

Exhibit B

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
 2 MR. MCCABE: James McCabe, for the North 10:02
 3 Congregation of Freemont, California. 10:02
 4 MR. MCNAMARA: Francis McNamara, General 10:02
 5 Counsel, Watchtower New York. 10:02
 6 ALLEN SHUSTER, 10:02
 7 having been duly sworn by a Notary 10:02
 8 Public in and for the State of New York 10:02
 9 Testified as follows: 10:02
 10 EXAMINATION 10:02
 11 BY MR. SIMONS: 10:02
 12 Q Please state your full name. 10:02
 13 A Allen Eugene Shuster. 10:02
 14 Q Mr. Shuster, my name is Rick Simons, we 10:02
 15 met earlier and we are here today for your 10:02
 16 deposition. Have you ever had your deposition taken 10:02
 17 before? 10:02
 18 A Yes, I have. 10:02
 19 Q Approximately how many times? 10:02
 20 A Once. 10:02
 21 Q Was that in connection with official 10:02
 22 duties or capacities that you hold with the 10:02
 23 Jehovah's Witnesses and Watchtower, New York? 10:03
 24 A Yes, it was. 10:03
 25 Q How long ago was that deposition? 10:03

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1 Allen Shuster
 2 A Approximately a year and a half. 10:03
 3 Q And did it involve policies or procedures 10:03
 4 or other matters related to issues of childhood 10:03
 5 sexual abuse? 10:03
 6 A Yes, it did. 10:03
 7 Q Was it a deposition taken with regard to 10:03
 8 an action pending in the State of New York? 10:03
 9 A No. 10:03
 10 Q What state was the action pending in 10:03
 11 which your previous deposition was taken? 10:03
 12 A My best recollection is Florida. 10:03
 13 Q Do you remember the name of the attorneys 10:03
 14 involved? 10:03
 15 A Yes. Mario Moreno and Calvin Rouse. 10:03
 16 Q Did one of those attorneys represent the 10:03
 17 individual who had brought an action against 10:04
 18 Watchtower of New York or other related entities of 10:04
 19 Jehovah's Witnesses? 10:04
 20 A I don't think so. 10:04
 21 Q Was the action one in which the 10:04
 22 individual who had brought the action had done so 10:04
 23 claiming damages for childhood sexual abuse 10:04
 24 experience as claimed at least, to have arisen out 10:04
 25 of Jehovah's Witnesses activities? 10:04

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1 Allen Shuster
 2 A I don't understand your question. You 10:04
 3 mean the victim? 10:04
 4 Q Yes, was the individual who brought that 10:04
 5 lawsuit claiming to be a victim of childhood sexual 10:04
 6 abuse within the Jehovah's Witnesses organization? 10:04
 7 A Yes. 10:04
 8 Q Do you remember the name of the attorney 10:04
 9 who represented that victim? 10:04
 10 A I do not. 10:04
 11 Q Today I'm going to be asking you some 10:04
 12 questions and if I ask you any question that you 10:04
 13 don't understand, as you just did earlier, just tell 10:05
 14 me that you are not sure of the question and I will 10:05
 15 rephrase it or otherwise make it clear to you, all 10:05
 16 right? 10:05
 17 A Yes. 10:05
 18 Q And as you have been doing so far, your 10:05
 19 answers have to be out loud even though we're on 10:05
 20 videotape, the court reporter needs to be able to 10:05
 21 take down a verbal audible response. Is that 10:05
 22 understood? 10:05
 23 A Yes, understood. 10:05
 24 Q And lastly, even though in normal 10:05
 25 conversation we might go back and forth, in a 10:05

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1 Allen Shuster
 2 deposition format it's important that we only speak 10:05
 3 one at a time as the court reporter can only follow 10:05
 4 one of us at a time. So even if you know where my 10:05
 5 question is going, allow me to finish, and I promise 10:05
 6 to do so eventually, and I will also do my best not 10:05
 7 to interrupt your answers, okay? 10:05
 8 A Okay. 10:05
 9 Q Before the deposition began, counsel and 10:05
 10 I spoke about your role here today. Your deposition 10:06
 11 is being taken in response to our Notice for your 10:06
 12 deposition as an individual, and then in addition, 10:06
 13 you have been designated as the person most 10:06
 14 qualified to testify with regard to certain issues 10:06
 15 that have been the subject of Deposition Notices for 10:06
 16 the Watchtower Bible and Tract Society of New York, 10:06
 17 Inc. 10:06
 18 So I think with counsel's kind 10:06
 19 permission, I will go through the Deposition Notices 10:06
 20 and just clarify which categories you will be 10:06
 21 testifying as the representative of the Watchtower 10:06
 22 New York, Inc. 10:06
 23 And that would include for the 10:06
 24 February 15, 2012 1:00 P.M. Deposition Notice, the 10:07
 25 matters related to the August 1st, 1995 10:07

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3 (Pages 6 to 9)

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1 **Allen Shuster**
 2 **Body-of-Elder letter, categories one and two in that** 10:07
 3 **Notice. Am I correct in that, Counsel?** 10:07
 4 MR. SCHNACK: Yes, they are Identified as 10:07
 5 topics one and two in that Deposition Notice. 10:07
 6 MR. SIMONS: All right. So I will, again 10:07
 7 with everyone's permission, attach that 10:07
 8 Deposition Notice as Exhibit 1 to your 10:07
 9 deposition, Mr. Shuster. 10:07
 10 (Deposition Notice February 15, 2012 10:07
 11 1:00 P.M. was marked as Deposition 10:07
 12 Exhibit Number 1 for identification.) 10:07
 13 **Q Similarly, you will be the designated** 10:08
 14 **representative to testify as to the correspondence** 10:08
 15 **of December 3rd, 1993 and the matters of policy** 10:08
 16 **related to that, again from the February 15, 2012** 10:08
 17 **1:30 Deposition Notice. Am I correct in that as** 10:08
 18 **well?** 10:08
 19 MR. SCHNACK: Yes. 10:08
 20 MR. SIMONS: Let me mark that as Exhibit 10:08
 21 2 then. 10:08
 22 (Deposition Notice February 15, 2012 10:08
 23 1:30 P.M. was marked as Deposition 10:08
 24 Exhibit Number 2 for identification.) 10:08
 25 **Q Then additionally, certain of the** 10:08

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1 **Allen Shuster**
 2 **categories designated in the Deposition Notice for** 10:08
 3 **February 16 at 10:30 will be within your purview,** 10:08
 4 **which I understand generally to be category one,** 10:09
 5 **Corporate administrative structure, category two,** 10:09
 6 **Managerial staff functions. But not as to the legal** 10:09
 7 **department?** 10:09
 8 MR. SCHNACK: Yes, topic two only as to 10:09
 9 the legal department, so that would not be 10:09
 10 Mr. Shuster. 10:09
 11 MR. SIMONS: And topic three, the service 10:09
 12 department, would include Mr. Shuster's subject 10:09
 13 matter; is that correct? 10:09
 14 MR. SCHNACK: Yes. 10:09
 15 MR. SIMONS: And then number four we've 10:09
 16 had considerable discussion back and forth, and 10:09
 17 there's a number of objections. 10:09
 18 MR. SCHNACK: I'll allow you to ask 10:09
 19 questions on that and then we can address it 10:09
 20 further if we need to. 10:09
 21 MR. SIMONS: To the extent that questions 10:09
 22 are permitted that category four will be 10:09
 23 included then. And category five is also 10:09
 24 included; am I right? 10:09
 25 MR. SCHNACK: Yes. 10:09

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1 **Allen Shuster**
 2 MR. SIMONS: And category six is also 10:09
 3 included? 10:09
 4 MR. SCHNACK: Yes, subject to the 10:09
 5 objections. 10:10
 6 MR. SIMONS: And for the record, counsel 10:10
 7 and I have exchanged both correspondence and 10:10
 8 discussions with regard to the nature and 10:10
 9 extent of objections to all of these Deposition 10:10
 10 Notices which we will not burden the record 10:10
 11 with at this time, but are certainly 10:10
 12 acknowledged. 10:10
 13 And then as to category seven, that is 10:10
 14 also within Mr. Shuster's purview. 10:10
 15 MR. SCHNACK: In part, to the extent it 10:10
 16 relates to what happens in the service 10:10
 17 department, yes. Otherwise, again, to the 10:10
 18 extent it involves the legal department that's 10:10
 19 going to be off limits. But we will have a PMK 10:10
 20 from the legal department here later today or 10:10
 21 tomorrow, depending on when you get to it. 10:10
 22 MR. SIMONS: Very good. So let me mark 10:10
 23 this Deposition Notice as Exhibit 3 then. 10:10
 24 (Deposition Notice was marked as 10:10
 25 Deposition Exhibit Number 3 for 10:10

