

Exhibit F

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

VELICIA ALSTON, an individual; and JOHN ROE, an individual proceeding under a pseudonym,

Plaintiffs,

vs.

WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK, INC., a foreign corporation; and NORTH HILLSBORO CONGREGATION OF JEHOVAH'S WITNESSES, an Oregon nonprofit corporation,

Defendants.

WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK, INC., a foreign corporation,

Defendant/Third Party Plaintiff,

vs.

DANIEL CASTELLANOS, an individual,

Third Party Defendant.

Case No. 14-cv-18423

DECLARATION OF THOMAS JEFFERSON, JR. IN OPPOSITION TO PLAINTIFFS' MOTION TO COMPEL DOCUMENTS FROM DEFENDANT WATCHTOWER

COMPLEX CASE DESIGNATION

ASSIGNED TO JUDGE TOM RYAN

1 I, THOMAS JEFFERSON, JR., declare under the penalty of perjury:

2 1. I am over 21 years of age, of sound mind, and competent to make this declaration.

3 2. I provide this Declaration opposition to Plaintiffs' Motion to Compel Documents
4 from defendant Watchtower Bible and Tract Society of New York, Inc. ("Watchtower").

5 3. I am familiar with the operations of Watchtower and have been authorized by
6 Watchtower's Board of Directors to explain the relationship between Watchtower and the faith
7 of Jehovah's Witnesses.

8 4. I am also familiar with the faith of Jehovah's Witnesses, and with the Scriptural
9 precedents for its religious beliefs and practices. I serve as an elder in the faith of Jehovah's
10 Witnesses.

11 5. Watchtower is a 501(c)(3) non-profit corporation organized under the laws of the
12 State of New York with offices in Patterson, New York. Its primary purpose is religious. In
13 addition to a board of directors that manages its business, Watchtower has a limited membership
14 of approximately 50 persons. Watchtower has no employees. Watchtower is not the faith of
15 Jehovah's Witnesses, nor is it the organizational head of the faith. Its corporate purpose includes
16 supporting the faith of Jehovah's Witnesses. One way Watchtower supports the faith is by
17 providing housing and office facilities for individuals in the United States who belong to the
18 Worldwide Order of Special Full-Time Servants of Jehovah's Witnesses, an unincorporated
19 religious order whose members serve under a vow of poverty and obedience (hereinafter
20 "Order"). I am a member of the Order.

21 6. The Governing Body of Jehovah's Witnesses directs the faith of Jehovah's
22 Witnesses whose membership exceeds 8,000,000 worldwide. The Governing Body is an
23 ecclesiastical body with offices in Brooklyn, New York. The Governing Body is not
24 incorporated.

25 7. The United States Branch Committee (hereinafter "U.S. Branch Committee")
26 provides organizational assistance to the faith of Jehovah's Witnesses in the United States.

1 The U. S. Branch Committee is not incorporated. About 4,000 members of the Order support the
2 activities of the U.S. Branch Committee and operate out of the U.S. branch office in New York.

3 8. The U.S. Branch Committee provides spiritual assistance to over 14,000
4 congregations of Jehovah's Witnesses in the United States (and a few surrounding islands)
5 through the Service Department.

6 9. I serve in the Service Department at the U.S. branch office. The Service
7 Department provides Scriptural guidance and spiritual assistance to elders who serve in
8 congregations of Jehovah's Witnesses in the United States.

9 10. Although both Watchtower and the U.S. Branch Committee both serve the faith of
10 Jehovah's Witnesses, they are not one and the same. The U.S. Branch Committee and the
11 Service Department are not divisions, subsidiaries, or sister corporations of Watchtower.

12 11. From the 1970's through February 2001 the Service Department of the U.S.
13 Branch worked in concert with Watchtower to communicate with congregations of Jehovah's
14 Witnesses, including communicating the appointment and deletion of elders and others within
15 congregations of Jehovah's Witnesses, and providing assistance to elders in determining the
16 repentance of and administering Scriptural discipline to congregation members who have
17 committed serious sins. Beginning March 2001, the U.S. Branch Committee and the Service
18 Department ceased working with Watchtower in this capacity.

