

Exhibit E

A508ED2

ALLEN SHUSTER

FEBRUARY 15, 2012

SUPERIOR COURT OF CALIFORNIA

COUNTY OF ALMEDA

-----X

JANE DOE, No. HG11558324

Plaintiff,

-v-

THE WATCHTOWER BIBLE AND TRACT

SOCIETY OF NEW YORK, INC., a

corporation, et al.,

Defendants.

-----X

VIDEO DEPOSITION

OF

ALLEN SHUSTER

PATTERSON, NEW YORK

FEBRUARY 15, 2012

10:01 A.M.

ATKINSON-BAKER, INC.
COURT REPORTERS
(800) 288-3376
www.depo.com

Nancy Anne Flynn, RPR
FILE NO.: A508ED2

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ALLEN SHUSTER

FEBRUARY 15, 2012

1	Allen Shuster		1	Allen Shuster	
2	MR. MCCABE: James McCabe, for the North	10:02	2	A I don't understand your question. You	10:04
3	Congregation of Freemont, California.	10:02	3	mean the victim?	10:04
4	MR. MCNAMARA: Francis McNamara, General	10:02	4	Q Yes, was the individual who brought that	10:04
5	Counsel, Watchtower New York.	10:02	5	lawsuit claiming to be a victim of childhood sexual	10:04
6	ALLEN SHUSTER,	10:02	6	abuse within the Jehovah's Witnesses organization?	10:04
7	having been duly sworn by a Notary	10:02	7	A Yes.	10:04
8	Public in and for the State of New York	10:02	8	Q Do you remember the name of the attorney	10:04
9	Testified as follows:	10:02	9	who represented that victim?	10:04
10	EXAMINATION	10:02	10	A I do not.	10:04
11	BY MR. SIMONS:	10:02	11	Q Today I'm going to be asking you some	10:04
12	Q Please state your full name.	10:02	12	questions and if I ask you any question that you	10:04
13	A Allen Eugene Shuster.	10:02	13	don't understand, as you just did earlier, just tell	10:05
14	Q Mr. Shuster, my name is Rick Simons, we	10:02	14	me that you are not sure of the question and I will	10:05
15	met earlier and we are here today for your	10:02	15	rephrase it or otherwise make it clear to you, all	10:05
16	deposition. Have you ever had your deposition taken	10:02	16	right?	10:05
17	before?	10:02	17	A Yes.	10:05
18	A Yes, I have.	10:02	18	Q And as you have been doing so far, your	10:05
19	Q Approximately how many times?	10:02	19	answers have to be out loud even though we're on	10:05
20	A Once.	10:02	20	videotape, the court reporter needs to be able to	10:05
21	Q Was that in connection with official	10:02	21	take down a verbal audible response. Is that	10:05
22	duties or capacities that you hold with the	10:02	22	understood?	10:05
23	Jehovah's Witnesses and Watchtower, New York?	10:03	23	A Yes, understood.	10:05
24	A Yes, it was.	10:03	24	Q And lastly, even though in normal	10:05
25	Q How long ago was that deposition?	10:03	25	conversation we might go back and forth, in a	10:05
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1	Allen Shuster		1	Allen Shuster	
2	A Approximately a year and a half.	10:03	2	deposition format it's important that we only speak	10:05
3	Q And did it involve policies or procedures	10:03	3	one at a time as the court reporter can only follow	10:05
4	or other matters related to issues of childhood	10:03	4	one of us at a time. So even if you know where my	10:05
5	sexual abuse?	10:03	5	question is going, allow me to finish, and I promise	10:05
6	A Yes, it did.	10:03	6	to do so eventually, and I will also do my best not	10:05
7	Q Was it a deposition taken with regard to	10:03	7	to interrupt your answers, okay?	10:05
8	an action pending in the State of New York?	10:03	8	A Okay.	10:05
9	A No.	10:03	9	Q Before the deposition began, counsel and	10:05
10	Q What state was the action pending in	10:03	10	I spoke about your role here today. Your deposition	10:06
11	which your previous deposition was taken?	10:03	11	is being taken in response to our Notice for your	10:06
12	A My best recollection is Florida.	10:03	12	deposition as an individual, and then in addition,	10:06
13	Q Do you remember the name of the attorneys	10:03	13	you have been designated as the person most	10:06
14	involved?	10:03	14	qualified to testify with regard to certain issues	10:06
15	A Yes. Mario Moreno and Calvin Rouse.	10:03	15	that have been the subject of Deposition Notices for	10:06
16	Q Did one of those attorneys represent the	10:03	16	the Watchtower Bible and Tract Society of New York,	10:06
17	individual who had brought an action against	10:04	17	Inc.	10:06
18	Watchtower of New York or other related entities of	10:04	18	So I think with counsel's kind	10:06
19	Jehovah's Witnesses?	10:04	19	permission, I will go through the Deposition Notices	10:06
20	A I don't think so.	10:04	20	and just clarify which categories you will be	10:06
21	Q Was the action one in which the	10:04	21	testifying as the representative of the Watchtower	10:06
22	individual who had brought the action had done so	10:04	22	New York, Inc.	10:06
23	claiming damages for childhood sexual abuse	10:04	23	And that would include for the	10:06
24	experience as claimed at least, to have arisen out	10:04	24	February 15, 2012 1:00 P.M. Deposition Notice, the	10:07
25	of Jehovah's Witnesses activities?	10:04	25	matters related to the August 1st, 1995	10:07
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1	Allen Shuster		1	Allen Shuster	
2	Body-of-Elder letter, categories one and two in that	10:07	2	MR. SIMONS: And category six is also	10:09
3	Notice. Am I correct in that, Counsel?	10:07	3	included?	10:09
4	MR. SCHNACK: Yes, they are identified as	10:07	4	MR. SCHNACK: Yes, subject to the	10:09
5	topics one and two in that Deposition Notice.	10:07	5	objections.	10:10
6	MR. SIMONS: All right. So I will, again	10:07	6	MR. SIMONS: And for the record, counsel	10:10
7	with everyone's permission, attach that	10:07	7	and I have exchanged both correspondence and	10:10
8	Deposition Notice as Exhibit 1 to your	10:07	8	discussions with regard to the nature and	10:10
9	deposition, Mr. Shuster.	10:07	9	extent of objections to all of these Deposition	10:10
10	(Deposition Notice February 15, 2012	10:07	10	Notices which we will not burden the record	10:10
11	1:00 P.M. was marked as Deposition	10:07	11	with at this time, but are certainly	10:10