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1 **Allen Shuster**
 2 identification.) 10:10
 3 **Q Mr. Shuster, do you have an official job** 10:11
 4 **title at present?** 10:11
 5 A Yes, I do. 10:11
 6 **Q What is that?** 10:11
 7 A Assistant overseer of the service 10:11
 8 department. 10:11
 9 **Q To whom do you report as your supervisor?** 10:11
 10 A The overseer of the service department. 10:11
 11 **Q And who is that at present?** 10:11
 12 A His name a Gary Breaux. 10:11
 13 **Q Who in turned does Mr. Breaux report to?** 10:11
 14 A It's called the branch committee. 10:11
 15 MR. SCHNACK: Talking about currently? 10:11
 16 MR. SIMONS: Yes. 10:11
 17 **Q What is the branch committee?** 10:11
 18 A It's made up of twelve elders that 10:11
 19 represent the United States branch territory among 10:12
 20 Jehovah's Witnesses. 10:12
 21 **Q Are there twelve separate territories** 10:12
 22 **within the United States or is it twelve elders who** 10:12
 23 **represent the territory of the United States?** 10:12
 24 A Twelve elders who represent the 10:12
 25 territories of the United States. 10:12

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1 Allen Shuster
 2 **Q As assistant overseer, what are your 10:12**
 3 **general duties and responsibilities? 10:12**
 4 A We have within the department several 10:12
 5 desks. We have a number of desks. I work with the 10:12
 6 various schools that Jehovah's Witnesses conduct 10:12
 7 throughout the United States. 10:12
 8 We have a program of constructing Kingdom 10:12
 9 Halls and Assembly Halls throughout the branch 10:12
 10 territory. I oversee that. I also oversee the desk 10:12
 11 that distributes convention assignments for our 10:13
 12 district conventions. 10:13
 13 **Q How long have you held this position? 10:13**
 14 A The position of overseeing certain 10:13
 15 aspects of this work, for probably eleven years. 10:13
 16 **Q And prior to holding the position of 10:13**
 17 **assistant overseer, what was your previous 10:13**
 18 **assignment? 10:13**
 19 A I worked as what is called a contact 10:13
 20 within the service department. 10:13
 21 **Q What is a contact? 10:13**
 22 A Contact is an elder who consults or is 10:13
 23 consulted with by a number of different elders 10:13
 24 within the department. 10:13
 25 **Q Have you been an elder since 1979? 10:13**
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1 Allen Shuster
 2 A Yes. 10:14
 3 **Q How long have you been performing 10:14**
 4 **services and duties here at the national 10:14**
 5 **headquarters? 10:14**
 6 A Since '76, 1976. 10:14
 7 **Q Have you served as an elder in a 10:14**
 8 **congregation? 10:14**
 9 A Yes, I have. 10:14
 10 **Q Where was that congregation or those 10:14**
 11 **congregations located? 10:14**
 12 A In New York City. 10:14
 13 **Q What was the time frame of your service 10:14**
 14 **in that regard as an elder in a congregation? 10:14**
 15 A I stated from 1979 until transferring up 10:14
 16 here to Patterson, so that would have been in one 10:14
 17 congregation from 1979 to 1995, and then from 1995 10:14
 18 to the present here at Patterson. 10:15
 19 **Q Is your position a compensated position? 10:15**
 20 A No, it is not. 10:15
 21 **Q Are you in your own mind, not asking for 10:15**
 22 **a legal conclusion, but in your own mind do you work 10:15**
 23 **as an employee of one of the Jehovah's Witnesses 10:15**
 24 **entities? 10:15**
 25 A No, I do not. 10:15
 Page 15

1 Allen Shuster
 2 **Q As part of the service department 10:15**
 3 **currently, are you within the Watchtower Bible and 10:15**
 4 **Tract Society of New York, Inc.? 10:15**
 5 A No. 10:15
 6 **Q Is the service department presently 10:15**
 7 **operated through the Christian Congregation of 10:15**
 8 **Jehovah's Witnesses? 10:15**
 9 A Yes. 10:16
 10 **Q Has that been true since 2001? 10:16**
 11 A That's correct. 10:16
 12 **Q Is there currently a line of 10:16**
 13 **communication -- actually let me rephrase that. 10:16**
 14 **Is there currently a line of authority 10:16**
 15 **between Watchtower Bible and Tract Society of New 10:16**
 16 **York and Christian Congregation of Jehovah's 10:16**
 17 **Witnesses? 10:16**
 18 MR. SCHNACK: I am going to object to the 10:16
 19 form of the question. I don't know what you 10:16
 20 mean by line of authority between those two 10:16
 21 entities. 10:16
 22 You can answer if you can. 10:16
 23 MR. SIMONS: I think your objection is 10:16
 24 well taken. It's not well phrased. 10:16
 25 **Q Do any persons holding positions within 10:16**
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1 Allen Shuster
 2 **Watchtower Bible and Tract Society of New York 10:16**
 3 **exercise supervisory authority over your service 10:16**
 4 **department within Christian Congregation? 10:16**
 5 A When you say exercise authority, can you 10:17
 6 put that in context, what do you mean by exercise 10:17
 7 authority? 10:17
 8 **Q Are persons who are serving within 10:17**
 9 **Watchtower Bible and Tract Society New York, Inc. 10:17**
 10 **presently holding authority to implement or impose 10:17**
 11 **policies, procedures or decisions upon Christian 10:17**
 12 **Congregation of Jehovah's Witnesses? 10:17**
 13 A I believe so. 10:17
 14 **Q And tell me what your understanding is of 10:17**
 15 **the relationship between those two entities? 10:17**
 16 A I mentioned earlier that there is a 10:17
 17 branch committee. I do believe some of those 10:17
 18 members of the branch committee are members of the 10:17
 19 New York corporation. 10:17
 20 **Q What is the general role of the branch 10:18**
 21 **committee? 10:18**
 22 A They oversee the spiritual activities as 10:18
 23 well as the administering of the properties at the 10:18
 24 three complexes here in New York State. 10:18
 25 **Q Is the service committee one of multiple 10:18**
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1	Allen Shuster	
2	committees within the branch committee?	10:18
3	A When you say service committee?	10:18
4	Q The service department.	10:18
5	A The service department. Your question	10:18
6	again?	10:18
7	Q Is that one of multiple departments or	10:18
8	entities within the branch committee?	10:18
9	A It is one of a number of departments that	10:18
10	the branch committee has oversight of.	10:18
11	Q And speaking in terms of the composition	10:18
12	of the branch committee, how large a committee is	10:18
13	it?	10:19
14	A Twelve members.	10:19
15	Q And how are its members selected?	10:19
16	A It's, I'm not privy to the deliberations	10:19
17	of the branch committee, so I'm not sure I can	10:19
18	answer that.	10:19
19	Q And not asking as to any individual who	10:19
20	might have been appointed to the branch committee,	10:19
21	but generally just speaking procedurally, how are	10:19
22	branch committee members selected, by what authority	10:19
23	or process?	10:19
24	A Members of the branch committee	10:19
25	collectively, I should say the collective branch	10:19

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1	Allen Shuster	
2	branch committee guidelines.	10:21
3	Q Is that series of guidelines applicable	10:21
4	to the service department of the Christian	10:21
5	Congregation?	10:21
6	A Parts of it are.	10:21
7	Q What other areas -- well, let me ask you,	10:21
8	have you ever seen the branch committee guidelines?	10:21
9	A Yes.	10:22
10	Q And do you use it daily in your, or at	10:22
11	least from time to time, in your work?	10:22
12	A From time to time.	10:22
13	Q What are the general subject matters	10:22
14	covered under the branch committee guidelines?	10:22
15	A Matters having to do with branch	10:22
16	facilities, branch personnel, the managing of the	10:22
17	spiritual activities within a specific branch or	10:22
18	branch territory. Just general operation	10:22
19	guidelines.	10:22
20	Q Are the branch committee guidelines the	10:22
21	same for every branch throughout the world or are	10:22
22	there separate branch committee guidelines for	10:23
23	different geographical areas?	10:23
24	A Same throughout the world.	10:23
25	Q Are the contents of the branch committee	10:23

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1	Allen Shuster	
2	committee, makes recommendations as to who should be	10:19
3	added in the case of deaths. And so those	10:19
4	recommendations are made to the governing body of	10:20
5	Jehovah's Witnesses.	10:20
6	Q And what is the governing body within the	10:20
7	administrative structure? I'm not asking for	10:20
8	spiritual or theological information here, I'm	10:20
9	really look administratively, what is the governing	10:20
10	body?	10:20
11	A The governing body is a committee that	10:20
12	oversees the worldwide activity of Jehovah's	10:20
13	Witnesses.	10:20
14	Q Does the branch committee have any sort	10:20
15	of written policies, procedures that it follows?	10:20
16	A Yes.	10:20
17	Q Is there some form of either a manual or	10:20
18	other documentary compilation that the branch	10:21
19	committee is guided by in its work?	10:21
20	A Yes.	10:21
21	Q What is that called?	10:21
22	A It's called branch organization.	10:21
23	Q And is that, is the appropriate term a	10:21
24	manual or would it be some other term?	10:21
25	A I think the terminology is guidelines,	10:21

