was accused by parents of other children. In his deposition, Alvin Heard stated that beginning in 1985, he lived in Oroville, then Chico, California. He moved to Paradise, California in 1988 and lived there until 1991 when he moved to Susanville, California. Heard moved to Rapid City, S. Dakota in 1992 where elders knew he was a molester. In 1998, he molested two boys in S. Dakota. By 2004, Heard was in jail in Klamath Falls, Oregon.[31]

Heard's predatory behavior was known for over two decades by the Defendants. In the *Wimberley Gutierrez, et al. v. Watchtower, et al.* case that was settled by Watchtower in February 2007, the original complaint states that molester Heard used his position of authority to repeatedly sexually abuse these Plaintiffs. The charge of "elder misconduct" could have been referring to sexual abuse committed by Alvin Heard when he was an elder and lived in the Red Bluff area from the late 70s until he moved to Oroville around 1985. Perhaps one of Heard's Red Bluff victims came forward to the Red Bluff elders when he/she was older to accuse him of sexual abuse, although he no longer lived in the area and had not been an elder or ministerial servant for many years. Thus, KHAA was sent a claim for $50,000 by the Red Bluff congregation to quietly compensate the alleged victim. Perhaps one day, someone will come forward to clear up the mystery.

Watch Tower's Out-Of-Court Secret Settlements

Inasmuch as Reinmueller's deposition sheds light on what kind of claims KHAA insurance covers, it is assumed that the recent child sexual abuse settlements paid in early 2007 were covered by Watch Tower Pennsylvania self-insured program and if the amount was above the retention amount, a commercial insurance company would pay the rest of the estimated total of thirteen million dollars in settlements.[32]

[31] Alvin Blanchard Heard Deposition, pgs. 25-32, 41-48, 2/17/06, taken at Two Rivers Correctional Institution, Umatilla, Oregon. Deposition attached as Exhibit 5 to Memorandum of Points and Authorities in Support of Motion to Compel PMK Deposition and Document Request Regarding General Discovery Matters, dated 9/15/06.

[32] **Note from Barbara Anderson**

It is worth noting Defendants' legal battle early on was to have Watch Tower Pennsylvania removed as a Defendant from the earliest filed lawsuits, but their strategies failed when California courts ruled Watch Tower did have personal jurisdiction in that state because of doing business there. And what business was that? Why, operating in California an insurance and risk management business, Kingdom Hall Assistance Arrangement (KHAA), for over twenty-five years.

Suppose California courts had dismissed Watch Tower Pennsylvania as a Defendant, but not the other Jehovah's Witness Defendants, it is assumed that Watch Tower Pennsylvania would still have had to pay lawsuit settlement amounts since they provide the insurance coverage on all congregations in the United States. Either way, each Jehovah's Witness, approximately one million people across the nation, provided a voluntary donation of $4.50 annually to the Watch Tower Pennsylvania KHAA insurance program that ended up paying compensation for the incompetence of their religious leaders who, without a doubt, were responsible for organizational policies and regulations which protected child predators. If my calculations are correct, it took nearly four years of KHAA donations from one million Witnesses to pay settlement amounts. For each person that does not amount to very much, but that money could have been spent to further their ministry work, not to compensate victims of crime.



Through an oversight by court personnel, I received thirteen pages of court-sealed settlement information. By request of the Superior Court in Napa County to not publish the sealed pages, I included them in the CD but blocked out the text leaving exposed only the name of the documents.

This request is documented in a letter dated June 27, 2007 from Stephen A. Bouch, Court Executive Officer of the Superior Court of California, County of Napa. A copy of Mr. Bouch's letter is found in the CD and follows the thirteen sealed but blocked out pages. This letter should not be confused as being part of the Charissa et al. coordinated lawsuits case file. Mr. Bouch's letter was issued post-lawsuit settlement/dismissal as a result of the court releasing documents Mr.Bouch stated should have been sealed.

These thirteen pages contain details of settlement offered by the Watchtower Bible & Tract Society of New York, Inc. and accepted by **one** plaintiff involved in one of the lawsuits coordinated under the Charissa et al. case. The Watchtower settled with this plaintiff for slightly over three quarters of a million dollars. Settlement documents were signed and dated February 2, 2007 and February 3, 2007. They were filed with the court on February 5, 2007. There were sixteen plaintiffs involved in the nine cases settled during February 2007. Due to information I can not disclose, I believe that the Watchtower paid each victim approximately the same amount and that is why I have stated that the total out-of-court settlement figure was nearly thirteen million dollars.

Disclaimer: There was approximately a ten (10) day span between the Napa Court sending these documents and later requesting their deletion. During this period several copies were distributed to several individuals and organizations. This author has no control over how these documents might be used.