12	Exhibit Number 1 for identification.)	10:07	12	acknowledged.	10:10
13	Q Similarly, you will be the designated	10:08	13	And then as to category seven, that is	10:10
14	representative to testify as to the correspondence	10:08	14	also within Mr. Shuster's purview.	10:10
15	of December 3rd, 1993 and the matters of policy	10:08	15	MR. SCHNACK: In part, to the extent it	10:10
16	related to that, again from the February 15, 2012	10:08	16	relates to what happens in the service	10:10
17	1:30 Deposition Notice. Am I correct in that as	10:08	17	department, yes. Otherwise, again, to the	10:10
18	well?	10:08	18	extent it involves the legal department that's	10:10
19	MR. SCHNACK: Yes.	10:08	19	going to be off limits. But we will have a PMK	10:10
20	MR. SIMONS: Let me mark that as Exhibit	10:08	20	from the legal department here later today or	10:10
21	2 then.	10:08	21	tomorrow, depending on when you get to it.	10:10
22	(Deposition Notice February 15, 2012	10:08	22	MR. SIMONS: Very good. So let me mark	10:10
23	1:30 P.M. was marked as Deposition	10:08	23	this Deposition Notice as Exhibit 3 then.	10:10
24	Exhibit Number 2 for identification.)	10:08	24	(Deposition Notice was marked as	10:10
25	Q Then additionally, certain of the	10:08	25	Deposition Exhibit Number 3 for	10:10
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1	Allen Shuster		1	Allen Shuster	
2	categories designated in the Deposition Notice for	10:08	2	identification.)	10:10
3	February 16 at 10:30 will be within your purview,	10:08	3	Q Mr. Shuster, do you have an official job	10:11
4	which I understand generally to be category one,	10:09	4	title at present?	10:11
5	Corporate administrative structure, category two,	10:09	5	A Yes, I do.	10:11
6	Managerial staff functions. But not as to the legal	10:09	6	Q What is that?	10:11
7	department?	10:09	7	A Assistant overseer of the service	10:11
8	MR. SCHNACK: Yes, topic two only as to	10:09	8	department.	10:11
9	the legal department, so that would not be	10:09	9	Q To whom do you report as your supervisor?	10:11
10	Mr. Shuster.	10:09	10	A The overseer of the service department.	10:11
11	MR. SIMONS: And topic three, the service	10:09	11	Q And who is that at present?	10:11
12	department, would include Mr. Shuster's subject	10:09	12	A His name a Gary Breaux.	10:11
13	matter; is that correct?	10:09	13	Q Who in turned does Mr. Breaux report to?	10:11
14	MR. SCHNACK: Yes.	10:09	14	A It's called the branch committee.	10:11
15	MR. SIMONS: And then number four we've	10:09	15	MR. SCHNACK: Talking about currently?	10:11
16	had considerable discussion back and forth, and	10:09	16	MR. SIMONS: Yes.	10:11
17	there's a number of objections.	10:09	17	Q What is the branch committee?	10:11
18	MR. SCHNACK: I'll allow you to ask	10:09	18	A It's made up of twelve elders that	10:11
19	questions on that and then we can address it	10:09	19	represent the United States branch territory among	10:12
20	further if we need to.	10:09	20	Jehovah's Witnesses.	10:12
21	MR. SIMONS: To the extent that questions	10:09	21	Q Are there twelve separate territories	10:12
22	are permitted that category four will be	10:09	22	within the United States or is it twelve elders who	10:12
23	included then. And category five is also	10:09	23	represent the territory of the United States?	10:12
24	included; am I right?	10:09	24	A Twelve elders who represent the	10:12
25	MR. SCHNACK: Yes.	10:09	25	territories of the United States.	10:12
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1	Allen Shuster		1	Allen Shuster	
2	A Nothing other than the scriptures	10:32	2	Congregation, from that standpoint it would be	10:35
3	throughout the bible that refers to keeping matters	10:32	3	spiritual.	10:35
4	in confidence. In Proverbs it refers to	10:32	4	Q It's the confession of wrongdoing that's	10:35
5	confidential talk, so from a scriptural standpoint,	10:32	5	spiritual, regardless of the wrongdoing itself?	10:35
6	spiritual advice or counsel would be regarded as	10:32	6	A It's within the context of a spiritual	10:35
7	confidential.	10:32	7	problem that maybe someone has.	10:35
8	Q Are some matters in your experience that	10:32	8	Q If you have a question in your mind as to	10:35
9	are the subject of communications between an elder	10:32	9	whether the subject matter of communication is	10:35
10	and a congregation member, not deemed spiritual?	10:32	10	spiritual in nature or not, how do you resolve that	10:35
11	A Just general conversation with fellow	10:32	11	question?	10:35
12	members of Jehovah's Witnesses is not regarded as	10:32	12	A Well, again, I think that's pretty	10:35
13	spiritual in nature.	10:33	13	general, Mr. Simons. Can you be more specific?	10:35
14	Q For example, if a congregation member	10:33	14	Q If you are unable to resolve the question	10:35
15	spoke to an elder about a problem he was having with	10:33	15	of whether a communication is spiritual nature or	10:35
16	a car that wouldn't operate correctly and asked for	10:33	16	not in your work, how do you get the answer to the	10:35
17	some mechanical advice, would that be deemed	10:33	17	question? Do you ask someone else within the	10:35
18	spiritual in nature?	10:33	18	organization in a different department? Do you go	10:35
19	A I don't think any of us would regard that	10:33	19	to your supervisor? Do you research it yourself and	10:36
20	as spiritual in nature.	10:33	20	make the decision yourself? How do you resolve a	10:36
21	Q Where within the definitions that you	10:33	21	grey area as to whether a communication is spiritual	10:36
22	work with administratively is the dividing line	10:33	22	or not?	10:36
23	between the subject matter that is deemed spiritual	10:33	23	A I think through experience, one is able	10:36
24	communications and the subject matter that is deemed	10:33	24	to determine the difference between what is	10:36
25	nonspiritual communications?	10:33	25	spiritual matter that should be, or for that matter	10:36