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1	Allen Shuster	
2	guidelines approved by the governing body?	10:23
3	A Yes.	10:23
4	Q And would those branch committee	10:23
5	guidelines apply to the Bible and Tract Society of	10:23
6	New York, Inc.?	10:23
7	A I guess my question would be, when you --	10:23
8	can you say that one more time?	10:23
9	Q Yes.	10:23
10	A I want to make sure I have the question	10:23
11	correct.	10:23
12	Q Do the branch committee guidelines apply	10:23
13	to the entities within the Watchtower Bible and	10:23
14	Tract Society of New York, Inc., the divisions I	10:23
15	should say?	10:23
16	A I would think so.	10:23
17	Q Do they also apply to the Christian	10:23
18	Congregation?	10:24
19	A Yes.	10:24
20	Q I know there are other entities such as	10:24
21	Watchtower of Pennsylvania. Would the branch	10:24
22	committee guidelines apply to these other entities	10:24
23	as well?	10:24
24	A Yes.	10:24
25	Q Other than the service department, what	10:24

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6 (Pages 18 to 21)

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1 Allen Shuster
 2 are the other departments that have existed both -- 10:24
 3 well, let me break this down actually, I'm sorry. 10:24
 4 Prior to the formation of Christian 10:24
 5 Congregation, going back to Watchtower of New York, 10:24
 6 what were the various departments within Watchtower 10:25
 7 of New York prior to 2001? 10:25
 8 A I don't know that I can name them all. I 10:25
 9 know the service department came under the direction 10:25
 10 of Watchtower Corporation of New York. I know 10:25
 11 certain other departments did. I can't say with 10:25
 12 certainty I know. 10:25
 13 Q All right. We talked about the legal 10:25
 14 department earlier. Recognizing that you are not 10:25
 15 here in that capacity, but do you know of your own 10:25
 16 knowledge whether or not the legal department prior 10:25
 17 to 2001 was operated through the Watchtower Bible 10:25
 18 and Tract Society of New York, Inc.? 10:25
 19 A I don't know. 10:25
 20 MR. SCHNACK: I can tell you it was, 10:26
 21 Rick. 10:26
 22 MR. SIMONS: It was? Okay. 10:26
 23 MR. SCHNACK: And it still is. 10:26
 24 Q In your work in the service department, 10:26
 25 if you have a question that involves legal issues 10:26

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1 Allen Shuster
 2 presently, do you go to the legal department of 10:26
 3 Watchtower New York or do you have a separate legal 10:26
 4 department within Christian Congregation? 10:26
 5 A The legal department here at Patterson. 10:26
 6 Q Is that Watchtower New York? 10:26
 7 A As Rick has stated it is -- I'm sorry, 10:26
 8 Bob. 10:26
 9 MR. SIMONS: Let me mark as our exhibit 10:27
 10 next in order a document called Affidavit of 10:27
 11 Allen Shuster (handing). 10:27
 12 (August 11, 2011 Affidavit of Allen 10:28
 13 Shuster was marked as Deposition Exhibit 10:28
 14 Number 4 for identification.) 10:28
 15 Q First of all, turning to the last page of 10:28
 16 this document, page 8, is that your signature after 10:28
 17 the August 11, 2011 date? 10:28
 18 A Yes. 10:28
 19 Q And this Affidavit was prepared and 10:28
 20 submitted in connection with the litigation of the 10:28
 21 case we are here for today; is that correct? 10:28
 22 A Yes. 10:28
 23 Q From time to time, have your duties and 10:28
 24 responsibilities included participating and 10:28
 25 providing Declarations in various lawsuits? 10:28

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1 Allen Shuster
 2 A When you say Declarations, you mean? 10:28
 3 Q Affidavits, Declarations, documents of 10:28
 4 this kind in which there is a series of information 10:28
 5 followed by your signature, and on court related 10:29
 6 paperwork? 10:29
 7 A Yes. 10:29
 8 Q Do you have an estimate as to how many 10:29
 9 times that you have executed some sort of Affidavit 10:29
 10 or Declaration for a court proceeding? 10:29
 11 A I'd have to give you a rough estimate, my 10:29
 12 guess is four or five times. 10:29
 13 Q The case that this Affidavit pertains to 10:29
 14 that we're here today involves childhood sexual 10:29
 15 abuse claims and allegations. In the other matters 10:29
 16 in which you have provided an Affidavit, has the 10:29
 17 subject matter of those cases, to your knowledge, 10:29
 18 also involved childhood sexual abuse claims? 10:29
 19 A Just the one that you referenced earlier, 10:29
 20 I referenced earlier. 10:30
 21 Q In Florida? 10:30
 22 A In Florida. 10:30
 23 Q Are you aware of a case in San Diego 10:30
 24 County in California? 10:30
 25 A Yes, my mistake. 10:30

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1 Allen Shuster
 2 Q So that would qualify as well? 10:30
 3 A Yes, that would be another one. 10:30
 4 Q Any others that come to mind? 10:30
 5 A I don't want to make a mistake here. I 10:30
 6 don't think so. 10:30
 7 Q Turning to page 3 of your Affidavit, 10:30
 8 paragraph 7, Jehovah's Witnesses who serve as 10:30
 9 appointed elders are recognized as ordained 10:30
 10 ministers and congregation elders. If you could 10:30
 11 assist me, is there a distinction between ordained 10:30
 12 ministers and congregation elders, as you are using 10:31
 13 it in this paragraph? 10:31
 14 A No, there is not. 10:31
 15 Q Looking down at paragraph 10, 10:31
 16 "Congregation Elders are expected to keep confession 10:31
 17 and other spiritual communications confidential." 10:31
 18 Is there a written definition, to your knowledge, in 10:31
 19 any of the materials that you reference in your work 10:31
 20 or have been familiar with in your work, as to what 10:31
 21 constitutes a spiritual confidential communication? 10:31
 22 MR. SCHNACK: I'm sorry, you're asking if 10:31
 23 there is a written definition of that? 10:32
 24 MR. SIMONS: Yes, of what is a spiritual 10:32
 25 confidential communication. 10:32

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7 (Pages 22 to 25)

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1 Allen Shuster
 2 **would lead you to another and to whom it would lead** 10:37
 3 **you?** 10:37
 4 A Um-hm. Well, I serve as an elder, I 10:37
 5 mentioned since 1979 in various congregations, so in 10:37
 6 the role of an elder within the local congregation, 10:37
 7 it's made up of a number of elders, varying numbers 10:38
 8 of elders within a body in a local congregation. 10:38
 9 So if it's in regard to the issue I 10:38
 10 referred to earlier where a woman may confess 10:38
 11 adultery, then I would consult with another elder in 10:38
 12 those matters. We would regard that as 10:38
 13 confidential. 10:38
 14 **Q How about if the subject matter was not** 10:38
 15 **one which was clear to you as to whether it is** 10:38
 16 **spiritual and confidential or not, and you wanted** 10:38
 17 **further insight from someone else on that in** 10:38
 18 **addition to your own experience, to whom would you** 10:38
 19 **go for guidance on that?** 10:38
 20 A Talking about spiritual matters? 10:38
 21 **Q Well, about the issue of whether or not a** 10:38
 22 **communication is a spiritual communication as** 10:39
 23 **opposed to one that is not?** 10:39
 24 A As an elder in a local congregation I 10:39
 25 would consult with other elders. 10:39

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1 Allen Shuster
 2 **Q How about in your capacity here as an** 10:39
 3 **assistant overseer in the service department?** 10:39
 4 A I would consult with elders here in the 10:39
 5 service department. 10:39
 6 **Q Is there someone within the** 10:39
 7 **administrative structure of the organizations who is** 10:39
 8 **the final arbiter of whether a specific type of** 10:39
 9 **communication is to be deemed spiritual and** 10:39
 10 **confidential or not?** 10:39
 11 A I believe it depends on the nature of the 10:39
 12 spiritual confidential question. 10:39
 13 **Q And can you explain that for me?** 10:40
 14 A There are some issues, some questions 10:40
 15 that are raised that I can freely discuss with my 10:40
 16 peers within the department, and based on a 10:40
 17 discussion a determination can be made as to whether 10:40
 18 we have the authority to make a decision. In other 10:40
 19 cases not. 10:40
 20 **Q Are there situations in your experience** 10:40
 21 **when the question of whether or not a communication** 10:40
 22 **is a confidential communication you have turned to** 10:40
 23 **the legal department for determination of that** 10:40
 24 **issue?** 10:40
 25 A We have gotten legal advice, yes, on a 10:40

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1 Allen Shuster
 2 regular basis. 10:40
 3 **Q In your capacity within the service** 10:41
 4 **department do you have the discretion to overrule,** 10:41
 5 **if you will, legal advice you receive from the legal** 10:41
 6 **department of Watchtower New York?** 10:41
 7 A Do we have the authority to overrule? 10:41
 8 Again I think it depends on the context. 10:41
 9 **Q With regard to the question -- I'm sorry** 10:41
 10 **because my question was overbroad, but let me** 10:41
 11 **narrow. On the question of whether an individual's** 10:41
 12 **communication is deemed confidential or not?** 10:41
 13 MR. SCHNACK: I am going to object to the 10:41
 14 form of the question. It seems to me you're 10:41
 15 commingling legal issues and spiritual issues. 10:41
 16 I'm not sure the church does that. 10:41
 17 But to the extent you can respond, go 10:41
 18 ahead. 10:41
 19 A I think in response to what Bob is 10:41
 20 saying, anything that's confidential is not always 10:41
 21 spiritual. Something that's spiritual is not always 10:42
 22 confidential. So I don't think we can draw a 10:42
 23 parallel because if they are synonymous. But again, 10:42
 24 your question? 10:42
 25 **Q Thank you for that clarification. With** 10:42

