
Submission in support of
complaint to the New York
State Attorney General, via
the New York State
Legislature, requesting a
special Charities Bureau
investigation into
Watchtower Bible & Tract
Society of New York, Inc., et
al. in relation to serious
allegations of unlawful
conduct and the covering up
of criminal activities
committed by up to 775
United States citizens

May 14, 2018

Submission lodged in
support of complaint by
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Submission in support of complaint to the New York State Attorney General, via the New York State Legislature, requesting a special Charities Bureau investigation into Watchtower Bible & Tract Society of New York, Inc., et al. in relation to serious allegations of unlawful conduct and the covering up of criminal activities committed by up to 775 United States citizens

Submission to the New York State Attorney General via the New York State Legislature

This submission in support of complaint is respectfully submitted to the Attorney General, for the purpose of requesting that the Attorney General avail herself or himself of all enforcement powers to bring action to remedy a decades-long hostile child sexual abuse environment and corporate cover up, a pattern of *quid pro quo* child sexual abuse and failure to prevent child sexual abuse, and routine misuse of corporate resources and charitable donations for unlawful ends that extended from in or about March 14, 1997 through to at least May 14, 2018, so as to:

- Commence wrongdoing investigations (public or confidential) into fraudulent practices and child abuse cover up involving up to 775 appointed elders/agents carried out and undertaken by Watchtower Bible and Tract Society of New York, Inc., its directors and officers, managing agents, and related corporations headquartered in the State of New York; and
- Initiate civil proceedings against Watchtower Bible and Tract Society of New York, Inc., et al., in relation to ‘improper expenditure of money for charitable purposes’ being used in protecting up to 775 United States citizens who are known to be child molesters, of which protection is being undertaken at the direction of those giving pledges or donations to the religious charity; and
- Issue subpoenas statewide to compel attendance of witnesses and to require production of documents, being: “all letters, emails, facsimiles, or other documentary, tangible, or electronically stored information of any kind”¹ that Watchtower Bible and Tract Society New York, Inc. received in response to their ‘All Bodies of Elders’ letter dated March 14, 1997 and any replacement letters or instructions issued from that time on; so as to also
- Hold the individual members of the Governing Body of Jehovah’s Witnesses, and the officers and directors of the following listed corporations, accountable in relation to the corporate control they have over the policies and procedures of Watchtower Bible & Tract Society of New York, Inc., (“Watchtower New York”) its parent corporation, Watch Tower Bible & Tract Society of Pennsylvania, Inc., (“Watch Tower”) and related corporation, Christian Congregation of Jehovah’s Witnesses, Inc., (“CCJW”) for repeated, persistent, and egregious violations of the law, to vindicate the rights of children within the State of New York, and within the entire United States community,

¹ See Annexure A for facsimile copy of Watchtower New York’s letter to the Body of Elders dated March 14, 1997.

and within the religion of Jehovah's Witnesses, both past and present, and to prevent future recurrence of such misconduct; and to

- Hold the individual members of the Governing Body of Jehovah's Witnesses, and the officers and directors of Watch Tower and CCJW accountable for "improper activities of executors, administrators, trustees and personal representatives responsible for honoring pledges ... to a charity," namely Watchtower New York, while knowing such pledges ... to a charity are being used for the purpose of protecting 'known' child molesters within that charity at the request of those granting the pledges to the charity Watchtower New York.

EXECUTIVE SUMMARY

On 14 March 1997 Watchtower Bible and Tract Society of New York, Inc., issued a non-negotiable confidential corporate letter to its agents and officers across the United States instructing them to provide Watchtower New York with a written report on anyone who is currently serving or who formerly served in a Society-appointed position who is known to be guilty of child molestation at the time of their appointment. A total of 12 individual questions were to be answered in the report relation to the known child molester. The report was to be placed in a 'Special Blue' envelope and sent to Watchtower New York. Any potential ecclesiastical privilege (i.e. clergy-penitent) or attorney-client privilege was waived or nullified in relation to the information upon the delivery of the information to Watchtower New York.

A follow up corporate letter was issued by Watchtower New York on July 20, 1998, that reminded everyone of the need for confidentiality. The corporate letter also warned of legal considerations and that should it become known that Watchtower New York had appointed known child molesters to positions of authority over children "court officials and lawyers will hold responsible" Watchtower New York for "knowingly appoints former child abusers to positions of trust, if one of these, thereafter commits a further act of child abuse" that "could result in costly lawsuits." This corporate letter also stated in part:

"Reports indicate that some elders think this direction does not apply if before his baptism the person sexually abused a child. However, even in such a situation, the elders should write to the branch office. This is true even if what occurred was many years ago. If any body of elders has not yet reported such a matter, they should immediately do so. Furthermore, any correspondence put in the confidential congregation file about an individual accused of child molestation, proven or otherwise, should be marked 'Do Not Destroy' and be kept indefinitely."

Watchtower New York received from 1997 until 2001 a total of 775 'Special Blue' envelopes that contained the identification of 'known child molesters' that it had appointed as agents and representatives across the United States. There is no evidence that any of these men were removed from their appointed positions. Watchtower New York filed away the information and sat on it. A number of these men are known to have raped and molested children across the United States that they accessed through their Watchtower New York appointed position. Others

still hold positions of authority and responsibility over children and families by reason of their Watchtower New York appointment.

All of the 775 known child molesters were appointed to their congregation positions by a corporation, Watchtower Bible and Tract Society of New York, Inc. The 775 known child molesters were appointed on the recommendation and under the advisement of the Governing Body of Jehovah's Witnesses, an ecclesiastical body of men overseeing a church and controlling the allocation of church pledges and donations. Their appointments were not a church-only appointment per se, despite the fact that their roles were within a religious institution. The names of the 775 known child molesters are still being concealed by a corporation, Watchtower New York, and its managing agents on behalf of, and for the personal benefit those honoring pledges and donations to the religious charity of Watchtower New York, namely the New York-based individual and collective persons comprising the Governing Body of Jehovah's Witnesses.

In support of the complaint to the New York Attorney General, and the above claim summaries, this submission also explores the history of child protection in the United States, relevant New York jurisdictional corporate crime laws, and the corporate structure of Watchtower New York. This is supported through eyewitness testimonies, various case studies, and court records which prove that up to 775 known child molesters are still being protected by Watchtower New York.

New York, May 14, 2018

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Foreword

It is the intention of the following submission, background information, accompanied testimonies, and additional separate evidentiary documentation to satisfy in part the requirements of evidence in support of the complaint made to the New York State Attorney General via the New York State Legislature by the primary witness and originating whistleblower, Barbara Anderson.

New York-born Barbara Anderson is the co-author of the newly released *Barbara Anderson Uncensored: Eyewitness to Deceit* (2018) and the author of the meticulously researched and groundbreaking *Secrets of a Pedophilia in an American Religion—Jehovah’s Witnesses in Crisis* (2007).²

Note: The word ‘known’ in this document, when used in the context of allegations involving Watchtower Bible and Tract Society of New York, Inc. covering up criminal offences committed by up to 775 appointed elders/agents, carries with it the same meaning as the word “known” in the following sentence: “[G]ive the Society a report on anyone who is currently serving or who formerly served in a Society-appointed position in your congregation who is known to have been guilty of child molestation in the past,” as published on page 2, paragraph 5, of the March 14, 1997 Body of Elders letter issued by Watchtower New York. See Annexure A for facsimile copy of letter.

² Available for free download. http://watchtowerdocuments.org/documents/Secrets_Commentary_Version_2.pdf

THE BACKGROUND, THE ENVIRONMENT, AND THE ARGUMENT

Religious Corporations in the United States

Religious corporations within the United States only exist through a grant of powers in the form of a Charter approved by the State. A religious corporation may have its charter, and related charity status, seized or revoked by the state for breaching the charter, misuse of powers, or unlawful conduct.³

Much has been written over the years in relation to establishing and operating of religious corporations operating within the United States. A short bibliography of historical writings on religious corporation law pertaining to the State of New York, are found in the footnotes below.⁴

A brief history of child protection in the United States

The world's first child protection organization, the New York Society for the Prevention of Cruelty to Children, was established in 1875 as a nongovernmental organization.⁵ However,

³ "Only a sovereign power can create a corporation, and this power now rests with the legislative branch of the state governments and of the federal government. Prior to the American revolution religious corporations were created either by royal charter or by provincial authority derived from the crown. After the revolution they were incorporated either by special acts of the state legislatures or under the provisions of general statutes. In its charter are contained the organic law of a corporation and the legal evidence of its right to the exercise of corporate franchises. When incorporation is effected under the provisions of a general statute, the terms of such a statute applicable to that particular corporation are by law read into its charter. Such a charter is a grant of powers by the State, and it also has the nature of a contract in such a sense that it cannot thereafter be altered or revoked without the consent of the corporation unless the State has reserved to itself the right so to alter or revoke. The general statutes under which religious corporations can now be formed in most of the American states contain provisions authorizing the legislature to alter, amend, or repeal any charter granted. Another limitation of corporate powers is that charters granted to corporations by the State may be seized either for non-use or misuse of powers. Further, the granting of a charter does not prevent a state from exercising to a reasonable extent its police or judicial powers. In some states the duration or life of a religious corporation is limited by statute. If no limit is specified, the corporation may enjoy a perpetual existence. The life of a religious corporation dates in law from its organization, not from the time it began to exercise its corporate powers. That a religious corporation is a corporation de facto may be proved by showing the existence of a charter at a prior time, or by showing some law under which it could have been created and an actual use of the rights claimed to have been conferred. Where such a body has for a number of years and in good faith exercised the privileges of a corporation, its legal incorporation will be presumed. If the statute which provides for the incorporation of religious societies does not make incorporation obligatory upon such societies but merely prescribes the mode of incorporation, in case there is no evidence that a society took any of the steps prescribed or assumed to act as a corporation, its incorporation under the statute will not be presumed. But a mere use of corporate powers limited to the maintenance of religious observances is not sufficient to establish a corporation de facto (Van Buren vs. Reformed Church, 62 Barb. N. Y. 495)." George James Bayles. *The New Schaff-Herzog Encyclopedia of Religious Knowledge*, Volume IX. 1953 edition. Published by Baker Book House. <https://www.ccel.org/s/schaff/encyc/encyc09/htm/iv.vii.cxli.htm>

⁴ Further reading on religious corporation law: W. H. Roberts, *Laws Relating to Religious Corporations: Collection of the general Statutes of the States and Territories*, Philadelphia, 1896; *Laws Relating to General Religious and Non-Business Corporations* (New York), Albany, 1899; R. C. Cumming, *Membership and Religious Corporations*, ed. A. J. Danaher, ib. 1900-04; C. T. Carr, *General Principles of the Law of Corporations*, New York, 1905.

⁵ "A Short History of Child Protection in America" by John E.B. Myers. *Family Law Quarterly*, vol. 42, no. 3, Fall 2008, page 449. https://www.americanbar.org/content/dam/aba/publishing/insights_law_society/ChildProtectionHistory.authcheckdam.pdf

prior to this date it was not unknown for the New York's Attorney General's office to take a proactive approach to protecting the interests of children such as in the case of the indictment and prosecution of Amos Broad in 1809 for assaulting and beating a slave and her three year old daughter.⁶ It wasn't until the early 20th century that a public call was made for both state and federal governments to focus on child protection services as an arm of social services. In 1935 Douglas Falconer wrote the following in commenting on the best proactive approach towards child protection:

“For many years responsibility for child protection was left almost entirely to private agencies ... Great sections of child population were untouched by them and in many other places the service rendered was perfunctory and of poor standard ... The belief has become increasingly accepted that if children are to be protected from neglect the service must be performed by public agencies.”⁷

In 1962 pediatrician Henry Kempe and his colleagues published one of the first articles dealing with the subject of child abuse within America, “*The Battered Child Syndrome*.”⁸ Further, in 1962 Congressional amendments to the Social Security Act placed a greater emphasis on child protection.⁹ By the end of the 1960's laws had been enacted in nearly all states that placed the responsibility for child protection in the hands of the government.

Despite a state and federal shift towards governmental responsibility as to child protection, in 1973 U.S. Senator Walter Mondale wrote in a letter, "Nowhere in the Federal Government could we find one official assigned full time to the prevention, identification and treatment of child abuse and neglect."¹⁰ Congress responded with the passage of the Child Abuse Prevention and Treatment Act of 1974 (CAPTA).¹¹ With the availability of federal funding state investigators were able to respond to, and investigate allegations of child abuse, including physical abuse, neglect, and sexual abuse.

By the end of the 1970's the prevalence of child sexual abuse within society was starting to be reported by mainstream media. In his 1979 book “*Sexually Victimized Children*” researcher David Finkelhor warned that:

“Child protection workers from all over the country say they are inundated with cases of sexual abuse ...Public outrage, which has for several years focused on stories of bruised

⁶ See Henry C. Southwick, The Trial of Amos Broad and his Wife, on three several indictments for assaulting and beating Betty, a slave, and her little female child Sarah, aged three years (1809), *reprinted in* Free Blacks, Slaves, and Slave Owners in Civil and Criminal Courts: The Pamphlet Literature, at 179-209 (Paul Finkelman ed., 1988)

⁷ Douglas P. Falconer, “Child and- Youth Protection” in 3 Social Work Yearbook, pages 63-65. (Fred S. Hall ed., 1935).

⁸ See C. Henry Kempe et al., *The Battered-Child Syndrome*, 181 J. AM. MED. Assoc. 17 (1962).

⁹ Public Welfare Amendments of 1962, Pub. L. No. 87-543, § 528, 76 Stat. 172, 172.

¹⁰ Letter of Transmittal from Walter F. Mondale to Harrison A. Williams (Mar. 15, 1974), in *Questions and Answers on Children and Youth of the Committee on Labor and Public Welfare*, Child Abuse Prevention and Treatment Act, S. 1191, 93rd Cong. pt. VII (1974).

¹¹ Pub. L. No. 93-247, 88 Stat. 4 (1974).

and tortured children, is shifting to a concern with sexual exploitation. Between 1977 and 1978 almost every national magazine had run a story highlighting the horrors of children's sexual abuse.”¹²

Corporate crime in the State of New York

From the 1930's through to the 1980's various laws were drafted and passed that protected religious organizations and charities. At the time these laws were put in place law makers were not fully aware of the prevalence of child sexual abuse within religious communities, and the extent of the cover up by religious leaders, churches, and various related religious corporations.

In 1948 the Columbia Law Review published an article entitled “Corporate Criminal liability in New York.” This article, while exploring the development of corporate criminal liability, stated:

“At one time the legal mind found it inconceivable that a body corporate could be guilty of a crime. With the growth of the industrial corporation during the latter half of the nineteenth century, however, the conviction developed that such associations could be held criminally responsible. Indeed, the decisions of New York with which this Note is concerned indicate that, under the present state of law, a corporation may be liable or almost any crime perpetrated in connection with corporate activities. Neither perplexities of procedure nor of statutory interpretation nor any manner of corporate action have hindered this development in the law.”¹³

The New York Attorney General's current investigative and enforcement powers are quite broad under New York's Martin Act which broadly regulates the advertisement, issuance, exchange, purchase or sale of securities, commodities and certain other investments within or from New York. It authorizes the Attorney General to conduct investigations of potential securities or commodities fraud, and to bring civil or criminal actions against alleged violators of the Act¹⁴. See also New York Executive Law § 63(12).¹⁵

¹² David Finkelhor. Sexually Victimized Children (1979), page 1.

¹³ “Corporate Criminal Liability in New York.” *Columbia Law Review*. Vol. 48, No. 5 (Jul., 1948) pages 794-798. <http://www.jstor.org/stable/1118382>

¹⁴ New York General Business Law § 352.

¹⁵ New York Executive Law § 63 (12) Whenever any person shall engage in repeated fraudulent or illegal acts or otherwise demonstrate persistent fraud or illegality in the carrying on, conducting or transaction of business, the attorney general may apply, in the name of the people of the state of New York, to the supreme court of the state of New York, on notice of five days, for an order enjoining the continuance of such business activity or of any fraudulent or illegal acts, directing restitution and damages ... The word “fraud” or “fraudulent” as used herein shall include any device, scheme or artifice to defraud and any deception, misrepresentation, concealment, suppression, false pretense, false promise or unconscionable contractual provisions. The term “persistent fraud” or “illegality” as used herein shall include continuance or carrying on of any fraudulent or illegal act or conduct. The term “repeated” as used herein shall include repetition of any separate and distinct fraudulent or illegal act, or conduct which affects more than one person. In connection with any such application, the attorney general is authorized to take proof and make a determination of the relevant facts and to issue subpoenas in accordance with the civil practice law and rules. Such authorization shall not abate or terminate by reason of any action or proceeding brought by the attorney general under this section.

Watchtower New York and child protection / child abuse – the 1970's

It was during the 1970's that Watchtower New York first started publishing articles, typically in the *Awake!* magazine, that dealt with the subject of child abuse. Unfortunately these articles were primarily limited to non-sexual abuse, i.e. physical abuse, such as an article titled “*They Batter Little Children—Why?*” This article claimed that “the roots of child abuse, however, usually stem from deeper, more personal levels,” and then incorrectly deflected the cause of child abuse on the “*Effect of the 'New Morality'*” while stating that:

“Attitudes toward sexual morality have changed radically in recent years. Today it is popular for men and women to swap sexual partners at their whim. Whatever your view of this may be, did you realize that it has contributed to the increase in child abuse?”¹⁶

Watchtower New York and child protection / child abuse – the 1980's

It was not until the 1980's that Watchtower New York first drew attention to child sexual abuse. By this point in time Watchtower New York, under the direction of the Governing Body of Jehovah's Witnesses, had begun collecting and maintaining child abuse records on US citizens.

In 1982 Watchtower New York published the article “‘*Chickens*’ and ‘*Hawks*’” that sought to draw a direct link between the sexual exploitation of children and the homosexual community. The article, after putting the blame for child sexual abuse on homosexuals, then turned its attention to decrying religions:

“In spite of these Biblical denunciations, many clergymen and churches speak up for the homosexuals.”¹⁷

In commenting on this magazine during an early July 2015 video broadcast produced by Jehovah's Witnesses and Watchtower, Governing Body member, Anthony Morris III, read verbatim from the *Awake!* magazine while seeking to present a new viewpoint that Watchtower New York has always been ‘pro-active’ in making child protection a ‘top priority.’ During the broadcast Morris attempted to deflect the growing number of historical child abuse scandals being mismanaged by Watchtower New York, and by extension Watchtower Australia who were scheduled to appear before the Australian *Royal Commission into Institutional Responses to Child Sexual Abuse* commencing on July 27, 2015, by putting the blame for all manner of child sexual abuse, and child prostitution rings onto the homosexual community. At one point in the broadcast Anthony Morris III, while holding an original issue of the June 22, 1982, *Awake!* magazine up to the camera, stated that:

“It [referring to *Awake!* magazine] warned about homosexual men who prey on and advocate the right to use boys for sex. Shame on them!”¹⁸

¹⁶ “They Batter Little Children—Why?” *Awake!* 1976, 7/22 p. 7. Published by Watchtower Bible & Tract Society New York.

¹⁷ “‘Chickens’ and ‘Hawks’” *Awake!* June 22, 1982, pages 5-6. Published by Watchtower Bible & Tract Society of New York.

¹⁸ “Anthony Morris III: We Protect Our Children.” Jehovah's Witnesses Studio Talk. Official talk ID no. jwban_E_201507. Published by Watchtower Pennsylvania. 2015. https://tv.jw.org/#en/mediaitems/StudioTalks/pub-jwban_201507_2_VIDEO

In 1983 Watchtower New York published an article which focused on incestual child abuse.¹⁹

In 1985 child sex abuse by religious personnel become a national issue in the US for the first time, when Louisiana Catholic priest Gilbert Gauthe pleaded guilty to 11 counts of molestation of boys.²⁰

Just one year prior, during 1984, many religious groups within the US began recognizing that child abuse scandals, or more correctly child abuse allegations, could potentially be financially crippling to the churches. Large child abuse class action lawsuits were being considered in California and these cases were well known among religious circles.

It was in this climate that Watchtower New York, in early 1985, published a 3-part article in the *Awake!* magazine dealing with child molesting and how parents can protect their children.²¹ The irony of these articles was that at this time Watchtower New York's own child abuse data base of child molesting and abuse within the religion of Jehovah's Witnesses had thousands of individual files.²²

Watchtower New York and child protection / child abuse – the 1990's

In early 1997, the ecclesiastical Governing Body of the religion of Jehovah's Witnesses took, what appeared to be, a seemingly forward step towards preventing child sexual abuse within the religions US-based congregations.

In 1997 the individual members of the Governing Body of Jehovah's Witnesses also performed the dual function of being corporate directors of Watchtower Bible & Tract Society of New York, the legal entity that managed and administrated the religion's affairs within the USA.

On 1 January 1997 Watchtower New York pledged in print not to appoint 'former' child molesters, who were then currently serving as ministers within the religion, to any responsible positions within the individual congregations of Jehovah's Witnesses within the US and its territories.

It is worth noting that at this point in time the over-arching Watch Tower liability insurance policy, that included cover for child sexual abuse committed by appointed elders, had expired in late 1996 and was not reissued by the Royal Indemnity Company ("RIC") until after Watchtower New York published the article and pledge in early 1997 (RIC Policy number: RIW 664751).

¹⁹ "Help for the Victims of Incest." *The Watchtower* magazine. October 1, 1983, page 27. Published by Watchtower Bible & Tract Society of New York.

²⁰ Gilbert Gauthe served 10 years after pleading guilty in 1985 to 11 counts of aggravated crime against nature and other crimes. He was accused of molesting hundreds of children while a priest in New Iberia and Vermilion Parish from 1974 to 1983. http://www.nola.com/crime/index.ssf/2010/04/pedophile_ex-priest_gilbert_ga.html

²¹ "Child Molesting – Every Mother's Nightmare," "Child Molesting – 'Who Would Do a Thing Like That?'," "Child Molesting – You Can Protect Your Children." *Awake!* January 22, 1985. Published by Watchtower Bible & Tract Society of New York.

²² Deposition of Richard Ashe, person having knowledge from Watchtower Bible & Tract Society of New York. April 1, 2014. <https://youtu.be/B1-kuAnYMTU>

Personal observation by Barbara Anderson

At this point in time (1997) in the United States Watchtower New York appointed men to leadership positions within the religion of Jehovah's Witnesses based, in part, on recommendations by congregation elders. Consequently, if there were molesters appointed to ministerial ranks, by law, Watchtower New York would be legally liable since all elders were their representatives or agents.

However, since Jehovah's Witness members were not aware of child abuse lawsuits filed against their organization because of the actions of Jehovah's Witness molesters/ministers, the "*Let Us Abhor What Is Wicked*" article had to have sounded like a responsible position to take precisely at a time when other churches were embroiled in child abuse scandals for concealing clergy who were child molesters.

The article discussed the circumstances of men in the congregation who could not qualify for a leadership position: i.e. those found guilty in a court of law of child molestation before converting to the Jehovah's Witness religion. (An example of this that I am personally aware of, involves a convicted child molester who converted to the Witness religion after studying the Bible in prison through Jehovah's Witnesses prison ministry. He served ten years of a twenty-year prison sentence in the Washington State Penitentiary in Walla Walla.)

Another situation I am personally aware of involved a Jehovah's Witness adult minister who was "known to have committed child molestation after he was baptized. Although he may have lived a so-called 'godly life' after claiming repentance and was forgiven, the article pointed out that he would not qualify for a responsible position in the congregation.

It is also conceivable it was the spate of child abuse scandals among religions during the 1990's that had also indirectly influenced the directors of Watchtower New York to publish in their policy journal, *The Watchtower*, the memorable article "*Let Us Abhor What Is Wicked*."²³ The entire theme of that article zeroed in on child sexual abuse explaining:

"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."

As was happening in other religions, it was priests and ministers doing the molesting, and it was the courts penalizing the religious institutions that appointed these men to their jobs. It was also during this period of time that major religions within the US were reeling from accusations of covering up child abuse committed by priests and ministers. Insurance companies were becoming aware of this and these factors were being incorporated into their risk management and policies.

²³ *The Watchtower* magazine. January 1, 1997. Published by Watchtower Bible & Tract Society of New York.

What the January 1, 1997, *Watchtower* magazine article “*Let Us Abhor What Is Wicked*” omitted was the fact that Watchtower New York had for decades appointed men to congregational leadership positions who were known to be guilty of molestation in their past, whether before ordination as a Jehovah’s Witness minister of religion, or after, but had been ‘forgiven’ if they confessed and performed acts of repentance acceptable to Watchtower New York standards.

The blurred distinction between Watchtower New York and the Christian Congregation of Jehovah’s Witnesses

The church, i.e. the religion of Jehovah’s Witnesses, not to be confused with the New York corporation known as Christian Congregation of Jehovah’s Witnesses Inc. (“CCJW”), is an unincorporated spiritual and ecclesiastical body of individuals who adhere to the teachings and interpretations of the Bible as expounded by the Governing Body of Jehovah’s Witnesses.

For many decades the line between Watchtower New York and the religion of Jehovah’s Witnesses was blurred by reason that the Governing Body of Jehovah’s Witnesses would use the corporation to appoint elders in congregations across the US and to issue written religious and procedural instructions. This blurred line presented an opportunity to Watchtower New York to muddy the waters²⁴ in child abuse cases directly in relation to control or ownership of child abuse records. These corporate sleight of hand attempts did not go unnoticed by the courts.

In *Osbaldo Padron vs. Watchtower Bible and Tract Society of New York, Inc.*, in which the child abuse victim, Padron, sued Watchtower New York and the Jehovah’s Witnesses “for negligence; negligent supervision/failure to warn; negligent hiring/retention; negligent failure to warn, train, or educate; sexual battery; and sexual harassment,”²⁵ the discovery referee, upon considering the pleadings and evidence filed by the parties, submitted a written recommendation to the court which explained:

"The structure of the Jehovah's Witnesses is complicated, and at the risk of oversimplification, based on the evidence presented in this motion, an entity known as the United States Branch oversees the Jehovah's Witnesses in the United States through a committee known as the U.S. Branch Committee. The various activities of the United States Branch are carried out through corporations or departments. Watchtower is one of the corporations and the service department is one of the departments. The service department communicates with various Jehovah's Witnesses congregations and bodies of elders in the United States, and up until March 2001, when CCJW was formed, the service department operated through Watchtower. In March 2001, after the formation of CCJW, the service department began operating through CCJW. The evidence indicates that the creation of CCJW was primarily to reinforce the concept that the Jehovah's Witnesses are a religion as opposed to simply a printing corporation, as Watchtower

²⁴ For the most recent attempts by Watchtower New York and the Jehovah’s Witnesses to ‘blur the lines’ and to ‘muddy the waters’ through historical revisionism see *The Watchtower* magazine, February 2017 (Study Ed.). <https://www.jw.org/en/publications/magazines/watchtower-study-february-2017/who-is-leading-gods-people-today/>

²⁵ Osbaldo Padron's claims were based on his allegation that Gonzalo Campos had molested him when he was a child and Campos was an agent of Watchtower New York. Watchtower New York was aware of Campos's actions, but did not report him to the police or take any action to prevent further abuse.

[New York] was apparently being perceived, but there was no substantive change in the purpose or operation of the service department after March 2001. The service department has received responses to the March 14, 1997 Body of Elders letter²⁶ since 1997 and continuing to the present."²⁷

During the *Padron* case Watchtower New York stated at times during the case that it did and then did not have access to and possession of responsive documents (the child abuse records) created after March 2001. In commenting on the muddying of the waters by Watchtower New York, the appellate judges stated:

“We find it curious that the existence of CCJW and the March 2001 cut off only became an issue after Watchtower produced documents and Padron complained that the production was not sufficient. It appears Watchtower argued that it had access to the documents after March 2001 when it was to its benefit to support its burden argument, but only after losing that argument, it claimed to not have access to documents after a certain point of time to justify its limited production. Such gamesmanship has no place in civil discovery.”²⁸

What had happened for Watchtower New York to take the position they did?

On January 16, 2015, Padron’s attorney served a deposition notice. The request sought: "All letters, emails, facsimiles, or other documentary, tangible, or electronically stored information of any kind Watchtower Bible and Tract Society New York, Inc. received in response to the Body of Elder Letter dated March 14, 1997."

The March 14, 1997 letter instructed elders to send a written report to Watchtower New York about 'anyone who is currently serving or who formerly served in a [Watchtower New York]-appointed position in your congregation who is known to have been guilty of child molestation in the past.'

Although Watchtower New York produced some documents, Padron’s attorney claimed Watchtower New York's production was inadequate because: (1) Watchtower New York refused to produce any documents that it received after March 2001.

Watchtower New York had then claimed that the Service Department oversaw the spiritual activities of congregations of Jehovah's Witnesses in the United States. Before March 2001, Watchtower New York claimed it was the corporation through which the Service Department functioned and communicated with congregations, and that beginning in March 2001, the Service Department began using the Christian Congregation of Jehovah's Witnesses (“CCJW”) as the corporate entity through which it functioned and communicated with congregations, and as

²⁶ See facsimile copy of letter in Annexure A.

²⁷ (Super. Ct. No. 37-2013-00067529-CU-PO-CTL). Padron civil case. Page 13. <https://www.documentcloud.org/documents/4214443-Padron-Appeal-Opinion.html>

²⁸ (Super. Ct. No. 37-2013-00067529-CU-PO-CTL). Padron civil case. Page 34. <https://www.documentcloud.org/documents/4214443-Padron-Appeal-Opinion.html>

such CCJW and Watchtower New York are separate a religious corporations,²⁹ with their own respective Board of Directors and bank accounts.

Because the request only pertained to Watchtower New York and as Watchtower New York had no control over CCJW, Watchtower New York argued it only was required to produce responsive documents up until March 2001.

In reply, Padron's attorney claimed the distinction between Watchtower New York and CCJW was unimportant. Padron's attorney emphasized that Watchtower New York has access to all documents located in the Service Department and the ability to direct Service Department personnel to search for responsive documents. In addition, he pointed out that Watchtower New York "indisputably operates" a legal department and that legal department has possession of all responses to the March 14, 1997 letter. Therefore, Padron's attorney insisted Watchtower New York had to produce documents after March 2001.