11

The Straw That Broke The Camel's Back

In the beginning of my commentary, I did not discuss what the proverbial "straw that broke the camel's back" was for me which caused my complete disillusionment with a religion that totally engulfed my life. But it had to do with responsibility.

For nearly five years, from autumn of 1991 until the end of 1996, I lost lots of sleep over the thought that leaders of Jehovah's Witnesses bore responsibility for many kids being molested. How so? Because they allowed men, who were known to them to have a record of accusations of molestation, and, in some cases, actual confessed molesters, to remain in authority positions within Witness congregations. And all of this unknown to Jehovah's Witnesses. Finally, in 1997, the mouthpiece magazine of the Witness organization, the *Watchtower*, contained an article, Let Us Abhor What Is Wicked, in which the following statement is found:

> For the protection of our children, a man known to have been a child molester does not qualify for a responsible position in the congregation. Moreover, he cannot be a pioneer [missionary type work] or serve in any other special, full-time service.[33]

For me it was a relief to finally see the Governing Body of Jehovah's Witnesses finally taking this step to make life safer for Witness children. At that time I read a newspaper interview with a judge who discussed her own child sexual abuse by her parents, prominent people in the Miami, Florida area. She spoke of experiencing memories of her abuse as an adult when something triggered her to remember what she had pushed out of her mind for many years. I cut out the article and sent it to the *Awake!* editor, Harry Peloyan. Along with the article, I attached a note where I wrote of my appreciation for his efforts to get the Witness organization to this point where molesters could no longer qualify for a responsible position in the congregation.

Within a few weeks, I received a letter from Harry that changed the direction of my life. He acknowledged that the January 1 *Watchtower* on the view of child molesters by the Witnesses was like a breath of fresh air, but the change came "after more than 5 years of blood, sweat, and tears."

Harry could not understand how some people at headquarters could "…have been so ignorant (or worse)," and why some fought against publishing anything on the subject. He commended Watchtower's Legal Department's "help to set the record straight." If Watchtower "had continued on their blind course," he said there would have been "*more megabuck lawsuits*" [italics mine], and if any elder protected molesters, "the Society would not protect them."

However, Harry's concluding thought was so extraordinary that it literally caused me to have to sit down to calm myself when he wondered who would answer for Witness children's lives ruined by "baptized Witness molesters" because of the past five years of inaction by those who

[33] *Watchtower*, January 1, 1997, p. 29.

had the power to change things. Harry added that his conscience was clear because of his efforts to bring about change.

It was then that I realized, without a shadow of a doubt, that the men I personally knew and respected, those who were in positions of authority over the lives of six million people, were responsible for more kids being raped, sodomized and brutalized because of their inaction during the previous five years. Because of the work I had done in the Writing Department to inform the Governing Body of the sexual child abuse problems within the Witness organization, there was no excuse for this inaction. To my way of thinking, their ethics and morals were so compromised that I could no longer in good conscience remain in association with the group. It didn't take long for me to realize the next point—God was not with these people—so I called it quits.

I know I did the right thing when later I read the confidential letter the Witnesses' Service Department sent to all bodies of elders dated, March 14, 2007, dealing with the question "Who Is A 'Known Child Molester"? There it stated, "An individual '*known*' to be a *former* [italics mine] child molester has reference to the perception of that one in the community and in the Christian congregation." If the congregation knew a man had been a molester, the letter went on to say, he would not be respected or might even stumble some. The communiqué did not say, but it's obvious—if no one knew a man had molested and he had a fine reputation in the community, he could qualify for privileges in the congregation. And that's exactly what happened. Also, men, who led seemingly "godly" lives, remained in their "privileged" position if the community and the congregation did not know they had molested or were accused of molestation in the past.

The letter further pointed out, "Others may have been guilty of child molestation before they were baptized. The bodies of elders should not query individuals." Not only did the Witness organization not do background checks on men who became authority figures, they would not "query" them to see if they had been guilty of molestation before baptism.

The position the Watchtower Society took in regards to a "known" child molester fit well with their other policy—the three-year rule: No need to remove a man as elder or ministerial servant if he led a "godly life" for at least three years after he had sinned in a sexual way and hid that sin.