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1 Allen Shuster
 2 **regard to whether or not a communication is** 10:42
 3 **confidential, are you given the authority to make** 10:42
 4 **that determination in a situation where the legal** 10:42
 5 **department has given you an opinion as to that? Can** 10:42
 6 **you determine it to be different than the legal** 10:42
 7 **department's opinion?** 10:42
 8 A Do you mean me personally or as a 10:42
 9 department? 10:42
 10 **Q You as an assistant overseer in your** 10:42
 11 **official capacity.** 10:43
 12 A Again, I think it's a judgment matter, 10:43
 13 there are some things that are given in the way of 10:43
 14 advice and it is just that, advice. There are other 10:43
 15 things that are presented from the legal department 10:43
 16 that I personally would not want to take it on 10:43
 17 myself to make that decision to overrule the good 10:43
 18 advice that we regularly get from our legal counsel. 10:43
 19 **Q Going back to the time period before 2001** 10:43
 20 **when the service department was within Watchtower** 10:43
 21 **New York, were the respective roles that we have** 10:43
 22 **been discussing between the service department and** 10:43
 23 **the legal department the same but just kept within** 10:43
 24 **the one organization structure?** 10:43
 25 A A little confusing question. 10:43

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ALLEN SHUSTER

FEBRUARY 15, 2012

1 Allen Shuster
 2 **Q All right. Prior to 2001, was the** 10:43
 3 **service department in terms of its authority and** 10:44
 4 **role the same as it is now within the Christian** 10:44
 5 **Congregation?** 10:44
 6 A You mean the difference between when the 10:44
 7 service department was working as the New York 10:44
 8 corporation and since 2001 under Christian 10:44
 9 Congregation. 10:44
 10 **Q Yes.** 10:44
 11 A Essentially the same. 10:44
 12 **Q And was the nature of the relationship** 10:44
 13 **between the legal department and service department** 10:44
 14 **the same before 2001 as it is at present?** 10:44
 15 A When you say relationship, you mean -- 10:44
 16 **Q In terms of the nature of the issues that** 10:44
 17 **would be brought to the legal department and the** 10:45
 18 **consequences of information that would come back** 10:45
 19 **from the legal department to the service department?** 10:45
 20 A Yes. 10:45
 21 **Q Are reports or communications received** 10:45
 22 **from a congregation member that may include a report** 10:45
 23 **of suspected childhood sexual abuse by a different** 10:45
 24 **member than the reporter, are those communications** 10:45
 25 **deemed to be confidential within the service** 10:45
 Page 34

1 **Allen Shuster**
 2 **department?** 10:45
 3 A When you say a different, a different 10:46
 4 person as opposed to the victim? 10:46
 5 **Q Correct, an individual member of the** 10:46
 6 **congregation makes a report to an elder of suspicion** 10:46
 7 **of sexual abuse of a child by a different** 10:46
 8 **congregation member, is that communication deemed to** 10:46
 9 **be confidential?** 10:46
 10 MR. SCHNACK: Are you talking about 10:46
 11 outside of the service department at this 10:46
 12 point? 10:46
 13 MR. SIMONS: No, within the service 10:46
 14 department. 10:46
 15 MR. SCHNACK: Okay, because the question 10:46
 16 didn't include that. Why don't you rephrase it 10:46
 17 so we're certain what you are asking. 10:46
 18 **Q Within the service department's** 10:46
 19 **implementation of its policies and role, are** 10:46
 20 **communications by a member of a congregation to an** 10:46
 21 **elder which report suspected childhood sexual abuse** 10:46
 22 **by a different member of that congregation, are** 10:47
 23 **those communications deemed to be confidential?** 10:47
 24 A Within the context of the work that is 10:47
 25 done within the service department? 10:47
 Page 35

1 Allen Shuster
 2 **Q Yes.** 10:47
 3 A They are regarded as confidential. 10:47
 4 **Q Is the basis of that determination one** 10:47
 5 **that is contained in writings of some kind?** 10:47
 6 A You mean in the sense of guidelines or 10:47
 7 direction or memoranda? 10:47
 8 **Q Yes, any of those.** 10:47
 9 A Over the years I worked in the service 10:47
 10 department, which is some 31 years, I am certain 10:47
 11 that there have been references made on occasion 10:48
 12 that matters should be kept confidential. I cannot 10:48
 13 tell you an exact date of a memorandum. 10:48
 14 MR. SIMONS: Let me mark the letter of 10:48
 15 July 1st, 1989 as the next exhibit. 10:48
 16 (July 1, 1989 letter was marked as 10:49
 17 Deposition Exhibit Number 5 for 10:49
 18 identification.) 10:49
 19 **Q This is a somewhat lengthy document. The** 10:49
 20 **portions that I am going to ask you about I've** 10:49
 21 **highlighted. That will maybe assist you in focusing** 10:49
 22 **on this.** 10:49
 23 MR. SCHNACK: You want him to read 10:49
 24 through it or do you want to just start asking 10:50
 25 questions? 10:50
 Page 36

1 Allen Shuster
 2 MR. SIMONS: If he wants to read through 10:50
 3 it I don't want to interrupt him. 10:50
 4 MR. SCHNACK: It's up to you how you want 10:50
 5 to conduct the deposition. 10:50
 6 **Q Have you seen this letter of July 1st,** 10:50
 7 **1989 before?** 10:50
 8 A Yes. 10:50
 9 **Q When do you recall first being aware of** 10:50
 10 **this letter?** 10:50
 11 A Shortly before July 1st, 1989. 10:50
 12 **Q Did you participate at all in the** 10:50
 13 **drafting of this letter?** 10:50
 14 A I'm not certain. 10:51
 15 **Q Do you know any of the individuals who** 10:51
 16 **participated in the drafting of this letter?** 10:51
 17 A I don't think I could name someone 10:51
 18 specific. 10:51
 19 **Q Is this what is known as a Body of Elder** 10:51
 20 **letter?** 10:51
 21 A Yes. 10:51
 22 **Q Is the content of this letter, Exhibit 5,** 10:51
 23 **one that requires the approval of anyone within the** 10:51
 24 **Jehovah's Witnesses organization before it can be** 10:51
 25 **circulated to elders throughout the United States?** 10:52
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ALLEN SHUSTER

FEBRUARY 15, 2012

1 Allen Shuster
 2 A Yes. 10:52
 3 Q What approval or approvals, if there is 10:52
 4 more than one, must be made before a Body of Elder 10:52
 5 letter such as this could be circulated, at the time 10:52
 6 frame we're talking about, July 1st, '89? 10:52
 7 A Within the time frame of 1989? 10:52
 8 Q Yes. 10:52
 9 A There would have been a group of elders 10:52
 10 within the service department that would have 10:52
 11 reviewed this letter. It would have been a 10:52
 12 collaborative effort. You're talking about the 10:52
 13 service department, right? 10:52
 14 Q I'm talking about within the organization 10:52
 15 completely? 10:52
 16 A Within the organization. Undoubtedly the 10:52
 17 legal department would have input into this. It 10:52
 18 would have been approved by a committee of the 10:52
 19 governing body. 10:53
 20 Q Has this Body of Elder letter of 10:53
 21 July 1st, 1989 been revoked? 10:53
 22 A When you say revoked, you mean in total 10:53
 23 or in part? 10:53
 24 Q First in total. 10:53
 25 A No. 10:53

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1 Allen Shuster
 2 Q Have parts of it been modified or 10:53
 3 revoked? 10:53
 4 A I would have to review the letter and 10:53
 5 read it to tell. 10:53
 6 Q All right, okay. 10:53
 7 MR. SCHNACK: Do you want him to do that? 10:53
 8 MR. SIMONS: Yes, I do. 10:53
 9 MR. SCHNACK: Go ahead, take your time. 10:54
 10 THE WITNESS: The entire letter? 10:54
 11 MR. SIMONS: Yes. If you need something 10:54
 12 to mark the exhibit with to go back and explain 10:54
 13 later what areas you think have been revoked, 10:54
 14 feel free to mark it up, that's okay. 10:54
 15 A What was stated then in 1989, some 22 11:01
 16 years ago, I think is essentially the same now. 11:01
 17 There's maybe one exception. And that's on page 11:01
 18 four at the very top, the first sentence, "If the 11:01
 19 alleged wrongdoer confesses to the sin or crime, no 11:02
 20 one else should be present besides the members of 11:02
 21 the committee." Just in addition to that, in the 11:02
 22 case of a child, being a minor, likely in most cases 11:02
 23 his parent or parents would be present. But other 11:02
 24 than that, essentially it's the same. 11:02
 25 Q Okay. In the event that an accused 11:02

