

# *Exhibit A*

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN DIEGO

JOHN DORMAN, Individually, and )  
JOEL GAMBOA, Individually, )

Plaintiffs, )

No. 37-2010-00092450-  
CU-PO-CTL

vs. )

DEFENDANT DOE 1, LA JOLLA )  
CHURCH; DEFENDANT DOE 2, LINDA )  
VISTA CHURCH; DEFENDANT DOE 3, )  
SUPERVISORY ORGANIZATION; )  
DEFENDANT DOE 4, PERPETRATOR; )  
AND DOES 5 through 100, )

Defendants. )

DEPOSITION OF

ALLEN SHUSTER

SAN DIEGO, CALIFORNIA

MARCH 27, 2012

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REPORTED BY: GRACIELA WARNER, CSR NO. 9502  
FILE NO.: A602E89

1 Q. Okay. Have you held positions -- other than  
2 as an elder in a Kingdom Hall or someone working within  
3 the Service Department, have you had other positions  
4 within the Jehovah's Witnesses?

5 A. At the headquarters?

6 Q. Anywhere. Have you been a traveling  
7 overseer? Worked in some other capacity?

8 A. Yeah. Not in the traveling work, as we call  
9 it, or traveling minister visiting congregations in  
10 circuits. I have been a pioneer, regular pioneer for  
11 about four and a half years. I, during that time,  
12 served as ministerial servant for a few years and was  
13 appointed as an elder, as I mentioned, in 1979.

14 There are other positions that I have  
15 occupied: A special Sunday-speaker visiting circuits  
16 and giving Bible instructional talks. I have been a  
17 Kingdom -- it's called a "Kingdom Ministry School  
18 instructor" -- visiting circuits and instructing elders  
19 as to our policies and Bible principles.

20 Is that what you are looking for?

21 Q. Yeah, those are the kinds of things I'm  
22 trying to get at.

23 By "Kingdom Ministry School," there isn't a  
24 separate physical school, is there?

25 A. No.

1 about child abuse, but it didn't talk about child  
2 sexual abuse.

3 So while we are on the topic -- we have  
4 diverted a little bit and maybe we are in your PMQ  
5 capacity here, person most knowledgeable and qualified  
6 capacity -- are you aware of any literature within the  
7 Jehovah's Witnesses earlier than 1981 that deals with  
8 the subject specifically of child sexual abuse?

9 A. Not to my knowledge.

10 Q. Are you aware if there were any particular  
11 policies or procedures in place prior to 1981 within  
12 the Jehovah's Witnesses that dealt specifically with  
13 the subject of child sexual abuse?

14 A. Other than the policy that we would have  
15 always had in that whenever it has come to the  
16 attention of elders, or even to the office where I  
17 work, the Service Department, even back in the early  
18 '70s and early '80s, we would deal with them -- that  
19 is, the victim -- in harmony with Bible principles in  
20 caring for them, helping them.

21 The prevalence of child abuse has -- I'm sure  
22 you are very well aware -- didn't really become a  
23 national issue until, you know, the '90s -- or '80s,  
24 '90s. And as society began to recognize the problem  
25 more and more, then our organization made adjustments

1 in its policies, trying to strengthen our policies that  
2 we already in place to a minimal or -- not "minimal,"  
3 but a relative sense, probably in harmony with many  
4 other religious organizations, maybe a little bit  
5 better than most, but we have constantly tried to  
6 improve our policies so as to protect our young people.

7 Q. When you say the prevalence wasn't known,  
8 have you looked at any of the literature, or for that  
9 matter, contacted any of the federal governmental  
10 agencies that were in existence in the early '70s that  
11 were dealing with the issue of child sexual abuse on a  
12 national level?

13 A. I personally have not, but our publications  
14 have frequently quoted these sources.

15 Q. And is it correct that your publications, as  
16 early as 1981 and '82, were quoting the sources  
17 addressing the prevalence of child sexual abuse in the  
18 general community?

19 A. Yes.

20 Q. While we are still on this subject, let's  
21 kind of drill down on what we are talking about.

22 Is there in the Jehovah's Witnesses' policies  
23 and procedures anywhere a definition of child sexual  
24 abuse that you are aware of?