In the *Padron* case the discovery referee submitted that Watchtower New York, Inc. and Christian Congregation of Jehovah's Witnesses, Inc. are alter egos of each other.³⁰ "The superior court agreed with the discovery referees recommendation and entered an order, dated March 25, 2016, adopting the recommendation."³¹

²⁹ "Religious Corporations in the United States: 1. Legal Basis. The corporation formed for the purposes of religion is an important element in American ecclesiastical organization. The American religious corporation differs in origin, function, and power from the ecclesiastical corporation known to European law which is the product of canon law, and has been developed by analogy from the corporation of the civil law based upon the Roman law. It is not an American development of the English legal ecclesiastical corporation, which is composed entirely of ecclesiastical persons and subject to ecclesiastical judicatories. The religious corporation in the United States belongs to the class of civil corporations, not for profit, which are organized and controlled according to the principles of common law and equity as administered by the civil courts. Distinction is necessary between the corporation and the religious society or church with which it may be connected. The church is a spiritual and ecclesiastical body, and as such does not receive incorporation. It is from the membership of the religious society that the corporation is formed. The corporation exercises its functions for the welfare of the church body, over which, however, it has no control. It cannot alter the faith of the church, or receive or expel members, or dictate relations with other church bodies. While the religious corporation is frequently organized to carry on some religious enterprise without connection with a local church body, the greater number of religious corporations in the United States are directly connected with some local church body, and it is in this connection that their powers and duties [should be] be considered." George James Bayles. *The New Schaff-Herzog Encyclopedia of Religious Knowledge*, Vol. IX. 1953 ed. Published by Baker Book House. <https://www.ccel.org/s/schaff/encyc/encyc09/htm/iv.vii.cxli.htm>

³⁰ The court appointed discovery referee found that Watchtower has a legal department that provides legal services to Watchtower New York, Inc., and Christian Congregation of Jehovah's Witnesses, Inc. The referee observed that Watchtower New York's legal department was physically examining each file to locate correspondence in response to the March 14, 1997 letter. The discovery referee stated that Watchtower New York had not filed any declarations or evidence refuting that it does not have access to the Service Department files either directly or through its legal department. The referee thus concluded that Watchtower New York had "access to and control of" responsive documents, even after March 2001, and recommended that Watchtower New York be required to produce those documents.

³¹ (Super. Ct. No. 37-2013-00067529-CU-PO-CTL). Padron civil case. Page 15. <https://www.documentcloud.org/documents/4214443-Padron-Appeal-Opinion.html>

First Amendment Rights vs Watchtower New York – attempts to cover up child abuse

Up until about 2001 Watchtower New York, has held and maintained child abuse records for all congregations across the US. These records are still legally controlled by Watchtower New York. A number of these files, 775 to be exact, are held within the State of New York and relate directly to known child molesters who were appointed by Watchtower New York to positions of leadership over congregations of Jehovah's Witnesses across the US.

Watchtower New York, in defending recent child abuse lawsuits within US courts, have continually claimed, almost by default in every defense brief they filed, that any and all points that Plaintiffs introduce were somehow trampling on Watchtower New York's First Amendment rights. Does a corporation, that in of itself is actually not a religion, have First Amendment rights that can be violated in relation to subpoenaing child abuse records the corporation maintains on its appointed agents? Yes, according to many corporations as reported in Newsweek.³² No, according to the courts when it relates to covering up child sexual abuse.

Many child abuse case claims against Watchtower New York are about the corporation's intentional conduct in not only covering up the abuse, but also actively preventing the reporting of this and other instances of abuse within the corporation. In a number of cases settled by Watchtower New York it had been established that the Defendant continued to appoint the particular perpetrator-agents to positions of trust and authority after Watchtower New York knew of their propensity to use the appointed positions in the organization to sexually abuse innocent children.

In arguing against Watchtower New York's attempt to hide behind the First Amendment, one Plaintiff's attorney submitted to a Californian Court in 2005 that:

“Nothing in the First Amendment prohibits this Court from addressing the Watchtower Defendant's 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 were continually appointed to positions of authority over children. Also, the First Amendment does not bar this Court from addressing the Watchtower Defendants from 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 [of Jehovah's Witnesses] to which they were appointed or reporting the abuse to the proper secular authorities.”³³

³² “Corporations Are Perverting the Notion of Free Speech.” John C. Coates IV and Ron Fein. Newsweek. August 4, 2015. <http://www.newsweek.com/corporations-are-perverting-notion-free-speech-359785>

³³ “Plaintiffs’ Opposition to Watchtower Defendants’ Motion to Strike in All Coordinated Cases, pp. 2-3, filed March 11, 2005.” *Secrets of a Pedophilia in an American Religion—Jehovah's Witnesses in Crisis*. Page 14. Barbara Anderson. 2007. Published by Watchtower Documents, LLC. http://watchtowerdocuments.org/documents/Secrets_Commentary_Version_2.pdf

In commenting on Watchtower New York's continued attempt as a corporation to hide behind the First Amendment to cover up child sexual abuse, The Centre for Investigative Reporting published an in-depth report entitled "Jehovah's Witnesses use 1st Amendment to hide child sex abuse claims." Other articles were also published.

One of these comprehensively investigated articles reported that:

"The leadership of the Jehovah's Witnesses – one of the world's most insular religions – for 25 years has instructed its elders to keep cases of child sexual abuse secret from law enforcement and members of their own congregations, according to an examination of thousands of pages of documents in recent cases.

"The religion's parent organization, the Watchtower Bible and Tract Society of New York, issued the directives in at least 10 memos dating back to 1989. Although the memos were anonymously written, Watchtower officials have testified that the organization's Governing Body approved them all.

"... Within the organization, the Watchtower has final say over who is considered a serial child abuser. According to a 2012 Watchtower memo³⁴: "Not every individual who has sexually abused a child in the past is considered a 'predator.' The (Watchtower), not the local body of elders, determines whether an individual who has sexually abused children in the past will be considered a 'predator.' "

"... Internal documents obtained by Reveal show that the Witnesses have systematically instructed elders and other leaders to keep child sexual abuse confidential, while collecting detailed information on congregants who prey on children.

"Having successfully leveraged the First Amendment as a defense of their right to not serve in the military or salute the American flag, the Jehovah's Witnesses now are using a similar legal strategy to defend policies that shield serial predators from law enforcement.

"... In the [2014] Lopez trial, the Watchtower refused to provide its list of perpetrators, in violation of an order upheld by the California Supreme Court. It also refused to provide the longest-serving member of the Governing Body, Gerrit Lösch, who was subpoenaed³⁵.

"As a result, San Diego Superior Court Judge Joan Lewis disqualified the Watchtower's defense.

"Watchtower's actions or omissions were 'reprehensible.' I think 'disgraceful' may be synonymous with 'reprehensible,' but I think 'disgraceful' doesn't say enough about it," Lewis wrote in her decision.

"The award of punitive damages against them will hopefully send a message to Watchtower and its managing agents, the Governing Body of the Jehovah's Witnesses, that their handling of sex abuse cases within their congregation was absolutely reckless.""³⁶

³⁴ <https://www.documentcloud.org/documents/1659654-jehovahs-memo-2.html>

³⁵ Sworn declaration of Gerrit Lösch, dated 4 February 2014. See Annexure F for facsimile copy of Declaration.

In reporting on the behavior of Watchtower New York during the court trial the San Diego Union-Tribune stated:

“A San Diego judge has found that the Governing Body of the Jehovah’s Witness church covered up years of sexual abuse by a local church leader and continued to put children in danger of being molested, a ruling likely to echo across the country as alleged victims from other congregations take similar cases to court.

“The church’s hierarchal body, Watchtower Bible and Tract Society of New York, was ordered Wednesday to pay Jose Lopez \$13.5 million in damages for the abuse he suffered in 1986 at the age of 7 as part of the church’s Linda Vista Spanish congregation.

“Six other men and one woman who said they also were molested by the same man, church leader Gonzalo Campos, have also sued the Watchtower but settled their cases out of court.”³⁷

The pedophile, Gonzalo Campos, was appointed to a leadership position within the Jehovah’s Witness religion by Watchtower New York, despite the corporation knowing he was a guilty child molester.

In 2017 the Californian Court of Appeals dismissed Watchtower New York’s claim of religious protection under the First Amendment and upheld a lower court order that the corporation hand over its child abuse data base.³⁸ In commenting on the behavior of Watchtower New York, the appellate judges called the corporation a:

“recalcitrant litigant who refuse to follow valid orders and merely reiterate losing arguments.”³⁹

Despite being a corporation subject to the laws of the United States and the State of New York, Watchtower New York continues to engage in a state of delusion in that it continues to believe it is a religion promising a paradise on Earth and not a religious corporation subject to the laws of Earth.

Attorney, Irwin Zalkin, in describing how Watchtower New York treats child sexual abuse survivors as an enemy, stated that:

“These guys will deny and deny, they are belligerent, they are arrogant, they treat victims as adversaries ... This is not an organization that is ready to accept the reality of what they have been doing.”⁴⁰

³⁶ “*Jehovah’s Witnesses use 1st Amendment to hide child sex abuse claims.*” Trey Bundy. Reveal from The Centre for Investigative Reporting. February 14, 2015. <https://www.revealnews.org/article/jehovahs-witnesses-use-1st-amendment-to-hide-child-sex-abuse-claims/>

³⁷ “*\$13.5M for Jehovah’s Witness sex victim.*” Kristina Davis. The San Diego Union-Tribune. October 21, 2014. <http://www.sandiegouniontribune.com/sdut-jehovahs-witness-sex-abuse-judgment-lopez-2014oct31-htmlstory.html>

³⁸ Padron Appeal Opinion. <https://www.documentcloud.org/documents/4214443-Padron-Appeal-Opinion.html>

³⁹ “*Jehovah’s Witnesses’ tab for child sex abuse secrecy: \$2M and counting.*” Trey Bundy. Reveal from The Centre for Investigative Reporting. November 16, 2017 <https://www.revealnews.org/blog/jehovahs-witnesses-tab-for-child-sex-abuse-secrecy-2m-and-counting/>

In his psychoanalysis explaining how authoritarians energize hatred, self-pity and delusion while promising heaven on Earth, Professor David Livingstone Smith explained that:

“Following in the tradition of the German philosophers Ludwig Feuerbach and Karl Marx, Freud argued that religious beliefs are illusions, yet he has a unique take: what distinguishes illusions from non-illusions, he posits, is not whether they are true or false, but how they come about. Illusions are beliefs that we adopt because we *want* them to be true. Such beliefs are usually false, but they sometimes turn out to be true ... The most compelling illusions qualify as *delusions*. Delusions are illusions that are both false and highly resistant to rational revision, because of the immense power of the wishes that fuel them.”⁴¹

Religious convictions were Freud’s foremost example of a delusion. He wrote that religious ideas “are illusions, fulfilments of the oldest, strongest and most urgent wishes of mankind. The secret of their strength lies in the strength of those wishes.”⁴²

The irony is not lost in that religious convictions must be protected by State law such as ‘freedom of religion.’ It is often argued that it is religious convictions that drive people to protect the image of the Church at the sacrifice of the individual congregation member. However, when this comes to the concealing of crime by a corporation, such as in child sexual abuse crimes, a corporation has nowhere to hide.

Ethical or criminal issues arise in all types of corporations—for-profit and nonprofit. Sometimes, cover-up of wrongdoing in either type of corporation can result in criminal indictment or civil liability. Religious corporations, such as Watchtower New York, are non-profits too. They are supposed to function for the welfare of the church body as a tool to spread their message or gospel while adding a measure of legal liability protection for themselves in the case of debts or lawsuits because only the assets of the church corporation can be used for settlement.⁴³ A church corporation can buy or sell property and enter into contracts on the church’s behalf, but generally

⁴⁰ Interview with Irwin Zalkin. Interview by Kristina Davis. The San Diego Union-Tribune. October 21, 2014. <http://www.sandiegouniontribune.com/sdut-jehovahs-witness-sex-abuse-judgment-lopez-2014oct31-htmlstory.html>

⁴¹ “Why we love tyrants.” Professor David Livingstone Smith. University of New England, 12 February 2018. <https://aeon.co/essays/the-omnipotent-victim-how-tyrants-work-up-a-crowds-devotion>

⁴² Freud thought religious ideas are built out of a desire for an all-powerful, protective, and just father, and as such were fundamentally disconnected from reality. “*Conflict & Culture*.” 1927. Sigmund Freud. Digital scan from Library of Congress exhibit. <https://www.loc.gov/exhibits/freud/ex/172.html>

⁴³ Religious Corporations in the United States: The religious corporation in the United States belongs to the class of civil corporations, not for profit, which are organized and controlled according to the principles of common law and equity as administered by the civil courts. Distinction is necessary between the corporation and the religious society or church with which it may be connected. The church is a spiritual and ecclesiastical body, and as such does not receive incorporation. It is from the membership of the religious society that the corporation is formed. The corporation exercises its functions for the welfare of the church body, over which, however, it has no control. It cannot alter the faith of the church, or receive or expel members, or dictate relations with other church bodies. While the religious corporation is frequently organized to carry on some religious enterprise without connection with a local church body, the greater number of religious corporations in the United States are directly connected with some local church body, and it is in this connection that their powers and duties [should] be considered. George James Bayles. *The New Schaff-Herzog Encyclopedia of Religious Knowledge*, Volume IX. 1953 edition. Published by Baker Book House. <https://www.ccel.org/s/schaff/encyc/encyc09/htm/iv.vii.cxli.htm>

don't get involved in controlling the religious beliefs of its members.⁴⁴ Watchtower New York differs to an extent in that it has, in the past, been used as the mouthpiece of the Governing Body of Jehovah's Witnesses for the purpose of controlling the religious beliefs of the members of Jehovah's Witnesses. Such use does not in of itself make Watchtower New York any more a religion as it would make the Governing Body of Jehovah's Witnesses a corporation. It is this blurred line that often confuses authorities that can be tasked with investigating Watchtower New York.

Such hurdles to investigations can be overcome by viewing Watchtower New York as it actually is— a corporation subject to corporate laws and policing, regardless of the religious faith subscribed to by the directors of the corporation. Watchtower New York's child abuse database is not subject to clergy-penitent privilege. Watchtower New York has no clergy class and there are no 'penitents' or lay members. Does Watchtower New York recognize this?

Yes. For example, child abuse records maintained by Watchtower New York are not stamped 'Ecclesiastical Privilege' thereby denoting religious documents. Many child abuse documents are in fact stamped 'Attorney-Client Privilege' thereby denoting they are in fact corporation documents.

In 1989 Watchtower New York started using and maintaining a *CHILD ABUSE TELEMemo*⁴⁵ for recording allegations and confessions of child sexual abuse within the religion of Jehovah's Witnesses in the United States. The Telememo was updated in 1992 and again in 1993 when the words "Attorney-Client Privilege" were printed on them.

The fact that these telememos were stamped "Attorney-Client Privilege" shows that they are in fact not records collected for ecclesiastical use but are for the use of the corporation.

In the *Padron* case Watchtower New York argued that any response to the March 14, 1997 letter would be protected by the clergy-penitent and attorney-client privileges. However the court found the "Defendant failed to establish that the information is protected by the attorney-client privilege and/or is work product."⁴⁶

⁴⁴ Objects of Incorporation: The primary object of religious incorporation in the United States is the care of real property devoted to the purposes of religion. In the corporation as such is vested of title to church property. Along with the vesting of such title go all the, at tributes of legal ownership, to be exercised, however, solely for the benefit of the religious body which the corporation serves. In this relation the corporation is a trustee and the church is the party with the full beneficial interest. While the corporation so serves the church, it is not within the jurisdiction of the church judicatories, but is responsible for the proper performance of its duties to the civil courts, before whom it may be brought by any party in interest. The courts have recognized, in addition to the primary trust for the holding of specific property and its right use for the benefit of a certain religious body, religious corporations as possessing the inherent capacity of executing additional trusts of a distinctly religious, charitable, or educational nature if not too far removed from the primary object of the particular corporation acting as trustee. With this sanction many special trust funds have developed in the hands of local religious corporations. The dissolution of a local church body does not cause the dissolution of the corporation so long as there is real property to be held or transferred or trusts to be administered. <https://www.ccel.org/s/schaff/encyc/encyc09/htm/iv.vii.cxli.htm>

⁴⁵ Facsimile copies of Watchtower New York's Child abuse TELEMemo. Accessed 5 April 2018 via the JW Leaks website: <https://jwleaks.files.wordpress.com/2012/06/watch-tower-society-child-abuse-telememo.pdf>

The New Jersey Supreme Court in *State v. Perricone*⁴⁷ noted that "while freedom to believe is absolute, freedom to exercise one's beliefs is not and must be considered in light of the general public welfare."

Are the individual members of the Governing Body of Jehovah's Witnesses 'managing agents' of Watchtower New York and therefore responsible for its policies and procedures?

Senior Watchtower New York official, Allen Shuster, in his deposition confirmed that the Governing Body of Jehovah's Witnesses are responsible for the policies of Watchtower New York. Shuster stated:

"On a high level, review, the Governing Body does establish policies."

When asked about whether the child abuse policies of Watchtower New York come from the Governing Body of Jehovah's Witnesses, Shuster confirmed the attorney's statement and added:

"That is an accurate statement, yes."⁴⁸

That the Governing Body of Jehovah's Witnesses are actual "managing agents" over and of Watchtower New York was established in the Court of Appeal, Fourth District, Division 1, California, in *Lopez v. Watchtower Bible and Tract Society of New York, Inc.*

In this case the court appointed referee stated the following regarding Governing Body member Gerrit Löscher and his relationship with Watchtower New York, as recorded by the appellate court judges:

"The deposition testimony of Mr. Shuster establishes that the Governing Body is the principal overseer of the church's activities. Mr. Löscher is the longest serving member of the Governing Body and may well possess knowledge pertinent to this litigation." The Referee also noted: "According to deposition testimony given by Shuster, the Governing Body approves operational guidelines for the United States branch of the Jehovah's Witness[es] Organization, including directives for investigating and reporting of alleged childhood sexual abuse within the church." The Referee said that "[d]espite Mr. Bland's declaration, the referee believes that Mr. Löscher's position as a member of the Governing

⁴⁶ (Super. Ct. No. 37-2013-00067529-CU-PO-CTL). Padron civil case. Page 9. <https://www.documentcloud.org/documents/4214443-Padron-Appeal-Opinion.html>

⁴⁷ In *State v. Perricone* the New Jersey Supreme Court noted that "while freedom to believe is absolute, freedom to exercise one's beliefs is not and must be considered in light of the general public welfare." The rationale behind the state taking custody of a neglected Jehovah's Witness child under the doctrine of *parens patriae*, in those specific instances where the parents refuse to provide necessary medical care, is based upon the state's police power. Such police power is vested in a state to establish laws and ordinances for the purpose of securing the peace, good order, morals and health of the community. Under this power, the control over children for the protection of their health by the state seems almost limitless. - DePaul College of Law, Parent and Child - State's Right To Take Custody of a [Jehovah's Witness] Child in Need of Medical Care - *State v. Perricone*, 37 N.J. 463, 181 A.2d 751 (1962), 12 DePaul L. Rev. 342 (1963) <http://via.library.depaul.edu/law-review/vol12/iss2/19>

⁴⁸ <https://www.revealnews.org/article/jehovahs-witnesses-use-1st-amendment-to-hide-child-sex-abuse-claims/>

Body and its functions as described by Mr. Shuster, make Mr. Lösch a managing agent.”⁴⁹

The Court of Appeal, in accepting the Referee’s report, recognized that the current policies adopted or enforced by Watchtower New York, in relation to the 775 known child molesters appointed to various positions by Watchtower New York, are also policies originating from the Governing Body of Jehovah’s Witnesses, all of whom are residents of New York.

WATCHTOWER CORPORATIONS: A BRIEF HISTORY TO PRESENT

Jehovah’s Witnesses foremost corporations

It was Charles Taze Russell, a one-time oil speculator, real estate investor, owner of men’s clothing stores, and self-proclaimed minister who, in the 1870’s, laid the roots of a religious movement known back then as the Bible Students.⁵⁰ The movement’s name was changed on July 26, 1931, by Joseph F. Rutherford to Jehovah’s Witnesses. July 26 is now annually marked by many former members of the religion as Watchtower Victim’s Memorial Day.⁵¹

In 1884 Russell formed Zion’s Watch Tower Tract Society,⁵² a Pennsylvania corporation. The name was changed to Watch Tower Bible and Tract Society in 1896.⁵³ Russell said in 1895 about the corporation that it was not a religious society for it had no creed or dogma but was

⁴⁹ *Jose LOPEZ, Plaintiff and Respondent, v. WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK, INC.* (Defendant and Appellant) in which the court appointed referee stated regarding Governing Body member Gerrit Lösch: “The deposition testimony of Mr. Shuster establishes that the Governing Body is the principal overseer of the church’s activities. Mr. Lösch is the longest serving member of the Governing Body and may well possess knowledge pertinent to this litigation.” The Referee also noted: “According to deposition testimony given by Shuster., the Governing Body approves operational guidelines for the United States branch of the Jehovah’s Witness[es] Organization, including directives for investigating and reporting of alleged childhood sexual abuse within the church.” The Referee said that “[d]espite Mr. Bland’s declaration, the referee believes that Mr. Lösch’s position as a member of the Governing Body and its functions as described by Mr. Shuster, make Mr. Lösch a managing agent” under section 2025.280, subdivision (a).” <https://caselaw.findlaw.com/ca-court-of-appeal/1731903.html>

⁵⁰ “Who Was the Founder of Jehovah’s Witnesses.” <https://www.jw.org/en/jehovahs-witnesses/faq/founder/>

⁵¹ “July 26 marks [the] annual Watchtower Victims Memorial Day. This is a worldwide day of mourning and respect for all victims of ... the policies of the Watchtower Bible and Tract Society, commonly known as Jehovah’s Witnesses. The idea for the Day was conceived because the shunning experienced by many former Jehovah’s Witnesses is so severe that they often feel as if their family members have died, yet these ones have no grave site to visit, no day for mourning their loss and separation. The Day was then expanded to honor and respect all victims of this religion, including those still trapped within its walls or who have officially left, and those who have lost their lives due to its policies.” <https://watchtowervictimsmemorialday.com/> Accessed March 11, 2018.

⁵² “Their Modern Development and Growth – Jehovah’s Witnesses.” <https://wol.jw.org/en/wol/d/r1/lp-e/1102000101#h=2>

⁵³ “Zion’s Watch Tower Tract Society. First formed in 1881 and then legally incorporated in the state of Pennsylvania on December 15, 1884. In 1896 its name was changed to Watch Tower Bible and Tract Society. Since 1955 it has been known as Watch Tower Bible and Tract Society of Pennsylvania. *Jehovah’s Witnesses—Proclaimers of God’s Kingdom*, chap. 15 p. 229 *Development of the Organization Structure*, published by Watchtower Bible & Tract Society of New York, 1993.

purely a business association. He was responsible for the religious dogma while Watch Tower Pennsylvania controlled publishing and distribution of the religious movement's teachings and other business.

When Russell moved his principal offices to Brooklyn, New York, in 1909,⁵⁴ they formed a New York corporation named the Peoples Pulpit Association which later was renamed, on February 6, 1939, the Watchtower Bible & Tract Society, Inc. The words, New York, were added to the name in 1956.⁵⁵ This legal entity was used to direct the religious body of people known as Jehovah's Witnesses in the United States. In 2000 Jehovah's Witness leaders created Christian Congregation of Jehovah's Witnesses, Inc., a new corporate entity in New York, comprising three attorneys as the directors, to take over some of the religion's day-to-day affairs.⁵⁶

Watchtower New York registers as a religious charity but not a 'church' – Why?

Section 501(c)(3) of the Internal Revenue Code does not mention the word "churches" per se but does however mention the word "religious."

"Corporations, and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or to foster national or international amateur sports competition (but only if no part of its activities involve the provision of athletic facilities or equipment), or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no

⁵⁴ "Brooklyn Bethel – 100 Years of History." The Watchtower magazine. May 2009. <https://www.jw.org/en/publications/magazines/wp20090501/brooklyn-bethel-history/>

⁵⁵ "Peoples Pulpit Association. Formed in 1909 in connection with the Society's moving of its principal offices to Brooklyn, New York. On February 6, 1939, the name was changed to Watchtower Bible and Tract Society, Inc. Since 1956 it has been known as Watchtower Bible and Tract Society of New York, Inc." *Jehovah's Witnesses—Proclaimers of God's Kingdom*, chap. 15 p. 229 *Development of the Organization Structure*, published by Watchtower Bible & Tract Society of New York, 1993.

⁵⁶ The internal Jehovah's Witnesses newsletter, *Our Kingdom Ministry*, January 2002 issue, made the following announcement regarding these new corporations on page 7:

"New Corporations Formed: The January 15, 2001, issue of *The Watchtower* reported on the organized way in which Jehovah's Witnesses are continuing to move forward with the Kingdom work in all the earth. It also explained how various legal entities are used as instruments to facilitate the spreading of the good news. Such entities or corporations are necessary to conform to local and national laws, as required by God's Word. (Rom. 13:1) Because of the diversity and scope of our work, the Governing Body has approved the formation of additional corporations to care for certain needs of Jehovah's Witnesses here in the United States. The new corporations are as follows:

Christian Congregation of Jehovah's Witnesses

Religious Order of Jehovah's Witnesses

Kingdom Support Services, Inc.

These will operate along with Watch Tower Bible and Tract Society of Pennsylvania and Watchtower Bible and Tract Society of New York, Inc. Congregations and publishers may receive correspondence from any of these corporations. Your cooperation with these adjustments made by the Governing Body in fulfilling its assignment to care for all the Master's belongings will be greatly appreciated.—Matt. 24:45-47."

substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation (except as otherwise provided in subsection (h)), and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office.”

The word ‘religious’ in this section can be traced back to the Income Tax Act of 1894. The 1939 Code has no regulation issued by Treasury that defined or explained the word ‘religious’ as a guide.⁵⁷ This lack of definition for the word ‘religious’ was used to advantage by Watchtower New York in that policy and procedures issued by the corporation were shrouded by ‘religious’ confusion relating to ‘church distinction’, i.e. Were they corporate or church policy?⁵⁸

Watchtower Bible and Tract Society of New York, Inc. is a corporation⁵⁹ as defined in Section 102(a)(5) of the Not-for-Profit Corporation Law and is a Type B corporation as defined in Section 201 of the Not-for-Profit Corporation Law.⁶⁰

⁵⁷ The word “religious” in this section can be traced back to the Income Tax Act of 1894, ch. 349, § 32, 28 Stat. 556, and has been in the federal income tax laws continuously since the Int. Rev. Act of 1913, ch. 16, § 2G, 38 Stat. 172. Section 101(6) of the Int. Rev. Code of 1939, ch. 2, § 101(6), 53 Stat. 33 was the predecessor of section 501(c)(3) in the 1954 Code. No regulation issued by Treasury, either under the 1939 or the 1954 Code, has ever defined, explained or exemplified the word “religious.”

⁵⁸ These “church distinctions” scarcely existed before 1950 in the federal tax laws. Now they permeate the Internal Revenue Code. They are causing considerable concern and confusion among church leaders, members of the bar, and the officials of the Treasury Department and the Internal Revenue Service who are responsible for their interpretation and enforcement. Although the term “church” has been important in federal tax law since 1950, there still is no Treasury regulation explaining the difference between a religious organization that is a church and one that is not.’

Int. Rev. Code of 1954, §§ 170(c)(2)(B) and (4), 501(c)(3) and (10)(A), 642(c)(2). 2055(a)(2) and (3), 2106(a)(2)(A)(ii) and (iii), 2522(a)(2) and (3), 2522(b)(2), (3) and (4) and 3309(b)(1). Numerous cross-references in the Code to sections 170(c) and 501(c)(3) make the concept of “religious purposes” important in many sections where the phrase does not explicitly appear.

The word “church” occurs in the singular, without being paired with “a convention or association of churches,” “plan” “agency,” “integrated auxiliaries” or “duly ordained, commissioned, or licensed minister” in Int. Rev. Code of 1954, §§ 512(b)(12) (“individual church”) and 7701(a)(19)(C)(v) (“church purposes”). The distinction suggested in section 512(b)(12) between an “individual church” and a “convention or association of churches” may be significant since the latter phrase occurs nearby in section 512(b)(14) (as renumbered by the Tax Reform Act of 1976, Pub. L. No. 94-455, 90 Stat. 1839) and both phrases were added to section 512(b) by the Tax Reform Act of 1969, Pub. L. No. 91-172, 83 Stat. 539, 540. For the possible significance of the distinction, see the discussion in notes 164-67 *infra* and accompanying text of “church or convention or association of churches” as meaning “a religious denomination.”

⁵⁹ Religious Corporations Law Section 2 defines a religious corporation as a corporation created for religious purposes to enable its members to meet for divine worship or other religious observances. Corporations formed for the purpose of operating a church or other religious denominations are filed pursuant to the Religious Corporations Law. Corporations formed pursuant to the Religious Corporations Law are generally created by filing a Certificate of Incorporation with the office of the county clerk in the county in which the principal office or place of worship is located. (See Section 3 of the Religious Corporations Law.) <https://www.dos.ny.gov/corps/nfpfaq.asp#relig>

⁶⁰ “A not-for-profit corporation is a corporation formed pursuant to the Not-for-Profit Corporation Law. Not-for-Profit Corporation Law Section 201 (Purposes) provides that a not-for-profit corporation may be formed for as a Charitable Corporation or a Non-charitable Corporation as defined in Not-for-Profit Corporation Law Section 102 (Definitions). A not-for-profit corporation may not be formed for pecuniary profit or financial gain and the...

CASE STUDY 1 – CHILD ABUSE ROYAL COMMISSION (AUSTRALIA)

In October 2016 the Australian *Royal Commission into Institutional Responses to Child Sexual Abuse* published a report on its findings in relation to the response of the Jehovah's Witnesses and Watchtower Bible and Tract Society of Australia Ltd to allegations of child sexual abuse. The report condemned the covering up of child abuse within the Jehovah's Witnesses in Australia.