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1 Allen Shuster
 2 member does not confess to having committed sexual 11:02
 3 abuse of a child in response to an accusation, is 11:02
 4 there a method, an administrative method, in which 11:03
 5 the truth of the accusation can be determined? 11:03
 6 MR. SCHNACK: Are you talking about 11:03
 7 within a judicial investigation or a judicial 11:03
 8 committee? 11:03
 9 MR. SIMONS: I don't know because I'm 11:03
 10 asking the open-ended question of, is there a 11:03
 11 method at all, and presumably that would 11:03
 12 include judicial investigation or judicial 11:03
 13 committee or some other process. 11:03
 14 MR. SCHNACK: Okay. I am going to object 11:03
 15 as vague then. 11:03
 16 To the extent you can answer, go ahead. 11:03
 17 A I think the key word you said is truth, 11:03
 18 can you get at the truth. There certainly is a 11:03
 19 method in which we endeavor to get at the truth. 11:03
 20 Q What method is that? 11:03
 21 A You mentioned whenever there is an 11:03
 22 accusation made against a member of the 11:03
 23 congregation, that method is that we have an elder, 11:03
 24 two elders, who are asked to hear or at least 11:03
 25 confront the accused with whatever it is he is 11:04

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1 Allen Shuster
 2 accused of, and they hear what he has to say about 11:04
 3 the matter. 11:04
 4 Q Assuming the accused denies any sexual 11:04
 5 misconduct with a child, what is the next step in 11:04
 6 response to that denial, if there is one? 11:04
 7 A Yes. In the case of a child, I think we 11:04
 8 would be very careful as to how we proceed. But 11:04
 9 scripturally, the Bible outlines a procedure in 11:04
 10 Matthew 18 about, in Matthew, the book of Matthew, 11:04
 11 about addressing issues of this nature when there is 11:04
 12 an accusation made against someone, then of course 11:05
 13 he has a right to hear that, and that's why we have 11:05
 14 two elders that listen to what he has to say. But 11:05
 15 then he has the opportunity or should have the 11:05
 16 opportunity to hear what his accuser is saying. 11:05
 17 Q And what is the forum in which that 11:05
 18 opportunity is provided? 11:05
 19 A So two elders will sit down with the 11:05
 20 accuser and hear what he has to say, and then weigh 11:05
 21 that testimony. As I mentioned, in the case of a 11:05
 22 child, we are very careful about proceeding. In 11:05
 23 some cases we will not proceed depending on the 11:05
 24 advice that we get from the legal department. I say 11:05
 25 we, I mean the local elders in a congregation. 11:06

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ALLEN SHUSTER

FEBRUARY 15, 2012

1 Allen Shuster
 2 **Q Is the local elder or are the local** 11:06
 3 **elders who receive a report of possible sexual abuse** 11:06
 4 **of a child by a congregation member, is the elder or** 11:06
 5 **are the elders who receive that report required to** 11:06
 6 **make a communication to the legal department** 11:06
 7 **immediately notifying them of that report?** 11:06
 8 A Yes, as stated in this letter, there's a 11:06
 9 request made that they contact the legal department. 11:06
 10 Of course, as elders, we -- I'm saying "we," I mean 11:06
 11 I'm an elder in a local congregation, my interest 11:07
 12 and concern is that of the welfare of the child, 11:07
 13 making sure that the child is safe, even before we 11:07
 14 investigate any claims or the validity of a claim of 11:07
 15 abuse. We do that and maybe even provide comfort 11:07
 16 and sympathy to the child or parent in an effort to 11:07
 17 be of spiritual assistance to them. 11:07
 18 The next thing we are encouraged to do 11:07
 19 immediately is to call the legal department for 11:07
 20 legal advice. 11:07
 21 **Q That was the procedure in 1989 after** 11:07
 22 **Exhibit 5 was circulated, the Body of Elder letter,** 11:07
 23 **and it remains the procedure today; is that** 11:07
 24 **accurate?** 11:07
 25 A Yes, as on page three, paragraph one. 11:07

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1 Allen Shuster
 2 **Q Going back to my questions about how is** 11:08
 3 **the issue resolved as to whether the accusation is** 11:08
 4 **truthful or not, is there a standard by which elders** 11:08
 5 **are guided in determining the truthfulness of an** 11:08
 6 **accusation of sexual abuse of a child by a** 11:08
 7 **congregation member?** 11:08
 8 A Yes. 11:08
 9 **Q What is that standard?** 11:08
 10 A The standard is either a confession which 11:08
 11 we would accept as will be acceptable to prove 11:08
 12 guilt, or two witnesses testifying to the fact that 11:08
 13 they either saw or knew of the accused being engaged 11:08
 14 in that activity. 11:08
 15 **Q Would one of those witnesses be the** 11:09
 16 **victim himself or herself?** 11:09
 17 A Yes. 11:09
 18 **Q If the victim is a minor, are they still** 11:09
 19 **competent to be a witness in the situation we're** 11:09
 20 **talking about?** 11:09
 21 A When you say competent, can you define 11:09
 22 competent? 11:09
 23 **Q Yes. If the victim is a minor, is that** 11:09
 24 **person still counted as one of the two witnesses?** 11:09
 25 A Well, I think it goes to the credibility 11:09

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1 Allen Shuster
 2 of the accused. You say minor, a minor can be from 11:09
 3 baby to the legal age of maturity. 11:09
 4 **Q So would the question of whether or not** 11:09
 5 **the victim can be counted as one of the two** 11:09
 6 **witnesses be a subject of the discretion of the** 11:10
 7 **elders who conduct the investigation?** 11:10
 8 A Yes. 11:10
 9 **Q Are there any written guidelines or other** 11:10
 10 **information provided to elders that you are aware of** 11:10
 11 **that helps them determine whether or not a minor who** 11:10
 12 **reports sexual abuse may be relied upon as one of** 11:10
 13 **the two witnesses?** 11:10
 14 A Am I aware of some guidelines? 11:10
 15 **Q Yes.** 11:10
 16 A Yes. 11:10
 17 **Q What guidelines are you aware of?** 11:10
 18 A I think our letter here in '89 referred 11:10
 19 to, let me see if I can find it. Yes, on page two, 11:10
 20 the last paragraph, it says, "Note the KS 77, pages 11:10
 21 66 and 67; KS 81, pages 160 to 170. Likely within 11:11
 22 that reference there is a guideline. 11:11
 23 **Q What is the KS referred to?** 11:11
 24 A It's referencing Kingdom Ministry School 11:11
 25 textbook. 11:11

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1 Allen Shuster
 2 **Q Is there a Kingdom Ministry School** 11:11
 3 **textbook at present?** 11:11
 4 A Yes. 11:11
 5 **Q And has there been for many years going** 11:11
 6 **back to before the date of this July 1st, 1989** 11:11
 7 **letter?** 11:11
 8 A Yes. 11:11
 9 **Q What is the Kingdom Ministry School** 11:11
 10 **textbook?** 11:11
 11 A It is a publication that is given to 11:11
 12 elders to help them to provide shepherding and to 11:11
 13 carry out their duties as elders. 11:12
 14 **Q Are all elders required to attend Kingdom** 11:12
 15 **Ministry School at some intervals?** 11:12
 16 A Required? In what sense? 11:12
 17 **Q Are they, as a condition of becoming an** 11:12
 18 **elder, required to complete a program of the Kingdom** 11:12
 19 **Ministry School?** 11:12
 20 A No. 11:12
 21 **Q Are they, as elders, encouraged to attend** 11:12
 22 **Kingdom Ministry School?** 11:12
 23 A Yes. 11:12
 24 **Q Is Kingdom Ministry School an ongoing** 11:12
 25 **program where even elders with many years of** 11:12

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12 (Pages 42 to 45)

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ALLEN SHUSTER

FEBRUARY 15, 2012

1	Allen Shuster	
2	seniority may return again and again for information	11:12
3	and guidance on how to perform their work?	11:12
4	A Yes.	11:12
5	Q If an elder does not attend Kingdom	11:13
6	Ministry School, is that a basis for removal from	11:13
7	their position?	11:13
8	A No.	11:13
9	Q Is there a program by the service	11:13
10	department that keeps track of elders who have	11:13
11	attended Kingdom Ministry School and those that have	11:13
12	not?	11:13
13	A No.	11:13
14	Q Is the Kingdom Ministry School taught	11:13
15	only in one location or is it taught in multiple	11:13
16	locations throughout the country?	11:13
17	A Multiple locations.	11:13
18	Q Is it a program of maybe some two or	11:13
19	three days in length on an average?	11:13
20	A It varies.	11:13
21	Q From what to what?	11:14
22	A It could be one day, as in the case of	11:14
23	ministerial servants. It could be a day and a half,	11:14
24	perhaps more, in the case of elders.	11:14
25	Q Do you participate in preparing the	11:14

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1	Allen Shuster	
2	Q Correct. When did the Kingdom Ministry	11:16
3	School first include issues of childhood sexual	11:16
4	abuse in its curriculum?	11:16
5	A Um-hm? It would be after this letter so	11:16
6	I would think in the nineties, in the early to mid	11:16
7	nineties.	11:16
8	Q In addition to the July 1st, 1989 Body of	11:16
9	Elder letter, were other written or printed or	11:16
10	visual materials provided to elders as part of the	11:16
11	Kingdom Ministry School on the subject of childhood	11:16
12	sexual abuse?	11:16
13	A No.	11:16
14	Q We talked about the KS pages that are	11:16
15	referenced in Exhibit 5. Is the textbook of the	11:16
16	Kingdom Ministry School provided to the elders who	11:17
17	attend or is it for those who teach only?	11:17
18	A Neither.	11:17
19	Q Neither?	11:17
20	A Yes.	11:17
21	Q For whom is the Kingdom Ministry School	11:17
22	textbook prepared?	11:17
23	A For the elders.	11:17
24	Q When you say the elders, all elders	11:17
25	within Jehovah's Witnesses? Which elders are you	11:17