19 **THE FAITH OF JEHOVAH'S WITNESSES**

20 12. Jehovah's Witnesses believe that Jehovah is the personal name of God. (Psalm
21 83:18) They believe that Jehovah God rules from heaven over a worldwide association of
22 believers. (Psalm 103:19; 1 Timothy 3:15.) Jehovah's Witnesses accept Jehovah as Supreme
23 Judge, Lawgiver, and King. (Isaiah 33:22.) They believe it is a privilege to work "together with
24 him" to accomplish His will.—2 Corinthians 6:1, 2¹.

25 _____
26 ¹ Biblical quotations are taken from the *New World Translation of the Holy Scriptures*
(2013)

1 elders are authorized to hear confessions, render spiritual assistance to congregation members,
2 and officiate at weddings.

3 20. Elders offer their time in caring for all of their spiritual responsibilities and do not
4 receive any compensation for their efforts.

5 21. Before elders are appointed, they must meet the Scriptural qualifications outlined
6 in the Bible. (1 Timothy 3:1-7; Titus 1:5-9) At all times prior to March 2001 when the elders
7 serving a congregation believed that a congregation member met those Scriptural standards to a
8 reasonable degree, they recommended to the circuit overseer (i.e., a traveling elder who visits the
9 congregation semi-annually to provide spiritual assistance) that the individual be appointed as a
10 fellow elder. If the circuit overseer agreed with the elders' recommendation, he notified the
11 Service Department of the U.S. Branch. If the Service Department concurred, then the
12 appointment was made and communicated to the congregation by means of a letter on
13 Watchtower letterhead.

14 22. Elders oversee congregation meetings that are held to strengthen the faith of
15 congregation members and others in attendance. (Acts 15:32.) Elders also provide pastoral care
16 for local congregation members.—Acts 20:28.

17 23. As discussed with greater detail below, in accord with the religious beliefs and
18 practices of Jehovah's Witnesses, elders frequently provide spiritual encouragement, counsel and
19 guidance to congregation members concerning highly confidential personal and spiritual matters.

20 24. Similarly, as part of their responsibility to maintain the spiritual and moral
21 cleanliness of the congregation, elders at times conduct what are referred to as "judicial
22 investigations" and may form "judicial committees" when a congregation member is accused of
23 or confesses to committing a serious sin.

24 Role of Ministerial Servants

25 25. "Ministerial servants" are congregation members who meet the qualifications
26 outlined in the Holy Scriptures. (1 Timothy 3:8-10, 12, 13) At all times prior to March 2001,

1 when elders in a congregation believed a congregation member met those Scriptural standards to
2 a reasonable degree, they recommended to the circuit overseer that the individual be appointed as
3 a ministerial servant. If the circuit overseer agreed with the elders' recommendation, he notified
4 the Service Department of the U.S. Branch. If the Service Department concurred, then the
5 appointment was made and communicated to the congregation by means of a letter on
6 Watchtower letterhead.

7 26. Ministerial servants do not receive any compensation for their efforts.

8 27. Ministerial servants have a non-supervisory and non-pastoral role, caring for
9 necessary but often routine tasks in their congregation.

10 28. Some ministerial servants serve as attendants to welcome persons arriving at
11 congregation meetings and help any needing assistance find seats. Others assist with sound
12 equipment, distribution of literature, congregation accounts, or keep track of territories covered
13 by congregation members in their field ministry. Ministerial servants also assist in cleaning the
14 Kingdom Hall.

15 29. Because ministerial servants care for the necessary matters described above,
16 elders can focus on spiritual instruction and caring for their pastoral responsibilities.

17 **RELEVANT RELIGIOUS BELIEFS AND PRACTICES**

18 Spiritual Shepherding (Counseling)

19 30. Jehovah's Witnesses believe in the universal principle of Christianity, that "all
20 sorts of people" have the moral right and human need to turn to God and be saved by repenting
21 from a past sinful course. (1 Timothy 2:3,4; Acts 3:19) They believe that anything not in
22 harmony with God's personality, standards, ways and will constitutes a sin, and that "there is no
23 man who does not sin." (1 Kings 8:46; 2 Chronicles 6:36) But since many people want to
24 improve their conduct and be approved by God, elders stand ready to help congregation
25 members understand the application of Bible principles to their conduct.

26

1 31. Because open and free communication between congregation members and elders
2 is essential to providing spiritual encouragement, counsel and guidance, the religious beliefs and
3 practices of Jehovah's Witnesses place an emphasis on privacy and strict confidentiality.