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1	Allen Shuster		1	Allen Shuster	
2	MR. SCHNACK: I'm going to object as	10:33	2	anything that should be kept confidential, as	10:36
3	vague. I'm not sure I understand the question.	10:33	3	opposed to something that's not confidential or not	10:36
4	But you can go ahead and respond.	10:33	4	spiritual.	10:36
5	A That's pretty general. I think I would	10:33	5	Q When you say experience, are you speaking	10:36
6	like for you to give me a little more specifics as	10:33	6	of your own individual experience or the collective	10:36
7	to what you mean by that.	10:33	7	experience of yourself and others within the	10:36
8	Q How do you know in your work whether or	10:33	8	administration leadership here.	10:36
9	not communication between a congregation member and	10:33	9	A My own experience.	10:36
10	an elder is to be deemed spiritual or is to be	10:34	10	Q When you say experience, are you speaking	10:36
11	deemed nonspiritual, as the example that we talked	10:34	11	of your own experience or the collective experience	10:36
12	about earlier?	10:34	12	of yourself and others within the administration and	10:36
13	MR. SCHNACK: Example with the car?	10:34	13	leadership here?	10:36
14	MR. SIMONS: Yes.	10:34	14	A My own experience.	10:36
15	A Well, let me give you an example. If	10:34	15	Q Have you ever had an occasion during your	10:36
16	someone came to me and, for example, a woman	10:34	16	years of service where you asked for others'	10:36
17	confessed to committing adultery, I would certainly	10:34	17	guidance in determining whether a communication	10:37
18	want someone with me, another elder, to listen to	10:34	18	should be deemed spiritual and confidential or not?	10:37
19	that confession. I think we would both as elders	10:34	19	A Yes.	10:37
20	regard that confession as confidential.	10:34	20	Q And in those situations or in that	10:37
21	Q Because the subject matter would be	10:34	21	situation, to whom do you go for guidance?	10:37
22	deemed spiritual?	10:34	22	A It depends on the context, it depends on	10:37
23	A I don't know that you regard adultery as	10:34	23	what the issue is as to who I go to.	10:37
24	spiritual, but the fact that the confession is	10:34	24	Q Can you give me different examples of the	10:37
25	before two elders who represent the Christian	10:34	25	types of subject matters of communications that	10:37
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1	Allen Shuster		1	Allen Shuster	
2	would lead you to another and to whom it would lead	10:37	2	regular basis.	10:40
3	you?	10:37	3	Q In your capacity within the service	10:41
4	A Um-hm. Well, I serve as an elder, I	10:37	4	department do you have the discretion to overrule,	10:41
5	mentioned since 1979 in various congregations, so in	10:37	5	if you will, legal advice you receive from the legal	10:41
6	the role of an elder within the local congregation,	10:37	6	department of Watchtower New York?	10:41
7	it's made up of a number of elders, varying numbers	10:38	7	A Do we have the authority to overrule?	10:41
8	of elders within a body in a local congregation.	10:38	8	Again I think it depends on the context.	10:41
9	So if it's in regard to the issue I	10:38	9	Q With regard to the question -- I'm sorry	10:41
10	referred to earlier where a woman may confess	10:38	10	because my question was overbroad, but let me	10:41
11	adultery, then I would consult with another elder in	10:38	11	narrow. On the question of whether an individual's	10:41
12	those matters. We would regard that as	10:38	12	communication is deemed confidential or not?	10:41
13	confidential.	10:38	13	MR. SCHNACK: I am going to object to the	10:41
14	Q How about if the subject matter was not	10:38	14	form of the question. It seems to me you're	10:41
15	one which was clear to you as to whether it is	10:38	15	commingling legal issues and spiritual issues.	10:41
16	spiritual and confidential or not, and you wanted	10:38	16	I'm not sure the church does that.	10:41
17	further insight from someone else on that in	10:38	17	But to the extent you can respond, go	10:41
18	addition to your own experience, to whom would you	10:38	18	ahead.	10:41
19	go for guidance on that?	10:38	19	A I think in response to what Bob is	10:41
20	A Talking about spiritual matters?	10:38	20	saying, anything that's confidential is not always	10:41
21	Q Well, about the issue of whether or not a	10:38	21	spiritual. Something that's spiritual is not always	10:42
22	communication is a spiritual communication as	10:39	22	confidential. So I don't think we can draw a	10:42
23	opposed to one that is not?	10:39	23	parallel because if they are synonymous. But again,	10:42
24	A As an elder in a local congregation I	10:39	24	your question?	10:42
25	would consult with other elders.	10:39	25	Q Thank you for that clarification. With	10:42
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1	Allen Shuster		1	Allen Shuster	
2	Q How about in your capacity here as an	10:39	2	regard to whether or not a communication is	10:42
3	assistant overseer in the service department?	10:39	3	confidential, are you given the authority to make	10:42
4	A I would consult with elders here in the	10:39	4	that determination in a situation where the legal	10:42
5	service department.	10:39	5	department has given you an opinion as to that? Can	10:42
6	Q Is there someone within the	10:39	6	you determine it to be different than the legal	10:42
7	administrative structure of the organizations who is	10:39	7	department's opinion?	10:42
8	the final arbiter of whether a specific type of	10:39	8	A Do you mean me personally or as a	10:42
9	communication is to be deemed spiritual and	10:39	9	department?	10:42
10	confidential or not?	10:39	10	Q You as an assistant overseer in your	10:42
11	A I believe it depends on the nature of the	10:39	11	official capacity.	10:43
12	spiritual confidential question.	10:39	12	A Again, I think it's a judgment matter,	10:43