25 A. We do have some definitions. There's a March

1 percent of those who were child abusers come within  
2 either the family or close friendships. So it was  
3 alerting parents to the fact that it could be a  
4 neighbor; it could be an uncle; it could be a cousin;  
5 it could be a grandfather; it could be a father. So it  
6 was alerting parents to the dangers.

7           The last article in that series of articles  
8 had to do with "You Can Protect Your Child," and it  
9 offers some scenarios that parents can use with their  
10 children in teaching them about their body and where  
11 individuals should not touch them.

12           It had some "what if" scenarios, what if a  
13 babysitter wanted -- said to you, "You can stay up late  
14 and watch a movie if you get in the bathtub with me and  
15 let me wash you," or what if someone said, "I would  
16 like to undress you," that type of scenario. It's  
17 educational and for the purpose of training our  
18 membership, as well as the public, as to the dangers  
19 and what can be done to help.

20           Q.    And was it also to train your elders as  
21 ministerial servants?

22           A.    Primarily the elders, yes.

23           MR. ZALKIN:   And, I'm sorry, Rocky, we kept  
24 going without you. I didn't see you leave.

25           MR. COPLEY:   Go ahead.

1 MR. COPLEY: Objection; vague.

2 THE WITNESS: We would have had procedures in  
3 place, even in the early '80s, as to how to address  
4 certain allegations made that an individual did abuse a  
5 child.

6 Q. BY MR. ZALKIN: And where are those policies  
7 contained?

8 A. They are contained in general letters that  
9 have been issued by the Branch Office. They are in  
10 principle outlined in the Bible in addressing issues of  
11 that nature where there's an accusation made against  
12 another individual. Then there's a process that is set  
13 up within the congregation to address those issues.

14 Q. You said there were letters. Did you include  
15 any such letters in your production here today?

16 A. Well, letters -- we are talking about what  
17 time period again?

18 Q. Again, prior to 1985 is what I'm talking  
19 about.

20 A. Prior to 1985? I'm not certain of any  
21 letters prior to 1985. But just in a general procedure  
22 we have outlined in the textbooks -- and I think you  
23 have a copy there -- of addressing accusations, whether  
24 it be child abuse, whether it be slander, whether it be  
25 adultery, whether it be thievery. We have that process

1 to follow.

2 Q. Okay. And I'm not trying to put any words in  
3 your mouth. I just want to make sure I understand.

4 Is it fair for me to say that prior to 1985  
5 there were no policies instructing elders on  
6 specifically how to respond to an allegation of  
7 childhood sexual abuse, while there were policies on  
8 how to respond to an allegation of wrongdoing  
9 generally?

10 MR. COPLEY: Objection; vague, misstates his  
11 testimony.

12 MR. MORENO: I'll join in that.

13 Q. BY MR. ZALKIN: Did I misstate something? Am  
14 I saying -- am I correct in that?

15 A. You are correct. I'm just trying to think of  
16 any specifics. I think we would have dealt with the  
17 issue of child abuse in that time period the same as we  
18 would have dealt with any other type of wrongdoing.

19 MR. McCABE: Is this a good place for a  
20 break?

21 MR. ZALKIN: If you give me two seconds to  
22 follow up.

23 Q. BY MR. ZALKIN: How was child abuse defined  
24 prior to 1985?

25 MR. COPLEY: Objection; vague.

1 is alert and conscious of what is going on in the  
2 congregations would be cognizant of individuals, male  
3 or female, that would be, in effect, grooming others  
4 for the purpose of having sexual relations or  
5 inappropriate conduct with a child. So I don't know  
6 that we, from my perspective, would need a definition.

7 We would be alert to individuals that would  
8 be engaging in conduct that would be inappropriate for  
9 an adult to be having with a child.

10 Q. And the expectation was that in the '70s,  
11 early '80s, people understood that, correct?

12 MR. COPLEY: Objection; vague.

13 Q. BY MR. ZALKIN: Elders would have understood  
14 that?

15 MR. COPLEY: Objection; speculation.

16 THE WITNESS: Some elders would be very alert  
17 to that.

18 Q. BY MR. ZALKIN: But not all?

19 A. Some elders would be very alert to that,  
20 others may not be as cognizant as others, but that's  
21 part of the qualifications of an elder is to be sound  
22 in mind and reasonable.