At the time of the Australian Child Abuse Royal Commission and public inquiry⁶¹ into Jehovah's Witnesses in 2015 there were 821 congregations in Australia with over 68,000 active members. The latest official published figures for Australia put the number of congregations at 798, down 23 congregations, and the number of active members at 67,748.⁶² Statistically over the past 25 years, the active membership of the Jehovah's Witnesses in Australia has grown 29 per cent from approximately 53,000 members in 1990. In the same period Australia's population growth has been approximately 38 per cent.

By comparison there are 13,578 congregations of Jehovah's Witnesses in the US down 462 congregations from the previous year's official published figure of 14,040. The current number of active members of Jehovah's Witnesses in the US is 1,232,293.⁶³

Available findings on historical child sexual abuse data

“Since 1950, the Jehovah's Witness organisation in Australia has received allegations of child sexual abuse against 1,006 of its members relating to at least 1,800 victims, and has in that period not reported a single allegation to the police or other authorities, even though 579 of those against whom allegations were made confessed to having committed child sexual abuse.”

Finding No. 2. Case Study 29. Royal Commission into Institutional Responses to Child Sexual Abuse.⁶⁴

...corporation's assets, income or profit may not be distributed to or otherwise used to benefit the corporation's members, directors or officers except as permitted by the Not-for-Profit Corporation Law, e.g., as reasonable compensation for services to the corporation. (See Not-for-Profit Corporation Law Sections 102 (a)(5) and 515).”
<https://www.dos.ny.gov/corps/nfpfaq.asp#whatisanfp>

⁶¹ Case Study 29. *Public Inquiry into the Jehovah's Witnesses and Watchtower Bible & Tract Society of Australia Ltd*. Royal Commission into Institutional Responses to Child Abuse. Commonwealth of Australia. 2016. <https://www.childabuseroyalcommission.gov.au/sites/default/files/file-list/Case%20Study%2029%20-%20Findings%20Report%20-%20Jehovahs%20Witnesses.pdf>

⁶² “Jehovah's Witnesses Around the World – Australia.” <https://www.jw.org/en/jehovahs-witnesses/worldwide/AU/> Accessed: April 2, 2018.

⁶³ “Jehovah's Witnesses Around the World – United States of America.” <https://www.jw.org/en/jehovahs-witnesses/worldwide/US/> Accessed: April 2, 2018.

⁶⁴ “Submissions of Senior Counsel Assisting the Royal Commission.” Finding No. 2. Page 22. Case Study 29. *Public Inquiry into the Jehovah's Witnesses and Watchtower Bible & Tract Society of Australia Ltd*. Royal Commission into Institutional Responses to Child Abuse. Commonwealth of Australia. 2015. <https://www.childabuseroyalcommission.gov.au/case-studies/case-study-29-jehovahs-witnesses>

Comparatively the membership of the religion of Jehovah's Witnesses in the United States is 18.19 times bigger than the religion is in Australia. Whereas the number of individual congregations within the US is 17 times greater.

Statistics - Child Abuse Records held by Watchtower Australia from 1950's onwards⁶⁵

Statistics - Child Abuse Records held by Watchtower Australia

| | | |
|------------|---|--|
| AUSTRALIA: | Allegations of child abuse against JW members (individual files - verified) | Number of alleged victims (verified) |
| | 1,006 | 1,800 |

Confirmed number of confessions = **579**

Number 'known to be child abusers' at time of JW ordination (baptism) = **199**

Number of elders or ministerial servants who have had allegations made against them whilst in positions of responsibility = **108**

Number of 'known' child abusers appointed by Watchtower Australia to positions of responsibility as an elder or ministerial servant: **28**

The Australian Child Abuse Royal Commission report also found that the New York-based Governing Body of Jehovah's Witnesses have the ultimate authority to determine that handling and management of child abuse within the Jehovah's Witnesses. In commenting on this, and on the organizational structure of the Jehovah's Witnesses and Watchtower Australia, the Australian *Royal Commission into Institutional Responses to Child Sexual Abuse* ("the Australian Child Abuse Royal Commission") found that:

"The Jehovah's Witness organisation was founded in the United States in the late 19th century. The organisation has been active in Australia since 1896. The organisation's Australian legal entity is the Watchtower Bible and Tract Society of Australia Ltd (Watchtower Australia).

⁶⁵ Figures based on actual numbers provided by Watchtower Australia to the Australian Child Abuse Royal Commission. Page 58, 59. Case Study 29. *Public Inquiry into the Jehovah's Witnesses and Watchtower Bible & Tract Society of Australia Ltd*. Royal Commission into Institutional Responses to Child Abuse. Commonwealth of Australia. 2016. <https://www.childabuseroyalcommission.gov.au/sites/default/files/file-list/Case%20Study%2029%20-%20Findings%20Report%20-%20Jehovahs%20Witnesses.pdf>

“The worldwide activities of the Jehovah’s Witness organisation are overseen by the Governing Body, which is a council of Jehovah’s Witness elders who look to Jehovah (God) and to Jesus Christ for direction in all matters. The Governing Body is based in the United States and supervises more than 90 branches worldwide. The Royal Commission heard evidence that the Governing Body is responsible for providing definitive and authoritative interpretation of the Scriptures and for developing and disseminating the policies of the organisation.”⁶⁶

Senior Counsel assisting the Australian Child Abuse Royal Commission, Mr Angus Stewart SC, in his submission to the Australian Royal Commission, stated the following in relation to the New York-based Governing Body of Jehovah’s Witnesses:

“The activity of Jehovah’s Witnesses worldwide is overseen by the Governing Body. The Governing Body is a council of elders who consider themselves to be anointed by Jehovah God and who look to Jehovah and to Jesus Christ for direction in all matters. It is based at the world headquarters of the Jehovah’s Witness organisation in the United States and is at the apex of a highly centralised and hierarchical structure.”⁶⁷

The Australian Child Abuse Royal Commission also heard evidence from Mr Geoffrey Jackson, one of the then seven members (as of 2015) of the Governing Body of Jehovah’s Witnesses, a US court recognized ‘managing agent’ of Watchtower New York, and a New York resident. Mr Jackson has been a member of the Governing Body since September 2005 and was subpoenaed to appear for examination and questioning. It was not lost on the Australian Royal Commission that Mr Jackson was evasive and non-committal in his answers. In commenting on this Senior Counsel, Mr Angus Stewart SC, after questioning Mr Jackson, presented in his final submission:

“Mr Jackson told the Royal Commission that the Governing Body is ‘a spiritual group of men who are the guardians of our doctrine’ and is responsible for ‘giving direction and impetus to Kingdom Work’ in all matters.¹⁹ When asked if the Governing Body members saw themselves as disciples of Jesus, Mr Jackson did not answer in the affirmative but told the Royal Commission that the members of the Governing Body ‘hope to be [Jesus’s] disciples’.

“Similarly, when asked if the Governing Body members saw themselves as ‘Jehovah God’s spokespeople on earth’, Mr Jackson did not answer, instead telling the Royal Commission that it ‘would seem to be quite presumptuous to say that we are the only spokesperson that God is using’. Mr Jackson’s professed humility is not, however, supported by the Jehovah’s Witness organisation’s own publications. The organisation’s handbook for members, *Organised to Do Jehovah’s Will*, teaches with reference to the ‘faithful and discreet slave’ (and thus, the Governing Body) for instance, that the congregation hopes to ‘draw ever closer to Jehovah by manifesting complete trust in the channel that He is using to direct His people today’. A confidential manual produced by

⁶⁶ Ibid. Page 9.

⁶⁷ “Submissions of Senior Counsel Assisting the Royal Commission.” Finding No. 1. Page 10. Case Study 29. *Public Inquiry into the Jehovah’s Witnesses and Watchtower Bible & Tract Society of Australia Ltd.* Royal Commission into Institutional Responses to Child Sexual Abuse. Commonwealth of Australia. 2015. <https://www.childabuseroyalcommission.gov.au/case-studies/case-study-29-jehovahs-witnesses>

the Governing Body and entitled *Branch Organization January 2015* (the *2015 Branch Organization Manual*) records that the Governing Body ‘is organized to take the lead as Jehovah directs it by Holy Spirit’. Thus the Governing Body is believed by Jehovah’s Witnesses to be the ‘channel’ by which Jehovah’s will is communicated to the ‘Christian’ congregation and the Governing Body is directed by Jehovah in all that it does. It was Mr O’Brien’s evidence that the Governing Body is Jehovah God’s representative on earth providing definitive Scriptural interpretation.”⁶⁸

Mr Terrence O’Brien, was at the time of his appearance before the Australian Royal Commissioner, the appointed representative of the Governing Body of Jehovah’s Witnesses in Australia, in addition to being a Director of Watchtower Australia. Mr O’Brien’s testimony, despite being truthful on the subject of the Governing Body’s role and self-claim to be personally directed by God himself, was in fact the opposite of what Mr Geoffrey Jackson testified to after taking an oath on his own Bible to speak the truth.

Following his testimony Mr O’Brien was removed from his leadership position in Australia and sent to the third-world missionary fields of Papua New Guinea by the Governing Body of Jehovah’s Witnesses.

The Australian Child Abuse Royal Commission, after hearing and accepting evidence that the New York-based Governing Body of Jehovah’s Witnesses is responsible for the policies of the organization, including the maintaining of child abuse records, published the following statement in their case study report:

“[S]ince at least 1950, the Jehovah’s Witness organisation has systematically recorded allegations of child sexual abuse made against its members, regardless of whether or not those allegations concerned familial or non-familial abuse.”⁶⁹

The evidence clearly establishes that from since at least 1950 the Governing Body of Jehovah’s Witnesses, through various Watchtower and Jehovah’s Witness organizations, has systematically recorded allegations of child sexual abuse made against its members or by its members.

At the outset the Jehovah’s Witnesses and Watchtower Australia had argued so as to prevent the Australian Child Abuse Royal Commission from investigating the religion. In commenting on this attempt the commission stated:

“The first key submission made on behalf of the Watchtower & Ors was that: ‘familial child sexual abuse is not institutional sexual abuse, as has been acknowledged by the Royal Commission. Similarly it is self-evident that, when child sexual abuse occurs

⁶⁸ Page 11. Case Study 29. *Public Inquiry into the Jehovah’s Witnesses and Watchtower Bible & Tract Society of Australia Ltd.* Royal Commission into Institutional Responses to Child Sexual Abuse. Commonwealth of Australia. 2016. <https://www.childabuseroyalcommission.gov.au/sites/default/files/file-list/Case%20Study%2029%20-%20Findings%20Report%20-%20Jehovahs%20Witnesses.pdf>

⁶⁹ Ibid. Page 8.

outside ‘institutional’ contexts as defined, the response to it does not fall within the Terms of Reference of this Royal Commission.”⁷⁰

The Australian Child Abuse Royal Commission rejected Watchtower Australia & Ors arguments of a separation between familial abuse and institutional abuse, based in part, on the unique structure of the policies and procedures put in place for handling child abuse by the New York-based Governing Body of Jehovah’s Witnesses. In commenting on this The Honourable Justice Peter McLellan AM (former Supreme Court Justice) stated:

“The Royal Commission proceeds on the basis that, when an allegation of familial sexual abuse becomes known to an elder and is subsequently scripturally investigated by congregation elders, it ceases to be familial abuse and becomes institutional abuse. This conflation of familial and institutional sexual abuse does not accord with the Terms of Reference.”⁷¹

Worth noting is that the Australian Child Abuse Royal Commission was in fact set up to primarily investigate how organizations respond to child abuse complaints, not whether organizations cause child abuse, although the latter was subsequently considered in separate commissioned academic studies.

A second submission was made on behalf of Watchtower Australia & Ors which argued that the Jehovah’s Witness organisation does not sponsor or operate ‘crèches, schools, orphanages, Sunday Schools, hospitals, sports clubs, day-care centres, youth groups, or any other activities which separate children from their parents’. Therefore, it submits that the institutional settings that might present the greatest risk to the safety of children are not present within the Jehovah’s Witness organisation and ‘[t]here can be no safer “institution” than one that does not present opportunities for predatory behaviour’. The second submission also failed.

In reaching their findings, the Australian Child Abuse Royal Commission applied the civil standard of proof which requires ‘reasonable satisfaction’ as to the particular fact in question in accordance with the principles discussed by Justice Dixon:

“It is enough that the affirmative of an allegation is made out to the reasonable satisfaction of the tribunal. But reasonable satisfaction is not a state of mind that is attained or established independently of the nature and consequence of the fact or facts to be proved. The seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding are considerations which must affect the answer to the question whether the issue has been proved to the reasonable satisfaction of the tribunal...the nature of the issue necessarily affects the process by which reasonable satisfaction is attained.”⁷²

⁷⁰ Ibid. Page 8.

⁷¹ Ibid. Page 8.

⁷² Dixon J in *Briginshaw v Briginshaw* (1938) 60 CLR 336. Australia.

In other words, the more serious the allegation, the higher the degree of probability that is required before the Child Abuse Royal Commission can be reasonably satisfied as to the truth of that allegation.

**Available findings on the Jehovah's Witnesses
relationship with secular authorities**

“The Jehovah's Witness organisation presents its members with conflicting and ambiguous teachings regarding their relationship with secular authorities, thereby fostering a distrust of such authorities.”

Finding No. 1. Case Study 29. Australian Royal Commission into Institutional Responses to Child Abuse.⁷³

Damning findings against Watchtower and Jehovah's Witnesses over child sexual abuse

After having examined the way Watchtower Australia, the Jehovah's Witness religion, the Governing Body of Jehovah's Witnesses, and the parent Watchtower organization based in New York responds to the sexual abuse of children, Australian Royal Commission into Institutional Responses to Child Abuse concluded:

“Response of the Jehovah's Witness Organisation to the Sexual Abuse of Children

“Having regard to the various matters we have discussed in this report, we have reached a number of general conclusions on the Jehovah's Witness organisation's response to the sexual abuse of children.

“We do not consider the Jehovah's Witness organisation to be an organisation which responds adequately to child sexual abuse. We do not believe that children are adequately protected from the risk of sexual abuse for the following reasons:

- “The organisation relies on outdated policies and practices to respond to allegations of child sexual abuse. Also, those policies and practices are not subject to ongoing and continuous review. The policies and practices are, by and large, wholly inappropriate and unsuitable for application in cases of child sexual abuse. The organisation's retention and continued application of policies such as the two-witness rule in cases of child sexual abuse shows a serious lack of understanding of the nature of child sexual abuse.
- “The organisation's internal disciplinary system for addressing complaints of child sexual abuse is not child or survivor focused in that it is presided over by males and offers a survivor little or no choice about how their complaint is addressed.

⁷³ “Submissions of Senior Counsel Assisting the Royal Commission.” Finding No. 1. Page 19. Case Study 29. *Public Inquiry into the Jehovah's Witnesses and Watchtower Bible & Tract Society of Australia Ltd.* Royal Commission into Institutional Responses to Child Sexual Abuse. Commonwealth of Australia. 2015. <https://www.childabuseroyalcommission.gov.au/case-studies/case-study-29-jehovahs-witnesses>

- “The sanctions available within the organisation’s internal disciplinary system are weak and leave perpetrators of child sexual abuse at large in the organisation and the community.
- “In deciding the sanctions to impose and/or precautions to take in relation to a known or suspected perpetrator, the organisation has inadequate regard to the risk that that perpetrator might reoffend. This demonstrates a serious lack of understanding of the nature and impact of child sexual abuse.
- “The organisation’s general practice of not reporting serious instances of child sexual abuse to police or authorities – in particular, where the complainant is a child – demonstrates a serious failure by the organisation to provide for the safety and protection of children in the organisation and in the community.”⁷⁴

The Australian Child Abuse Royal Commission also identified the following policies and practices currently in the Jehovah’s Witness organization’s response to child sexual abuse as being problematic:

“Problematic policies, practices and procedures

- “the organisation does not have a practice of reporting child sexual abuse to police or any other authority
- “before 1998, a survivor of child sexual abuse was required to make their allegation in the presence of their abuser
- “if the accused does not confess, there is an inflexible requirement that there be two eyewitnesses to an incident of child sexual abuse
- “women are absent from the decision-making processes of the internal disciplinary system
- “there is no clear provision for a survivor to be accompanied by a support person during the internal disciplinary process
- “the organisation has limited and ineffective risk management practices
- “the organisation has a policy and practice of shunning those who wish to leave the organisation.”⁷⁵

The above recognized ‘problematic policies, practices and procedures’ were in fact the very same problematic policies, practices and procedures that have been identified as forming part of Watchtower New York’s child sexual abuse handling procedures.

⁷⁴ “Response of the Jehovah’s Witness Organisation to the Sexual Abuse of Children.” Page 77. Case Study 29. Public Inquiry into the Jehovah’s Witnesses and Watchtower Bible & Tract Society of Australia Ltd. Royal Commission into Institutional Responses to Child Sexual Abuse. Commonwealth of Australia. 2016. <https://www.childabuseroyalcommission.gov.au/sites/default/files/file-list/Case%20Study%2029%20-%20Findings%20Report%20-%20Jehovahs%20Witnesses.pdf>

⁷⁵ Ibid. Page 12. “Problematic policies, practices and procedures.”

Australian and United States media response to the child sexual abuse cover up with the religion of Jehovah's Witnesses

The response by the Australian public to the mishandling and cover up of child sexual abuse within the religion of Jehovah's Witnesses in Australia by the New York-based headquarters of the religion was swift and brutal, to say the least.

The disbelief and community shock was perhaps best summed up by Eyewitness News anchorwoman and journalist, Sandra Sully, who stated in a news broadcast on the day of the first hearing into Jehovah's Witnesses and Watchtower that:

“The Child Abuse Royal Commission has exposed what might be the worst culture of sexual abuse and cover up in a church that we've ever seen. That church is the Jehovah's Witnesses. Now there were claims today that a thousand pedophiles were protected. Evidence against them deliberately destroyed, and not even a single case ever referred to the police.”⁷⁶

Over the next two minutes Eyewitness News outlined the scope of the horrors of child sexual abuse within the religion of Jehovah's Witnesses in Australia.

Media outlets in over 70 countries around the world were quick to respond with similar news broadcasts. CNN went live for a full four minute broadcast across the US on the findings of the Australian Royal Commission along with live cuts to affiliated reporters in Australia. In their broadcast CNN also reported through tag lines that among the 70,000 Jehovah's Witnesses in Australia:

“1000+ Jehovah's Witnesses named as child abusers”

“All cases went unreported”

“Church practice not to report”⁷⁷

Calls for an investigation into Watchtower New York over the cover up of child sexual abuse within the United States

The investigation into, and the adverse findings against, the Jehovah's Witnesses and the Watchtower organization did not go unnoticed by mainstream media within in the United States, including major television networks and newspapers.

In early 2015 The Centre for Investigative Journalism commenced an extensive investigation into Watchtower New York and the Jehovah's Witnesses. In an article published on September 23, 2015, reporter Trey Bundy wrote:

“On a Friday morning in August, one of the Jehovah's Witnesses top leaders sat before an Australian government commission investigating whether the organization hid child sexual abuse from secular authorities.

⁷⁶ Eyewitness News (Australia) broadcast July 27, 2016. <https://youtu.be/0uSeuWneHUA>

⁷⁷ CNN (US). Broadcast July 27, 2016. <https://youtu.be/qisftTGInZg>

“That Geoffrey Jackson, one of the seven members of the religion’s Governing Body, was being grilled in public captivated a global community of former Witnesses that watched the live stream on their home computers.

“During two weeks of hearings, Jackson and members of the organization’s top brass in Australia gave hours of sworn testimony, but at least one big question remained: Were any of them telling the truth?

“Since the 1950s, the Witnesses have preached a doctrine allowing Jehovah’s followers to deceive anyone outside of the religion if doing so protects the organization. They call it “theocratic warfare.”

“The policy has taken on a new significance today as Jehovah’s Witnesses are coming under scrutiny across continents for enabling and concealing child sexual abusers. Top leaders are being questioned under oath as judges and investigators try to get to the bottom of a global scandal.

“A 1957 article in *The Watchtower* magazine – named for the Witnesses’ parent corporation, the Watchtower Bible and Tract Society of New York – grants permission to Jehovah’s followers to hide the truth from “enemies” of the religion. The religion teaches that the world outside the organization is controlled by Satan.

““So in a time of spiritual warfare it is proper to misdirect the enemy by hiding the truth,” the article reads. “Today God’s servants are engaged in a warfare, a spiritual, theocratic warfare, a warfare ordered by God against wicked spirit forces and against false teachings.”⁷⁸

“The theocratic warfare doctrine teaches that refusing to cooperate with criminal investigations involving Jehovah’s Witnesses is sanctioned by God because outsiders are not entitled to the truth.

“Although the term theocratic warfare appears in Watchtower literature less and less over time, the organization’s leadership still teaches that secrecy is a crucial method of avoiding the scrutiny of the justice system. And there’s reason to believe it’s still in practice.”⁷⁹

What Trey Bundy⁸⁰ was pointing to was the use of “theocratic warfare” for the purpose of deceiving government officials and investigative agencies in relation to the existence of child abuse records.

⁷⁸ “Use Theocratic Warfare.” *The Watchtower* magazine. May 1, 1957. Published by Watchtower Bible and Tract Society of New York. <https://www.documentcloud.org/documents/2428460-theocratic-warfare-lg.html>

⁷⁹ <https://www.revealnews.org/article/jehovahs-witnesses-can-hide-the-truth-in-court-to-protect-religion/>

⁸⁰ “Trey Bundy is a reporter for Reveal, covering youth. After beginning his career at the San Francisco Chronicle, he joined The Bay Citizen, where he covered child welfare, juvenile justice, education and crime. His work also has appeared in The New York Times, SF Weekly, The Huffington Post, the PBS NewsHour, Planet magazine and other news outlets. He has won three awards from the Society of Professional Journalists. In 2009, he won the national Hearst Journalism Award for article of the year. Bundy has a bachelor's degree in journalism from San Francisco State University. He is based in Reveal's Emeryville, California, office.” Trey Bundy biography. <https://www.revealnews.org/author/treybundy/>

In February 2015, a presentation and discussion was conducted with the Australian Royal Commission into Institutional Responses to Child Abuse in relation to Jehovah's Witnesses.⁸¹ Included also was a discussion on "theocratic warfare." The presentation evidenced that:

"In the context of Australian criminal law 'theocratic warfare' has the intention and objective of promoting, encouraging and facilitating the criminal acts of perverting the course of justice and perjury if such acts will further the religious objectives of the administrative management corporation for the faith group known as Jehovah's Witnesses.

"... In relation to Watchtower Bible and Tract Society of Australia corporation ("Watchtower") theocratic warfare is part of the corporate culture that exists for the purpose of perverting the course of justice. Theocratic warfare is the attitude, policy, rule, course of conduct and practice existing within the Watchtower corporation generally when dealing with statutory authorities, the legal system, and investigatory bodies. This corporate culture—including the policies and procedures developed to support it—exists and operates in breach of the *Corporations Act 2001*.

"In its present format the theocratic warfare policy is specifically used to protect the image of the Watchtower corporation and the trading name "Jehovah's Witnesses" in relation to child abuse allegations and other alleged criminal activities."⁸²

The policies of Watchtower Australia were the identical policies of Watchtower New York.

On May 18, 2017, The Centre for Investigative Journalism and Reveal published an article entitled "Australia does what US won't: Investigate Jehovah's Witness cover-up." This article reported that:

"As part of a three-year investigation into the Jehovah's Witnesses child sexual abuse policies, Reveal from The Center for Investigative Reporting contacted the FBI, attorneys general in New York and California, the Brooklyn District Attorney's Office and several members of Congress, and found no indication of a government investigation.

"This despite at least 20 child sexual abuse lawsuits pending against the Jehovah's Witnesses across the country, including some in which the religion's leaders have violated court orders to turn over a national database containing the names and congregations of child abusers going back decades.

"Irwin Zalkin,⁸³ a San Diego attorney who represents victims of abuse, has gone to court repeatedly to get the Jehovah's Witnesses to turn over their child abuse database. But so

⁸¹ The list of subjects discussed by the panel with the Australian Child Abuse Royal Commission included: Understanding of the structure of Watchtower Bible and Tract Society in Australia; Understanding of the structure of Watchtower Bible and Tract Society in New York; Understanding of Jehovah's Witnesses theocratic doctrines (a. two witness rule, b. theocratic war doctrine, c. treatment of child sexual abuse as a sin rather than a criminal offence, d. discouragement from reporting child sexual abuse to police); The role of Judicial and Appeals Committees in dealing with allegations of child sexual abuse; and Destruction of documents within Jehovah's Witnesses.

⁸² See Appendix 3 for an extract of the discussion paper as delivered and presented to the Australian Royal Commission into Institutional Responses to Child Sexual Abuse.

⁸³ See <http://zalkin.com/attorneys/irwin-zalkin>

far, the organization has defied judges' orders to give up the names of any perpetrators. Zalkin worries that they could still be abusing children.

"It's a public safety issue," Zalkin told Reveal last year. "At this point, this needs to be investigated."

"If the U.S. is looking for a model of how to turn evidence into prosecutions, it could look to the Australian Royal Commission, which investigates child abuse in secular, government and religious institutions, including the Jehovah's Witnesses.⁸⁴

The Center for Investigative Journalism had commissioned reporter Trey Bundy for a series of investigations and reports into Watchtower New York. See Appendix 2.

JEHOVAH'S WITNESSES AND CHILD SEXUAL ABUSE: A HIDDEN DILEMMA

Liability

Since the late 1980's, religious organizations, both Christian and non-Christian, have been involved in child sexual abuse scandals. However, during the past fifteen years, oft-mentioned in the media for covering up child sexual abuse accusations is Watchtower Bible & Tract Society of New York, Inc.,— a religious corporation of Jehovah's Witnesses. Unknown to its members, evidence suggests this corporation has been secretly settling child sexual abuse lawsuits for decades.

That being the case, it is conceivable it was this situation that influenced the directors of the New York Corporation back twenty-years-ago in 1997 to publish in their policy journal, *The Watchtower*, a memorable article in the January 1st issue, "Let Us Abhor What Is Wicked." The entire theme of that article zeroed in on child sexual abuse explaining, "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." As was happening in other religions, it was priests and ministers doing the molesting, and it was the courts penalizing the religious institutions that appointed these men to their positions and jobs.

In the case of Jehovah's Witnesses, the liability rested with the religious institution Watchtower New York and the corporations Directors/ Governing Body. These corporate officers appointed the men recommended by congregation elders to leadership positions. Consequently, if there were molesters appointed to ministerial ranks, by law, Watchtower New York, would be liable since the elders were their representatives or agents.

However, since Jehovah's Witness members were not aware of child abuse lawsuits filed against their organization because of the actions of Jehovah's Witness molesters/ministers, the previously cited *Watchtower* article had to have sounded like a responsible position to take

⁸⁴ "Australia does what US won't: Investigate Jehovah's Witness cover-up." May 18, 2017. Reveal and The Centre for Investigative Journalism. <https://www.revealnews.org/blog/australia-does-what-u-s-wont-investigate-jehovahs-witness-cover-up/>

precisely at a time when other churches were embroiled in child abuse scandals for concealing clergy who were child molesters.

The *Watchtower* article discussed the circumstances of men in the congregation who could not qualify for a leadership position: those found guilty in a court of law of child molestation before converting to the Witness religion. (An example of this is of a molester who converted to the Witness religion after studying the Bible in prison through Jehovah's Witnesses prison ministry. He served ten years of a twenty-year prison sentence in the Washington State Penitentiary in Walla Walla, Washington, because the warden no longer considered him dangerous.)

And the other situation involved a Jehovah's Witness adult minister who was "known to have committed child molestation after he was baptized. Although he may have lived a "Godly" life after claiming repentance and was forgiven, the article pointed out that he would not qualify for a responsible position in the congregation.

False impressions

What *The Watchtower* magazine did not say, causing a false impression, was that directors of the Jehovah's Witnesses Service Department within Watchtower New York had for decades appointed men to congregational leadership positions who were known to be guilty of molestation in their past, whether before ordination as a Jehovah's Witness minister of religion, or after, but had 'forgiven' if they professed and performed acts of repentance.

As locally appointed agents of Watchtower New York congregation elders should have been the first ones to receive information of what then appeared to be new guidelines. Instead, they learned about the new directive at the same time as congregational members.

Personal observation by Barbara Anderson

I should have been angry because this religious corporation was betraying the trust of the then 5 ½ million members throughout the world by announcing a policy that would help prevent child abuse, all the while thousands of elders knew, and I knew, they had done the opposite for years thus reaping a whirlwind of molestation cases. Nevertheless, I wasn't angry – I was relieved. Relieved that the leadership was endeavoring to protect Jehovah's Witness kids.

However, I'm of the opinion that the way this policy was introduced to the Jehovah's Witness community, and to the elders, was sly because the information was not part of a major *Watchtower* article to be studied at each congregation's Sunday meeting, but was positioned in the journal as a secondary article which could easily be overlooked.

Furthermore, what could be better than to have an article like that one to point to in a child sexual abuse lawsuit which could be presented as corporation policy to try to protect Watchtower New York from liability?

One could only wonder what could have been Jehovah's Witnesses leaders' reason for this when, at that time, elders knew that men in these circumstances **could be appointed** to hold leadership "privileges" depending on the extent and length of their "godly" behavior as per the August 1, 1995 Watchtower Corporation letter to all elders. Consequently, many elders personally knew of elders who were "known" by them to be "former" molesters.

THE WHISTLEBLOWER: TESTIMONY OF BARBARA ANDERSON

Barbara Anderson – a brief biography

New York born Barbara Anderson was a member of Jehovah's Witnesses from 1954 through 1997. She worked at Watchtower's headquarters in Brooklyn, NY, from 1982 to 1992 where during her last four years there she was tasked with researching the movement's official history, published in 1993 by Watchtower Bible & Tract Society of New York as a single 750 page volume entitled "Jehovah's Witnesses—Proclaimers of God's Kingdom."⁸⁵

In addition to her research Anderson also wrote a number of articles for the *Awake!* magazine published by Watchtower New York. While working in the organization's Writing Department, Barbara discovered that Watchtower New York covered up child sexual molestation committed by Jehovah's Witnesses within the United States. Rather than becoming discouraged over this discovery, she became a champion for change. This issue caused her to exit the religion and eventually become a whistleblower and outspoken critic of Jehovah's Witnesses' sexual abuse policies that she's extensively researched.