13	Q And can you explain that for me?	10:40	13	there are some things that are given in the way of	10:43
14	A There are some issues, some questions	10:40	14	advice and it is just that, advice. There are other	10:43
15	that are raised that I can freely discuss with my	10:40	15	things that are presented from the legal department	10:43
16	peers within the department, and based on a	10:40	16	that I personally would not want to take it on	10:43
17	discussion a determination can be made as to whether	10:40	17	myself to make that decision to overrule the good	10:43
18	we have the authority to make a decision. In other	10:40	18	advice that we regularly get from our legal counsel.	10:43
19	cases not.	10:40	19	Q Going back to the time period before 2001	10:43
20	Q Are there situations in your experience	10:40	20	when the service department was within Watchtower	10:43
21	when the question of whether or not a communication	10:40	21	New York, were the respective roles that we have	10:43
22	is a confidential communication you have turned to	10:40	22	been discussing between the service department and	10:43
23	the legal department for determination of that	10:40	23	the legal department the same but just kept within	10:43
24	issue?	10:40	24	the one organization structure?	10:43
25	A We have gotten legal advice, yes, on a	10:40	25	A A little confusing question.	10:43
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1	Allen Shuster		1	Allen Shuster	
2	Q All right. Prior to 2001, was the	10:43	2	Q Yes.	10:47
3	service department in terms of its authority and	10:44	3	A They are regarded as confidential.	10:47
4	role the same as it is now within the Christian	10:44	4	Q Is the basis of that determination one	10:47
5	Congregation?	10:44	5	that is contained in writings of some kind?	10:47
6	A You mean the difference between when the	10:44	6	A You mean in the sense of guidelines or	10:47
7	service department was working as the New York	10:44	7	direction or memoranda?	10:47
8	corporation and since 2001 under Christian	10:44	8	Q Yes, any of those.	10:47
9	Congregation.	10:44	9	A Over the years I worked in the service	10:47
10	Q Yes.	10:44	10	department, which is some 31 years, I am certain	10:47
11	A Essentially the same.	10:44	11	that there have been references made on occasion	10:48
12	Q And was the nature of the relationship	10:44	12	that matters should be kept confidential. I cannot	10:48
13	between the legal department and service department	10:44	13	tell you an exact date of a memorandum.	10:48
14	the same before 2001 as it is at present?	10:44	14	MR. SIMONS: Let me mark the letter of	10:48
15	A When you say relationship, you mean --	10:44	15	July 1st, 1989 as the next exhibit.	10:48
16	Q In terms of the nature of the issues that	10:44	16	(July 1, 1989 letter was marked as	10:49
17	would be brought to the legal department and the	10:45	17	Deposition Exhibit Number 5 for	10:49
18	consequences of information that would come back	10:45	18	identification.)	10:49
19	from the legal department to the service department?	10:45	19	Q This is a somewhat lengthy document. The	10:49
20	A Yes.	10:45	20	portions that I am going to ask you about I've	10:49
21	Q Are reports or communications received	10:45	21	highlighted. That will maybe assist you in focusing	10:49
22	from a congregation member that may include a report	10:45	22	on this.	10:49
23	of suspected childhood sexual abuse by a different	10:45	23	MR. SCHNACK: You want him to read	10:49
24	member than the reporter, are those communications	10:45	24	through it or do you want to just start asking	10:50
25	deemed to be confidential within the service	10:45	25	questions?	10:50
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1	Allen Shuster		1	Allen Shuster	
2	department?	10:45	2	MR. SIMONS: If he wants to read through	10:50
3	A When you say a different, a different	10:46	3	it I don't want to interrupt him.	10:50
4	person as opposed to the victim?	10:46	4	MR. SCHNACK: It's up to you how you want	10:50
5	Q Correct, an individual member of the	10:46	5	to conduct the deposition.	10:50
6	congregation makes a report to an elder of suspicion	10:46	6	Q Have you seen this letter of July 1st,	10:50
7	of sexual abuse of a child by a different	10:46	7	1989 before?	10:50
8	congregation member, is that communication deemed to	10:46	8	A Yes.	10:50
9	be confidential?	10:46	9	Q When do you recall first being aware of	10:50
10	MR. SCHNACK: Are you talking about	10:46	10	this letter?	10:50
11	outside of the service department at this	10:46	11	A Shortly before July 1st, 1989.	10:50
12	point?	10:46	12	Q Did you participate at all in the	10:50
13	MR. SIMONS: No, within the service	10:46	13	drafting of this letter?	10:50
14	department.	10:46	14	A I'm not certain.	10:51
15	MR. SCHNACK: Okay, because the question	10:46	15	Q Do you know any of the individuals who	10:51
16	didn't include that. Why don't you rephrase it	10:46	16	participated in the drafting of this letter?	10:51
17	so we're certain what you are asking.	10:46	17	A I don't think I could name someone	10:51
18	Q Within the service department's	10:46	18	specific.	10:51
19	implementation of its policies and role, are	10:46	19	Q Is this what is known as a Body of Elder	10:51
20	communications by a member of a congregation to an	10:46	20	letter?	10:51
21	elder which report suspected childhood sexual abuse	10:46	21	A Yes.	10:51
22	by a different member of that congregation, are	10:47	22	Q Is the content of this letter, Exhibit 5,	10:51
23	those communications deemed to be confidential?	10:47	23	one that requires the approval of anyone within the	10:51
24	A Within the context of the work that is	10:47	24	Jehovah's Witnesses organization before it can be	10:51
25	done within the service department?	10:47	25	circulated to elders throughout the United States?	10:52
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ALLEN SHUSTER