23 Have some elders made mistakes? Yes. Jesus  
24 appointed twelve apostles. Judas turned traitorous.

25 So there have been individuals that have made

1 mistakes, but the qualifications of an elder would be  
2 to be alert to those things.

3 Q. That would be the expectation?

4 A. That would be the expectation.

5 Q. And that was the expectation in the '70s and  
6 in the '80s?

7 A. Yes.

8 MR. ZALKIN: Thank you. We can take a  
9 break.

10 (Lunch break was taken from  
11 12:40 P.M. - 1:50 P.M.)

12 MR. ZALKIN: So we are back on the record.

13 Q. BY MR. ZALKIN: I would like to ask you -- I  
14 want to follow up. We were talking just before the  
15 break a little bit about grooming behaviors and what  
16 might have been known about that or not known about  
17 that.

18 What I would like to talk about with you now  
19 is sort of how -- what the response to a complaint  
20 would be or would have been back in that same time  
21 period that we were focused on a little earlier, the  
22 late '70s and early '80s.

23 If it came to the attention of an elder that  
24 there was an allegation by someone that a child had  
25 been sexually abused by a publisher or someone

1 Q. Sure. This is from the "Pay Attention to  
2 Yourselves and All the Flock," page 113. This is from  
3 the 1991 edition, and I'm looking at six paragraphs  
4 down.

5 MR. MORENO: I'm going to make a general  
6 objection: That he continue to answer questions on  
7 this subject to this whole line of questioning about  
8 repentance, et cetera, as being inadmissible based on  
9 the First Amendment. It's dealing with internal church  
10 disciplinary proceedings which a court has no  
11 authority, based on the First Amendment, to get into in  
12 this case or any other case.

13 THE WITNESS: Do I agree with the statement?

14 Q. BY MR. ZALKIN: Yes.

15 A. Yes. And the key expression is "sincere  
16 repentance," and that is the responsibility of the  
17 judicial committee in determining whether his  
18 expressions are sincere and weighing that with the  
19 gravity of sin. I don't think even that statement  
20 disregards that there may be some sins that are  
21 egregious, and the extent of the sin is certainly a  
22 determining factor.

23 Q. You said that there were some changes that  
24 came about at some time in the process of how victims  
25 are questioned or how the accused are questioned. When

1 did those changes come about?

2 And then I'll ask you some follow-up, if you  
3 recall.

4 A. Changes in regard to the victims and how we  
5 treat the victims?

6 Q. I believe your testimony, unless I didn't  
7 catch it right, I think I was asking you about how you  
8 respond and how you investigate, and you said that  
9 there had been changes made over time on how you  
10 question victims or how you question the accused.

11 I'm just trying to get a sense of when those  
12 changes first came about, and then we'll talk about  
13 what they were.

14 A. Yeah. In December of 1985 we encouraged  
15 our -- I say "encouraged" -- we wrote to our traveling  
16 overseers/traveling ministers and mentioned to them  
17 that if they -- if some elders inquire about child  
18 abuse issues, then have them contact the Branch  
19 Office. That was one change as we became more aware of  
20 it being an issue and a concern.

21 In July, 1989, we wrote specifically to our  
22 Bodies of Elders and mentioned to them specifically  
23 that they could contact a Branch Office if they become  
24 aware of a child being abused. Those are the types of  
25 changes.

1 wanted to make sure that we complied with the laws of  
2 the states and see whether the -- because I think about  
3 that time some states were enacting laws that required  
4 ministers to report these abuses to the authorities, so  
5 we wanted to ensure that we complied with the law.

6 Q. Do you know why -- was it the position --  
7 strike that.

8 Was it the position of the Jehovah's  
9 Witnesses the policy -- strike that.

10 Was it the policy of the Jehovah's Witnesses  
11 not to report to law enforcement unless they were  
12 mandated to report to law enforcement --

13 MR. COPLEY: Objection; vague.

14 Q. BY MR. ZALKIN: -- in the time frame, say, of  
15 1980 to 1990?

16 MR. MORENO: Objection; vague and ambiguous  
17 as to what you mean by policies of Jehovah's  
18 Witnesses. Are you talking about individual members?  
19 Are you talking about elders reporting? Who are you  
20 talking about?