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1	Allen Shuster	
2	curriculum of the Kingdom Ministry School?	11:14
3	A Yes.	11:14
4	Q And does that curriculum change, from	11:14
5	time to time?	11:14
6	A Yes.	11:14
7	Q Are parts of it always the same and parts	11:14
8	of it change?	11:14
9	A Parts of it are similar.	11:14
10	Q And how frequently is the curriculum	11:14
11	revised?	11:14
12	A It varies between typically two to three	11:14
13	years.	11:14
14	Q Does the curriculum include teachings on	11:15
15	the questions of investigation or discipline for	11:15
16	childhood sexual abuse?	11:15
17	A It has in the past.	11:15
18	Q And when, to your knowledge, did the	11:15
19	curriculum first include any matters related to	11:15
20	childhood sexual abuse issues?	11:15
21	A The schools themselves that were	11:15
22	conducted? Is the question, you're talking about	11:15
23	the schools themselves, when did they first have	11:15
24	part of the curriculum include matters of child	11:15
25	abuse?	11:16

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1	Allen Shuster	
2	referring to?	11:17
3	A All elders who are Jehovah's Witnesses.	11:17
4	Q And upon being accepted as an elder, is	11:17
5	each elder provided with a copy of the Kingdom	11:17
6	Ministry School textbook?	11:17
7	A Yes.	11:17
8	Q How long a book is that?	11:17
9	A Less than one hundred pages, around one	11:17
10	hundred pages.	11:18
11	Q And I assume there are many subject	11:18
12	matters addressed in it, one of which would be	11:18
13	issues of childhood sexual abuse?	11:18
14	A That's correct.	11:18
15	MR. SIMONS: We need to take just a brief	11:18
16	break to change the videotape.	11:18
17	THE VIDEOGRAPHER: Here marks the end of	11:18
18	videotape one, the time is 11:18. We are going	11:18
19	off the record.	11:18
20	(Brief recess)	11:31
21	THE VIDEOGRAPHER: The time is 11:31. We	11:31
22	are back on the record. Here marks the	11:31
23	beginning of recording two.	11:31
24	BY MR. SIMONS:	11:31
25	Q Mr. Shuster, we were talking about the	11:31

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13 (Pages 46 to 49)

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ALLEN SHUSTER

FEBRUARY 15, 2012

1 Allen Shuster
 2 policies and procedures of the July 1st, 1989 11:31
 3 letter, and I would like to now go back to Exhibit 4 11:31
 4 if you would be so kind, your Affidavit in this 11:31
 5 case, and continue on with some other issues 11:31
 6 relating to that. So turning -- 11:31
 7 A Okay. 11:31
 8 Q So turning to page five, paragraph 11:31
 9 fifteen, the last sentence, "At times, a judicial 11:31
 10 committee will determine that an accused congregant 11:32
 11 should be spiritually disciplined internally based 11:32
 12 upon Jehovah's Witnesses' understanding of the 11:32
 13 Bible." 11:32
 14 By spiritually disciplined internally, 11:32
 15 can you explain to me what you are referring to? 11:32
 16 A Yes. Well, this has reference to a 11:32
 17 judicial committee that meets with an accused and 11:32
 18 either by confession or by the confirmation of two 11:32
 19 witnesses to prove his, providing enough evidence of 11:32
 20 guilt, then the discipline has reference to the 11:32
 21 withholding of certain what we term privilege 11:32
 22 responsibility within the congregation. 11:32
 23 It also has reference to scriptural 11:33
 24 admonition. The Bible provides, there are many, 11:33
 25 many scriptures that can be used depending on what 11:33

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1 Allen Shuster
 2 offense has been committed, as in the case of 11:33
 3 adultery, we mentioned that previously, I mentioned 11:33
 4 that previously. 11:33
 5 First Corinthians, Chapter 6, Verses 9 11:33
 6 and 10 outline very clearly that the Bible condemns 11:33
 7 that type of activity, and so from that standpoint, 11:33
 8 from the standpoint of admonition from the Bible, 11:33
 9 scriptural admonition, and from the standpoint of 11:33
 10 withholding certain privilege from the person within 11:33
 11 the organization. 11:33
 12 Q Are there specific levels of internal 11:33
 13 discipline by category, in other words? 11:33
 14 A Yes. 11:33
 15 Q Would disfellowshipping be such a level 11:34
 16 of discipline? 11:34
 17 A Yes. 11:34
 18 Q What are the other levels? 11:34
 19 A It's, in the case of an individual that 11:34
 20 has confessed to a sin or it's been confirmed that 11:34
 21 he has or she has committed that sin, then the 11:34
 22 purpose of the judicial committee of course is to 11:34
 23 help, to be of a spiritual assistance to someone who 11:34
 24 has gone astray, according to what the Bible has 11:34
 25 outlined is the proper way to go. 11:34

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1 Allen Shuster
 2 And so the intent is to administer 11:34
 3 spiritual assistance to help that one, and if they 11:34
 4 can be helped, and if they prove that they are 11:34
 5 repentant, they have regret for what they have done, 11:34
 6 then it can be deemed by that judicial committee 11:34
 7 that they can remain part of the membership of 11:35
 8 Jehovah's Witnesses, which is regarded as a clean 11:35
 9 organization. And so if that is the case then, what 11:35
 10 is administered is a reproof, that's the terminology 11:35
 11 that we use, a reproof, which means again, the use 11:35
 12 of the Bible, reading various scriptures that in 11:35
 13 effect reprove that one, or to set that one 11:35
 14 straight. 11:35
 15 Q In my field as a lawyer we have an agency 11:35
 16 called the State Bar which licenses and disciplines 11:35
 17 lawyers and they have a public reproof and a 11:35
 18 private reproof. Does Jehovah's Witnesses have 11:35
 19 those two categories of reproof? 11:35
 20 A Not technically, no. 11:36
 21 Q Are all reprovals public? 11:36
 22 A No. 11:36
 23 Q Are all reprovals private? 11:36
 24 A No. 11:36
 25 Q What determines whether or not a member 11:36

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1 Allen Shuster
 2 who has been the subject of reproof has that 11:36
 3 reproof reported to the congregation? 11:36
 4 A My apologies, your question one more 11:36
 5 time? Just to make sure I have it clearly in my 11:36
 6 mind. 11:36
 7 Q Okay. Let me back up and see if we can 11:36
 8 get to the question more clearly. 11:36
 9 If a person is disfellowshipped that's 11:36
 10 announced to the congregation, correct? 11:36
 11 A Yes. 11:36
 12 Q Are reprovals announced to the 11:36
 13 congregation? 11:36
 14 A In some cases. 11:36
 15 Q What kinds of cases are those? 11:36
 16 A As in the case of where there is some 11:37
 17 threat to other members of the congregation; in the 11:37
 18 case of notoriety among the community. It's for the 11:37
 19 purpose of letting others know that may have become 11:37
 20 aware of this conduct that the matter has been 11:37
 21 addressed, that the one is still repentant, is still 11:37
 22 a member of the congregation, and that certain 11:37
 23 scriptural reproof has been administered. 11:37
 24 So it's for the purpose of protecting 11:37
 25 others in the congregation. 11:37

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ALLEN SHUSTER

FEBRUARY 15, 2012

1 Allen Shuster
 2 **Q Who determines whether or not a member** 11:37
 3 **constitutes a continuing threat to engage in unclean** 11:37
 4 **conduct such as sexual abuse of a child?** 11:38
 5 A The judicial committee. 11:38
 6 **Q Does the judicial committee have any** 11:38
 7 **written or other stated guidelines for making that** 11:38
 8 **determination which are provided to it from the** 11:38
 9 **service department?** 11:38
 10 A That's a little vague question. 11:38
 11 **Q Let me rephrase it. How does the** 11:38
 12 **judicial committee make the determination as to** 11:38
 13 **whether or not the individual constitutes a** 11:38
 14 **continuing threat?** 11:38
 15 A How do they determine it? 11:38
 16 **Q Yes, by what standard or guidelines or** 11:38
 17 **criteria?** 11:39
 18 A By guidelines, standards and criteria 11:39
 19 that have been given to them by the organization, 11:39
 20 Jehovah's Witnesses' organization. We referenced 11:39
 21 earlier the KS textbooks, that primarily. There is 11:39
 22 also information in a publication that's available 11:39
 23 to all of Jehovah's Witnesses, not just elders, it's 11:39
 24 called Organized to Do Jehovah's Will, that 11:39
 25 publication. 11:39