Ms Anderson is the author of "Secrets of Pedophilia in an American Religion—Jehovah's Witnesses in Crisis."⁸⁶

Watchtower's secret policy – as told by Barbara Anderson

I learned at the end of 1991 of the then concealed child abuse policy of Watchtower New York. The *Awake!* magazine's New York editor, Harry Peloyan, told me about it when I was a staff member in Watch Tower of Pennsylvania's corporate Writing Department. Peloyan expressed to me that he was very troubled about the reports coming into the Writing Department about Jehovah's Witness kids being molested by men known to the Watchtower New York's decision makers as molesters; yet, they were appointed to ministerial positions in Jehovah's Witness congregations anyway.⁸⁷

In time, I talked to Jehovah's Witnesses in the community that verified this to be so. In fact, one Watchtower New York appointed elder also confided in me that in the city where he lived there

⁸⁵ "Jehovah's Witnesses—Proclaimers of God's Kingdom." 1993. Published by Watchtower Bible & Tract Society of New York. <https://wol.jw.org/en/wol/d/r1/lp-e/1200273081>

⁸⁶ Free download - http://watchtowerdocuments.org/documents/Secrets_Commentary_Version_2.pdf

⁸⁷ See Annexure D - Bodies of Elders letter, June 5, 2006 Re: Child-maltreatment offenders in prison. Issued by Christian Congregation of Jehovah's Witnesses, Inc.

was a state prison where Jehovah's Witnesses carried out a prison ministry. This elder said that generally it was only convicted molesters that studied the Bible with Jehovah's Witnesses.

I am of the understanding that the Watchtower New York's Service Department records would also record and show that when released from prison, many of these convicted offenders became Jehovah's Witnesses. In time, some of these men molested the children of divorced Witness women they married.

In the fall of 1992, I gathered together enough information to personally inform the Governing Body of Jehovah's Witnesses of the scope of child sexual abuse within Jehovah's Witness organization and the involvement of Watchtower New York in maintaining these records.

Shortly after I returned to my home in Tennessee in January of 1993, Harry Peloyan informed me that he had given my material to each of the then twelve-members of the Governing Body of Jehovah's Witnesses, some of which were either directors or officers of the Watchtower New York and Watch Tower Pennsylvania.

Over the next few years, I learned from Harry Peloyan and other Watchtower New York corporate insiders that progress was being made to address this problem, although it was slow-going.

It took five years from when I learned about known molesters in positions of authority until that directive went out in the January 1, 1997 *Watchtower* journal that "known" molesters would not be appointed to ministerial positions.

Receiving a letter from the *Awake!* Editor and my exit from the religion – Statement of Barbara Anderson

The announcement of this policy prompted me to write to Harry Peloyan and tell him how happy I was that the organization was no longer going to appoint molesters to handle positions of oversight.

On February 5, 1997, Peloyan wrote me a letter articulating how he felt about the matter. For instance, one of the things he said in his letter about child molesters was, "Such perverts are just about incurable." This was not a new point of view because in the past, he had expressed this to me many times. But, apparently, Watchtower New York's corporate directors believed differently, until irrefutable evidence came into headquarters that proved men who sexually abused children in the past couldn't be trusted not to molest again.

Peloyan also stated in his letter that "what our view now is of child molesters ... came only after more than 5 years of blood, sweat, and tears." I could feel the stress in his words as I remembered how difficult it was for him as he anxiously fought for change even when intimidation was used by one Governing Body member, Ted Jaracz, to try to stop him from pressing on.

Peloyan continued in his letter to say that, "to this day we cannot understand how some here could have been so ignorant (or worse) on this subject, and who fought against publishing

anything on it.” And, “Now with the huge help of our Legal Department, we have finally set the record straight. Then he added something I didn’t know about: “Had we continued on a blind course, we would have had more megabuck lawsuits against the Society.”

Another statement of Peloyan’s was odd when I read it then: “Now any elder who protects these [perverts] is himself opened up to a law suit or jail term, and the Society will not protect them.”

How and why would elders protect molesters? As an example, the rule was if a molester moved to an area where he attended another congregation, the elders in the former congregation were instructed to inform the other elders of the man’s criminal past. However, elders did not always state the case correctly, especially if they were biased. Case in point.

In the 2012 California civil lawsuit of *Candace Conti vs. Watchtower New York*, the court learned that when Jonathan Kendrick, Conti’s molester, moved to another area, the Watchtower New York appointed agents (elders) in the congregation that he exited protected him. Although knowing Kendrick molested his step-daughter, they wrote a letter of introduction to the elders in the congregation where he was moving to, praising him, saying he was good around young people. Subsequently, Kendrick was welcomed into the congregation and soon married a Jehovah’s Witness woman. It didn’t take him long to molest her young grandchild. Yet, unlike the warning given by Harry Peloyan to Jehovah’s Witness elders who protected molesters, Jehovah’s Witness leaders did not sanction these elders for giving Kendrick a positive endorsement.

Watchtower New York did little for five years after being apprised in 1992 by Harry Peloyan, a corporate member, that an integral part of their adopted doctrinal Christian belief, “repentance and forgiveness,” was inadvertently responsible for the sexual molestation of more children.

And that’s what Peloyan lamented about when he concluded his letter to me: “Better late than never, but I wonder ‘who is going to answer’ for the many Witness children who in the past five years of inaction have had their lives ruined by baptized Witness molesters.”

This question no doubt was rhetorical. It was to make a point rather than to elicit an answer for we both knew that Watchtower corporate heads, who at that time were all Governing Body members, were not going to answer or take responsibility for the many Jehovah’s Witness kids, and other children in the community, who had their lives ruined by these Jehovah’s Witness ‘known’ molesters due to Watchtower New York’s corporate inaction for those five years. Peloyan’s statement absolutely confirms that it was these men, ‘known’ molesters appointed to positions of oversight by Watchtower New York, were still active child molesters. The records in Watchtower New York’s Service Department would verify that.

At the time Peloyan wrote the letter to me he apparently thought the issue was solved when he observed, “I’m glad that we do not have that on our heads, as we did all we could to push this ahead, and finally succeeded.”

What Harry Peloyan never anticipated was how his statement about having “more mega-buck lawsuits” had not Watchtower New York changed course would stun me. To learn that my

religion had settled “mega-buck” lawsuits because of appointing known molesters to leadership roles who molested more Jehovah’s Witness kids, was the final blow.

I could only wonder why in the world they didn’t stop this irresponsible and dangerous practice years ago. In that moment, I no longer wanted anything to do with Jehovah’s Witnesses and their Watchtower Corporations and immediately decided to exit the religion after 43-years of being an active member.

[A confidential Watchtower New York letter received – an analysis by Barbara Anderson](#)

It was a few years later, after receiving Harry Peloyan’s letter in February of 1997, when I learned that in March 1997, elders received from the Watchtower of NY an unusual letter dispatched from corporate directors, dated March 14, 1997 and marked CONFIDENTAL⁸⁸. The letter dealt with inquiries from elders reading the January 1st *Watchtower* article, “Let Us Abhor What is Wicked,” inquiring how this ruling was to be applied in the congregation.

As to the makeup of that very confidential letter, first of all, it explained that the Governing Body – also, corporate directors – were concerned with their responsibility to protect the flock of God, made up of the congregation and especially the children, “from the unwholesome practices that are constantly worsening in the world.”

Yet, as the rest of the letter made plain, it was in the congregations that Jehovah’s Witness molesters were holding positions of power! I thought to myself that’s who the “flock” should be protected from, these elders who have direct access to them, not random people “in” the world they may never meet.

The first sub-heading in the letter was a question, “Who is a known child molester?” The answer was, “An individual ‘known’ to have been a former child molester has reference to the perception of that one in the community and in the Christian congregation. In the eyes of the congregation, a man known to have been a child molester is not ‘free from accusation’ and ‘irreprehensible,’ nor does he have ‘a fine testimony from those on the outside.’ (1 Tim. 3:1-7, 10; 5:22; Titus 1:7) In view of his past, people in the community would not respect him, and the brothers might even stumble over his appointment.”

Now note the similarity to what the January 1st *Watchtower* states in reference to “a man who was a child molester before he was baptized”:

“What though, if he still has to live down notoriety in the community as a former child molester? Would he ‘be irreprehensible ... Have a fine testimony from people on the outside, ... [be] free from accusation’? (1 Timothy 3:1-7, 10; Titus 1:7) No, he would not. Hence he would not qualify for congregation privileges.”

So, who do these paragraphs refer to - men known to have molested children before converting to the Witness religion or those who the *Watchtower* article calls, “Dedicated” Christians who molested children after baptism? Primarily the letter refers to men accused of child abuse before converting to the Witness religion and found guilty by a court of law and penalized. Although

⁸⁸ See facsimile copy of Watchtower New York letter in Annexure A.

making “spiritual” progress and being considered as a “former” molester after converting to the Jehovah’s Witness religion, they still had to live down the notoriety in the community. By no longer appointing molesters to a position of trust, Jehovah’s Witness leaders finally recognized that these men, and also those who molested after they were dedicated and baptized should not be placed in a position of trust where children would view them as god-like figures and be vulnerable to abuse.

Watchtower New York and their use of the phrase ‘former child molester’ – analysis by Barbara Anderson

What is it with the use in the letter of the word ‘former’ child molester, not only here, but in another sentence? The word is also used five-times in the August 1, 1995 letter to elders⁸⁹ contained in guidelines of how to deal with child molesters. BTW, the word is not used in the January 1st *Watchtower* article at all. So it appears to be a Service Department choice of words because the Service Department sends out the Body of Elders letters.

There really is no way someone can determine when a molester becomes a ‘former’ molester? Only a well-trained elder would understand the use of the word, “former” in the letter. This is “loaded language.” JW elders are taught that when a molester claims repentance and puts forth so-called “Godly works” he can then be viewed as a “former” molester.

Under the next sub-title, “Protecting Our Children,” Watchtower directors primarily assigned that job to parents. Next suggestion was that elders “should be alert to the activity of any who are known to have molested children in the past.” Sounds good but can elders watch the activity of a known molester 24/7? That’s not reasonable, nor feasible.

And the third suggestion infers that repentant Jehovah’s Witness molesters have an obligation to make a decision not to be alone with children by saying that those “who have manifested a **weakness** in this regard [should] be sensitive to their need not to be alone with children. They should refrain from holding children or displaying ... affection for them.” And if they were doing this, the elders were too kindly caution them.

This advice was originally found in the August 1, 1995 Bodies of Elders letter. It just so happened that I told Harry Peloyan on the phone in 1995 about a confessed, repentant Jehovah’s Witness molester in my Tennessee congregation that was hugging and holding kids, not his own, on his lap during meetings and maneuvering to be alone with them. Yet, the elders said nothing to him because of believing his remorseful pleas. This conversation with Peloyan led to the August 1, 1995 letter with instructions to elders to talk very frankly to a ‘former’ child molester, strongly cautioning him about doing these things.

The so-called ‘weakness’ or ‘sin’ of pedophilia – by Barbara Anderson

Besides the use of the word, “former” connected to the label of child abuser or molester, in the March 14, 1997 letter, another curious word was used in regards to molesters – that word was “weakness.” This word was also loaded language which only elders understood. In their coached minds, weakness was different than being wicked. Supposedly, someone weak, who wrongs

⁸⁹ See facsimile copy of Watchtower New York letter in Annexure E.

another, is not a danger to others after he repents, therefore he can live a reformed life, control his weakness and then is considered a **former** molester. But can a so-called former molester control his weakness?

Weakness can be described as the opposite of strength, a lack of force or ability, and even the quality or state of lacking strength of will or character.

Is a pedophile really weak? The American Psychiatric Association (APA)⁹⁰ has classified pedophilia as a “mental disorder,” and classifies it along with other sexual disorders, or those that involve non-human objects, non-consenting adults, and the like.⁹¹

Harvard Medical School, in a paper titled *Pessimism About Pedophilia* stated:

“When confronted about sexual abuse, convicted pedophiles often rationalize their actions, such as insisting that a victimized child acted seductively or enjoyed the encounter. These rationalizations may reflect an inability to empathize with the child, which could be part of a co-occurring antisocial or narcissistic personality disorder.” And “classified as a paraphilia, an abnormal sexual behavior, researchers have found no effective treatment. ... The goal of treatment, therefore, is to prevent someone from acting on pedophile urges — either by decreasing sexual arousal around children or increasing the ability to manage that arousal.” The paper also states, “Outcomes are better when treatment combines psychotherapy and medication.”⁹²

Abusewatch.net, in the special article, “*A Profile of Pedophilia: Definition, Characteristics of Offenders, Recidivism, Treatment Outcomes, and Forensic Issues*,” reported “the fact that 70% to 85% of offenses against children are premeditated speaks against a lack of perpetrator control.”⁹³

These findings highlight and stress that pedophiles are not likely to be able to “pray away” their preying actions or use simple willpower to change their behavior.

So when the March 14, 1997, Watchtower New York Body of Elders letter stated: “Individuals who have manifested a weakness in this regard should be sensitive to their need not to be alone with children” the author apparently believed that weak people can control their actions but wicked people can't. However, the research doesn't show this to be true.

Regarding the man prone to molest – because he's weak – he lacks moral strength and would find it difficult to not give into temptation, contrary to what the directors of the Watchtower Corporation suggest that such a man can be insightful enough to decide not to be alone with children.

⁹⁰ See <https://dsm.psychiatryonline.org/doi/book/10.1176/appi.books.9780890425596>

⁹¹ See <http://www.webmd.com/mental-health/features/explaining-pedophilia>

⁹² See http://www.health.harvard.edu/newsletter_article/pessimism-about-pedophilia

⁹³ See <http://www.abusewatch.net/pedophiles.pdf>

But evidence was coming into the corporation that “weak” Society-appointed men guilty of child molestation in the past apparently forgot they were “former” molesters and molested again. This was the real reason for the seemingly “new” rule not to appoint known molesters to a position of oversight.

As the letter continued, the fundamental and primary reason for it being sent appeared under the sub-heading, PRIVILEGES OF SERVICE IN THE CONGREGATION.

First the reason for the letter is stated: “We have had a number of inquiries asking how this [statement in the Jan. 1, issue of the *Watchtower* “A man known to have been a child molester does not qualify for a responsible position in the congregation,] applies in the congregation.” Inasmuch as there were known molesters as elders, it was only natural that elders were inquiring about the situation.

The answer to the inquiries was in the next paragraph, but first of all it was pointed out “that some who were guilty of child molestation were or are now serving as elders,” or in other special positions. Maybe they were guilty of molestation before they were baptized, the letter observes, but, appallingly, the elders were instructed not to “query” or question individuals, which is the opposite of what you’d do if your aim was to protect children.

[Watchtower New York commissions a corporate internal investigation – as told by Barbara Anderson](#)

It’s here in this part of the letter which is a shocker – instructions to all Bodies of Elders to “give the Society a report on anyone who is currently serving or who formerly served in a Society-appointed position in the congregation who is known to have been guilty of child molestation in the past.”

And in that report the elders were to reply to a list of twelve questions so that “factors involved may be given due consideration.” What factors? If he met the test of years of loyalty and godliness, he would not be removed from his position although, at one time, he was known to be guilty of molestation!

Whether these men would ‘continue to qualify for a responsible position in the congregation’ was all that really mattered. To prove this, a US Branch letter dated January 21, 1999, from the Watchtower’s Executive Offices to the Australian Branch stated, “You should keep in mind that the March 14, 1997 letter was prepared with a view toward qualifications for appointed service and does not address legal obligations including the duty to report.”⁹⁴

And, just think about this: For the Watchtower Corporation to ask elders to send in a report on those currently serving or who formerly served in a Watchtower New York-appointed position in the congregation who was known to have been guilty of child molestation in the past,” corroborates that the Society had knowingly appointed molesters to positions of authority.

⁹⁴ See facsimile copy of letter in Annexure C.

And did not the senders of the letter consider that when the letter was read to the elders, the chances were there that the Congregation Secretary who received Watchtower New York correspondence and read it to the elders might be one “known to have been guilty of child molestation in the past.” Or what about an elder sitting with the other elders listening to the letter being read and was “known to have been guilty of child molestation in the past.”

Personal observation by Barbara Anderson

What must have been going on the minds of these individuals? Did they worry about what Watchtower New York was going to do with their names, maybe turn them over to the authorities to investigate whether they were molesting again? Perhaps they gradually faded from their congregations and molested again?

On July 20, 1998, Watchtower New York issued a confidential follow up letter to the March 14, 1997, Body of Elders letter. This letter stated:

“Child Molestation: The Society’s letter to all bodies of elders dated March 14, 1997, page 2, paragraph 5, states: “[G]ive the Society a report on anyone who is currently serving or who formerly served in a Society-appointed position in your congregation who is known to have been guilty of child molestation in the past.” Reports indicate that some elders think this direction does not apply if before his baptism the person sexually abused a child. However, even in such a situation, the elders should write to the branch office. This is true even if what occurred was many years ago. If any body of elders has not yet reported such a matter, they should immediately do so. Furthermore, any correspondence put in the confidential congregation file about an individual accused of child molestation, proven or otherwise, should be marked “Do Not Destroy” and be kept indefinitely.””⁹⁵

No rationale has ever been put forward by Watchtower New York as to why they refused or failed to adopt a rule for elders to always notify appropriate authorities across the board when there is an accusation against a Jehovah’s Witness or elder of child molestation.

CASE STUDY 2 – GONZALES CAMPOS: A WATCHTOWER NEW YORK APPOINTED ELDER AND ‘KNOWN CHILD MOLESTER’

On November 9, 2017, the Californian Court of Appeal, Fourth Appellate Division, published the following findings background information in relation to Gonzales Campos:

“Around September 27, 1980, Campos became an agent of Watchtower. In 1982, Campos molested a minor boy. Watchtower was aware of Campos's actions, but did not report him to the police or take any action to prevent further abuse.

⁹⁵ See facsimile copy in Annexure B.

“In 1986, Campos molested another minor boy. Watchtower was informed of Campos's acts, but did not report him to the police or take any action to prevent further abuse.

“In early 1997, Campos became associated with the Pacifica Congregation. The Pacifica Congregation was a subsidiary or subdivision of Watchtower. Two of Watchtower's agents, who knew about Campos's molestation of children, were appointed leaders of the Pacifica Congregation. Both Pacifica Congregation and Watchtower were aware of Campos's past acts of molestation.

“In April of 1994, Watchtower received a letter from a parent who claimed Campos molested his child and asked for Campos to be investigated. Watchtower forwarded the letter to Pacifica Congregation and instructed it to investigate the matter. Pacifica Congregation did so and confirmed that Campos had molested the child and that Watchtower was aware Campos had molested a child before January 1, 1987.

“Padron and his family were associated with the Pacifica Congregation. Campos frequently spoke at religious services for the Pacifica Congregation and had a leadership position with that group. Padron and his family met Campos through their involvement with the Pacifica Congregation, and Campos was able to "ingratiate himself" with Padron's family.

“In 1994 or 1995, Campos molested Padron on multiple occasions when Padron was seven or eight years old.”⁹⁶

In the San Diego, California, Linda Vista Congregation, Watchtower New York appointed elder, Gonzales Campos was the Congregation Secretary. Campos received the March 14, 1997 letter which he was to read to the elders. Watchtower New York attorney, James McCabe, stated in court records that Campos delayed reading that letter to the other elders to avoid sending names to Watchtower New York for the reason that he was one of those known to have been guilty of child molestation in the past, and who had not been reported to the authorities by the congregation elders or by Watchtower New York.

Because Campos was protected by the elders after he molested the first child, later it came to light that there were many more victims. Nine of them sought legal action against Watchtower New York. Other children that Campos molested did not file a lawsuit because they are Jehovah's Witnesses and did not want to bring additional “reproach” on the reputation of their religion.

Osbaldo Padron sued Watchtower Bible & Tract Society of New York and the Playa Pacifica Spanish Congregation of Jehovah's Witnesses (Pacifica Congregation) in California for negligence; negligent supervision/failure to warn; negligent hiring/retention; negligent failure to warn, train, or educate; sexual battery; and sexual harassment. Padron's claims were based on his allegation that Gonzalo Campos had molested him when he was a child and Campos was an agent of the Watchtower New York. Watchtower New York was aware of Campos's actions, but did not report him to the police or take any action to prevent further abuse.

⁹⁶ See page 5 of (Super. Ct. No. 37-2013-00067529-CU-PO-CTL). *Padron vs Watchtower Bible and Tract Society of New York, Inc.*, civil case. <https://www.documentcloud.org/documents/4214443-Padron-Appeal-Opinion.html>

On January 16, 2015, Padron's attorney served a deposition notice. The request sought: "All letters, emails, facsimiles, or other documentary, tangible, or electronically stored information of any kind Watchtower Bible and Tract Society New York, Inc. received in response to the Body of Elder Letter dated March 14, 1997."

The March 14, 1997 letter instructed elders to send a written report to Watchtower New York about "anyone who is currently serving or who formerly served in a [Watchtower New York]-appointed position in your congregation who is known to have been guilty of child molestation in the past." Although Watchtower New York produced some documents, Padron's attorney claimed Watchtower New York's production was inadequate because: (1) Watchtower New York refused to produce any documents that it received after March 2001.

Watchtower New York explained that the Service Department oversaw the spiritual activities of congregations of Jehovah's Witnesses in the United States. Before March 2001, Watchtower New York was the corporation through which the Service Department functioned and communicated with congregations. Beginning in March 2001, the Service Department began using the Christian Congregation of Jehovah's Witnesses ("CCJW") as the corporate entity through which it functioned and communicated with congregations. CCJW and Watchtower New York were separate corporations with their own respective board of directors and bank accounts, they argued.

Because the request only pertained to Watchtower New York and as Watchtower New York had no control over CCJW, Watchtower New York argued it only was required to produce responsive documents up until March 2001.

In reply, Padron's attorney claimed the distinction between Watchtower New York and CCJW was unimportant. The attorney emphasized that Watchtower New York has access to all documents located in the Service Department and the ability to direct Service Department personnel to search for responsive documents. In addition, he pointed out that Watchtower New York "indisputably operates" a legal department and that legal department has possession of all responses to the March 14, 1997 letter. Padron's attorney insisted Watchtower New York had to produce documents after March 2001. The court-appointed discovery referee explained:

"The structure of the Jehovah's Witnesses is complicated, and at the risk of oversimplification, based on the evidence presented in this motion, an entity known as the United States Branch oversees the Jehovah's Witnesses in the United States through a committee known as the U.S. Branch Committee. The various activities of the United States Branch are carried out through corporations or departments. Watchtower is one of the corporations and the service department is one of the departments. The service department communicates with various Jehovah's Witnesses congregations and bodies of elders in the United States, and up until March 2001, when CCJW was formed, the service department operated through Watchtower. In March 2001, after the formation of CCJW, the service department began operating through CCJW. The evidence indicates that the creation of CCJW was primarily to reinforce the concept that the Jehovah's Witnesses are a religion as opposed to simply a printing corporation, as Watchtower was apparently being perceived, but there was no substantive change in the purpose or operation of the service department after March 2001. The service department has

received responses to the March 14, 1997 Body of Elders letter since 1997 and continuing to the present."⁹⁷

With this basic structure in mind, the discovery referee found that Watchtower New York has a legal department that provides legal services to Watchtower and CCJW. The referee observed the Watchtower New York's legal department was physically examining each file to locate correspondence in response to the March 14, 1997 letter.

The discovery referee also stated that Watchtower New York had not filed any declarations or evidence refuting that it does not have access to the Service Department files either directly or through its legal department. The referee thus concluded that Watchtower New York had "access to and control of" responsive documents, even after March 2001, and recommended that Watchtower be required to produce those documents.

Attorney Irwin Zalkin explained the recent decision of the appellate court handed down November 9, 2017:

"Watchtower must produce ALL of the responsive reports to the March 1997 BOE letter redacting only the victims' names and the names of elders who were directly involved in the investigation or judicial committees. The names of perpetrators are not to be redacted. However, all of the information is subject to a court ordered protective order and cannot be made public at this time. The information is limited to attorney's eyes or any experts necessary to analyze the data. The importance of the opinion is the court's upholding of the monetary sanctions of \$2,000 per day that they have not searched for all of the documents and \$2,000 per day that they have not produced the documents with a very clear instruction that if they do not produce as ordered, terminating sanctions are "warranted and necessary.""

The Appeals court judges called Watchtower New York a "recalcitrant litigant who refuses to follow valid orders and merely reiterates losing arguments."⁹⁸

In the *Padron* case Watchtower New York had in fact took two opposing and inconsistent positions in its argument over the monetary sanctions and was judicially estopped from continuing to argue in relation to the authority of the superior court to issue and enforce monetary sanctions for refusing the hand over the documents sought.⁹⁹

⁹⁷ See (Super. Ct. No. 37-2013-00067529-CU-PO-CTL). *Padron vs Watchtower Bible and Tract Society of New York, Inc.*, civil case. <https://www.documentcloud.org/documents/4214443-Padron-Appeal-Opinion.html>

⁹⁸ Ibid. Page 39. "On the record before us, we are satisfied that the superior court's order was not arbitrary, capricious, or whimsical. To the contrary, the superior court has shown great patience and flexibility in dealing with a recalcitrant litigant who refuses to follow valid orders and merely reiterates losing arguments."

⁹⁹ "This case presented the issue whether a superior court could impose a hefty daily monetary sanction on a party who steadfastly refuses to comply with a discovery order. The court ordered Watchtower Bible and Tract Society of New York, Inc. (Watchtower) to produce documents responsive to a specific request for production. Per the court's order, the documents would be redacted to protect certain third parties' privacy interests and produced subject to a strict confidentiality and nondisclosure order negotiated by Watchtower. In addition, the court ordered Watchtower to look for documents in files it represented, on multiple occasions, to be in its possession, custody, and/or control. Watchtower informed the court that it would not comply with the order. As such, plaintiff Osbaldo Padron moved...

Personal observation by Barbara Anderson

The consequences of hiding the names of not alleged, but guilty molesters, in the Watchtower New York files are unpleasant enough to think about. Were some elders worried sick because they played a part in not turning criminals over to the police knowing they lived in a clergy-mandated state? Did some elders resign their positions when they realized the implications of that letter? One former Jehovah's Witness told me she heard her step-father elder talking on the phone to another elder about how upset he was for weeks after he heard the letter read.

Of course, many of these confirmed molesters appointed as elders, etc., paid a price for their crime in the past by serving time in prison. Just because their names were sent to headquarters, didn't mean they molested again so there was no need for their names to be reported to the authorities by Watchtower New York. However, how many names of men like Gonzalo Campos were on that list? The question has not been answered whether Watchtower made a report containing a list of known molesters to a police department.

For further reading on Watchtower New York's willful non-compliance with mandatory child sexual abuse reporting laws within the United States see *Stephanie Fessler vs. Watchtower New York, et al.* (2017 Pennsylvania). A comprehensive case summary is attached to this submission.

On February 18, 2018, Watchtower New York settled the *Padron* civil case. The settlement was reported on by Dorian Hargrove in the San Diego Reader under the heading "Watchtower done looking the other way?"¹⁰⁰ There was much internet forum speculation in relation to the court fines imposed on Watchtower New York.¹⁰¹ The Watchtower New York database of up to 775 'known' molesters was secured safely from public and law enforcement scrutiny and remains at Watchtower New York headquarters in the state of New York.

...for monetary sanctions against Watchtower for its discovery abuses. The court awarded sanctions in the amount of \$4,000 per day for noncompliance with the order, and Watchtower appealed that order. Finding that Watchtower took two inconsistent positions as grounds for its argument to reverse the sanction order, the Court of Appeal held Watchtower was judicially estopped from arguing the superior court lacked authority to issue the sanctions. Finding no other reason to reverse, the Court of Appeal affirmed the sanctions." Justia Law US. <https://law.justia.com/cases/california/court-of-appeal/2017/d070723.html>

¹⁰⁰ "Watchtower done looking the other way?" March 2, 2018. Dorian Hargrove. San Diego Reader. <https://www.sandiegoreader.com/news/2018/mar/02/ticker-watchtower-done-looking-other-way/#>

¹⁰¹ See "Padron Case Settled. What happened to the fine?" Jehovah's Witness Forum discussion. March 2, 2018. <https://www.jehovahs-witness.com/topic/5873117277716480/padron-case-settled-what-happens-fine>

See also "Watchtower vs Padron Settled (4.000\$ a day-case)" exJW Reddit forum. March 2, 2018. https://www.reddit.com/r/exjw/comments/81iys7/watchtower_vs_padron_settled_4000a_daycase/

Reveal reporter Trey Bundy succinctly expressed the community disappointment that Watchtower New York's child abuse database has once again been hidden from being presented to law enforcement agencies when he wrote:

“For years, two court cases in San Diego have offered the possibility that the full scope of the Jehovah's Witnesses child sex abuse cover-up would be revealed.

The window for that tantalizing opportunity has slammed shut. For now.

... The documents contain the names of what are likely thousands of abusers who were never reported to police. Instead, congregation leaders sent detailed logs of alleged abusers to headquarters.

... In a 2014 decision in the Lopez case [a related case], which the Watchtower appealed, San Diego Superior Court Judge Joan Lewis called the Watchtower's refusal to hand over the documents “reprehensible.”

“I think ‘disgraceful’ may be synonymous with ‘reprehensible,’ but I think ‘disgraceful’ doesn't say enough about it,” she wrote.”¹⁰²

THE EVIDENCE: WATCHTOWER NEW YORK'S CHILD ABUSE FILES

What has become of all the reports and names of known child molesters that were sent to Watchtower New York since March 14, 1997?

According to Attorney Irwin Zalkin, the names were “scanned and placed into a Microsoft searchable database called Sharepoint and the originals were destroyed.”