FEBRUARY 15, 2012

1	Allen Shuster		1	Allen Shuster	
2	A Yes.	10:52	2	member does not confess to having committed sexual	11:02
3	Q What approval or approvals, if there is	10:52	3	abuse of a child in response to an accusation, is	11:02
4	more than one, must be made before a Body of Elder	10:52	4	there a method, an administrative method, in which	11:03
5	letter such as this could be circulated, at the time	10:52	5	the truth of the accusation can be determined?	11:03
6	frame we're talking about, July 1st, '89?	10:52	6	MR. SCHNACK: Are you talking about	11:03
7	A Within the time frame of 1989?	10:52	7	within a judicial investigation or a judicial	11:03
8	Q Yes.	10:52	8	committee?	11:03
9	A There would have been a group of elders	10:52	9	MR. SIMONS: I don't know because I'm	11:03
10	within the service department that would have	10:52	10	asking the open-ended question of, is there a	11:03
11	reviewed this letter. It would have been a	10:52	11	method at all, and presumably that would	11:03
12	collaborative effort. You're talking about the	10:52	12	include judicial investigation or judicial	11:03
13	service department, right?	10:52	13	committee or some other process.	11:03
14	Q I'm talking about within the organization	10:52	14	MR. SCHNACK: Okay. I am going to object	11:03
15	completely?	10:52	15	as vague then.	11:03
16	A Within the organization. Undoubtedly the	10:52	16	To the extent you can answer, go ahead.	11:03
17	legal department would have input into this. It	10:52	17	A I think the key word you said is truth,	11:03
18	would have been approved by a committee of the	10:52	18	can you get at the truth. There certainly is a	11:03
19	governing body.	10:53	19	method in which we endeavor to get at the truth.	11:03
20	Q Has this Body of Elder letter of	10:53	20	Q What method is that?	11:03
21	July 1st, 1989 been revoked?	10:53	21	A You mentioned whenever there is an	11:03
22	A When you say revoked, you mean in total	10:53	22	accusation made against a member of the	11:03
23	or in part?	10:53	23	congregation, that method is that we have an elder,	11:03
24	Q First in total.	10:53	24	two elders, who are asked to hear or at least	11:03
25	A No.	10:53	25	confront the accused with whatever it is he is	11:04
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1	Allen Shuster		1	Allen Shuster	
2	Q Have parts of it been modified or	10:53	2	accused of, and they hear what he has to say about	11:04
3	revoked?	10:53	3	the matter.	11:04
4	A I would have to review the letter and	10:53	4	Q Assuming the accused denies any sexual	11:04
5	read it to tell.	10:53	5	misconduct with a child, what is the next step in	11:04
6	Q All right, okay.	10:53	6	response to that denial, if there is one?	11:04
7	MR. SCHNACK: Do you want him to do that?	10:53	7	A Yes. In the case of a child, I think we	11:04
8	MR. SIMONS: Yes, I do.	10:53	8	would be very careful as to how we proceed. But	11:04
9	MR. SCHNACK: Go ahead, take your time.	10:54	9	scripturally, the Bible outlines a procedure in	11:04
10	THE WITNESS: The entire letter?	10:54	10	Matthew 18 about, in Matthew, the book of Matthew,	11:04
11	MR. SIMONS: Yes. If you need something	10:54	11	about addressing issues of this nature when there is	11:04
12	to mark the exhibit with to go back and explain	10:54	12	an accusation made against someone, then of course	11:05
13	later what areas you think have been revoked,	10:54	13	he has a right to hear that, and that's why we have	11:05
14	feel free to mark it up, that's okay.	10:54	14	two elders that listen to what he has to say. But	11:05
15	A What was stated then in 1989, some 22	11:01	15	then he has the opportunity or should have the	11:05
16	years ago, I think is essentially the same now.	11:01	16	opportunity to hear what his accuser is saying.	11:05
17	There's maybe one exception. And that's on page	11:01	17	Q And what is the forum in which that	11:05
18	four at the very top, the first sentence, "If the	11:01	18	opportunity is provided?	11:05
19	alleged wrongdoer confesses to the sin or crime, no	11:02	19	A So two elders will sit down with the	11:05
20	one else should be present besides the members of	11:02	20	accuser and hear what he has to say, and then weigh	11:05
21	the committee." Just in addition to that, in the	11:02	21	that testimony. As I mentioned, in the case of a	11:05
22	case of a child, being a minor, likely in most cases	11:02	22	child, we are very careful about proceeding. In	11:05
23	his parent or parents would be present. But other	11:02	23	some cases we will not proceed depending on the	11:05
24	than that, essentially it's the same.	11:02	24	advice that we get from the legal department. I say	11:05
25	Q Okay. In the event that an accused	11:02	25	we, I mean the local elders in a congregation.	11:06
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1	Allen Shuster		1	Allen Shuster	