21 MR. ZALKIN: About elders reporting. I'm  
22 sorry.

23 Q. BY MR. ZALKIN: Was there a policy within the  
24 Jehovah's Witnesses' organization that elders were not  
25 to report to law enforcement an allegation of child

1 sexual abuse unless they were mandated reporters or  
2 mandatory reporters in the jurisdiction where the abuse  
3 occurred?

4 A. Not to my knowledge.

5 Q. To your knowledge, was it common for elders  
6 to report to law enforcement if they received a  
7 complaint of child sexual abuse in that time frame, in  
8 the 1980s, early '90s?

9 A. I don't know that I can answer that. I  
10 really don't know. Some, perhaps, did. If there  
11 weren't laws that required such at the time, I can't  
12 imagine elders feeling the need to report that. Unless  
13 they felt there was a real threat or danger to a child,  
14 they might report it, but that's supposition on my  
15 part.

16 MR. COPLEY: Just so I'm clear, we are  
17 talking about -- when you are talking about complaints  
18 of child sexual abuse, you are talking about a  
19 situation where the perpetrator denies doing it, so all  
20 you have is just a simple accusation? Is that what you  
21 mean by "complaints"?

22 MR. ZALKIN: Either way.

23 Q. BY MR. ZALKIN: Whether you have an  
24 accusation that has been confessed to or denied, are  
25 you aware of any practice by elders of contacting law

1 enforcement to report it to law enforcement and allow  
2 them to conduct an investigation?

3 A. I'm not aware of a practice. What  
4 individuals would do based on their own conscious and  
5 the need to protect children, they perhaps could have.

6 Q. And similarly, there was not a policy that  
7 they should not contact law enforcement?

8 A. Not to my knowledge.

9 Q. You have brought some documents here. I  
10 would like to get some understanding of what you  
11 brought here to us.

12 I see a chart. There's a notebook entitled  
13 "Historical Development of Jehovah's Witnesses' Child  
14 Abuse Policy."

15 Can you tell me generally what this notebook  
16 is intended to represent?

17 A. It is a document that shows the evolution or  
18 the development of the policies from, I think, back in  
19 the '60s until the current time, how we have endeavored  
20 to improve on our child abuse policies in order to  
21 protect our children and to help parents, to educate  
22 parents on the dangers of child abuse and how to deal  
23 with situations where the reality is that it happens.  
24 So how do they help their children, how do they educate  
25 their children, that's the purpose of this -- educating

1 the public, educating the membership.

2 There are documents that show that we put  
3 forth effort to educate our elders and what they can do  
4 to provide solace and consolation to somebody who has  
5 been abused, what they can do to be alert to those who  
6 are child abusers and to, when they are in the  
7 congregation, monitor their activities.

8 Q. What were the policies of how to monitor the  
9 activities of someone who is a confessed child sexual  
10 abuser?

11 MR. MORENO: I'm sorry, I didn't catch it.

12 MR. COPLEY: Objection; vague.

13 Q. BY MR. ZALKIN: What was the policy for  
14 monitoring someone who is a member of the congregation  
15 who was a confessed child abuser repentant -- not  
16 disfellowshipped, reprovved and continuing to be a  
17 member, what was the policy for monitoring that  
18 individual?

19 MR. MORENO: What time period?

20 Q. BY MR. ZALKIN: In the late '70s, early  
21 '80s.

22 A. I don't know that we had a policy.

23 Q. At sometime was there a policy initiated to  
24 monitor a --

25 A. Yes.

1 Q. "Yes"?

2 A. Sorry.

3 Q. Let me finish the question.

4 A. Sorry about that.

5 Q. At some point was there a policy initiated  
6 for monitoring a confessed child abuser who was not  
7 disfellowshipped?