Sharepoint is a searchable document management and storage system, which, according to Microsoft, allows users to be “just a click away from what you are looking for, with powerful search and intelligent ways to discover information.”¹⁰³

To keep records secret of men, who have been determined by Watchtower New York to be guilty criminals of child molestation, is tantamount to giving them a license to molest again.

Watchtower New York, as a corporation was aware it was doing something quite illegal if it came to light that some of these known molesters abuse children again after being added to the data base after not being reported to the authorities.

Although the molesters ‘might’ have been removed from their positions, but by hiding their names from the congregations where they attended, Watchtower New York facilitated these known molesters to molest more children.

¹⁰² “Jehovah's Witness abuse files remain secret after court settlement.” March 21, 2018. Trey Bundy. Reveal. The Center for Investigative Reporting. <https://www.revealnews.org/blog/jehovahs-witness-abuse-files-remain-secret-after-court-settlements/>

¹⁰³ Microsoft. 2018. “Sharepoint.” Accessed April 2, 2018. <https://products.office.com/en-s/sharepoint/collaboration>

Personal observation by Barbara Anderson

In my opinion Watchtower New York should be held responsible for all those sexually abused by known Jehovah's Witness molesters placed in prominent positions and who molested again after the January 1, 1997 issue of *The Watchtower* magazine was published. Harry Peloyan's heartfelt remark to me says it all about the do-nothing attitude of the Watchtower Corporation after they were warned by him by saying, "who is going to answer for the many Witness children who in the past 5 years of inaction have had their lives ruined by baptized Witness molesters?" This is proof men on that list molested again.

New York State does not mandate clergy to report child abuse to this day, however Watchtower New York is not clergy, it is a corporation. It is a religious corporation that was chartered to operate church business, not to become the church who could claim they did not have to report child abuse.

Watchtower New York issues a 'Confidential' letter, dated July 20, 1998, addressing "legal considerations" in collecting and maintaining a database of Society-appointed agents who are 'known' molesters

On July 20, 1998, Watchtower New York issued a confidential letter to all appointed agents, that in part, discussed the management and corporate record keeping of records in relation to up to 755 known child molesters. This letter discussed legal considerations as opposed to church considerations. The letter reads in part:

"Watchtower Bible and Tract Society of New York, Inc.

"July 20, 1998

"CONFIDENTIAL

"TO ALL BODIES OF ELDERS

"Dear Bothers:

"We are here providing, for you future reference, information that was presented at the 15-hour supplementary course for congregation elders on certain serious matters.

"Child Molestation: The Society's letter to all bodies of elders dated March 14, 1997, page 2, paragraph 5, states: "[G]ive the Society a report on anyone who is currently serving or who formerly served in a Society-appointed position in your congregation who is known to have been guilty of child molestation in the past." Reports indicate that some elders think this direction does not apply if before his baptism the person sexually abused a child. However, even in such a situation, the elders should write the branch office...

"In the Kingdom Ministry School Supplementary Course for Congregation Elders there was a panel discussion in Unit 5b, "USE DISCERNMENT IN HANDLING SERIOUS MATTERS." This portion of the course addressed questions related to the problems associated with child abuse. Question 6 to the panel asked: "What factors should be

considered in determining what congregation privileges, if any, a former child molester can enjoy?" The answer included the statement: **"There are also legal considerations."** Some have inquired about how and why legal considerations should affect our recommendations of those who have been guilty of child abuse in the past.

"Those who are appointed to privileges of services, such as elders and ministerial servants, are put in a position of trust. One who is extended privileges in the congregation is judged by others as being worthy of trust. This includes being more liberal in leaving children in their care and oversight. The congregation would be left unprotected if we prematurely appointed someone who was a child abuser as a ministerial servant or an elder. In addition, court officials and lawyers will hold responsible any organization that knowingly appoints former child abusers to positions of trust, if one of these, thereafter, commits a further act of child abuse. This could result in costly lawsuits, involving dedicated funds that should be used to further the Kingdom work. So, legal considerations must also be weighed along with the degree of notoriety, the extent of the misconduct, how many years ago the sin occurred, and how the brother is now viewed by the congregation and people in the community including those he victimized."¹⁰⁴

Notably and glaringly absent in Watchtower New York's considerations, in relation to appointing known child molesters as agents, is any concern or consideration whatsoever for the sexual safety of children. The primary and overarching concern and consideration was costly lawsuits and reputation.

Even when the crime of child molestation, as potentially committed by a corporate agent of Watchtower New York, is placed under a banner of "sin" the concern and main consideration is still costly lawsuits.

The July 20, 1998, Body of Elders letter issued by Watchtower New York clearly explains that "legal considerations" were the primary reason for maintaining a child abuse data base. This constitutes evidence that Watchtower New York's child abuse files are held for corporate "legal considerations" including potential lawsuits.

It is inconceivable to consider that the New York Attorney General has no enforceable powers to subpoena the database and to hold accountable Watchtower Bible and Tract Society of New York, Inc. and associated entities, including holding them accountable in the first instance by filing a pleading to the Supreme Court of the State of New York and to take action to prevent any imminent and possible transfer of real estate and cash by Watchtower New York & Ors, and then to commence the removal of their charity status.

Therefore it is claimed that the additional evidence provided in these Watchtower New York letters supports and invokes the jurisdiction of the New York State Department of Law Charities Bureau in dealing with this child sexual assault scandal.

¹⁰⁴ See Annexure B for facsimile copy of Watchtower New York's confidential letter to the Body of Elders dated July 20, 1998.

CASE STUDY 3 – NEW YORK ATTORNEY GENERAL TAKES LEGAL ACTION AGAINST A NEW YORK-BASED CORPORATION INVOLVED IN A SEXUAL ASSAULT SCANDAL

Foreword: This case study establishes that the New York Attorney General can take legal action against New York-based corporations involved in sexual assault scandals.

On February 11, 2018, then New York Attorney General Eric Schneiderman¹⁰⁵ commenced legal action against the New York-based Weinstein Company LLC for allegedly failing to protect employees from an accused or known sexual predator. In the introduction to his petition to the Supreme Court, the Attorney General stated:

“1. The Attorney General, on behalf of the People of the State of New York, brings this action to remedy a years-long gender-based hostile work environment, a pattern of *quid pro quo* sexual harassment, and routine mismanagement of corporate resources for unlawful ends that extended from in or about 2005 through at least in or about October 2017. The Attorney General seeks to hold accountable Harvey Weinstein [and] The Weinstein Company LLC and its parent holding company, The Weinstein Company Holdings LLC ... for repeated, persistent, and egregious violation of law, to vindicate the rights of TWC’s employees, and to prevent future recurrence of such misconduct.”¹⁰⁶

The Martins Act vests the New York Attorney General expansive enforceable powers.¹⁰⁷ See also New York Executive Law § 63 (12) which allows the Attorney General to apply to the Supreme Court in such matters.¹⁰⁸

While such general business laws, in of themselves, may not always apply to religious corporations due to their structure, by law corporations are not permitted to suppress evidence of danger that could cause harm. Yet for decades this is exactly what Watchtower New York has done.

¹⁰⁵ On May 7, 2018, in a published statement, Eric Schneiderman announced his resignation as the New York Attorney General. <https://ag.ny.gov/press-release/statement-attorney-general-eric-t-schneiderman>

¹⁰⁶ New York Attorney General Press Release. <https://ag.ny.gov/press-release/ag-schneiderman-files-civil-rights-lawsuit-against-weinstein-companies-harvey>

¹⁰⁷ The powers invested in the New York Attorney General include the ability, in limited circumstances, to commence investigations (public or confidential) into potentially fraudulent practices (N.Y. Gen. Bus. Law §§ 352, 354-55); Initiate civil proceedings for injunctive relief or restitution; Initiate criminal actions (N.Y. Gen. Bus. Law § 358); Issue subpoenas statewide to compel attendance of witnesses or to require production of documents in connection with an investigation (N.Y. Gen. Bus. Law § 352(2))

¹⁰⁸ New York Executive Law § 63 (12) Whenever any person shall engage in repeated fraudulent or illegal acts or otherwise demonstrate persistent fraud or illegality in the carrying on, conducting or transaction of business, the attorney general may apply, in the name of the people of the state of New York, to the supreme court of the state of New York, on notice of five days, for an order enjoining the continuance of such business activity or of any fraudulent or illegal acts, directing restitution and damages.

Questions

Did Watchtower New York obstruct justice by not reporting the names of those 775 ‘known’ molesters that are in their database if they repeated the crime, despite being removed in the past from their Watchtower-appointed position?

Is this a violation of corporate law, or criminal negligence, along with a reckless disregard for protecting children?

- Barbara Anderson

Tricks and deflection by Watchtower New York to prevent legal action by States

Beginning in March 2001, the name in the letterhead of communication from Jehovah’s Witness leaders was changed. From then on, letters to congregations came from the Christian Congregation of Jehovah’s Witnesses (“CCJW”), not from Watchtower Bible and Tract Society of New York, Inc. The new name sounded more like a religious organization that was corresponding with its members, although, unknown to most, it too was a legal New York corporation.

This change basically occurred due to Watchtower New York being viewed by outsiders not as a religion, but as a publishing corporation, something that was not in their best corporate interests. In addition Watchtower New York was continually being linked to child abuse scandals and lawsuits that were predominately being settled out-of-court. Evidently it was in the best interests of the corporation and religion, if correspondence to Jehovah’s Witness congregations seemingly came from what sounded like a religious church and not a corporation mixed up in child abuse legal battles that were becoming public.

Watchtower Bible and Tract Society of New York, Inc. is not a church but a corporation. It’s ‘managing agents’ are the managing agents of a corporation, despite their also being, by wearing two or more hats, ecclesiastical leaders of a church. Pulling back the curtain reveals such.

WATCHTOWER NEW YORK: “IT’S A MAN’S WORLD” – BY BARBARA ANDERSON

From its inception, this religious organization has been male-controlled, made up of too many calculating and domineering men who believed that fellow male believers were ‘sinners’ if they molested children, not criminals.

Perhaps that’s why the title of *The Watchtower* article regarding male molesters is impersonal, “Let Us Abhor **What** is wicked?” and not, “Let Us Abhor **Who** Is Wicked,” that is, men the article was written about who sexually abuse children. And why in every news release, a

representative of the Watchtower Corporation when interviewed states, “We abhor child **abuse**,” and not “We Abhor Child **Abusers**,” there again, an impartial statement about 775 men on the Watchtower’s list who sexually abused children.¹⁰⁹

Interestingly, Daniel Sydlík, a Governing Body member now deceased, told me in 1992 about a close friend of his in Chicago accused by his adult daughter of molesting her when she was a child. He said, “I feel so bad for him because he’s a longtime elder and she’s ruining his career!”

This is why I do not remain silent and have become a campaigner for accountability and reform within Watchtower. Let’s not remain silent. If enough people speak out asking for an investigation into the Watchtower New York’s Microsoft Sharepoint database list of men who were ‘guilty’ of child sexual abuse, it might happen that the corporation could have its corporate status removed for covering up the names of child sexual abusers.

This year, 2018, is the twenty-first-year since Watchtower Bible and Tract Society of New York sent out their March 14, 1997 Bodies of Elders letter which then began a dangerous corporate cover-up.

THE QUID PRO QUO ARRANGEMENT

Does there exist a quid pro quo arrangement between the Governing Body of Jehovah’s Witnesses and Watchtower Bible and Tract Society of New York, Inc., including potentially in relation to charity donations and the ongoing covering up of the up to 775 known child molesters who were appointed to their congregation positions by Watchtower New York?

The quid pro quo arrangement for the appointment of elders

What is the relationship between the Governing Body of Jehovah’s Witnesses¹¹⁰ and the Watchtower New York in the appointment or retention of elders? *The Watchtower* magazine, published by Watchtower New York, explains it this way:

“The Governing Body appoints qualified brothers at the branches to represent it in making appointments of elders and ministerial servants. Care is taken that those acting representatively on behalf of the Governing Body clearly understand and follow the Scriptural guidelines for making such appointments. Hence, it is under the direction of the Governing Body that qualified men are appointed to serve in the congregations of Jehovah’s Witnesses worldwide.

“When recommendations for appointment of overseers and ministerial servants are submitted to a branch office of the Watch Tower Society, experienced men rely on God’s spirit for guidance in making the appointments. These men feel a sense of accountability,

¹⁰⁹ See <https://wol.jw.org/en/wol/d/r1/lp-e/1997003>

¹¹⁰ See also “How the Governing Body Differs From a Legal Corporation.” *The Watchtower* magazine. January 15, 2001. Pages 28-31. Published by Watchtower Bible and Tract Society of New York. <https://wol.jw.org/en/wol/d/r1/lp-e/2001051>

realizing that they must not lay their hands hastily upon any man, lest they share in his sins.”¹¹¹

On March 14, 1997, Watchtower Bible and Tract Society of New York, Inc., issued a non-negotiable confidential corporate letter to its agents and officers across the United States instructing them to provide Watchtower New York with a written report on anyone who is currently serving or who formerly served in a Society-appointed position who is known to be guilty of child molestation at the time of their appointment. A total of 12 individual questions were to be answered in the report relation to the known child molester. The report was to be placed in a ‘Special Blue’ envelope and sent to Watchtower New York.

As evidenced in this document Watchtower New York received from 1997 until 2001 a total of 775 ‘Special Blue’ envelopes that contained the identification of ‘known child molesters’ that it had appointed as agents and representatives across the United States under the direction of the Governing Body of Jehovah’s Witnesses.

All of the 775 known child molesters had been officially appointed to their congregation positions by a corporation, Watchtower Bible and Tract Society of New York, Inc. There is no evidence that the Governing Body ever instructed Watchtower New York to remove these known child molesters from their positions. The Governing Body recommended and approved their appointments and Watchtower New York thereupon appointed them as agents and representatives of Watchtower New York. This in effect created a stalemate.

The *Certificate of Amendment of the Certificate of Incorporation of Watchtower Bible and Tract Society of New York, Inc.*, dated March 27, 2001, as filed with the State of New York, stipulates that the Board of Directors, when complying with Corporation Law, must give regard to the overarching laws expounded by the Governing Body of Jehovah’s Witnesses. The second amendment to the Certificate of Incorporation states:

“SECOND: The corporation is a corporation as defined in Section 102(a)(5) of the Not-for-Profit Corporation Law and is a Type B corporation as defined in Section 201 of the Not-for-Profit Corporation Law. The purposes of the corporation are religious, educational, and charitable and are specifically to: act as the legal entity for the religious body of Christian persons in the United States known as Jehovah’s Witnesses; support the efforts of Jehovah’s Witnesses to preach and teach the gospel of God’s Kingdom under Christ Jesus as a witness to the name, Word, and supremacy of Almighty God, JEHOVAH ... Instruct and educate men, women, and children about the Bible ... acquire (including by gift, inheritance, and bequest), own, and utilize any interest in real and personal property; and do any and all other lawful things that its Board of Directors, in accordance with the spiritual direction of the ecclesiastical Governing Body of Jehovah’s Witnesses, shall deem appropriate in harmony with these purposes.”

¹¹¹ “Overseers and Ministerial Servants Theocratically Appointed.” *The Watchtower* magazine. January 15, 2001. Pages 12-16, par. 16 and 17. Published by Watchtower Bible & Tract Society of New York. <https://wol.jw.org/en/wol/d/r1/lp-e/2001049>

This amendment states that Watchtower New York must comply with any “direction” coming from the Governing Body of Jehovah’s Witnesses. The word “direction” is also used Watchtower New York’s July 20, 1998, Body of Elders letter that discusses “legal considerations” as the primary reason for maintaining records on, but not acting on, up to 775 known child molesters appointed to positions that include working with children.

The names of up to 775 known child molesters are still being concealed by a corporation, Watchtower New York, and its managing agents on behalf of, and for the personal benefit a group of men honoring pledges to the religious charity of Watchtower New York, namely the New York-based individual and collective persons comprising the Governing Body of Jehovah’s Witnesses. These men, the Governing Body, have issued the “direction” to Watchtower New York to cover up and conceal the identification of up to 775 known child molesters. The Governing Body benefit from the cover up while at the same time ensuring that gifts and bequests from individuals among “the religious body of Christian persons in the United States known as Jehovah’s Witnesses” to the church go to Watchtower New York, of which gifts and bequests are used in maintaining the covering up of up to 775 known child molesters appointed by Watchtower New York within “the religious body of Christian persons in the United States known as Jehovah’s Witnesses.”

The 775 known child molesters were appointed on the recommendation and under the advisement of the Governing Body of Jehovah’s Witnesses, an ecclesiastical body of men overseeing a church and controlling the allocation of church pledges and donations. Their appointments were not a church-only appointment per se, despite the fact that their roles were within a religious institution. For further information on the role of Watchtower New York agents during the 1990’s see the secret elders manual entitled “Pay Attention to Yourselves and All the Flock”¹¹² co-published the 1991 by Watchtower New York.

The quid pro quo arrangement for fund raising

The following is in support of the separately attached New York State Department of Law Charities Bureau complaint against each individual member of the Governing Body of Jehovah’s Witnesses in the event that Watchtower Bible and Tract Society of New York, Inc. et al are recognized as “charitable organizations.”

From time-to-time the members of the Governing Body of Jehovah’s Witnesses, individually and collectively, actively engage in what can only be described as fund raising for Watchtower New York and other associated legal entities. A recent example of this kind of fund raising occurred when Governing Body member, Stephen Lett, appeared in a video for the purpose of raising funds from the Jehovah’s Witness community, including in the State of New York¹¹³ Lett stated:

¹¹² “Pay Attention to Yourselves and All the Flock” The copyright to the publication is held by Watch Tower Pennsylvania. This manual replaced the previous versions of 1977, 1979 and 1981. This elders manual was in use at the time both the March 14, 1997, and July 20, 1998, Watchtower New York corporate letters were published. On May 15, 2008, Wikileaks published a copy of this secret manual. <https://file.wikileaks.org/file/pay-attention-to-yourselves-and-all-the-flock-1991.pdf>

¹¹³ At the time of the video fund raising activity of Stephen Lett, Watchtower New York was heavily involved in building their new associated headquarters in the State of New York.

“Sometimes, we may feel a little shy to talk about the financial needs of the organization. That is understandable. Because we in no way want to be categorized with other organizations, religious and otherwise, that coerce their supporters to donate.

“However, because all of us have the privilege to donate funds, we would like to let you know something about our current situation. Then, you can respond as your heart impels you.

“We have looked forward to this next fiscal year and projected the expenditures for all the theocratic initiatives we are scheduling. In doing the math, we found that the amount of money flowing out will be much greater than the amount of money that we have coming in at this time.

“The Governing Body wanted to make you aware of the financial needs in the World Field. And we are confident that with this knowledge, your appreciative hearts will move you to do what you can to support the work at hand.

“A small donation from each of many of Jehovah’s people adds up to a large amount of dedicated funds that can be used powerfully by Jehovah’s organization.

“Yes, we can honor Jehovah with our valuable things, including the financial support of True Worship. We want to give our first fruits to Jehovah.

“May all of us take the time to prayerfully consider what we can do to continue to live up to our dedication to Jehovah in all of the areas we have discussed.”¹¹⁴

The Governing Body of Jehovah’s Witnesses, through their collective and personal ministry, both directly and indirectly raise funds for Watchtower New York by directing members of the religion of Jehovah’s Witnesses in the State of New York and elsewhere in the US to the official JW.ORG website, administered by Watch Tower Pennsylvania, whereupon online donations can be made directly to Watchtower New York.

That the individual members of the Governing Body of Jehovah’s Witnesses financially benefit from this quid pro quo arrangement can be established by the fact that they live in residences owned and maintained by Watchtower New York, of which are supported by such donations. In addition to this Watchtower New York also care for their personal needs. The following link https://apps.jw.org/E_DONATE identifies the US-based “Beneficiary of Gift” as Watchtower Bible and Tract Society of New York, Inc. It is this beneficiary that the members of the Governing Body of Jehovah’s Witnesses solicit and engage in fund raising for.

Under New York State Executive Law it is lawful for Watchtower New York to use its officers, volunteers, or employees to engage in fund raising without having to register as a Professional Fund Raiser. New York State Executive Law with regards to a Professional Fund Raiser (PFR) states:

“A bona fide director, trustee, officer, volunteer, or employee of a charitable organization or a fund raising counsel shall not be deemed a PFR.”¹¹⁵

¹¹⁴ https://tv.jw.org/#en/mediaitems/pub-jwban_201505_1_VIDEO

¹¹⁵ NYS Executive Law Professional Fund Raiser (PFR) - See §§171-a

This then raises the question: Are the members of the Governing Body of Jehovah's Witnesses a volunteer or employee of Watchtower New York and therefore exempt from laws governing professional fundraising for charitable organizations?

On July 1, 1994, Gerrit Lösch¹¹⁶ was appointed to serve as a member of the Governing Body of Jehovah's Witnesses. On February 4, 2014, Gerrit Lösch made a deposition in the *Lopez v Watchtower New York*¹¹⁷ child abuse civil case with regards to his relationship with Watchtower New York. Lösch stated:

"8. I am not, and never have been, a corporate officer, director, managing agent, member, or employee of Watchtower. I do not direct, and have never directed, the day-by-day operations of Watchtower. I do not answer to Watchtower. I do not have, and never have had, any authority as an individual to make or determine corporate policy for Watchtower or any department of Watchtower.

"9. Watchtower does not have, and never has had, any authority over me."¹¹⁸

Items 8 and 9 above of Lösch's 2014 declaration, as made by him under penalty of perjury, are consistent with the policies and published statements¹¹⁹ of the Governing Body of Jehovah's Witnesses with regards to their own personal relationships with various Watchtower legal entities, namely they are not directors, trustees, officers, volunteers, or employees.

New York State Executive Law with regards to a Professional Fund Raiser (PFR) states:

"Any person who directly or indirectly, by contract, including but not limited to sub-contract, letter or other agreement or other engagement on any basis, for compensation or other consideration (a) plans, manages, conducts, carries on or assists in connection with a charitable solicitation or who employs or otherwise engages on any basis another person to solicit from persons in this state for or on behalf of any charitable organization or any other person, or who engages in the business of, or holds himself out to persons in this state as independently engaged in the business of soliciting for such purpose; (b) solicits on behalf of a charitable organization or any other person; or (c) who advertises that the purchase or use of goods, services, entertainment or any other thing of value will benefit a charitable organization but is not a commercial co-venturer."¹²⁰

It is claimed that no written contract exists between Watchtower Bible and Tract Society of New York, Inc. et al and each individual member of the Governing Body of Jehovah's Witnesses as named below:

¹¹⁶ For life story of Gerrit Lösch published in 2014 see: <https://www.jw.org/en/publications/magazines/w20140715/earthly-father-heavenly-father/>

¹¹⁷ *Lopez v Watchtower New York*. Superior Court of the State of California, County of San Diego. Case No. 37-2012-00099849-CU-PO-CTL

¹¹⁸ See Annexure F for facsimile copy of Declaration of Gerrit Lösch.

¹¹⁹ See also "How the Governing Body Differs From a Legal Corporation." *The Watchtower* magazine. January 15, 2001. Pages 28-31. Published by Watchtower Bible and Tract Society of New York. <https://wol.jw.org/en/wol/d/r1/lp-e/2001051>

¹²⁰ NYS Executive Law Professional Fund Raiser (PFR) - See §§171-a, Executive Law

- Geoffrey Jackson
- Stephen Lett
- Samuel Herd
- Gerrit Lösch
- David Splane
- Anthony Morris III
- Mark Sanderson
- Kenneth Cook, Jr.

...that has been produced for the express purpose of complying with the New York State Executive Law §§172-d, 173-a, 174, 174-a with regards to a Professional Fund Raiser (PFR).¹²¹

The New York State Department of Law Charities Bureau form ‘Professional Fund Raiser Registration Statement’¹²² states the following in relation to the word “solicit”:

“Solicit - To directly or indirectly make a request for a contribution, whether express or implied through any medium. A “solicitation” shall be deemed to have taken place whether or not a contribution is made. For purposes of this article, a “solicitation” or a “solicitation of contributions” includes any advertising which represents that the purchase or use of goods, services, entertainment or any other thing of value will benefit a charitable organization. Provided, however, that the printing and the mailing of a written solicitation for funds or any other thing of value to benefit a charitable organization shall not alone constitute soliciting on the part of persons who printed and mailed such solicitation if such persons do not otherwise solicit, receive or have access to contributions.”¹²³

Do the Governing Body of Jehovah’s Witnesses provide the “direction” and control over the monies, the dedicated funds, received from their fund raising and soliciting of donations? The 2017 Yearbook of Jehovah’s Witnesses made the following observation:

“On Wednesday, September 23, 2015, the Governing Body informed the worldwide Bethel family of a number of organizational changes that were being made in order to

¹²¹ Contracts - §§172-d, 173-a, 174, 174-a, Executive Law - No person shall enter into any contract or agreement with or otherwise employ or engage a Professional Fund Raiser (PFR) required to be registered under NYS Executive Law unless such PFR has provided to such person a statement, signed under penalties for perjury, that it is registered with the Attorney General's Charities Bureau and in compliance with all filing requirements of the Executive Law. ! No person shall enter into any contract or agreement, employment or engagement to raise funds or conduct any fund raising activities for any charitable organization required to be registered under NYS Executive Law §172 unless such charitable organization is registered with the Attorney General’s Charities Bureau and in compliance with all filing requirements of the Executive Law. ! No person shall act as a PFR before that PFR has a written contract with the charitable organization, or other person benefitting from the services. A PFR must file with the Attorney General's Charities Bureau, within 10 days of its execution, a copy of each contract entered into between the PFR and any charitable organization required to be registered under NYS Executive Law §172. At the time of the filing, the PFR must certify, under penalties for perjury, that the contract being filed is a true and correct copy of the original executed contract.

¹²² <https://www.charitiesnys.com/pdfs/char013.pdf>

¹²³ §§171-a, NYS Executive Law

make the best use of dedicated funds. Then, on Saturday, October 3, 2015, an announcement from the Governing Body explained: “At Philippians 1:10, we are told to ‘make sure of the more important things.’ In harmony with this wise advice, we [the Governing Body] desire to give priority to those activities that contribute the most to the spiritual welfare of God’s people and the advancement of the global preaching work.”

Stephen Lett of the Governing Body further explained on JW Broadcasting: “The Governing Body is so serious about advancing Kingdom interests in the field that we have reanalyzed ways we can cut back at all the branches so as to redirect more funds to the field. For example, many long-standing Bethel routines and services are being reduced or eliminated. This will result in fewer members of the Bethel family being required.”¹²⁴

Figure 1 below shows the inter-relationship between the main religious corporations that operate under the “direction” of the Governing Body of Jehovah’s Witnesses, despite the individual members not being under or subject to them. The Governing Body provide “direction” and control over all the corporate entities and the “dedicated funds,” whereas none of the corporate entities have control over each other.

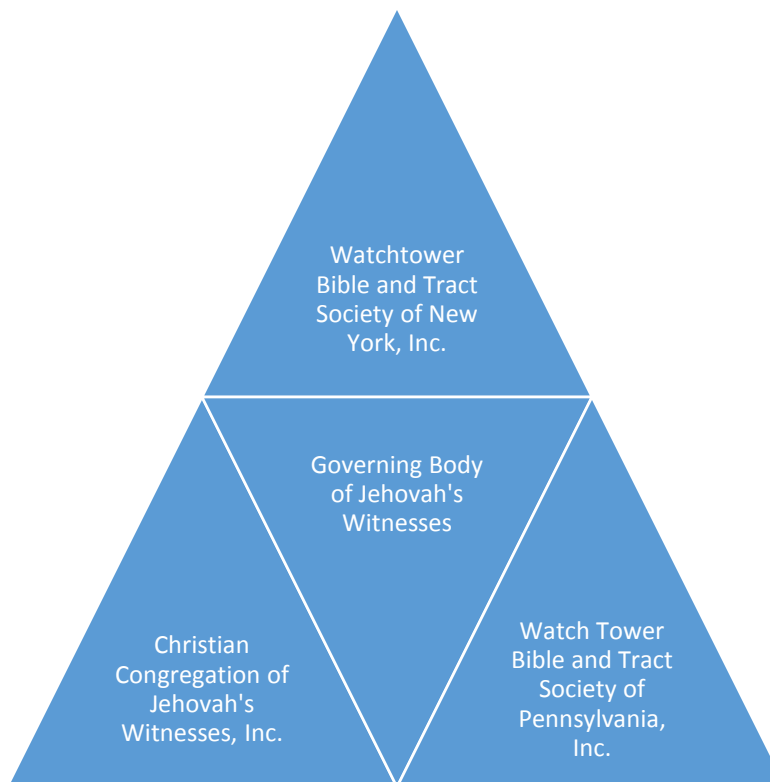


Figure 1. Pyramid structure of charitable organizations under the “direction” of the Governing Body of Jehovah’s Witnesses

¹²⁴ 2017 Yearbook of Jehovah’s Witnesses. Pages 10 and 11. <https://wol.jw.org/en/wol/d/r1/lp-e/302017037>

In the recent *Fessler v Watchtower New York*¹²⁵ civil case Watchtower New York and Christian Congregation of Jehovah's Witnesses, Inc. argued and testified before a jury trial that the Governing Body of Jehovah's Witnesses are not associated with the corporations in any way. As such it is claimed that the individual members of the Governing Body of Jehovah's Witnesses are not contracted or hired actors being used directly or indirectly to make requests for a contribution.

It is therefore submitted the individual members of the Governing Body of Jehovah's Witnesses are each a person who directly or indirectly, including by an agreement or other engagement, solicits from persons in the state of New York for a charitable organisation knowing that they will directly and financially receive compensation and knowing that they do not have a written contract that has been produced for the express purpose of complying with the New York State Executive Law §§172-d, 173-a, 174, 174-a with regards to a Professional Fund Raiser.

Petition: In support of the attached New York State Department of Law Charities Bureau complaint against the individual members of the Governing Body of Jehovah's Witnesses it is requested that they be investigated in relation to whether they are each a Professional Fund Raiser, namely being a church leader raising funds on behalf of a charitable organization they are not an actor for or "a bona fide director, trustee, officer, volunteer, or employee of."