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1 Allen Shuster
 2 Various magazines that we have published 11:39
 3 in the past over the years, Watchtower and Awake 11:39
 4 Magazine outline certain guidelines in that setting. 11:39
 5 **Q Let me ask you a question that may seem** 11:39
 6 **somewhat silly to you, but what is the difference in** 11:39
 7 **purpose between the Awake Magazine and Watchtower** 11:39
 8 **Magazine?** 11:39
 9 A The Watchtower Magazine is a magazine 11:39
 10 that deals a lot with prophecy, Bible prophecy, and 11:40
 11 world events, and how these world events that we see 11:40
 12 happening today are really part of a prophetic sign 11:40
 13 as to the times we are living in. And so the name 11:40
 14 Watchtower is taken from, as if a sentry were 11:40
 15 standing out in the wilderness on top of a tower 11:40
 16 overlooking a panoramic view and he can see far in 11:40
 17 advance these events, what is coming his way, that's 11:40
 18 the idea behind the Watchtower. 11:40
 19 The Awake Magazine is more designed 11:40
 20 towards the public in general and articles of 11:40
 21 interest on creation, history, geography. They both 11:40
 22 have a printing of over 42 million copies. 11:40
 23 Watchtower is in 194 languages and the Awake is in 11:41
 24 84 languages, so it's worldwide, both of them have 11:41
 25 worldwide distribution. 11:41

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1 Allen Shuster
 2 **Q When members or publishers go out to** 11:41
 3 **spread the Word to the community at large among** 11:41
 4 **nonmembers, do they provide to the community, at** 11:41
 5 **least as to persons that are interested, both Awake** 11:41
 6 **and Watchtower?** 11:41
 7 A Yes, both awake and Watchtower and other 11:41
 8 publications. 11:41
 9 **Q So am I correct in saying neither Awake** 11:41
 10 **nor Watchtower are published exclusively for the** 11:41
 11 **membership of Jehovah's Witnesses but are directed** 11:41
 12 **towards the larger community as well?** 11:41
 13 A The Watchtower, about three years ago 11:42
 14 was, there's two publications, there's the public 11:42
 15 edition of the Watchtower and now there is a study 11:42
 16 copy, a study edition of the Watchtower, and the 11:42
 17 study edition of the Watchtower is designed 11:42
 18 specifically for the membership. 11:42
 19 **Q And that's a more recent development?** 11:42
 20 A Yes. 11:42
 21 **Q If we look back to the 1990s would we** 11:42
 22 **have what is now the equivalent of the public** 11:42
 23 **Watchtower and Awake both being distributed for use** 11:42
 24 **of members and to the public at large?** 11:42
 25 A Yes. 11:42

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1 Allen Shuster
 2 **Q Going back to the question of internal** 11:43
 3 **disciplines, would one level of internal discipline** 11:43
 4 **include the removal of a member from a position that** 11:43
 5 **they may hold within the congregation?** 11:43
 6 A That's correct. 11:43
 7 **Q For example, the removal of a ministerial** 11:43
 8 **servant from his position would be an internal** 11:43
 9 **discipline that would be appropriate for certain** 11:43
 10 **kinds of misconduct; is that correct?** 11:43
 11 A That's correct. 11:43
 12 **Q Have you reviewed any of the materials or** 11:43
 13 **information or records relating to Jonathan** 11:43
 14 **Kendrick?** 11:43
 15 A Yes, I have. 11:43
 16 **Q What have you reviewed with regard to** 11:43
 17 **Jonathan Kendrick?** 11:43
 18 A The information that was provided in the 11:43
 19 Notice from you. 11:43
 20 **Q Do you have a specific recollection as to** 11:43
 21 **what documents that involved?** 11:43
 22 A It would have been — is it the 11:44
 23 December 3, 1993 letter from the branch office to 11:44
 24 the Body of Elders where Jonathan Kendrick was at 11:44
 25 the time. 11:44

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15 (Pages 54 to 57)

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ALLEN SHUSTER

FEBRUARY 15, 2012

1 Allen Shuster
 2 **Q Any other documents?** 11:44
 3 A All of the supporting documents that were 11:44
 4 in that Notice. 11:44
 5 **Q Do you recall any of those specifically?** 11:44
 6 A The letter from the Body of Elders that I 11:44
 7 believe is the North Fremont Congregation, that 11:44
 8 correspondence. There is also some correspondence 11:44
 9 in that Notice from the Oakley Congregation that I 11:44
 10 believe is some years after 1993. 11:44
 11 **Q We talked about disfellowship and reproof** 11:44
 12 **and removal. Are there any other levels of** 11:45
 13 **discipline which may be imposed internally for** 11:45
 14 **misconduct by a congregant?** 11:45
 15 A I think I mentioned earlier that 11:45
 16 withholding of certain privileges within the 11:45
 17 congregation that we would regard as an exemplary 11:45
 18 privilege that one would have to conduct himself in 11:45
 19 a certain way to merit having that privilege, for 11:45
 20 example, passing microphones in the congregation, 11:45
 21 handling the stage, things of that nature. 11:45
 22 **Q Is there a general title for which the** 11:45
 23 **disciplines of withholding privileges might fall?** 11:45
 24 A No. 11:45
 25 **Q It would be a case by case specific** 11:45
 Page 58

1 Allen Shuster
 2 **instruction, if you will, from the local Body of** 11:46
 3 **Elders to the congregant?** 11:46
 4 A That's correct. 11:46
 5 **Q In the future, you are not allowed to** 11:46
 6 **engage in this activity or receive this privilege?** 11:46
 7 A It could be by communication. Often it 11:46
 8 is, but it could be just by the nature of the 11:46
 9 offense and in some cases the announcement that is 11:46
 10 made, it's obvious that there's no need to 11:46
 11 communicate that lack of privilege to that person. 11:46
 12 **Q For all of the different levels of** 11:46
 13 **discipline that we have been discussing, from** 11:46
 14 **disfellowship down to the most minor level, are any** 11:46
 15 **of these levels of discipline warranted in the** 11:46
 16 **absence of either a confession of misconduct or the** 11:46
 17 **evidence of two credible witnesses?** 11:46
 18 A No. 11:47
 19 **Q Has that been the policy for as many** 11:47
 20 **years as you have been an elder in the service of** 11:47
 21 **Jehovah's Witnesses?** 11:47
 22 A Yes. 11:47
 23 **Q And is the source of that policy** 11:47
 24 **ultimately found in the governing body?** 11:47
 25 A You mean the policy that's been 11:47
 Page 59

1 Allen Shuster
 2 established that elders abide by? 11:47
 3 **Q Is the policy that no discipline is** 11:47
 4 **warranted in the absence of either two witnesses,** 11:47
 5 **two credible witnesses or a confession, is that** 11:47
 6 **policy one that is approved by the governing body?** 11:48
 7 A Yes. 11:48
 8 **Q You mentioned the Watchtower now being** 11:48
 9 **utilized in certain study committees. Am I correct** 11:48
 10 **that there are various kinds of regular meetings and** 11:48
 11 **study sessions that congregations hold within** 11:48
 12 **Jehovah's Witnesses?** 11:48
 13 A Yes, we do. 11:48
 14 **Q Are there regular meetings held by** 11:48
 15 **congregations at the Kingdom Halls?** 11:48
 16 A Yes. 11:48
 17 **Q And how frequently would regular sessions** 11:48
 18 **at the Kingdom Hall be held in most congregations,** 11:48
 19 **at least in your knowledge and experience?** 11:49
 20 A You mean meetings that a congregation 11:49
 21 would have as opposed to meetings that Kingdom Hall 11:49
 22 would have? 11:49
 23 **Q Yes.** 11:49
 24 A Yes, a congregation typically would have 11:49
 25 two meetings a week, one during mid week and 11:49
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1 Allen Shuster
 2 typically one on the weekend. 11:49
 3 **Q And do each of these meetings have a** 11:49
 4 **different purpose or is the purpose the same?** 11:49
 5 A Different purpose. 11:49
 6 **Q What are the purposes of the two meetings** 11:49
 7 **in the mid week and the weekend meetings?** 11:49
 8 A Well, both are open to the public so 11:49
 9 anyone is invited to attend these meetings. The mid 11:49
 10 week meeting is made up of three different types of 11:49
 11 meetings: One is called the Congregation Bible 11:49
 12 Study and there is a publication that Jehovah's 11:49
 13 Witnesses use, it varies from year to year, that is 11:49
 14 considered for 25 minutes or half hour; and then we 11:50
 15 have what is called a Theocratic Ministry School 11:50
 16 that helps to train the congregants as to how to 11:50
 17 perform public speaking or public reading, speaking 11:50
 18 to others about the Bible. 11:50
 19 And then the last part of the meeting is 11:50
 20 called a service meeting, and information from a 11:50
 21 periodical called Our kingdom Ministry is reviewed, 11:50
 22 and again, having to do with the ministry. That's 11:50
 23 what Jehovah's Witnesses do, is we speak to others 11:50
 24 about God and bear witness about him and tell others 11:50
 25 about what we consider to be good news from the 11:51
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16 (Pages 58 to 61)