Jehovah's Witnesses' Policy on Dealing With Child Abuse

In July of 2002 the Watchtower Society issued a video news release through its department known as Jehovah's Witnesses Office of Public Information. This release was in response to adverse media coverage. It contains interviews with four individuals making statements about the Watchtower Society's policy on child abuse. Three of these individuals hold powerful positions within the organization. J. R. Brown is identified as Organizational Spokesman for Jehovah's Witnesses. Philip Brumley is identified as General Counsel for Jehovah's Witnesses. But, curiously, David Sinclair is only identified as Congregation Elder. Contrary to Brown and Brumley's introduction as Watchtower officials, this news release omits any mention that David

JEHOVAH'S WITNESSES

OFFICE OF PUBLIC INFORMATION

Transcript of Video News Release
J. R. Brown, Organizational Spokesman for Jehovah's Witnesses
Dr. M. Ruth Infante, Psychiatrist, Psychopharmacologist
David Sinclair, Congregation Elder
Philip Brumley, General Council for Jehovah's Witnesses

Jehovah's Witnesses' Policy on Dealing With Child Abuse

Mr. Brown: We have a very aggressive policy to handle child molestation in the congregations. And it is primarily designed to protect our children. And then it also is in compliance with the laws of the land, or the state, so that there is not a conflict.

Dr. Infante: I think that's a very good policy, that the elders essentially would take charge of the situation of reporting the abuse to the authorities if there is no adult in authority, any other adult in authority to do that, to protect the child.

Mr. Sinclair: If we didn't have a policy, it might be confusing to some who have never dealt with things like that before, like I had never dealt with it before. You are not sure where to turn for help. But when you know that there is a policy in place—that you can go and get the help that's needed—that is very comforting. And then, within the congregation, through the arrangement of the congregation, you can provide the spiritual help and the encouragement to get over the difficulties that the individuals have faced in their childhood.

Mr. Brumley: There are instances when a situation that should have been reported is not. Or where care should have been extended and it was not. But to say that the policy is not followed perfectly is a far cry from saying that there exists a policy to affirmatively minimize, or hide, this problem. The policy that Jehovah's Witnesses have on how to handle cases of child molestation is without equal in the religious community.

Released July 2002

Sinclair holds the most powerful position among the three. David Sinclair is a Director of the Watchtower Bible and Tract Society of New York, Inc. He is a Zone Overseer the Watchtower Society sends throughout the world to inspect and supervise its overseas operations. He also holds a position the religion calls "Given One" which position is second only to sitting Governing Body members.[34]

Considering all the preceding information, the Watchtower Society's general counsel, Philip Brumley makes an interesting statement in this press release. He states,

> "There are instances when a situation that should have been reported is not. Or where care should have been extended and it was not. But to say that the policy is not followed perfectly is a far cry from saying that there exists a policy to affirmatively minimize, or hide, this problem. The policy that Jehovah's Witnesses have on how to handle cases of child molestation is without equal in the religious community."

Brumley's statement suggests to the public, and to Jehovah's Witnesses, that the Watchtower Society has no policy to affirmatively minimize, or hide, the problem of pedophilia among Jehovah's Witnesses. In this case several questions arise.

Why does the very press release on Watchtower policy suggesting it does *not hide information* regarding child molestation present the most powerful Watchtower official in the news release aside from his official position? Why make it appear David Sinclair is Joe Congregation Elder when in fact he holds a position one step away from the Governing Body? Why keep Sinclair's position secret?

During legal proceedings why did the Watchtower Society work so hard to block access to *blank* Telememo forms it uses to handle reports of pedophiles? Why keep these forms secret?

When local laws required its elders to report allegations of child abuse, why has the Watchtower Society never disclosed to rank and file Jehovah's Witnesses that it directed these elders to make the reports anonymously from public telephone booths? Why keep this information secret?

When the Watchtower Society petitioned the courts to settle lawsuits stemming from sexual molestation of children, why was the court petitioned to seal the record? Why keep this a secret?

Since the Watchtower Society has a capable Office of Public Information, and since its attorney Philip Brumley states the Society's policy on handling cases of child molestation "is without equal in the religious community," then why has the Office of Public Information offered no news release expressing settlement of lawsuits along with apologies to victims for their victimization by authorities appointed by the Watchtower Society? Why keep this a secret?

Why has the Watchtower Society never adopted a doctrinal position to *always encourage* victims of child molestation to report the crime? For that matter, why has the Watchtower Society never adopted a doctrinal position whereby its congregation elders are *always to report*

[34] *Watchtower*, April 15, 1992, pgs. 12-17, 31.

allegations of child molestation to local authorities so neighbors would have at least some opportunity for protection from child predators? Why keep this information secret?

These questions and the documentation made available present compelling information leading to a conclusion the Watchtower Society does indeed have a culture that seeks to hide and/or minimize the victimization of children among Jehovah's Witnesses.

Why do members of the world headquarters of Jehovah's Witnesses (called Bethel) continue to tolerate this conduct by officials of the Watchtower Society?

It is time for Jehovah's Witnesses to demand the resignations of the men who have been responsible for rules that endangered children and who have been instrumental in putting Jehovah's Witnesses in crisis.