[Does there exist documents or court records that confirms the allegation that: Watchtower New York, as a charitable corporation, is engaging in the expenditure of money for charitable purposes so as to maintain the covering up of criminal activities committed by up to 775 United States citizens?](#)

Yes. And this fact is now being submitted by the primary and originating whistleblower, Barbara Anderson.

These are court records, as attached in evidence, and they prove the existence of up 775 known child molesters. They also prove that Watchtower New York is engaging in conduct and the expenditure of money for a charitable purpose, to protect these individuals.

In 2012, the Californian-based Zalkin Law Firm filed a lawsuit on behalf of Jose Lopez against Watchtower New York. As part of the case, Zalkin requested all documents and letters that Watchtower New York had received in response to a corporate letter¹²⁶ sent to all Bodies of Elders dated 14 March 1997. Watchtower New York refused to hand over the documents despite a Court Order.

An article by Trey Bundy for The Center for Investigative Reporting reported the following in relation to the defiance of Watchtower New York:

¹²⁵ See separate 2018 case study "Case Study: Wilful non-compliance with child sexual abuse reporting laws by Watchtower Bible and Tract Society of New York Inc." Document prepared by Steven Unthank.

¹²⁶ See Annexure A for facsimile copy of Watchtower New York's letter to the Body of Elders dated March 14, 1997.

“The leadership of the Jehovah’s Witnesses has boldly defied court orders to turn over the names and whereabouts of alleged child sexual abusers across the United States.

Since 2014, courts have slapped the Jehovah’s Witnesses’ parent corporation – the Watchtower Bible and Tract Society of New York – with multimillion-dollar judgments and sanctions for violating orders to hand over secret documents.

The documents could serve as a road map to what are likely thousands of alleged child abusers living freely in communities across the country, who still could be abusing kids. The files include the names of known and suspected perpetrators, the locations of their congregations and descriptions of their alleged crimes.

“I’ve been practicing law for 37 years, and I’ve never seen anything like it,” said attorney Irwin Zalkin, who represents victims of sexual abuse by Jehovah’s Witnesses. “They do everything to protect the reputation of the organization over the safety of children.”

Zalkin said he believes that state and federal law enforcement agencies have a moral obligation to investigate the Watchtower’s child abuse policies and seize its files.

“It’s a public safety issue,” he said. “At this point, this needs to be investigated.”¹²⁷

In the *Lopez v Watchtower New York* civil case in relation to the 14 March 1997 letter issued by Watchtower New York —of which letter instructed its agents and officers across the United States instructing them to provide Watchtower New York with a written report on anyone who is currently serving or who formerly served in a Society-appointed position who is known to be guilty of child molestation at the time of their appointment— the Superior Court of the State of California made the following ruling in relation to the identification of any known childhood sexual abuse perpetrators that:

“have not been reported to a police agency by Watchtower or a Jehovah’s Witness congregation member for committing childhood sexual abuse, or have not been criminally charged or prosecuted for having committed childhood sexual abuse ... shall be referred to by pseudonyms, e.g., P1, P2, etc.”¹²⁸

On Friday, April 21, 2017, the following exchange took place in the Superior Court of the State of California in the *Lopez v Watchtower New York* civil case, between the Court, Mr Devin Storey, for the Plaintiff Jose Lopez, and Mr Ryan McKim, for the Defendant Watchtower New York:

THE COURT: How many were there, by the way, how many Ps?

MR STOREY: Do you know the number?

MR MCKIM: I don’t know offhand.

THE COURT: Roughly, though.

¹²⁷ *How Jehovah’s Witness leaders hide child abuse at all costs*. Trey Bundy. December 10, 2016. Reveal. The Center for Investigative Reporting. <https://www.revealnews.org/article/how-jehovahs-witnesses-leaders-hide-child-abuse-secrets-at-all-costs/%20>

¹²⁸ P1, P2, etc. were thereupon collectively referred to as the “Ps.” See [Exhibit “12”](#) *Lopez v Watchtower New York*. Superior Court of the State of California, County of San Diego. Case No. 37-2012-00099849-CU-PO-CTL

MR STOREY: 775.

THE COURT: How many?

MR STOREY: About 775, I think, Ps.

THE COURT: All right. Well, what I was thinking is now that we know them by pseudonyms, couldn't you just send a follow-up interrogatory saying of those perpetrators identified by pseudonym, please identify those where Watchtower, not someone else, Watchtower made a report to a police department?

MR STOREY: A couple of reasons that that would be problematic. One is we have the first set of documents. The second set of documents are broader, it's going to involve other perpetrators. So, I mean, we certainly couldn't do that until after at least the second production.

THE COURT: Right, I'm not saying right now. But once we have the list - - because nobody is going to argue, I would think, that a perpetrator whose name was turned over to the police has some privacy rights.

The 'second set of documents' referred to other additional child abuse files held by Watchtower New York that contained the identification of perpetrators within the religion of Jehovah's Witnesses that were not appointed agents of Watchtower New York.

[Evidence that Watch Tower Bible and Tract Society of Pennsylvania, Inc., and its directors and voting members have engaged in wrongdoing as a charitable corporation](#)

It is claimed that Watch Tower Bible and Tract Society of Pennsylvania, Inc. is engaged in 1) wrongdoing; 2) improper expenditure of money for charitable purposes; 3) and that its directors and voting members are engaged in improper activities of executors, administrators, trustees and personal representatives responsible for honoring pledges or donations to a charity—in relation to the financial support and charitable assistance it provides to Watchtower New York, knowing that such financial support and charitable assistance is being used to perform wrongdoing by Watchtower New York as referred to in this document from time-to-time. Please also refer to the document attached to the separate New York State Department of Law Charities Bureau complaint form in relation to Watch Tower Bible and Tract Society of Pennsylvania, Inc.

[Evidence that Christian Congregation of Jehovah's Witnesses, Inc., and its directors and voting members have engaged in wrongdoing as a charitable corporation](#)

It is claimed that Christian Congregation of Jehovah's Witnesses, Inc. ("CCJW") is engaged in 1) wrongdoing; 2) improper expenditure of money for charitable purposes; 3) and that its directors and voting members are engaged in improper activities of executors, administrators, trustees and personal representatives responsible for honoring pledges or donations to a charity—in relation to the financial support and charitable assistance it provides to Watchtower New York, knowing that such financial support and charitable assistance is being used to perform wrongdoing by Watchtower New York as referred to in this document from time-to-time, and by

reason that CCJW is jointly-managing and assisting Watchtower New York in protecting up to 775 known child abusers. Please refer to the document attached to the separate New York State Department of Law Charities Bureau complaint form in relation to Christian Congregation of Jehovah's Witnesses, Inc.

Evidence in support of allegations the members of the Governing Body of Jehovah's Witnesses, individually and collectively, may have engaged in improper activities in relation to being persons responsible for honoring pledges or donations to a charity

It is claimed that the members of the Governing Body of Jehovah's Witnesses are engaged in 1) wrongdoing; 2) improper expenditure of money for charitable purposes; 3) and that as personal representatives responsible for honoring pledges or donations to a charity— in relation to the financial support and charitable assistance it provides to Watchtower New York, knowing that such financial support and charitable assistance is being used to perform wrongdoing by Watchtower New York as referred to in this document from time-to-time, and by reason that CCJW is jointly-managing and assisting Watchtower New York in protecting up to 775 known child abusers. Please refer to the document attached to the separate New York State Department of Law Charities Bureau complaint form in relation to each individual member of the Governing Body Jehovah's Witnesses.

JEHOVAH'S WITNESS ENTITIES PUBLISH CHILD ABUSE STATEMENT

In April 2018 an unknown Jehovah's Witness entity or department arranged for publishing on the official JW.ORG website a three-page de-identified pdf document headed "Jehovah's Witnesses' Scripturally Based Position On Child Protection."¹²⁹ For reasons unknown the Governing Body of Jehovah's Witnesses is not yet publicly associated with the document.

The document when read in its entirety appears to be designed to protect the legal corporations under the "direction" of the Governing Body of Jehovah's Witnesses. The document in item 10 claims that child abuse investigations within the religion are "purely religious" and are "limited to the issue of membership." This appears to be nothing more than smoke-and-mirrors as elders are first and foremost instructed to always call the Jehovah's Witness headquarters Legal Department first, which thereupon invokes the Attorney-Client privilege.

In the context of this submission Item 3 of the document is worth considering. It states in part:

"The elders do not shield any perpetrator of child abuse from the authorities."¹³⁰

It is requested that the New York Attorney General give careful consideration as whether to accept, reject or disregard this document as constituting "spiritual direction of the ecclesiastical

¹²⁹ "Jehovah's Witnesses Scripturally Based Position on Child Protection." <https://www.jw.org/en/news/legal/legal-resources/information/packet-jw-scripturally-based-position-child-protection/>

¹³⁰ See Annexure G for facsimile copy of the document "Jehovah's Witnesses' Scripturally Based Position On Child Protection.

Governing Body of Jehovah's Witnesses" to the Board of Directors, Watchtower Bible and Tract Society of New York, Inc.

The *Certificate of Amendment of the Certificate of Incorporation of Watchtower Bible and Tract Society of New York, Inc.*, dated March 27, 2001, requires the Board of Directors of Watchtower New York to:

“do any and all other lawful things that its Board of Directors, in accordance with the spiritual direction of the ecclesiastical Governing Body of Jehovah's Witnesses, shall deem appropriate in harmony with these purposes.”¹³¹

It may well be argued, if in fact this document was issued by the Governing Body of Jehovah's Witnesses, that this document gives implied consent for the Board of Directors of Watchtower New York, all of whom are appointed elders, to hand over all documents relating to up to 775 known child molesters that were appointed to their congregation positions by Watchtower New York upon request, court order or subpoena.

WHISTLEBLOWERS: HOW WATCHTOWER NEW YORK MANAGES THE PROBLEM?

How can Watchtower Bible and Tract Society of New York, Inc., deal with situations when a Jehovah's Witness, or a former Jehovah's Witness, disagrees with their covering up of 'known child molesters' within the community and congregations of Jehovah's Witnesses?

Watchtower New York first and foremost protect their own corporate image and then the failing child abuse policies of the Governing Body of Jehovah's Witnesses. Those who object to the covering up of 'known child molesters,' or who attempt to expose any child molesters who were appointed as agents of Watchtower New York, may find themselves either excommunicated from the religion or may literally find their constitutional freedom of religion corporately revoked.

In such cases a corporate letter may be sent by Watchtower New York which states:

¹³¹ The *Certificate of Amendment of the Certificate of Incorporation of Watchtower Bible and Tract Society of New York, Inc.*, dated March 27, 2001, as filed with the State of New York, stipulates that the Board of Directors, when complying with Corporation Law, must give regard to the overarching laws expounded by the Governing Body of Jehovah's Witnesses. The second amendment to the Certificate of Incorporation states:

“SECOND: The corporation is a corporation as defined in Section 102(a)(5) of the Not-for-Profit Corporation Law and is a Type B corporation as defined in Section 201 of the Not-for-Profit Corporation Law. The purposes of the corporation are religious, educational, and charitable and are specifically to: act as the legal entity for the religious body of Christian persons in the United States known as Jehovah's Witnesses; support the efforts of Jehovah's Witnesses to preach and teach the gospel of God's Kingdom under Christ Jesus as a witness to the name, Word, and supremacy of Almighty God, JEHOVAH ... Instruct and educate men, women, and children about the Bible ... acquire (including by gift, inheritance, and bequest), own, and utilize any interest in real and personal property; and do any and all other lawful things that its Board of Directors, in accordance with the spiritual direction of the ecclesiastical Governing Body of Jehovah's Witnesses, shall deem appropriate in harmony with these purposes.”

“We are authorized to inform you on our own behalf and on behalf of Christian Congregation of Jehovah’s Witnesses (CCJW) that your implied invitation to visit any Bethel facility, Regional Convention, Kingdom Hall, or Assembly Hall, whether leased, licensed, owned, or operated by Watchtower Bible and Tract Society of New York, Inc., CCJW, or any congregation of Jehovah’s Witnesses, is hereby revoked. Should you chose to enter any of the aforementioned properties, we will immediately contact the police with the intent of pressing criminal trespassing charges against you.”¹³²

By contrast a ‘known child molester’ is not reported to the police and neither is their implied invitation revoked. They are protected by Watchtower Bible and Tract Society of New York, Inc.

CONCLUSION: COMPLAINT AND SUBMISSION TO THE NEW YORK STATE ATTORNEY GENERAL VIA THE NEW YORK STATE LEGISLATURE

It is therefore respectfully submitted to the New York State Attorney General, via the New York State Legislature that:

1. The New York Attorney General avail himself of all enforcement powers to bring action to remedy a decades-long hostile child sexual abuse environment, a pattern of *quid pro quo* child sexual abuse and failure to prevent child sexual abuse, and routine misuse of the corporate resources of Watchtower Bible and Tract Society of New York for unlawful ends that extended from in or about March 14, 1987 through to at least April 2018; and
2. The New York Attorney General seek to hold the individual members of the Governing Body of Jehovah’s Witnesses, all residents of New York State, and the corporation for which they control under direction, Watchtower Bible and Tract Society of New York, Inc., its parent corporation, Watch Tower Bible and Tract Society of Pennsylvania, Inc., and related corporation, Christian Congregation of Jehovah’s Witnesses, Inc., for repeated, persistent, and egregious violations of the law, to vindicate the rights of children within the religion of Jehovah’s Witnesses, both past and present, and to prevent future recurrence of such misconduct; and
3. The New York Attorney General
 - Commence investigations (public or confidential) into potentially wrongdoing practices involved in the covering up of child abuse involving up to 775 appointed agents (elders) of Watchtower Bible and Tract Society of New York, Inc., its directors and officers, and related corporations headquartered in the State of New York,
 - Initiate civil proceedings against Watchtower Bible and Tract Society of New York, Inc., *et al.*

¹³² See Annexure H for facsimile copy of letter as issue by Watchtower Bible and Tract Society of New York, Inc.

- Issue subpoenas statewide to compel attendance of witnesses and to require production of documents, being: “all letters, emails, facsimiles, or other documentary, tangible, or electronically stored information of any kind that the of Watchtower Bible and Tract Society New York, Inc. received in response to ‘All Bodies of Elders’ Letter dated March 14, 1997.”¹³³

Petition and Submission in support of complaint filed by

Barbara J. Anderson

May 14, 2018

Document prepared by Steven Unthank

¹³³ See Annexure A for facsimile copy of Watchtower New York’s letter to the Body of Elders dated March 14, 1997.

EVIDENCE

EXHIBIT “12”

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 IN AND FOR THE COUNTY OF SAN DIEGO
3

4 DEPARTMENT 71 HON. GREGORY W. POLLACK
5

6 JOSE LOPEZ, AN INDIVIDUAL,)
7 PLAINTIFF,)
8)

9 VS.)

10 DOE 1, LINDA VISTA CHURCH; DOE) CASE NO.
11 2, SUPERVISORY ORGANIZATION;) 37-2012-
DOES 3, PERPETRATOR, AND DOES) 00099849-CU-PO-
4 THROUGH 100, INCLUSIVE,) CTL
12 DEFENDANTS.)

13
14 REPORTER'S TRANSCRIPT

15 FRIDAY, APRIL 21, 2017.
16

17
18
19 APPEARANCES ON NEXT PAGE
20

21
22 LOIS MASON THOMPSON, CSR, RPR, CRR
23 CSR NO. 3685
lois.mason51@gmail.com
24 760.855.9689
25

1 APPEARANCES:

2
3 FOR THE PLAINTIFF JOSE LOPEZ, AN INDIVIDUAL:

4 THE ZALKIN LAW FIRM, PC
5 BY: DEVIN M. STOREY
6 12555 HIGH BLUFF DRIVE
7 SUITE 260
8 SAN DIEGO, CALIFORNIA 92130
9 858.259.3011

10
11 FOR THE DEFENDANT WATCHTOWER BIBLE AND TRACT
12 SOCIETY OF NEW YORK, INC., SUED HEREIN AS DOE 2,
13 SUPERVISORY ORGANIZATION:

14 MORRIS, POLICH & PURDY
15 BY: RYAN C. MCKIM
16 1055 WEST SEVENTH STREET
17 24TH FLOOR
18 LOS ANGELES, CALIFORNIA 90017
19 213.417.5336
20
21
22
23
24
25

1 P1, P2, P3, from that first set.

2 THE COURT: How many were there, by the way,
3 how many Ps?

4 MR. STOREY: Do you know the number?

5 MR. MCKIM: I don't know offhand.

6 THE COURT: Roughly, though.

7 MR. STOREY: 775.

8 THE COURT: How many?

9 MR. STOREY: About 775, I think, Ps.

10 THE COURT: All right. Well, what I was
11 thinking is now that we know them by pseudonyms,
12 couldn't you just send a follow-up interrogatory saying
13 of those perpetrators identified by pseudonym, please
14 identify those where Watchtower, not someone else,
15 Watchtower made a report to a police department?

16 MR. STOREY: A couple of reasons that that
17 would be problematic. One is we have the first set of
18 documents. The second set of documents are broader,
19 it's going to involve other perpetrators. So, I mean,
20 we certainly couldn't do that until after at least the
21 second production.

22 THE COURT: Right, I'm not saying right now.
23 But once we have the list -- because nobody is going to
24 argue, I would think, that a perpetrator whose name was
25 turned over to the police has some privacy rights.

1 CERTIFICATE

2 State of California)

3 County of San Diego)

4
5 I, Lois Mason Thompson, CSR No. 3685, a pro tem
6 reporter in the Superior Court of the State of
7 California, in and for the County of San Diego, hereby
8 certify that I reported in machine shorthand the
9 proceedings held on April 21, 2017, that my notes were
10 transcribed into typewriting under my direction, that
11 the foregoing transcript, pages 1 through 30 is a full,
12 true, and correct transcript of the said proceedings.

13 Dated at San Diego, California, April 27, 2017
14
15

16 
17 Lois Mason Thompson

18 CSR No. 3685
19

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APPENDICES

RELIGIOUS CORPORATIONS IN THE UNITED STATES

Legal Basis (1)

Method of Incorporation (2)

Corporations Sole and Aggregate (3)

Objects of Incorporation (4)

Powers (5)

1. Legal Basis.

The corporation formed for the purposes of religion is an important element in American ecclesiastical organization. The American religious corporation differs in origin, function, and power from the ecclesiastical corporation known to European law which is the product of canon law, and has been developed by analogy from the corporation of the civil law based upon the Roman law. It is not an American development of the English legal ecclesiastical corporation, which is composed entirely of ecclesiastical persons and subject to ecclesiastical judicatories. The religious corporation in the United States belongs to the class of civil corporations, not for profit, which are organized and controlled according to the principles of common law and equity as administered by the civil courts. Distinction is necessary between the corporation and the religious society or church with which it may be connected. The church is a spiritual and ecclesiastical body, and as such does not receive incorporation. It is from the membership of the religious society that the corporation is formed. The corporation exercises its functions for the welfare of the church body, over which, however, it has no control. It can not alter the faith of the church, or receive or expel members, or dictate relations with other church bodies. While the religious corporation is frequently organized to carry on some religious enterprise without connection with a local church body, the greater number of religious corporations in the United States are directly connected with some local church body, and it is in this connection that their powers and duties will be considered.

2. Method of Incorporation.

Only a sovereign power can create a corporation, and this power now rests with the legislative branch of the state governments and of the federal government. Prior to the American revolution religious corporations were created either by royal charter or by provincial authority derived from the crown. After the revolution they were incorporated either by special acts of the state legislatures or under the provisions of general statutes. In its charter are contained the organic law of a corporation and the legal evidence of its right to the exercise of corporate franchises. When incorporation is effected under the provisions of a general statute, the terms of such a statute applicable to that particular corporation are by law read into its charter. Such a charter is a grant of powers by the State, and it also has the nature of a contract in such a sense that it can not thereafter be altered or revoked without the consent of the corporation unless the State has reserved to itself the right so to alter or revoke. The general statutes under which religious

corporations can now be formed in most of the American states contain provisions authorizing the legislature to alter, amend, or repeal any charter granted. Another limitation of corporate powers is that charters granted to corporations by the State may be seized either for non-use or misuse of powers. Further, the granting of a charter does not prevent a state from exercising to a reasonable extent its police or judicial powers. In some states the duration or life of a religious corporation is limited by statute. If no limit is specified, the corporation may enjoy a perpetual existence. The life of a religious corporation dates in law from its organization, not from the time it began to exercise its corporate powers. That a religious corporation is a corporation de facto may be proved by showing the existence of a charter at a prior time, or by showing some law under which it could have been created and an actual use of the rights claimed to have been conferred. Where such a body has for a number of years and in good faith exercised the privileges of a corporation, its legal incorporation will be presumed. If the statute which provides for the incorporation of religious societies does not make incorporation obligatory upon such societies but merely prescribes the mode of incorporation, in case there is no evidence that a society took any of the steps prescribed or assumed to act as a corporation, its incorporation under the statute will not be presumed. But a mere use of corporate powers limited to the maintenance of religious observances is not sufficient to establish a corporation de facto (*Van Buren vs. Reformed Church*, 62 Barb. N. Y. 495).

3. Corporations Sole and Aggregate.

Classified as to the number of natural persons vested with corporate powers, religious corporations are either aggregate or sole. By far the greater number are aggregate, composed of three or more persons. The corporation sole is found where one person holding an ecclesiastical office is by law vested with all the attributes of a corporation. Such corporate attributes attach to the office and pass to each succeeding incumbent, thereby maintaining continuously the life of the corporation. During a vacancy in the ecclesiastical office the law regards the corporate functions as suspended merely and not as destroyed. The ecclesiastical corporation sole has not been favored in American legislation. It is expressly forbidden in the states of Delaware, Michigan, New York, and Pennsylvania. It is provided for by statute in the states of Oregon and New Jersey. Massachusetts and several other states have granted charters of incorporation to single church officials by special legislative acts. The object of the churches in securing such incorporations was to make more effective certain features of their polities. Incorporation of this kind has been sought by denominations having an episcopal form of polity. Thus the Oregon statute provides for the granting of corporate powers to bishops, overseers, and presiding elders. The composition of the religious corporations aggregate depends upon the provisions of the statute in each state, and in this matter the states are broadly divided. The language of many statutes is to the effect that any religious society or church may become incorporated by following a prescribed procedure. The language of other statutes is to the effect that religious societies or churches having appointed or elected trustees, the same may become a civil corporation. This difference is not as radical as would appear, for in cases where the law permits churches to be incorporated, provision is made for the election or appointment of trustees in whom are vested the corporate functions, thereby leaving to the church body the sole duty of producing such trustees. Under either system the corporations have the same functions in law. In a number of states supplemental provisions have been enacted to provide corporations composed of certain officials for the benefit of churches of particular denominations.

4. Objects of Incorporation.

The primary object of religious incorporation in the United States is the care of real property devoted to the purposes of religion. In the corporation as such is vested the title to church property. Along with the vesting of such title go all the, at times of legal ownership, to be exercised, however, solely for the benefit of the religious body which the corporation serves. In this relation the corporation is a trustee and the church is the party with the full beneficial interest. While the corporation so serves the church, it is not within the jurisdiction of the church judicatories, but is responsible for the proper performance of its duties to the civil courts, before whom it may be brought by any party in interest. The courts have recognized, in addition to the primary trust for the holding of specific property and its right use for the benefit of a certain religious body, religious corporations as possessing the inherent capacity of executing additional trusts of a distinctly religious, charitable, or educational nature if not too far removed from the primary object of the particular corporation acting as trustee. With this sanction many special trust funds have developed in the hands of local religious corporations. The dissolution of a local church body does not cause the dissolution of the corporation so long as there is real property to be held or transferred or trusts to be administered.

5. Powers.

In order properly to perform their functions religious corporations are now vested with ample powers. The granting of increased powers was a marked feature of legislation during the second half of the nineteenth century. Conspicuous was the increase in the amount of real property which religious corporations might hold. Moreover, all the normal powers of private corporations have been recognized as belonging to religious corporations. Specifically, these corporations have power to preserve their existence by filling vacancies. They may for their own government adopt by-laws, which, however, may not be inconsistent either with the provisions of the statute under which the corporation was organized or with the rules adopted by the church body with which the corporation is connected. If the local church is a member of some denominational organization, the by-laws of a local religious corporation may contain nothing adverse to the denominational connection of the local church body. If a corporation is found to have adopted such by-laws, the remedy is in the civil courts where such by-laws and all corporate acts based upon them will be nullified. Another power is that of adopting and using a corporate seal. This seal is affixed to all formal documents signed by the officers of the corporation as such and should appear over all instruments intended to bind the corporation. The religious corporation must act as a body in regular meeting. The separate and individual acts of members of the corporation, even though such acts are by a majority of the whole number, are not binding upon the corporation and can not of themselves create corporate liability. A power either specifically granted or necessarily implied is that of purchasing, leasing, exchanging, or mortgaging all forms of real property, provided that such property is necessary and convenient for the purposes of the church body. This question is decided by the civil courts alone. A religious corporation may not engage in business transactions for profit. It may, however, hold revenue-producing property, not used by the church, as investment in the form of an endowment. It has the implied if not the express right to contract money obligations to be evidenced by bonds or notes. The mortgaging of real property by a religious corporation generally requires the consent of some superior ecclesiastical authority, as well as an order of court. Because one of the objects of religious incorporation is to give a legal person standing in court, such corporations have the right to sue and be sued, to plead and be impleaded, in courts of law and of equity. It is

in the civil courts and not in the ecclesiastical courts that the religious corporation has standing; and it is from the civil courts that orders or writs will issue, directing or restraining corporate action. A corporation has the right to be represented by counsel, and the necessary cost of litigation is recognized as a legitimate expense. Unlike private corporations, the religious corporation can neither merge nor dissolve without the consent of the local church body and the higher church authorities. The statutes provide when and how there can be a consolidation of such corporations, and also under what circumstances a religious corporation can proceed to its own dissolution.

The American law of religious corporations has developed largely with reference to local churches; yet the practise of incorporation by superior ecclesiastical bodies and by special organizations, such as mission and educational boards, has become general. These general corporations do not differ in their legal character from the local corporations; but because their property interests are widely distributed throughout the possessions of the United States and in foreign lands, they come more often under the jurisdiction of the federal courts and the tribunals of foreign countries.

GEORGE JAMES BAYLES.

BIBLIOGRAPHY: W. H. Roberts, *Laws Relating to Religious Corporations: Collection of the general Statutes of the States and Territories*, Philadelphia, 1896; *Laws Relating to General Religious and Non-Business Corporations* (New York), Albany, 1899; R. C. Cumming, *Membership and Religious Corporations*, ed. A. J. Danaher, ib. 1900-04; C. T. Carr, *General Principles of the Law of Corporations*, New York, 1905.

George James Bayles. *The New Schaff-Herzog Encyclopedia of Religious Knowledge*, Volume IX. 1953 edition. Published by Baker Book House.

<https://www.ccel.org/s/schaff/encyc/encyc09/htm/iv.vii.cxli.htm>

Appendix 2 – Media articles on child abuse within Watchtower New York

List of main articles exposing the cover up of child sexual abuse by Watchtower Bible and Tract Society of New York, Inc., within the religion of Jehovah's Witnesses.

Articles published by Reveal and The Center for Investigative Reporting.

Reporters: Trey Bundy, Byard Duncan, and others

What you don't know about Jehovah's Witnesses

Feb 14, 2015

They come to your door, but how much do you really know about Jehovah's Witnesses? We show you some surprising stuff (you probably didn't know) about the worldwide religion...

<https://www.revealnews.org/article/what-you-dont-know-about-jehovahs-witnesses/>

The secrets of church, state and business

Feb 14, 2015 – Podcast

In this episode, we expose the secrets one powerful religious group was keeping...

<https://www.revealnews.org/episodes/the-secrets-of-church-state-and-business/>

Are Jehovah's Witnesses Covering up Child Abuse?

Feb 17, 2015 – PBS Newscast

The Jehovah's Witnesses maintain that the First Amendment protects their right to set their own policies, even in cases of child abuse...

<https://www.revealnews.org/article/are-jehovahs-witnesses-covering-up-child-abuse/>

Jehovah's Witness leader says child sex abuse claims are 'lies'

Mar 6, 2015

A top Jehovah's Witness leader – speaking through a video posted on the organization's official website – denied allegations that the religion provides a safe haven for child sexual abusers...

<https://www.revealnews.org/article/jehovahs-witness-leader-says-child-sex-abuse-claims-are-lies/>

California court guts child abuse ruling against Jehovah's Witnesses

Apr 14, 2015

Three years after a former Jehovah's Witness won the largest verdict for a single victim of child abuse against a religious organization in U.S. history, the California Court of Appeal found that the organization had no duty to warn congregants that a confessed child molester was one of their own...

<https://www.revealnews.org/article/california-court-guts-child-abuse-ruling-against-jehovahs-witnesses/>

5 hardships faced by victims of Jehovah's Witnesses sexual abuse

Aug 11, 2015

The Jehovah's Witnesses leadership has created a secretive system to conceal allegations of sexual abuse within its congregations. Reveal's investigation found that for abuse victims, this can mean enduring a variety of difficulties...

<https://www.revealnews.org/article/5-hardships-faced-by-victims-of-jehovahs-witnesses-sexual-abuse/>

Jehovah's Witnesses can hide the truth in court to protect religion

Sep 23, 2015

Under the "theocratic warfare" doctrine, Jehovah's Witnesses are allowed to hide the truth from anyone outside of the religion – including in legal matters such as child sexual abuse cases – if doing so protects the organization...

<https://www.revealnews.org/article/jehovahs-witnesses-can-hide-the-truth-in-court-to-protect-religion/>

How Jehovah's Witness leaders are responding to child abuse scrutiny

Dec 14, 2015

A Portuguese news documentary released in October was yet another report from across the globe to detail the Jehovah's Witnesses' policy of not reporting child abusers to law enforcement. As in other media reports, top officials refused to speak to the journalists who produced it...