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ALLEN SHUSTER

FEBRUARY 15, 2012

1 Allen Shuster
 2 across some tools that a homeowner may have left out 02:24
 3 in the driveway and is seen to take a tool or to put 02:24
 4 them in his pocket or jacket or something and leave 02:24
 5 with it, that's a theft, correct? 02:24
 6 A Okay. 02:24
 7 Q In such a situation of what we will call 02:24
 8 a petty theft, is that something that falls under 02:24
 9 the doctrine of uncleanness? 02:24
 10 A Uncleanness, I don't know that it would 02:25
 11 necessarily fall in that category. It would fall 02:25
 12 more into the category of theft. Uncleanness has 02:25
 13 more to do with physical and sexual in nature. 02:25
 14 Q All right. That is very helpful, I 02:25
 15 appreciate it. I apologize if some of my questions 02:25
 16 seem very basic, but there are many philosophical 02:25
 17 and other views of things that are part of your 02:25
 18 daily world for many years that are all new to me, 02:25
 19 so -- 02:26
 20 A I understand. 02:26
 21 (August 1, 1995 Letter To All Bodies 02:26
 22 of Elders in the United States was marked 02:26
 23 as Deposition Exhibit 9 for 02:26
 24 identification.) 02:26
 25 Q We have marked as Exhibit 9 a letter 02:26

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1 Allen Shuster
 2 dated August 1, 1995 (handing). Have you seen this 02:26
 3 in the past? 02:26
 4 A Yes, I have. 02:26
 5 Q Were you involved in the preparation of 02:26
 6 this Body of Elders letter prior to its 02:26
 7 dissemination? 02:26
 8 A I can't say for certainty. There's a 02:26
 9 good chance that I was. 02:26
 10 Q Was this Body of Elders letter approved 02:26
 11 by either a committee or of the entire governing 02:26
 12 body prior to its circulation? 02:27
 13 A Yes. 02:27
 14 Q There are references in this letter to 02:27
 15 various Awake articles in 1985 and 1993, this is in 02:27
 16 the third paragraph. Are articles that are 02:27
 17 published in Awake reviewed in advance by persons in 02:27
 18 the branch committee? 02:27
 19 MR. SCHNACK: I'm going to object to the 02:27
 20 form of the question. The branch committee 02:27
 21 wasn't in existence at the time that letter was 02:27
 22 drafted. 02:27
 23 MR. SIMONS: All right. 02:27
 24 MR. SCHNACK: Is that correct? 02:27
 25 THE WITNESS: That's correct. 02:27

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1 Allen Shuster
 2 Q What was the predecessor in terms of 02:27
 3 function, to the branch committee? 02:28
 4 A Prior to the branch committee, which was 02:28
 5 formed in 2001, the Bethel Operations, that is, the 02:28
 6 operations of the three complexes that make up not 02:28
 7 only the world headquarters but also the 02:28
 8 headquarters for United States branch facilities as 02:28
 9 well as the field operations, were separated; there 02:28
 10 were two separate entities that cared for those 02:28
 11 functions. 02:28
 12 Q We talked about the branch committee 02:28
 13 guidelines, the published guidelines and the 02:28
 14 handbook so to speak. Was there a predecessor of 02:28
 15 similar type before 2001 when the branch committee 02:29
 16 was formed? 02:29
 17 A The branch organization is what you are 02:29
 18 referring to, has been in existence prior to the 02:29
 19 formation of the U.S. branch committee. 02:29
 20 Q So did the branch organization have a 02:29
 21 handbook or guidelines prior to 2001? 02:29
 22 A I'm sure that there was some guideline 02:29
 23 that they went by. I don't know that there was an 02:29
 24 official document, maybe more just internal 02:29
 25 communications or perhaps some memoranda that gave 02:29

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1 Allen Shuster
 2 them some structure. 02:29
 3 Q Who if anyone would have been required to 02:29
 4 approve the content of articles in the Awake before 02:29
 5 they were published? This is back in '85 and '93 02:30
 6 and that time period. 02:30
 7 A It would be individuals that work in our 02:30
 8 writing department. 02:30
 9 Q Were articles on the subject matter of 02:30
 10 protecting children from sexual abuse subject to 02:30
 11 approval from anyone other than persons in the 02:30
 12 writing committee back in the time frame that we're 02:30
 13 talking about, '85 to '93, as to the articles? 02:30
 14 MR. SCHNACK: You mean the writing 02:30
 15 department. 02:30
 16 MR. SIMONS: Writing department, thank 02:30
 17 you. 02:30
 18 A I know on occasion that the writing 02:30
 19 committee would send, writing department that is, 02:30
 20 they would send articles to others outside the 02:30
 21 writing department for their purview. 02:31
 22 Q Would an article setting forth a policy 02:31
 23 on something such as childhood sexual abuse such as 02:31
 24 the January 22, 1985 article in Awake have been 02:31
 25 reviewed and approved by the governing body or a 02:31

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ALLEN SHUSTER

FEBRUARY 15, 2012

1	Allen Shuster	
2	committee of the governing body prior to its	02:31
3	publication?	02:31
4	A My understanding is that they would.	02:31
5	Q What is that understanding based on?	02:31
6	A Whether all of the members of the then	02:31
7	existing governing body would review articles from	02:31
8	the Awake or the Watchtower, I can't say for	02:31
9	certainty. But what I do say for certainty is that	02:31
10	some members of the governing body would review it,	02:31
11	yes.	02:31
12	Q What is your understanding based on?	02:31
13	A Based on my knowledge.	02:32
14	Q Your last answer was that you just	02:33
15	understand it. Can you tell me a little bit more	02:33
16	about how you acquired the knowledge of the	02:33
17	governing body's role in terms of approval of Awake	02:33
18	policy articles or Watchtower policy articles?	02:33
19	A I just know that the writing department,	02:33
20	it's directly overseen by the writing committee of	02:33
21	the governing body, and that there have been members	02:33
22	in the past of the governing body who are in the	02:33
23	writing, on the writing committee, and also work in	02:33
24	the writing department. And I know the process	02:33
25	that's reviewed by a number of writers, and it's	02:33
		Page 110

1	Allen Shuster	
2	been the policy of at least a few members of the	02:33
3	governing body reviewing anything from the	02:33
4	Watchtower and Awake that is published.	02:33
5	Q Have you ever authored an article that	02:34
6	was published in Watchtower or Awake?	02:34
7	A I have not.	02:34
8	Q Is the role of the governing body to set	02:34
9	both spiritual and administrative policies of all of	02:34
10	the Jehovah's Witnesses' corporations and entities?	02:34
11	MR. SCHNACK: I object to the form of the	02:34
12	question. I'm not sure what you mean by	02:34
13	administrative policies.	02:34
14	You can respond, if you can.	02:34
15	A I guess I would have to know a little bit	02:34
16	more about the question. On a high level, review,	02:34
17	the governing body does establish policies. The	02:34
18	other aspect of your question?	02:34
19	Q My question is perhaps a little unclear,	02:34
20	but as to policies and procedures that we have been	02:34
21	discussing, for example, the confession or	02:35
22	two-witness standard in terms of accusations being	02:35
23	proven to be true, are these policies, no matter	02:35
24	which corporation or entity within the organization	02:35
25	is enforcing them, these are policies that come from	02:35
		Page 111

1	Allen Shuster	
2	the governing body, that's my question. Is that an	02:35
3	accurate statement?	02:35
4	A That is an accurate statement, yes.	02:35
5	MR. SCHNACK: Is this a good time for a	02:35
6	short break?	02:35
7	MR. SIMONS: Yes.	02:35
8	MR. SCHNACK: Let's go off the record.	02:35
9	THE VIDEOGRAPHER: It is now 2:36. We	02:35
10	are going off the record.	02:35
11	(Brief recess)	02:54
12	THE VIDEOGRAPHER: We are back on the	02:54
13	record. The time is 2:54.	02:54
14	BY MR. SIMONS:	02:54
15	Q Is there now a service committee?	02:54
16	A There is a service committee, yes.	02:54
17	Q Was that formed in 2001 when the branch	02:54
18	committees were set up?	02:54
19	A No.	02:54
20	Q Did it pre-exist 2001?	02:54
21	A Yes, it did.	02:54
22	Q Has there been a service committee for as	02:54
23	many years as you have been an elder?	02:54
24	A Yes, there has.	02:54
25	Q Are members of the governing body, any	02:54
		Page 112

1	Allen Shuster	
2	members of the governing body, on the service	02:54
3	committee?	02:54
4	A Yes, there are.	02:54
5	Q How many members total are there in the	02:54
6	service committee?	02:54
7	A On the service committee, let's see, at	02:55
8	least four.	02:55
9	Q And how many members of the service	02:55
10	committee are members of the governing body?	02:55
11	A All of them.	02:55
12	Q When a congregation member is found	02:55
13	either by two witnesses or by confession or by both	02:55
14	to have committed sexual abuse of a child, does the	02:55
15	local congregation elders have the option to ban	02:55
16	that individual from field service?	02:56
17	A The elders have the responsibility to	02:56
18	protect children from that perpetrator, yes, to ban	02:56
19	them from the individual ministry that they have.	02:56
20	I think all of us as Christians, as	02:56
21	Jehovah's Witnesses, have an obligation to bear	02:56
22	witness about God, that's who we are, we are	02:56
23	Jehovah's Witnesses. So what he would have, his	02:56
24	personal responsibility is up to him in witnessing,	02:56
25	but if he were to engage in public ministry with	02:56
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