2	Q Is the local elder or are the local	11:06	2	of the accused. You say minor, a minor can be from	11:09
3	elders who receive a report of possible sexual abuse	11:06	3	baby to the legal age of maturity.	11:09
4	of a child by a congregation member, is the elder or	11:06	4	Q So would the question of whether or not	11:09
5	are the elders who receive that report required to	11:06	5	the victim can be counted as one of the two	11:09
6	make a communication to the legal department	11:06	6	witnesses be a subject of the discretion of the	11:10
7	immediately notifying them of that report?	11:06	7	elders who conduct the investigation?	11:10
8	A Yes, as stated in this letter, there's a	11:06	8	A Yes.	11:10
9	request made that they contact the legal department.	11:06	9	Q Are there any written guidelines or other	11:10
10	Of course, as elders, we -- I'm saying "we," I mean	11:06	10	information provided to elders that you are aware of	11:10
11	I'm an elder in a local congregation, my interest	11:07	11	that helps them determine whether or not a minor who	11:10
12	and concern is that of the welfare of the child,	11:07	12	reports sexual abuse may be relied upon as one of	11:10
13	making sure that the child is safe, even before we	11:07	13	the two witnesses?	11:10
14	investigate any claims or the validity of a claim of	11:07	14	A Am I aware of some guidelines?	11:10
15	abuse. We do that and maybe even provide comfort	11:07	15	Q Yes.	11:10
16	and sympathy to the child or parent in an effort to	11:07	16	A Yes.	11:10
17	be of spiritual assistance to them.	11:07	17	Q What guidelines are you aware of?	11:10
18	The next thing we are encouraged to do	11:07	18	A I think our letter here in '89 referred	11:10
19	immediately is to call the legal department for	11:07	19	to, let me see if I can find it. Yes, on page two,	11:10
20	legal advice.	11:07	20	the last paragraph, it says, "Note the KS 77, pages	11:10
21	Q That was the procedure in 1989 after	11:07	21	66 and 67; KS 81, pages 160 to 170. Likely within	11:11
22	Exhibit 5 was circulated, the Body of Elder letter,	11:07	22	that reference there is a guideline.	11:11
23	and it remains the procedure today; is that	11:07	23	Q What is the KS referred to?	11:11
24	accurate?	11:07	24	A It's referencing Kingdom Ministry School	11:11
25	A Yes, as on page three, paragraph one.	11:07	25	textbook.	11:11
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1	Allen Shuster		1	Allen Shuster	
2	Q Going back to my questions about how is	11:08	2	Q Is there a Kingdom Ministry School	11:11
3	the issue resolved as to whether the accusation is	11:08	3	textbook at present?	11:11
4	truthful or not, is there a standard by which elders	11:08	4	A Yes.	11:11
5	are guided in determining the truthfulness of an	11:08	5	Q And has there been for many years going	11:11
6	accusation of sexual abuse of a child by a	11:08	6	back to before the date of this July 1st, 1989	11:11
7	congregation member?	11:08	7	letter?	11:11
8	A Yes.	11:08	8	A Yes.	11:11
9	Q What is that standard?	11:08	9	Q What is the Kingdom Ministry School	11:11
10	A The standard is either a confession which	11:08	10	textbook?	11:11
11	we would accept as will be acceptable to prove	11:08	11	A It is a publication that is given to	11:11
12	guilt, or two witnesses testifying to the fact that	11:08	12	elders to help them to provide shepherding and to	11:11
13	they either saw or knew of the accused being engaged	11:08	13	carry out their duties as elders.	11:12
14	in that activity.	11:08	14	Q Are all elders required to attend Kingdom	11:12
15	Q Would one of those witnesses be the	11:09	15	Ministry School at some intervals?	11:12
16	victim himself or herself?	11:09	16	A Required? In what sense?	11:12
17	A Yes.	11:09	17	Q Are they, as a condition of becoming an	11:12
18	Q If the victim is a minor, are they still	11:09	18	elder, required to complete a program of the Kingdom	11:12
19	competent to be a witness in the situation we're	11:09	19	Ministry School?	11:12
20	talking about?	11:09	20	A No.	11:12
21	A When you say competent, can you define	11:09	21	Q Are they, as elders, encouraged to attend	11:12
22	competent?	11:09	22	Kingdom Ministry School?	11:12
23	Q Yes. If the victim is a minor, is that	11:09	23	A Yes.	11:12
24	person still counted as one of the two witnesses?	11:09	24	Q Is Kingdom Ministry School an ongoing	11:12
25	A Well, I think it goes to the credibility	11:09	25	program where even elders with many years of	11:12
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1	Allen Shuster		1	Allen Shuster	
2	across some tools that a homeowner may have left out	02:24	2	Q What was the predecessor in terms of	02:27
3	in the driveway and is seen to take a tool or to put	02:24	3	function, to the branch committee?	02:28
4	them in his pocket or jacket or something and leave	02:24	4	A Prior to the branch committee, which was	02:28
5	with it, that's a theft, correct?	02:24	5	formed in 2001, the Bethel Operations, that is, the	02:28