<https://www.revealnews.org/blog/how-jehovahs-witness-leaders-are-responding-to-child-abuse-scrutiny/>

Jehovah's Witnesses leaders say they don't protect sexual abusers

Dec 21, 2015

In the face of evidence that the Jehovah's Witnesses organization in Australia failed to report more than 1,000 allegations of child sexual abuse, the religion's leaders say they're doing a great job of protecting children. The response comes from a 141-page document filed by the Witnesses to an Australian government commission investigating rampant child sexual abuse...

<https://www.revealnews.org/blog/24232/>

In England, more accusations that Jehovah's Witnesses hid sex abuse

Jan 4, 2016

Claims that Jehovah's Witnesses hide child sexual abuse from secular authorities have surfaced again in England.

The Daily Mail reported last week that Ian Pheasey, a 54-year-old Jehovah's Witness, was sentenced to five years' imprisonment for choking young girls for sexual gratification in the 1990s.

"Prosecutor Nicholas Taplow said that Pheasey's victims were told to keep quiet and that "the matter was swept under the carpet by the church"...

<https://www.revealnews.org/blog/in-england-more-accusations-that-jehovahs-witnesses-hid-sex-abuse/>

Another judge criticizes Jehovah's Witnesses' court tactics

Jan 11, 2016

A panel of judges in Philadelphia has ruled that Jehovah's Witnesses used an "abusive tactic" to delay a trial in which a woman accused the religion's leaders of covering up her abuse as a child.

The Witnesses' parent corporation, the Watchtower Bible and Tract Society of New York, had won a motion in a lower court to move the case from Philadelphia to York County, which currently has the largest backlog of civil cases in Pennsylvania.

The Watchtower argued that holding the trial in Philadelphia would burden witnesses who would have to travel to testify. The appellate panel overruled the lower court, calling the Watchtower's motion a "last-minute gambit to delay trial"...

<https://www.revealnews.org/blog/another-judge-criticizes-jehovahs-witnesses-court-tactics/>

Jehovah's Witnesses fight law on reporting child sex abuse to police

Feb 1, 2016

A case highlights the struggle of courts to interpret a convoluted web of clergy reporting laws that stretches across U.S...

<https://www.revealnews.org/blog/jehovahs-fight-law-requiring-child-sex-abuse-be-reported-to-police/>

How child sex abusers get reinstated as Jehovah's Witnesses

Feb 17, 2016

One abuse case in Australia highlights a pattern among Jehovah's Witnesses: Elders fail report child sexual abuse to secular authorities. The perpetrator is kicked out of the organization, only to be reinstated later...

<https://www.revealnews.org/blog/how-child-sex-abusers-get-reinstated-as-jehovahs-witnesses/>

A reader's guide to the Jehovah's Witnesses child sex abuse scandal

Feb 29, 2016

Here's a quick rundown of the major findings from our running investigation into the religion's efforts to hide child sex abuse...

<https://www.revealnews.org/blog/a-readers-guide-to-the-jehovahs-witnesses-child-sex-abuse-scandal/>

How Jehovah's Witnesses leaders hide child abuse secrets at all costs

Dec 10, 2016

The leadership of the Jehovah's Witnesses has boldly defied court orders to turn over the names and whereabouts of alleged child sexual abusers across the United States.

Since 2014, courts have slapped the Jehovah's Witnesses' parent corporation – the Watchtower Bible and Tract Society of New York – with multimillion-dollar judgments and sanctions for violating orders to hand over secret documents.

The documents could serve as a road map to what are likely thousands of alleged child abusers living freely in communities across the country, who still could be abusing kids. The files include the names of known and suspected perpetrators, the locations of their congregations and descriptions of their alleged crimes.

"I've been practicing law for 37 years, and I've never seen anything like it," said attorney Irwin Zalkin, who represents victims of sexual abuse by Jehovah's Witnesses. "They do everything to protect the reputation of the organization over the safety of children."

Zalkin said he believes that state and federal law enforcement agencies have a moral obligation to investigate the Watchtower's child abuse policies and seize its files.

"It's a public safety issue," he said. "At this point, this needs to be investigated."

Reveal from The Center for Investigative Reporting made repeated attempts to interview officials from law enforcement agencies who could potentially obtain search warrants for the documents – the New York and California attorneys general and U.S. Department of Justice. None of the agencies agreed to talk.

<https://www.revealnews.org/article/how-jehovahs-witnesses-leaders-hide-child-abuse-secrets-at-all-costs/>

Secrets of the Watchtower

Dec 10, 2016 - Podcast

On this episode of Reveal, we track down people who know the Jehovah's Witnesses' secrets and expose stories behind a religion with 8 million followers across the globe...

<https://www.revealnews.org/episodes/secrets-of-the-watchtower/>

Jehovah's Witnesses settle suit alleging cover-up of child sex abuse

Feb 17, 2017

The settlement came five days into a trial in which a former Witness claimed the religion's parent corporation violated Pennsylvania's child abuse reporting laws by instructing elders not to report her allegations to police...

<https://www.revealnews.org/blog/jehovahs-witnesses-settle-lawsuit-alleging-coverup-of-child-sex-abuse/>

Reveal event aims to pry loose documents in Jehovah's Witnesses cover-up

May 3, 2017

We facilitated a day of candid discussions about ways to address the Jehovah's Witnesses child abuse crisis with sources from across the globe.

And there's no question whether the religion's headquarters maintains a database of alleged child sexual abusers going back decades. Or that Jehovah's Witnesses leaders have violated court orders to hand it over...

<https://www.revealnews.org/blog/reveal-event-aims-to-pry-loose-documents-in-jehovahs-witness-cover-up/>

Australia does what US won't: Investigate Jehovah's Witness cover-up

May 18, 2017

As part of a three-year investigation into the Jehovah's Witnesses child sexual abuse policies, Reveal contacted the FBI, attorneys general in New York and California, the Brooklyn District Attorney's Office and several members of Congress, and found no indication of a government investigation.

As part of a three-year investigation into the Jehovah's Witnesses child sexual abuse policies, Reveal from The Center for Investigative Reporting contacted the FBI, attorneys general in New York and California, the Brooklyn District Attorney's Office and several members of Congress, and found no indication of a government investigation.

This despite at least 20 child sexual abuse lawsuits pending against the Jehovah's Witnesses across the country, including some in which the religion's leaders have violated court orders to turn over a national database containing the names and congregations of child abusers going back decades...

<https://www.revealnews.org/blog/australia-does-what-u-s-wont-investigate-jehovahs-witness-cover-up/>

Jehovah's Witnesses sued in Canada over history of sex abuse cover-up

Oct 20, 2017

An ongoing investigation by Reveal found that the religion instructs local leaders to hide child abuse from law enforcement.

Current and former Jehovah's Witnesses in Canada have filed a \$66 million class-action lawsuit against the religion's leadership claiming that its policies protect members who sexually abuse children.

The suit was filed in Ontario on behalf of alleged victims of sexual abuse across Canada, where more than 100,000 Jehovah's Witnesses reside...

<https://www.revealnews.org/blog/jehovahs-witnesses-sued-in-canda-for-history-of-sex-abuse-cover-up/>

Jehovah's Witnesses double down on Scripture used to ignore abuse

Nov 9, 2017

Even though Jehovah's Witnesses are under pressure worldwide for covering up child sexual abuse, a senior official says the policy will never change.

What should Jehovah's Witnesses do if they think someone they know has sexually abused a child, but no one was there to see it?

Nothing.

So say leaders of the Jehovah's Witnesses, who instruct elders not to take action against a member of the religion accused of child sexual abuse without a confession or at least two witnesses to the crime...

<https://www.revealnews.org/blog/jehovahs-witnesses-double-down-on-scripture-used-to-ignore-abuse/>

Jehovah's Witnesses' tab for child sex abuse secrecy: \$2M and counting

Nov 16, 2017

Appeals court judges called the organization a “recalcitrant litigant who refuses to follow valid orders and merely reiterates losing arguments.”

The Jehovah's Witnesses' refusal to hand over internal documents detailing alleged child sexual abuse just got more expensive.

A California appeals court last week upheld an order for the religion to pay \$4,000 for each day it does not turn over the documents. The tab currently stands at \$2 million. The ruling stems from a case in San Diego, where Osbaldo Padron sued the Jehovah's Witnesses for failing to warn congregants that a child abuser was in their midst...

<https://www.revealnews.org/blog/jehovahs-witnesses-tab-for-child-sex-abuse-secrecy-2m-and-counting/>

New documents about Jehovah's Witnesses' sex abuse begin to leak out

Jan 10, 2018

Dozens of confidential documents apparently leaked from Jehovah's Witnesses archives appeared online Tuesday, providing a rare window into how the religion's child abuse policies favor accused sexual predators at the expense of the victims.

FaithLeaks, a group pushing for more transparency in religious organizations, posted the documents in tandem with a story published by Gizmodo...

<https://www.revealnews.org/blog/new-documents-about-jehovahs-witnesses-sex-abuse-begin-to-leak-out/>

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Appendix 3 – Discussion Paper submitted to Australian Child Abuse Royal Commission

The list of subjects discussed by the panel with the Australian Child Abuse Royal Commission included: Understanding of the structure of Watchtower Bible and Tract Society in Australia; Understanding of the structure of Watchtower Bible and Tract Society in New York; Understanding of Jehovah's Witnesses theocratic doctrines (a. two witness rule, b. theocratic war doctrine, c. treatment of child sexual abuse as a sin rather than a criminal offence, d. discouragement from reporting child sexual abuse to police); The role of Judicial and Appeals Committees in dealing with allegations of child sexual abuse; and Destruction of documents within Jehovah's Witnesses.

Foreword: The Australian jurisdictional indictable offence of 'perverting the course of justice' is loosely comparable with the US jurisdictional offence of 'obstruction of justice,' such as covered in New York Penal Law § 195.05 (2014),¹³⁴ despite the former carrying a maximum of up to 25 years imprisonment and the later a maximum one year.

The phrase "Watchtower policy" in the in-line references refers to a policy published by Watchtower Bible and Tract Society of New York, Inc., and adopted verbatim by Watchtower Australia at the direction of the New York-based Governing Body of Jehovah's Witnesses.

[Extract from presented paper]

Presentation and Discussion Paper

Jehovah's Witnesses: perverting the course of justice by "theocratic warfare"
Presented by Steven Unthank
to the Royal Commission into Institutional Responses to Child Abuse

Radisson Hotel, Melbourne, Victoria
February 2015

The "Theocratic Warfare" policy and doctrinal teaching of Watchtower Bible and Tract Society of Australia (Church of Jehovah's Witnesses) and its relationship to Australian criminal and corporate laws.

Perverting the course of justice by "theocratic warfare"

"It is proper to misdirect the enemy [the police and courts] by hiding the truth."

"For the purpose of protecting the interests of God's cause, it is proper to hide the truth."

—policies issued by Watchtower Bible and Tract Society of Australia

¹³⁴ NY Penal L § 195.05 (2014) - 195.05 Obstructing governmental administration in the second degree. A person is guilty of obstructing governmental administration when he intentionally obstructs, impairs or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from performing an official function, by means of intimidation, physical force or interference, or by means of any independently unlawful act. <https://law.justia.com/codes/new-york/2014/pen/part-3/title-1/article-195/195.05/>

Perverting the course of justice is a common law criminal offence within Australia in which a person prevents justice from being served on themselves or on another party. Perverting the course of justice, or attempting to pervert the course of justice, can include fabricating or disposing of evidence, and intimidating or threatening a witness.

In the context of Australian criminal law ‘theocratic warfare’ has the intention and objective of promoting, encouraging and facilitating the criminal acts of perverting the course of justice and perjury if such acts will further the religious objectives of the administrative management corporation for the faith group known as Jehovah’s Witnesses.

Within the faith group of Jehovah’s Witnesses ‘theocratic warfare’ ... is a doctrinal teaching emanating from the worldwide Governing Body of Jehovah’s Witnesses.

... In relation to Watchtower Bible and Tract Society of Australia Ltd (“Watchtower”) theocratic warfare is part of the corporate culture that exists for the purpose of perverting the course of justice. Theocratic warfare is the attitude, policy, rule, course of conduct and practice existing within the Watchtower corporation generally when dealing with statutory authorities, the legal system, and investigatory bodies. This corporate culture—including the policies and procedures developed to support it—exists and operates in breach of the *Corporations Act 2001*.

In its present format the theocratic warfare policy is specifically used to protect the image of Watchtower and the trading name “Jehovah’s Witnesses” in relation to child abuse allegations and other alleged criminal activities.

Some of the written policies or guidelines used are as follows:

“No harm is practiced, however, by withholding incriminating information from one who is not entitled to know.” – *Watchtower policy w54 10/1*¹³⁵

“It is proper to misdirect the enemy [the authorities, police, or courts] by hiding the truth. It is done unselfishly; it does not harm anyone; on the contrary it does much good ... At all times [we] must be very careful not to divulge any information to the enemy.” – *Watchtower policy w57 5/1*¹³⁶

“We must tell the truth to one who is entitled to know, but if one is not entitled we may be evasive ... for the purpose of protecting the interests of God’s cause, it is proper to hide the truth from God’s enemies.” – *Watchtower policy w60 6/1*¹³⁷

“Lying generally involves saying something false to a person who is entitled to know the truth and doing so with the intent to deceive or to injure him or another person. ... While malicious lying is definitely condemned in the Bible, this does not mean that a person is under obligation to divulge truthful information to people who are not entitled to it. Jesus Christ counseled: “Do not give what is holy to dogs, neither throw your pearls before swine, that they may never trample them under their feet and turn around and rip you open.” That is why Jesus on certain occasions refrained from giving full information or direct answers to certain questions when doing so could have brought unnecessary

¹³⁵ See <https://wol.jw.org/en/wol/d/r1/lp-e/1954723?q=%22withholding+incriminating+information%22&p=par>

¹³⁶ “Use Theocratic Warfare.” <https://wol.jw.org/en/wol/d/r1/lp-e/1957327>

¹³⁷ “From time to time letters are received asking whether a certain circumstance would justify making an exception to the Christian’s obligation to tell the truth.” <https://wol.jw.org/en/wol/d/r1/lp-e/1960408>

harm. Evidently¹³⁸ the course of Abraham, Isaac, Rahab, and Elisha in misdirecting or in withholding full facts from nonworshippers of Jehovah must be viewed in the same light.” – *Watchtower policy it2 244-245*¹³⁹

“Does being truthful with others mean that we must disclose every detail to whoever asks a question? Not necessarily ... Jehovah’s people need to be on guard against apostates and other wicked men who use trickery or cunning for selfish purposes.” – *Watchtower policy guideline w09 6/15*

The following policy and instructions are used by the Watchtower corporation to put pressure on members of the faith of Jehovah’s Witnesses who work within hospitals, the courts, or as public servants to unlawfully access confidential records, when instructed to, for the express purpose of handing them over to Watchtower’s representatives. The information obtained and used is not for the benefit of the owner of the records. The information unlawfully obtained is primarily used to intimidate, harass, blackmail, and threaten members of the faith of Jehovah’s Witnesses. The following procedures are in direct violation of the Commonwealth *Privacy Act 1988* and the Australian Privacy Principles, in addition to state legislation such as the Victorian *Health Records Act 2001*:

“True, it is illegal in many countries to disclose to unauthorized ones what is found in private records. But if a Christian feels, after prayerful consideration, that he is facing a situation where the law of God required him to report what he knew despite the demands of lesser authorities, then that is a responsibility he accepts ... Employers have a right to expect that their Christian employees will ‘exhibit good fidelity to the full,’ including observing rules on confidentiality. If an oath is taken, it should not be taken lightly. An oath makes a promise more solemn and binding. And where the law reinforces a requirement on confidentiality, the matter becomes still more serious ... We cannot ignore Caesar’s law or the seriousness of an oath, but Jehovah’s law is supreme.” – *Watchtower policy w87 9/1*

In relation to lay members of the faith of Jehovah’s Witnesses who may object to engaging in any unlawful activity on behalf of Watchtower corporation the following is read out to them or provided to them in printed form in a book:

“BE OBEDIENT TO THOSE WHO ARE TAKING THE LEAD – This organizational arrangement calls for each of us to be obedient and submissive ... Some obey when they agree with the direction coming from those taking the lead but refuse to submit when they disagree with the direction or cannot see the reason for it. Keep in mind, though, that being submissive can include the idea that we obey even when we are not inclined to do so. Each of us, then, does well to ask himself, ‘Am I obedient and submissive to those taking the lead over me?’ ... The Governing Body [of Jehovah’s Witnesses] obeys this direction by putting in place various helpful procedures and guidelines that ensure the smooth and orderly operation of the congregation. Responsible Christian men do their part by setting an example of obedience as they put such arrangements into effect. They also show themselves “reasonable, ready to obey”

¹³⁸ “Evidently” is a word found often in publications produced by Watchtower and Jehovah’s Witnesses. It is a vincible ignorance, from theological ethics, designed to illicit the religious rank-and-file to refrain from seeking evidence (nescience) when such evidence is known by the writer, corporation or religious leader to not exist. The word “evidently” is often used in conjunction with loaded language, emotive adjectives and logical fallacies.

¹³⁹ See <https://wol.jw.org/en/wol/d/r1/lp-e/1200002738>

those placed in oversight. ... Why a disobedient spirit is harmful. It may cause those in positions of responsibility to do their work “with sighing.” What should be considered a privilege of sacred service can feel like a burden when a brother must deal with an uncooperative, rebellious spirit in the flock. In turn, damage results “to you,” the entire congregation. Of course, there is yet another form of damage that results when a person refuses to submit to theocratic order. It hurts his spirituality if he is too proud to submit ... Let us all, then, be determined to remain obedient and submissive.” – *Watchtower reference Iv-E 48-9*¹⁴⁰

In relation to elders (ministers of religion in control of a congregation) of the faith of Jehovah's Witnesses who may object to engaging in any unlawful activity on behalf of Watchtower corporation the following instruction was provided directly to them in 2013:

“The direction that you receive from Jehovah's organization [i.e. Watchtower corporation] may seem strange or unusual. But all of us must be ready to obey any instructions we may receive, whether we agree with them or not.” – *Watchtower reference ws13 11/15*¹⁴¹

In September 2010 the Economics Legislation Committee of the Australian Senate produced a well-considered report¹⁴² on the *Tax Laws Amendment (Public Benefit Test) Bill 2010*. The Committee members arrived at an interesting finding relevant to abuses perpetrated by cultic groups. They felt that ‘sufficient evidence’ had been put before them to suggest that the behaviour of cults should be reviewed with a view to developing and implementing a policy on this issue that goes beyond taxation law. As a consequence, the Committee recommended the Attorney-General's Department:

“Provide a report to the Committee on the operation of Miviludes [Mission interministérielle de vigilance et de lutte contre les dérives sectaires - the official French cult-watch organisation] and other law enforcement agencies overseas tasked with monitoring and controlling the unacceptable and/or illegal activities of cult-like organisations who use psychological pressure and breaches of general and industrial law to maintain control over individuals. The report should advise on the effectiveness of Miviludes and other similar organisations, given issues that need to be addressed to develop an international best practice approach for dealing with cult-like behaviour. (Recommendation 2)”

The opening line of the government's response to Recommendation 2 is worth highlighting:

“The Government recognises the financial, psychological and emotional impact that the activities of cult-like organisations can have on individuals and their families and considers that religious observance should not be regarded as a shield behind which breaches of the law can be hidden.”

The Government also noted in its response that:

“it is not the Government's role to interfere with the religious beliefs or practices of individuals, unless they are in breach of Australian laws.”

¹⁴⁰ See <https://wol.jw.org/en/wol/d/r1/lp-e/1102008063>

¹⁴¹ See <https://wol.jw.org/en/wol/d/r1/lp-e/402013846?&p=par#h=27>

¹⁴² “Tax Laws Amendment (Public Benefits Test) Bill 2010.” The Senate. Economics Legislation Committee. 2010. Commonwealth of Australia. https://www.aph.gov.au/binaries/senate/committee/economics_ctte/public_benefit_test_10/report/report.pdf

The Watchtower corporation is currently hiding behind the shield of the faith group of Jehovah's Witnesses while it engages in breaches of Australian laws. Take for example the persecution of whistleblowers, especially those members of the Jehovah's Witnesses who go public or go to the authorities with allegations of criminal child abuse. These individuals are targeted and persecuted beyond belief. Ironically the primary definition of "persecution" as published by Watchtower in the Jehovah's Witnesses encyclopedia states:

PERSECUTION: Harassment or injury that is deliberately inflicted on persons because of social status, racial origin, or religious faith and beliefs, the purpose in the latter instance being to stamp out such beliefs and prevent their spread among new converts.

...Persecution takes various forms. It may be limited to verbal abuse, ridicule, and insults, or it may include economic pressures, bodily injury, imprisonment, hatred, and even death. It may be promoted by religious authorities, or it may be carried out by uninformed persons and ignorant ones or by unreasoning, fanatical mobs. But often these parties are only the agents of more powerful and sinister instigators—unseen wicked spirit forces.

...Other sources of persecution may be former associates or friends and neighbors of one's hometown...

The principal human instigators of religious persecution, however, have been the promoters of false religion ... the objectives always seemed to be the same, namely ... suppression."¹⁴³

When the objective of suppression and acts of aggressive intimidation fail, such as in trying to silencing child abuse victims or their family, it is then a very fine line to cross into actually engaging in acts of terrorism.

The Commonwealth *Criminal Code Act 1995* (Part 5.3) and the Victorian *Terrorism (Community Protection) Act 2003*¹⁴⁴ defines a religiously motivated terrorist act in its most basic form as:

... an action or threat of action where ... the action is done or the threat is made with the intention of advancing a ... religious ... cause; and ... the action is done or the threat is made with the intention of ... intimidating the public or a section of the public ... if it ... creates a serious risk to the health or safety of the public or a section of the public.¹⁴⁵

...

Additional Reading:

Bergman, J. Ph.D. (2002). Lying in Court and Religion: An Analysis of the Theocratic Warfare Doctrine of the Jehovah's Witnesses, *Cultic Studies Review* 2002, Vol. 1, No. 2.

<http://www.icsahome.com/articles/lying-in-court-and-religion-bergman>

Mutch, S. Dr¹⁴⁶ (2011). Cults and Public Policy: Protecting the Victims of Cultic Abuse in Australia, Canberra, Parliament House, (CIFS Conference address), November 2, 2011.

¹⁴³ See <https://wol.jw.org/en/wol/d/r1/lp-e/1200003446>

¹⁴⁴ See section 4 of the *Terrorism (Community Protection) Act 2003* (Vic). http://www9.austlii.edu.au/cgi-bin/viewdoc/au/legis/vic/consol_act/tpa2003396/s4.html#terrorist_act

¹⁴⁵ See also <http://www.austlii.edu.au/au/journals/UWALawRw/2007/5.pdf>

¹⁴⁶ See https://www.mq.edu.au/about_us/faculties_and_departments/faculty_of_arts/mhpir/staff/staff-politics_and_international_relations/dr_stephen_mutch/

ANNEXURES

Annexure A – Watchtower New York letter, March 14, 1997



March 14, 1997

CONFIDENTIAL

TO ALL BODIES OF ELDERS

Dear Brothers:

A matter of serious concern was addressed in the article "Let Us Abhor What Is Wicked," published in the January 1, 1997, issue of *The Watchtower*. This concern involves the purity of Jehovah's organization in these last days. It is our responsibility to protect the flock of God from these threatening influences.—Isa. 32:1, 2.

We wish to take necessary steps that will help protect the congregation, especially our children, from the unwholesome practices that are constantly worsening in the world. We are grateful that the truth has limited the spread of child sexual abuse in Jehovah's organization.

WHO IS A 'KNOWN CHILD MOLESTER'?

What is child molestation? *Webster's Ninth New Collegiate Dictionary* defines "pedophilia" as "sexual perversion in which children are the preferred sexual object." (See "Questions From Readers" in *The Watchtower* of February 1, 1997, page 29.) Deuteronomy 23:17, 18 condemns such practices as "detestable." (See the footnotes to verses 17 and 18 in the *Reference Bible*. Also, it would be helpful to see the footnote on page 10 of the October 8, 1993, issue of *Awake!*) In harmony with these references, we are herein discussing sexual perversion in which children are the object of sexual abuse, including fondling by an adult. We are not discussing a situation wherein a consenting minor, who is approaching adulthood, has sexual relations with an adult who is a few years older than the minor. Rather, we are referring, for example, to situations in which it is established by a congregation judicial committee that an adult brother or sister has been guilty of sexually abusing a young child or has been sexually involved with a nonconsenting minor who is approaching adulthood.

Who is a known child molester? The January 1, 1997, *Watchtower* article "Let Us Abhor What Is Wicked" mentions on page 29 that a man "known to have been a child molester" would not qualify for privileges in the congregation. An individual "known" to be a former child molester has reference to the perception of that one in the community and in the Christian congregation. In the eyes of the congregation, a man known to have been a child molester is not "free from accusation" and "irreprehensible," nor does he have "a fine testimony from those on the outside." (1 Tim. 3:1-7, 10; 5:22; Titus 1:7) In view of his past, people in the community would not respect him, and the brothers might even stumble over his appointment.

PROTECTING OUR CHILDREN

What can we do to protect our children and preserve the cleanness of Jehovah's organization? The primary responsibility for protecting our children rests upon the parents. Fine suggestions for parents can be found in the January 22, 1985, *Awake!* article "Child Molesting—You Can Protect Your Child." Other articles that parents do well to consider are those in the October 8, 1993, *Awake!* entitled "How Can We Protect Our Children" and the December 1, 1996, *Watchtower* entitled "Parents, Find Pleasure in Your Children," specifically pages 13 and 14, paragraphs 18 and 19.

What can the elders do to help protect our children? The elders should be alert to the activity of any who are known to have molested children in the past. Individuals who have manifested a weakness in this regard should be sensitive to their need not to be alone with children. They should refrain from holding children or displaying other forms of affection for them. It would be appropriate for elders to give kindly cautions to any who are doing things that may be a temptation or a cause for concern to others in the congregation.—1 Cor. 10:12, 32.

What should elders do when a former child molester moves to another congregation? As outlined in the February 1991 *Our Kingdom Ministry* "Question Box" and the August 1, 1995, letter to all Bodies of Elders, our policy is always to send a letter of introduction when a publisher moves to another congregation. *It is imperative that this be done when one who is known to have been a child molester moves.* The secretary should write on behalf of the elders to the new congregation's body of elders and outline this publisher's background and what the elders in the old congregation have been doing to assist him. Any needed cautions should be provided to the new congregation's body of elders. This letter should not be read to or discussed with the congregation. This information should be kept in the congregation's confidential files where it can be reviewed by any elder. The elders should send a copy of this letter to the Watchtower Bible and Tract Society in one of the "Special Blue" envelopes.

PRIVILEGES OF SERVICE IN THE CONGREGATION

In the January 1, 1997, issue of *The Watchtower*, the article "Let Us Abhor What Is Wicked" stated on page 29: "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 or serve in any other special full-time service.*" We have had a number of inquiries asking how this applies in the congregation, and this is being given consideration.

It may be possible that some who were guilty of child molestation were or are now serving as elders, ministerial servants, or regular or special pioneers. Others may have been guilty of child molestation before they were baptized. The bodies of elders should not query individuals. However, the body of elders should discuss this matter and give the Society a report on anyone who is currently serving or who formerly served in a Society-appointed position in your congregation who is known to have been guilty of child molestation in the past.

TO ALL BODIES OF ELDERS

March 14, 1997

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In your report please answer the following questions: How long ago did he commit the sin? What was his age at the time? What was the age of his victim(s)? Was it a one-time occurrence or a practice? If it was a practice, to what extent? How is he viewed in the community and by the authorities? Has he lived down any notoriety in the community? Are members of the congregation aware of what took place? How do they and/or his victim(s) view him? Has he ever been disfellowshipped, reprovved, counseled, or otherwise dealt with? If he has moved to another congregation, please identify the congregation to which he has moved. Was that congregation advised of his past conduct of child molestation, and, if so, when? [If you have not advised them, this should be done now, and you should send a copy of your letter to the Society in a "Special Blue" envelope.] This information should be sent to the Society along with any other observations that the body of elders has. Please send this to the Society in the "Special Blue" envelope so that the factors involved may be given due consideration; this information is not to be made available to those not involved.

Jehovah has been blessing the efforts of his people to get the vital Kingdom-preaching and disciple-making work done. Isaiah 52:11 states: "Keep yourselves clean, you who are carrying the utensils of Jehovah." We must be ever vigilant to demonstrate to Jehovah that we want to keep the organization he uses in these last days fit for this all-essential trust. May Jehovah bless your efforts to that end.

Your brothers,

Watchtower B. & F. Society
OF NEW YORK, INC.

P.S. to Body of Elders: A meeting of the body of elders should be arranged to read and discuss this letter together. **This letter is confidential and should not be copied but should be kept in the congregation's confidential file. Elders should not discuss this information with others.** It is provided so that you can appropriately apply the spirit of the Scriptural information in the January 1, 1997, *Watchtower* article "Let Us Abhor What Is Wicked."



WATCHTOWER

BIBLE AND TRACT SOCIETY OF NEW YORK, INC.

25 COLUMBIA HEIGHTS, BROOKLYN, NEW YORK 11201-2483, U.S.A. PHONE (718) 625-3600

July 20, 1998

CONFIDENTIAL

TO ALL BODIES OF ELDERS

Dear Brothers:

We are here providing, for your future reference, information that was presented at the 15-hour supplementary course for congregation elders on certain serious matters.

Child Molestation: The Society's letter to all bodies of elders dated March 14, 1997, page 2, paragraph 5, states: "[G]ive the Society a report on anyone who is currently serving or who formerly served in a Society-appointed position in your congregation who is known to have been guilty of child molestation in the past." Reports indicate that some elders think this direction does not apply if before his baptism the person sexually abused a child. However, even in such a situation, the elders should write the branch office. This is true even if what occurred was many years ago. If any body of elders has not yet reported such a matter, they should immediately do so. Furthermore, any correspondence put in the confidential congregation file about an individual accused of child molestation, proven or otherwise, should be marked "Do Not Destroy" and be kept indefinitely.