8 A. Yes.

9 Q. What was that? When was that and what was  
10 it?

11 A. There are several letters in that  
12 documentation, one of which is this document here  
13 (indicating).

14 Q. Which one is that?

15 A. March 14.

16 Q. '97?

17 A. 1997.

18 Q. Okay. Can you point specifically to me what  
19 they have to do?

20 A. You want me to read to you the pertinent  
21 information?

22 Q. Yeah.

23 A. So this is the March 14, 1997 letter to the  
24 Bodies of Elders. On page 2, paragraph 3, it says:

25 "What should elders do when a former child

1 molester moves to another congregation? As  
2 outlined in the February 1991 Our Kingdom  
3 Ministry 'Question Box' and the August 1,  
4 1995, letter to all Bodies of Elders, our  
5 policy is always to send a letter of  
6 introduction when a publisher moves to  
7 another congregation. It is imperative" --  
8 and this is in italics -- "it is imperative  
9 that this be done when one who is known to  
10 have been a child molester moves. The  
11 secretary should write on behalf of the  
12 elders to the new congregation's body of  
13 elders and outline this publisher's  
14 background and what the elders in the old  
15 congregation have been doing to assist him.  
16 Any needed cautions should be provided to the  
17 new congregation's body of elders. This  
18 letter should not be read to or discussed  
19 with the congregation. This information  
20 should be kept in the congregation's  
21 confidential files where it can be reviewed  
22 by any elder. The elders should send a copy  
23 of this letter to the Watchtower Bible and  
24 Tract Society in one of the 'Special Blue'  
25 envelopes."

1 Q. So that's what happened and what should be  
2 done if the perpetrator moves to a different  
3 congregation?

4 A. Correct.

5 Q. What happens and what should be done if he  
6 doesn't move and stays in the congregation in which the  
7 abuse occurred?

8 A. Could I refer to this publication?

9 Q. You can refer to anything you like.

10 A. Even prior to the March 14, 1997 letter, this  
11 was a letter "To All Bodies of Elders," August 1,  
12 1995.

13 And it says: "It would be appropriate to  
14 talk" --

15 MR. MORENO: Could you identify the  
16 paragraph, please, and page.

17 THE WITNESS: Sorry. This would be page 1,  
18 paragraph 4:

19 "It would be appropriate to talk very  
20 frankly to a former child abuser, strongly  
21 cautioning him as to the dangers of hugging  
22 or holding children on his lap and that he  
23 should never be in the presence of a child  
24 without another adult being present. This  
25 may prevent putting that one in the way of

1           temptation or unfounded accusation. At the  
2           same time, it is good to remember that the  
3           Bible, at Mathews 12:31 and 1 Corinthians  
4           6:9-11, shows it is possible for a person to  
5           stop his or her wrongful course, repent, and  
6           thereafter live in harmony with God's  
7           righteous standards. This is true of all  
8           wrongdoers - even a former child abuser."

9           The majority of the letter is dealing with  
10          what could be done to protect children from a brother  
11          or a sister in the congregation who had been guilty of  
12          child abuse in the past.

13                 I can see you have a copy of it.

14           Q.    Yeah. So "talk frankly" to that perpetrator,  
15          make sure they don't hold a child, correct?

16           A.    Correct.

17           Q.    Make sure they are not alone with the child,  
18          correct?

19           A.    Yes.

20           Q.    Recognize that they might be repentant and  
21          not repeat offense; is that correct?

22           A.    Yes.

23           Q.    And if you go to the next page, on page 2, at  
24          the end of that first paragraph it says, "Considerable  
25          time should always pass before a former child abuser is

1 used, if ever."

2 Do you see that?

3 A. Yes.

4 Q. Why is that? Why should they wait? Why do  
5 they have to wait before they could use a former child  
6 abuser?

7 A. Because it's an organizational policy that  
8 has been established, that anyone who has abused a  
9 child, you want to be very, very cautious about  
10 extending privileges to that one again.

11 Q. Why?

12 A. Because there may be a tendency or there may  
13 not be a tendency to abuse again, but the idea is to be  
14 very careful. You have a variety of different types of  
15 individuals.

16 You have a situation where, for example, a  
17 17-year-old had consensual sex with a 16-year-old.  
18 From a legal perspective, that's still regarded as  
19 child abuse, but the situation is quite different than  
20 a man who is 25 and has sex with a nonconsenting child,  
21 a 10-year-old. So you want to be very careful about  
22 putting them in a position of being used again.

23 The latter example is certainly not as  
24 egregious as the first example.

25 Q. If the elders in a congregation had an