6	A Okay.	02:24	6	operations of the three complexes that make up not	02:28
7	Q In such a situation of what we will call	02:24	7	only the world headquarters but also the	02:28
8	a petty theft, is that something that falls under	02:24	8	headquarters for United States branch facilities as	02:28
9	the doctrine of uncleanness?	02:24	9	well as the field operations, were separated; there	02:28
10	A Uncleanness, I don't know that it would	02:25	10	were two separate entities that cared for those	02:28
11	necessarily fall in that category. It would fall	02:25	11	functions.	02:28
12	more into the category of theft. Uncleanness has	02:25	12	Q We talked about the branch committee	02:28
13	more to do with physical and sexual in nature.	02:25	13	guidelines, the published guidelines and the	02:28
14	Q All right. That is very helpful, I	02:25	14	handbook so to speak. Was there a predecessor of	02:28
15	appreciate it. I apologize if some of my questions	02:25	15	similar type before 2001 when the branch committee	02:29
16	seem very basic, but there are many philosophical	02:25	16	was formed?	02:29
17	and other views of things that are part of your	02:25	17	A The branch organization is what you are	02:29
18	daily world for many years that are all new to me,	02:25	18	referring to, has been in existence prior to the	02:29
19	so --	02:26	19	formation of the U.S. branch committee.	02:29
20	A I understand.	02:26	20	Q So did the branch organization have a	02:29
21	(August 1, 1995 Letter To All Bodies	02:26	21	handbook or guidelines prior to 2001?	02:29
22	of Elders in the United States was marked	02:26	22	A I'm sure that there was some guideline	02:29
23	as Deposition Exhibit 9 for	02:26	23	that they went by. I don't know that there was an	02:29
24	identification.)	02:26	24	official document, maybe more just internal	02:29
25	Q We have marked as Exhibit 9 a letter	02:26	25	communications or perhaps some memoranda that gave	02:29
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1	Allen Shuster		1	Allen Shuster	
2	dated August 1, 1995 (handing). Have you seen this	02:26	2	them some structure.	02:29
3	in the past?	02:26	3	Q Who if anyone would have been required to	02:29
4	A Yes, I have.	02:26	4	approve the content of articles in the Awake before	02:29
5	Q Were you involved in the preparation of	02:26	5	they were published? This is back in '85 and '93	02:30
6	this Body of Elders letter prior to its	02:26	6	and that time period.	02:30
7	dissemination?	02:26	7	A It would be individuals that work in our	02:30
8	A I can't say for certainty. There's a	02:26	8	writing department.	02:30
9	good chance that I was.	02:26	9	Q Were articles on the subject matter of	02:30
10	Q Was this Body of Elders letter approved	02:26	10	protecting children from sexual abuse subject to	02:30
11	by either a committee of or the entire governing	02:26	11	approval from anyone other than persons in the	02:30
12	body prior to its circulation?	02:27	12	writing committee back in the time frame that we're	02:30
13	A Yes.	02:27	13	talking about, '85 to '93, as to the articles?	02:30
14	Q There are references in this letter to	02:27	14	MR. SCHNACK: You mean the writing	02:30
15	various Awake articles in 1985 and 1993, this is in	02:27	15	department.	02:30
16	the third paragraph. Are articles that are	02:27	16	MR. SIMONS: Writing department, thank	02:30
17	published in Awake reviewed in advance by persons in	02:27	17	you.	02:30
18	the branch committee?	02:27	18	A I know on occasion that the writing	02:30
19	MR. SCHNACK: I'm going to object to the	02:27	19	committee would send, writing department that is,	02:30
20	form of the question. The branch committee	02:27	20	they would send articles to others outside the	02:30
21	wasn't in existence at the time that letter was	02:27	21	writing department for their purview.	02:31
22	drafted.	02:27	22	Q Would an article setting forth a policy	02:31
23	MR. SIMONS: All right.	02:27	23	on something such as childhood sexual abuse such as	02:31
24	MR. SCHNACK: Is that correct?	02:27	24	the January 22, 1985 article in Awake have been	02:31
25	THE WITNESS: That's correct.	02:27	25	reviewed and approved by the governing body or a	02:31