In the Kingdom Ministry School Supplementary Course for Congregation Elders there was a panel discussion in Unit 5b, "USE DISCERNMENT IN HANDLING SERIOUS MATTERS." This portion of the course addressed questions related to the problems associated with child abuse. Question 6 to the panel asked: "What factors should be considered in determining what congregation privileges, if any, a former child molester can enjoy?" The answer included the statement: "There are also legal considerations." Some have inquired about how and why legal considerations should affect our recommendations of those who have been guilty of child abuse in the past.

Those who are appointed to privileges of service, such as elders and ministerial servants, are put in a position of trust. One who is extended privileges in the congregation is judged by others as being worthy of trust. This includes being more liberal in leaving children in their care and oversight. The congregation would be left unprotected if we prematurely appointed someone who was a child abuser as a ministerial servant or an elder. In addition, court officials and lawyers will hold responsible any organization that knowingly appoints former child abusers to positions of trust, if one of these, thereafter, commits a further act of child abuse. This could result in costly lawsuits, involving dedicated funds that should be used to further the Kingdom work. So, legal considerations must also be weighed along with the degree of notoriety, the extent of the misconduct, how many years ago the sin occurred, and how the brother is now viewed by the congregation and people in the community including those he victimized.

TO ALL BODIES OF ELDERS

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Scriptural Freedom to Remarry: The 1991 Kingdom Ministry School textbook, page 135, paragraph 1, describes a situation where an adulterous mate unilaterally obtains a divorce over the objection of the innocent mate. In such a case, the guilty one is not free to remarry.

What if the innocent mate consents to the divorce by signing the divorce papers? Does this free the guilty mate to remarry? Yes, Jesus' counsel at Matthew 5:37 applies here: "Let your *Yes* mean *Yes*, your *No*, *No*." If the innocent mate, perhaps in an effort to protect herself financially or to obtain custody of children, agrees to a divorce obtained by her adulterous husband, the adulterous one is then free to remarry. Although the innocent one may claim forgiveness, by signing the divorce papers she indicates her rejection of the adulterous mate. Since she has rejected that one, she holds no further claim on him, and he is Scripturally free to remarry.

Another situation involving the Scriptural freedom to remarry is where an unscriptural divorce is obtained and then, some time later, one of the mates commits fornication. In such a case, does either one have a Scriptural basis to remarry?

If a man takes the initiative and divorces his mate without a Scriptural basis and his divorced wife later commits adultery, both are free to remarry. This is because, by his previous unscriptural action of divorcing his wife, the husband has given evidence of his wanting to reject her. What is stated in the 1991 Kingdom Ministry School textbook, page 135, paragraph 6, applies: "*A person who commits adultery after having been divorced by his or her mate on unscriptural grounds would be Scripturally free to remarry, since he or she had already been rejected by the mate that obtained the divorce.*" However, the converse is not necessarily true. If the one who initiated the unscriptural divorce later commits adultery, that one is still obligated to confess to the mate, although they are legally divorced. The innocent mate must be given the opportunity to determine whether to forgive or not. However, in both cases, the one committing adultery would need to meet with a judicial committee.

While the principles outlined above should prove helpful in handling inquiries from publishers about the Scriptural freedom to remarry, the elders should always exercise extreme caution when providing an answer. They should never inform a publisher that there appears to be a basis for Scriptural freedom to divorce and remarry, *unless conclusive evidence has been established* (1) that adultery was committed, (2) that the innocent mate has rejected the guilty one, and (3) that a legal, final divorce has been obtained. Because of the numerous factors involved in such matters, in many cases it will be best to write the Society. When doing so, always provide as many details as possible, including the names of the individuals involved. The Society will then provide the needed assistance.

When a divorced brother or sister wishes to remarry, the elders should kindly request to see the divorce papers to make sure that that one is legally free to do so. They should also determine that it has been established that both parties involved are Scripturally free to remarry. (Matt. 19:9) This will help servants of Jehovah to preserve the cleanness of the congregation and avoid entering adulterous marriages. Always review the Society's letter to all bodies of elders

TO ALL BODIES OF ELDERS

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dated May 15, 1988, regarding guidelines on wedding procedures before agreeing to solemnize any marriage.

Please be assured of our prayers on your behalf as you endeavor to fulfill your weighty responsibilities as shepherds of the flock. We send herewith a warm expression of our Christian love and best wishes.

Your brothers,

Watchtower B. & F. Society
OF NEW YORK, INC.

P.S. to Body of Elders: At the next meeting of the entire body of elders, the presiding overseer should have this letter read and should have each elder make the following notations in the margins of his personal copy of the 1991 Kingdom Ministry School textbook:

On page 93, next to paragraphs 10-11: See the Society's letters dated July 20, 1998; March 14, 1997; August 1, 1995; February 3, 1993; March 23, 1992; and July 1, 1989.

On page 135, next to paragraphs 1-6: See the Society's letter dated July 20, 1998.

UNITED STATES BRANCH
EXECUTIVE OFFICES

GSC/AS January 21, 1999 No. 176S

Via CompuServe

Watch Tower Society
AUSTRALIA

Dear Brothers:

We are writing further to you on the subject of child abuse. We understand some of the questions set out in your letter of October 29, 1997, No. 121 were not answered. We have in our files a letter dated December 16, 1997 discussing these matters, but it appears this was never sent to you, but was mistakenly filed away. We apologize for this. We will now address your questions.

It is understood that if the law requires elders to report cases of child abuse, they should comply with the law and do so. Of course, it would be better if the person confessing to having engaged in such activity would himself report it, but if he does not do so, the elders should do it. Where the law does not obligate the elders to report cases that come to their attention, there is no need for them to do so, but if the matter becomes known to the authorities and they are required to disclose information they have in their possession, they will do so unless they can claim ecclesiastical privilege.

In view of this, we do not think there will be any problem in following the procedure in *ks91*, page 97 regarding having the body of elders appoint two elders to see whether there is substance to an accusation. The body of elders would no doubt assign the elder to whom the accusation is made and probably the presiding overseer to investigate the matter. Of course, what has been stated in previous letters about contacting the Society should be followed in these cases.

You raised the question as to how much should be said when notifying the elders in a congregation to which a "known child molester" moves. We believe that what is said in the Society's March 14, 1997 letter can be followed without difficulty. The letter of introduction should also state what the elders in the former congregation have been doing to assist him and any needed cautions should be provided to the body of elders in the new congregation. The supplemental school for elders held early in 1997 had some additional material that may be helpful. Please refer to part 135 for this. You should keep in mind that the March 14, 1997 letter was prepared with a view toward qualifications for appointed service and does not address legal obligations, including the duty to report.

As to the question of reporting a matter that is many years old to the authorities when such an individual moves to a state where reporting is mandatory, the elders should determine what the law requires and comply with that. You now have the letter from the Service Committee dated GSC:AD December 31, 1998, No. 164S concerning the appointment of persons after 20 years

AUSTRALIA

GSC/AS January 21, 1999 No. 176S

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has passed. Of course, this refers to theocratic procedures within the congregation. What should be done with regard to reporting would depend on what the local law states.

You asked whether the elders should tell the accused that they are obligated to make a report where such is the case. Probably from a legal viewpoint there is no obligation to tell the accused that a report will be made, but we do think that from the moral viewpoint the accused should be told what the law requires and that we have an obligation to comply with it. Even if there is no legal requirement that we make a report, it would be a kindness to the accused to let him know that should the matter later become known to the authorities, the law may require the elders to reveal what they know of the matter. (Romans 13:4; Matt. 22:21) You were given approval in a letter from the Service Committee dated GSC:AS July 24, 1998 to publish some information in your edition of *Our Kingdom Ministry* concerning keeping certain matters confidential. We do not know whether this has been done yet, but it should prove helpful to the elders in these circumstances.

If a report is made, it would be preferable to keep only a brief record in the file that a report was made. However, if a written report is made, or a written statement is taken, then a copy of that report or statement should be retained in the congregation's file. Of course, if a judicial committee is formed, the normal documentation would be retained in the files.

Concerning the possibility that brothers from Bethel may be called upon as witnesses, we do not see that there is much risk in that, since in most cases the authorities will look to the local congregation for witnesses and records about a particular case. It would be a rare case where the local brothers would not have the information but those in Bethel would. As to the attorney-client privilege, it is our understanding that those working under the supervision of a lawyer are also protected by the privilege. Therefore, discussions with those brothers in your Legal Department who take calls under the supervision of an attorney should be protected by the privilege. Of course, the matter may need to be reported to the Service Department, and we do not know whether the privilege could be extended to them. In any event, it should be a rare case when one of these brothers would be called as a witness.

Thank you for your continued concern regarding the serious matter of child abuse. We all look forward to the time when such conduct will no longer occur. We regret the delay in sending you this information, and hope what we have now stated will be helpful.

Please be assured of our warm Christian love and best wishes.

Your brothers,

Watch Tower Bible and Tract Society
of Pennsylvania

For the Service Committee

Annexure D – Jehovah's Witness letter re: offenders in prison

**Christian Congregation
of Jehovah's Witnesses**

2821 Route 22, Patterson, NY 12563-2237 Phone: (845) 306-1100

June 5, 2006

TO ALL BODIES OF ELDERS

Re: Child-maltreatment offenders in prison

Dear Brothers:

The Bible educational work of Jehovah's Witnesses is being carried on throughout the earth in a variety of circumstances and environments, including numerous prisons. While it is heartwarming to see individuals make spiritual progress and repent from an ungodly course of conduct, elders must be diligent to protect the flock of God in their care. In this regard, we wish to provide the following reminders to elders overseeing the spiritual activity of incarcerated individuals.

In line with the letters to all bodies of elders dated July 1, 1989, August 1, 1995, March 14, 1997, and February 15, 2002, elders should call the Legal Department regarding any inmate who may have been accused of child maltreatment in the past and who is now associating with the organization, whether he is baptized or not. (Child maltreatment includes physical or sexual abuse.) It is recognized that in some cases elders may not be authorized to inquire of the offense the inmates have been accused of, but if the elders gain knowledge of the offense, they should call the Legal Department as well as follow the other directions and suggestions in the aforementioned letters so as to protect our children. Elders should also follow the direction in the August 1, 1995, and March 14, 1997, letters if a child-maltreatment offender is released from prison and moves to another area of the country or if he is recommended for regular pioneer service in the future.

Balancing your diligent efforts to protect the flock while assisting individuals to make spiritual progress to serve Jehovah is not an easy task, and your hard work is much appreciated. We send our warm Christian love.

Your brothers,
*Christian Congregation
of Jehovah's Witnesses*

Annexure E – Watchtower New York letter, August 1, 1995



August 1, 1995

TO ALL BODIES OF ELDERS IN THE UNITED STATES

Dear Brothers:

We are pleased to outline below some guidelines that we hope will be helpful to you in protecting victims of child abuse and in dealing with a brother or sister in the congregation who has been guilty of sexually abusing a child.

When a member of the congregation is accused of child molestation, the elders should contact the Society's Legal Department immediately. Many states make it mandatory that elders report an accusation to the proper authorities but other states do not. In those states where such is required, oftentimes the parent, the guardian, or the accused person himself can do the reporting. In this way the confidentiality protected by ecclesiastical privilege is not violated. Still, whether or not the accusation is reported to the authorities, when it is established that a member of the congregation is guilty of child abuse, appropriate steps should be taken in keeping with initial direction from the Society's Legal Department.

Additionally, steps should be taken to protect the child, or other children, from further sexual abuse. Obviously, parents would be keenly interested in taking adequate precautions in this regard. Helpful information along these lines can be reviewed in the January 22, 1985, and October 8, 1993, issues of *Awake!* Loving elders, too, will want to act in a way that demonstrates their protective care, since the word "overseer" carries the thought of one who watches over, a guardian, a shepherd of the flock. (See "*Pay Attention to Yourself and to All the Flock*," pages 90 and 93.) Thus, they would want to take steps to protect a child abuse victim when a judicial committee determines that the child molester is repentant and will remain a member of the Christian congregation. The same concern would be shown when a pedophile is disfellowshipped and later cleans up his life and is reinstated.

It would be appropriate to talk very frankly to a former child abuser, strongly cautioning him as to the dangers of hugging or holding children on his lap and that he should never be in the presence of a child without another adult being present. This may prevent putting that one in the way of temptation or unfounded accusation. At the same time, it is good to remember that the Bible, at Matthew 12:31 and 1 Corinthians 6:9-11, shows it is possible for a person to stop his or her wrongful course, repent, and thereafter live in harmony with God's righteous standards. This is true of all wrongdoers—even a former child abuser.

TO ALL BODIES OF ELDERS IN THE UNITED STATES

August 1, 1995

Page 2

While it is unscriptural to say that a former child abuser could never enjoy exemplary privileges of service in the congregation, certainly the elders will want to be very cautious, especially when one had repeatedly engaged in this kind of wrongdoing or had been disfellowshipped for such an offense. Before extending privileges, therefore, it is necessary that one would meet the qualification of having a fine testimony from individuals inside and outside the congregation. This means that he must have lived down the reproach which resulted from his wrongdoing. Generally, it will take a considerable number of years to achieve such irreprehensibility depending on the notoriety involved. So it would be up to the elders to determine whether such a one is extended privileges, taking into account all factors in each individual case. (1 Tim. 3:7) At any rate, this should never be done hastily. Considerable time should always pass before a former child abuser is used, if ever.

What if a former child abuser moves to another congregation? The Congregation's Publisher Record card(s) for that person should be sent to the new congregation, along with a letter of introduction. If he is under judicial restrictions, the committee in his former congregation should clearly and discreetly inform the elders in the new congregation about the problem, outlining the counsel given and the restrictions imposed and pointing out what they have been doing to monitor and assist him. Even if years have passed and the individual is no longer restricted but there is still some concern (as outlined in the preceding paragraph), the elders in the new congregation should be informed.

It is hoped that the above direction will help you brothers in handling matters in the congregation so as to protect victims and potential victims from child abuse, and at the same time, balance justice with mercy. With this letter we send our warm Christian love and greetings.

Your brothers,

Watchtower B. & F. Society
OF NEW YORK, INC.

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|--|--|---------------|-----|-------|-----|-------|------|--------|---------------|------------------|---------------|-------------|---------------|
| 1 Megan S. Wynne, Esq., SBN 183707 2 Ashley A. Escudero, Esq., SBN250473 3 MORRIS POLICH & PURDY LLP 4 One America Plaza 5 600 West Broadway, Suite 500 6 San Diego, California 92101 7 Tel: (619) 557-0404 8 Fax: (619) 557-0460 9 10 Donald T. Ridley, Esq. 11 <i>Pro Hac Vice</i> 12 THE MANDEL LAW FIRM 13 370 Lexington Avenue, Suite 505 14 New York, NY 10017 15 Tel: (212) 697-7383 16 Fax: (212) 681-6157 17 18 Attorneys for Gerrit Lösch | <div style="text-align: right; margin-bottom: 20px;">FILED Clerk of the Superior Court FEB 05 2014</div> <div style="text-align: right; margin-bottom: 20px;">FILED Clerk of the Superior Court FEB 05 2014 By: _____ Deputy</div> <div style="text-align: center; margin-bottom: 20px;">SUPERIOR COURT OF THE STATE OF CALIFORNIA COUNTY OF SAN DIEGO</div> <div style="display: flex; justify-content: space-between;"><div style="width: 45%;"><p>13 JOSE LOPEZ, an Individual,</p><p>14 Plaintiff,</p><p>15 v.</p><p>16 DOE 1, LINDA VISTA CHURCH; 17 DOE 2, SUPERVISORY 18 ORGANIZATION; DOE 3, 19 PERPETRATOR; and DOES 4 through 20 100, inclusive,</p><p>21 Defendants.</p></div><div style="width: 50%; border-left: 1px solid black; padding-left: 10px;"><p>CASE NO. 37-2012-00099849-CU-PO-CTL</p><p>DECLARATION OF GERRIT LÖSCH IN SUPPORT OF MOTION TO QUASH ORDER GRANTING PLAINTIFF'S MOTION TO COMPEL DEPOSITION OF GERRIT LÖSCH</p><table border="0" style="width: 100%;"><tr><td>Hearing Date:</td><td>TBD</td></tr><tr><td>Time:</td><td>TBD</td></tr><tr><td>Dept:</td><td>C-55</td></tr><tr><td>Judge:</td><td>Joan M. Lewis</td></tr><tr><td>Complaint Filed:</td><td>June 29, 2012</td></tr><tr><td>Trial Date:</td><td>June 27, 2014</td></tr></table></div></div> | Hearing Date: | TBD | Time: | TBD | Dept: | C-55 | Judge: | Joan M. Lewis | Complaint Filed: | June 29, 2012 | Trial Date: | June 27, 2014 |
| Hearing Date: | TBD | | | | | | | | | | | | |
| Time: | TBD | | | | | | | | | | | | |
| Dept: | C-55 | | | | | | | | | | | | |
| Judge: | Joan M. Lewis | | | | | | | | | | | | |
| Complaint Filed: | June 29, 2012 | | | | | | | | | | | | |
| Trial Date: | June 27, 2014 | | | | | | | | | | | | |

23 I, Gerrit Lösch, declare as follows:

24 1. I am over 18 years of age, of sound mind, and competent to make this Declaration.

25 I have personal knowledge of the matters contained herein, and they are all true and correct.

26 2. I provide this Declaration to support the Motion to Quash Order Granting

27 Plaintiff's "Motion to Compel the Deposition of Gerrit Lösch and the Underlying Notice of

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DECLARATION OF GERRIT LÖSCH

1 Taking the Deposition of Gerrit Lösch, with Production of Documents Required - Videorecorded
2 for Use at Trial."

3 3. If called upon to testify in this civil action, I would provide the information
4 contained in this Declaration.

5 4. I was not served with the Notice of Deposition, but I learned that Plaintiff vacated
6 the original deposition date after Watchtower objected to the Notice.

7 5. I recently learned that this Court entered an Order compelling Watchtower Bible
8 and Tract Society of New York, Inc. (sued as Doe 1; hereinafter referred to as "Watchtower") to
9 produce me for deposition, but I have not been served with a copy of the Court's Order.

10 6. I am a member of the ecclesiastical Governing Body of Jehovah's Witnesses,
11 having been appointed to serve in that capacity on July 1, 1994. I was not on the Governing Body
12 in 1986 when the Plaintiff alleges he was abused by Gonzalo Campos.

13 7. The Governing Body of Jehovah's Witnesses is the highest ecclesiastical authority
14 for the faith of Jehovah's Witnesses, and it exercises spiritual oversight for Jehovah's Witnesses
15 worldwide.

16 8. I am not, and never have been, a corporate officer, director, managing agent,
17 member, or employee of Watchtower. I do not direct, and have never directed, the day-to-day
18 operations of Watchtower. I do not answer to Watchtower. I do not have, and never have had,
19 any authority as an individual to make or determine corporate policy for Watchtower or any
20 department of Watchtower.

21 9. Watchtower does not have, and never has had, any authority over me.

22 10. I have no personal knowledge of any facts or circumstances concerning the subject
23 matter of this case because, among other things:

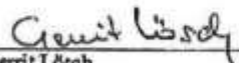
24 (a) I do not supervise or work for, and I have never supervised or worked for, the
25 Watchtower Legal Department or the U.S. Service Department.

26 (b) I did not move to live in the United States until July, 1990.

27 (c) Prior to July 1990, I resided in Austria.

28 (d) I do not know and have never met the Plaintiff, Jose Lopez.

1 (e) I do not know and have never met Leticia Lopez, the mother of Plaintiff Jose
2 Lopez.
3 (f) I do not know and have never met the Defendant, Gonzalo Campos, who is
4 sued as Doe 3.
5 11. I am a resident of the State of New York, as I live and work in Brooklyn where the
6 world headquarters of Jehovah's Witnesses is located.
7 I declare under penalty of perjury under the laws of the State of California that the
8 foregoing is true and correct, and that this Declaration is executed this 4th day of February 2014.
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Gerrit Lösch

Annexure G – “Jehovah’s Witnesses’ Scripturally Based Position On Child Protection”

JEHOVAH’S WITNESSES’ SCRIPTURALLY BASED POSITION ON CHILD PROTECTION

Definitions: Child abuse may include neglect, physical abuse, sexual abuse, or emotional abuse.

Child *sexual* abuse is a perversion and generally includes one or more of the following: sexual intercourse with a child; oral or anal sex with a child; fondling the genitals, breasts, or buttocks of a child; voyeurism of a child; indecent exposure to a child; or soliciting a child for sexual conduct. It may include sexting with a minor or showing pornography to a minor.

In this document, references to parents apply equally to legal guardians or other persons who hold parental responsibility for a minor.

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1. Children are a sacred trust, “an inheritance from Jehovah.”—[Psalm 127:3](#).
 2. The protection of children is of utmost concern and importance to all Jehovah’s Witnesses. This is in harmony with the long-standing and widely published Scripturally based position of Jehovah’s Witnesses, as reflected in the references at the end of this document, which are all published on [jw.org](#).
 3. Jehovah’s Witnesses abhor child abuse and view it as a crime. ([Romans 12:9](#)) We recognize that the authorities are responsible for addressing such crimes. ([Romans 13:1-4](#)) The elders do not shield any perpetrator of child abuse from the authorities.
 4. In all cases, victims and their parents have the right to report an accusation of child abuse to the authorities. Therefore, victims, their parents, or anyone else who reports such an accusation to the elders are clearly informed by the elders that they have the right to report the matter to the authorities. Elders do not criticize anyone who chooses to make such a report.—[Galatians 6:5](#).
 5. When elders learn of an accusation of child abuse, they immediately consult with the branch office of Jehovah’s Witnesses to ensure compliance with child abuse reporting laws. ([Romans 13:1](#)) Even if the elders have no legal duty to report an accusation to the authorities, the branch office of Jehovah’s Witnesses will instruct the elders to report the matter if a minor is still in danger of abuse or there is some other valid reason. Elders also ensure that the victim’s parents are informed of an accusation of child abuse. If the alleged abuser is one of the victim’s parents, the elders will inform the other parent.
 6. Parents have the primary responsibility for the protection, safety, and instruction of their children. Therefore, parents who are members of the congregation are encouraged to be vigilant in exercising their responsibility at all times and to do the following:
 - Have direct and active involvement in their children’s lives.
 - Educate themselves and their children about child abuse.
 - Encourage, promote, and maintain regular communication with their children.
—[Deuteronomy 6:6, 7](#); [Proverbs 22:3](#).

Jehovah’s Witnesses publish an abundance of Bible-based information to assist parents to fulfill their responsibility to protect and instruct their children.—See the references at the end of this document.

JEHOVAH'S WITNESSES' SCRIPTURALLY BASED POSITION ON CHILD PROTECTION

7. Congregations of Jehovah's Witnesses do not separate children from their parents for the purpose of instruction or other activities. ([Ephesians 6:4](#)) For example, our congregations do not provide or sponsor orphanages, Sunday schools, sports clubs, day-care centers, youth groups, or other activities that separate children from their parents.

8. Elders strive to treat victims of child abuse with compassion, understanding, and kindness. ([Colossians 3:12](#)) As spiritual counselors, the elders endeavor to listen carefully and empathetically to victims and to console them. ([Proverbs 21:13](#); [Isaiah 32:1, 2](#); [1 Thessalonians 5:14](#); [James 1:19](#)) Victims and their families may decide to consult a mental-health professional. This is a personal decision.

9. Elders never require victims of child abuse to present their accusation in the presence of the alleged abuser. However, victims who are now adults may do so, if they wish. In addition, victims can be accompanied by a confidant of either gender for moral support when presenting their accusation to the elders. If a victim prefers, the accusation can be submitted in the form of a written statement.

10. Child abuse is a serious sin. If an alleged abuser is a member of the congregation, the elders conduct a Scriptural investigation. This is a purely religious proceeding handled by elders according to Scriptural instructions and is limited to the issue of membership as one of Jehovah's Witnesses. A member of the congregation who is an unrepentant child abuser is expelled from the congregation and is no longer considered one of Jehovah's Witnesses. ([1 Corinthians 5:13](#)) The elders' handling of an accusation of child abuse is not a replacement for the authorities' handling of the matter.—[Romans 13:1-4](#).

11. If it is determined that one guilty of child sexual abuse is repentant and will remain in the congregation, restrictions are imposed on the individual's congregation activities. The individual will be specifically admonished by the elders not to be alone in the company of children, not to cultivate friendships with children, or display any affection for children. In addition, elders will inform parents of minors within the congregation of the need to monitor their children's interaction with the individual.

12. A person who has engaged in child sexual abuse does not qualify to receive any congregation privileges or to serve in a position of responsibility in the congregation for decades, if ever.—[1 Timothy 3:1-7, 10](#); [5:22](#); [Titus 1:7](#).

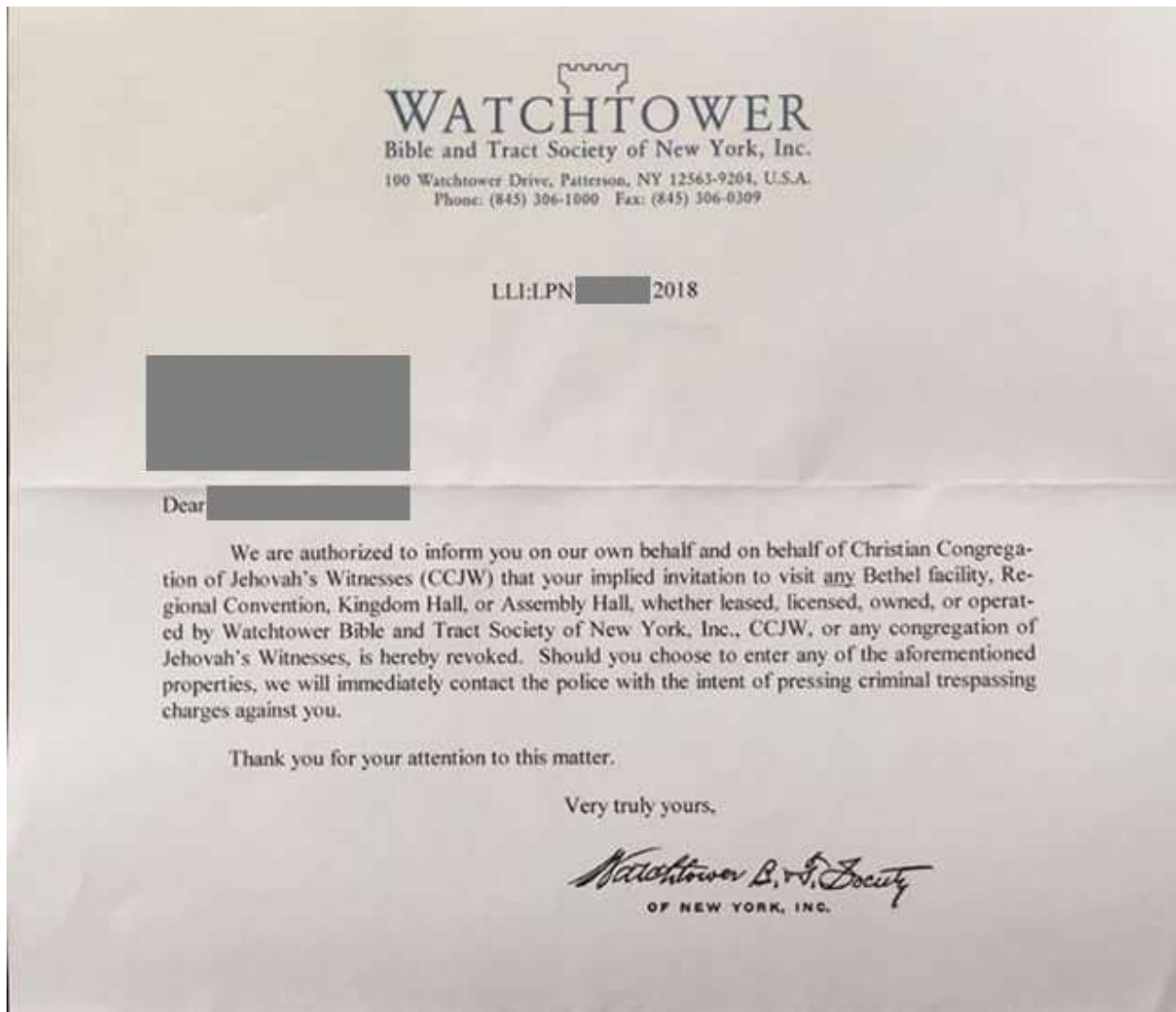
13. This document is available upon request to members of the congregation. It is reviewed at least once every three years.

**JEHOVAH'S WITNESSES' SCRIPTURALLY BASED POSITION
ON CHILD PROTECTION**

References available on jw.org:

- *The Watchtower*, October 1, 1983, "Help for the Victims of Incest"
- *Awake!*, October 8, 1991, "The Innocent Victims of Child Abuse" and "The Secret Wounds of Child Abuse"
- *Awake!*, October 8, 1993, "Your Child Is in Danger!," "How Can We Protect Our Children?," and "Prevention in the Home"
- *Awake!*, October 2007, "A Danger That Concerns Every Parent," "How to Protect Your Children," and "Make Your Family a Safe Haven"
- *Questions Young People Ask—Answers That Work*, Volume 1, chapter 32: "How Can I Protect Myself From Sexual Predators?"
- *What Your Peers Say*: "Sexual Harassment" video
- *Young People Ask*, "What Should I Know About Sexual Assault?—Part 1: Precautions"
- *Young People Ask*, "What Should I Know About Sexual Assault?—Part 2: Recovery"
- "We Protect Our Children" video
- "How Can Parents Teach Their Children About Sex?"
- *Become Jehovah's Friend*, "Lesson 17: Protect Your Children" video
- *Answers to 10 Questions Young People Ask*, Question 8: "What Should I Know About Sexual Assault?"
- "Jehovah's Witnesses Educate Parents and Children to Protect Against Sexual Predators"
- *Learn From the Great Teacher*, chapters 10 and 32
- *The Watchtower*, October 1, 2008, "How to Be a Good Father"
- *The Watchtower*, November 1, 2010, "Talk to Your Children About Sex"

Annexure H – Watchtower New York corporate letter revoking implied invitation



Martin Luther King, Jr.: *We shall have to repent in this generation, not so much for the evil deeds of the wicked people, but for the appalling silence of the good people.*

END PAGE