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<p>1 Allen Shuster</p> <p>2 committee of the governing body prior to its 02:31</p> <p>3 publication? 02:31</p> <p>4 A My understanding is that they would. 02:31</p> <p>5 Q What is that understanding based on? 02:31</p> <p>6 A Whether all of the members of the then 02:31</p> <p>7 existing governing body would review articles from 02:31</p> <p>8 the Awake or the Watchtower, I can't say for 02:31</p> <p>9 certainty. But what I do say for certainty is that 02:31</p> <p>10 some members of the governing body would review it, 02:31</p> <p>11 yes. 02:31</p> <p>12 Q What is your understanding based on? 02:31</p> <p>13 A Based on my knowledge. 02:32</p> <p>14 Q Your last answer was that you just 02:33</p> <p>15 understand it. Can you tell me a little bit more 02:33</p> <p>16 about how you acquired the knowledge of the 02:33</p> <p>17 governing body's role in terms of approval of Awake 02:33</p> <p>18 policy articles or Watchtower policy articles? 02:33</p> <p>19 A I just know that the writing department, 02:33</p> <p>20 it's directly overseen by the writing committee of 02:33</p> <p>21 the governing body, and that there have been members 02:33</p> <p>22 in the past of the governing body who are in the 02:33</p> <p>23 writing, on the writing committee, and also work in 02:33</p> <p>24 the writing department. And I know the process 02:33</p> <p>25 that's reviewed by a number of writers, and it's 02:33</p> <p style="text-align: right;">Page 110</p>	<p>1 Allen Shuster</p> <p>2 the governing body, that's my question. Is that an 02:35</p> <p>3 accurate statement? 02:35</p> <p>4 A That is an accurate statement, yes. 02:35</p> <p>5 MR. SCHNACK: Is this a good time for a 02:35</p> <p>6 short break? 02:35</p> <p>7 MR. SIMONS: Yes. 02:35</p> <p>8 MR. SCHNACK: Let's go off the record. 02:35</p> <p>9 THE VIDEOGRAPHER: It is now 2:36. We 02:35</p> <p>10 are going off the record. 02:35</p> <p>11 (Brief recess) 02:54</p> <p>12 THE VIDEOGRAPHER: We are back on the 02:54</p> <p>13 record. The time is 2:54. 02:54</p> <p>14 BY MR. SIMONS: 02:54</p> <p>15 Q Is there now a service committee? 02:54</p> <p>16 A There is a service committee, yes. 02:54</p> <p>17 Q Was that formed in 2001 when the branch 02:54</p> <p>18 committees were set up? 02:54</p> <p>19 A No. 02:54</p> <p>20 Q Did it pre-exist 2001? 02:54</p> <p>21 A Yes, it did. 02:54</p> <p>22 Q Has there been a service committee for as 02:54</p> <p>23 many years as you have been an elder? 02:54</p> <p>24 A Yes, there has. 02:54</p> <p>25 Q Are members of the governing body, any 02:54</p> <p style="text-align: right;">Page 112</p>
<p>1 Allen Shuster</p> <p>2 been the policy of at least a few members of the 02:33</p> <p>3 governing body reviewing anything from the 02:33</p> <p>4 Watchtower and Awake that is published. 02:33</p> <p>5 Q Have you ever authored an article that 02:34</p> <p>6 was published in Watchtower or Awake? 02:34</p> <p>7 A I have not. 02:34</p> <p>8 Q Is the role of the governing body to set 02:34</p> <p>9 both spiritual and administrative policies of all of 02:34</p> <p>10 the Jehovah's Witnesses' corporations and entities? 02:34</p> <p>11 MR. SCHNACK: I object to the form of the 02:34</p> <p>12 question. I'm not sure what you mean by 02:34</p> <p>13 administrative policies. 02:34</p> <p>14 You can respond, if you can. 02:34</p> <p>15 A I guess I would have to know a little bit 02:34</p> <p>16 more about the question. On a high level, review, 02:34</p> <p>17 the governing body does establish policies. The 02:34</p> <p>18 other aspect of your question? 02:34</p> <p>19 Q My question is perhaps a little unclear, 02:34</p> <p>20 but as to policies and procedures that we have been 02:34</p> <p>21 discussing, for example, the confession or 02:35</p> <p>22 two-witness standard in terms of accusations being 02:35</p> <p>23 proven to be true, are these policies, no matter 02:35</p> <p>24 which corporation or entity within the organization 02:35</p> <p>25 is enforcing them, these are policies that come from 02:35</p> <p style="text-align: right;">Page 111</p>	<p>1 Allen Shuster</p> <p>2 members of the governing body, on the service 02:54</p> <p>3 committee? 02:54</p> <p>4 A Yes, there are. 02:54</p> <p>5 Q How many members total are there in the 02:54</p> <p>6 service committee? 02:54</p> <p>7 A On the service committee, let's see, at 02:55</p> <p>8 least four. 02:55</p> <p>9 Q And how many members of the service 02:55</p> <p>10 committee are members of the governing body? 02:55</p> <p>11 A All of them. 02:55</p> <p>12 Q When a congregation member is found 02:55</p> <p>13 either by two witnesses or by confession or by both 02:55</p> <p>14 to have committed sexual abuse of a child, does the 02:55</p> <p>15 local congregation elders have the option to ban 02:55</p> <p>16 that individual from field service? 02:56</p> <p>17 A The elders have the responsibility to 02:56</p> <p>18 protect children from that perpetrator, yes, to ban 02:56</p> <p>19 them from the individual ministry that they have. 02:56</p> <p>20 I think all of us as Christians, as 02:56</p> <p>21 Jehovah's Witnesses, have an obligation to bear 02:56</p> <p>22 witness about God, that's who we are, we are 02:56</p> <p>23 Jehovah's Witnesses. So what he would have, his 02:56</p> <p>24 personal responsibility is up to him in witnessing, 02:56</p> <p>25 but if he were to engage in public ministry with 02:56</p> <p style="text-align: right;">Page 113</p>

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