4 32. The trust and confidence that congregation members have in elders arises from
5 the sincerely held religious belief that elders are spiritual shepherds who provide the Scriptural
6 guidance needed to obtain God's Holy Spirit and blessing to successfully avoid or overcome
7 sinful behavior. According to the religious beliefs and practices of Jehovah's Witnesses,
8 information an elder receives from a congregation member who requests or needs spiritual
9 encouragement, counsel and guidance is confidential. (Proverbs 11:13; 25:9) Elders do not
10 unnecessarily discuss with others a congregation member's private requests for assistance in
11 applying Bible principles, a congregation member's confession of sin, or any spiritual
12 encouragement, counsel or guidance an elder believes the congregation member needs.

13 33. From time to time, congregation elders communicate with experienced elders in
14 the Service Department to receive spiritual counsel and guidance about the application of Bible
15 principles to issues concerning the congregation and its members. These communications are
16 made to elders in the Service Department in the Service Department elders' capacity as spiritual
17 advisors. All such spiritual communications must be kept private and strictly confidential in
18 accordance with the religious beliefs and practices of Jehovah's Witnesses.

19 34. A congregation member's struggle to make needed changes in life in accordance
20 with his understanding of Bible principles would be made more difficult or compromised
21 altogether by the absence of such privacy and strict confidentiality needed for a frank and open
22 confession or discussion of sinful conduct.

23 Counsel for Serious Sin

24 35. Based on the religious beliefs and practices of Jehovah's Witnesses, *serious* sins
25 are *gross* deviations from Bible standards. A person may fall into the *practice* of serious sin.
26 See 2 Kings 17:16, 21; Isaiah 1:4; 1 Corinthians 6:16-18; and 1 John 3:4.

1 36. Christianity stands for the Christ-like principle that anybody can be helped to find
2 salvation.—1 Corinthians 6:9-11 (“sexually immoral, idolaters, adulterers, ... thieves, greedy
3 people, drunkards, revilers, and extortioners, ... is what some of you were. But you have been
4 washed clean.”); 2 Corinthians 7:8-11 (“you were saddened into repenting ... in a godly way ...
5 produc[ing] repentance leading to salvation ... [and] righting of the wrong!”)

6 37. Based on the religious beliefs and practices of Jehovah’s Witnesses, elders act as
7 spiritual shepherds when they meet with congregation members who either confess or are alleged
8 to have committed a “serious sin,” as defined in the Bible.—James 5:14, 15 (“call the elders of
9 the congregation [and] let them pray over him ... if he has committed serious sins, he will be
10 forgiven.”); See also Galatians 6:1 (“try to readjust such a man”); Proverbs 11:14 (“success
11 through many advisers”)

12 38. Based on the religious beliefs and practices of Jehovah’s Witnesses, at least two
13 elders are required to conduct an investigation involving a congregation member who is alleged
14 to have committed a “serious sin” or to take and confirm a confession of such sin. If those two
15 elders confirm that the member has in fact committed a serious sin, the congregation’s body of
16 elders will appoint at least three elders to form a “judicial committee” for the purposes outlined
17 below. (Deuteronomy 17:6; Deuteronomy 19:15; Matthew 18:15-17; 2 Corinthians 13:1; 1
18 Timothy 5:19) Jehovah’s Witnesses believe that investigations by at least two elders and judicial
19 committees of at least three elders provide better, more complete spiritual counsel and guidance
20 based on the collective experience, knowledge, and judgment of multiple elders. Before an
21 individual becomes one of Jehovah’s Witnesses, he is made aware of these practices.
22 (*Organized to Accomplish Our Ministry* (1983), pages 145-48)

23 39. Based on the religious beliefs and practices of Jehovah’s Witnesses, the elders
24 who meet with the congregation member as a judicial committee hear the basic facts about the
25 sinful conduct, determine its extent and whether there were any mitigating factors, and determine
26 whether the sinner is repentant before God. (Psalm 51:17; Psalm 86:5; Acts 26:20.) In short,

1 elders serving on a judicial committee try to help a person who has committed a serious sin
2 recover spiritual balance and make certain the congregation remains spiritually and morally
3 clean.—Jude 21-23.

4 40. Based on the beliefs and practices of Jehovah’s Witnesses, all spiritual
5 communications taking place during an investigation or judicial committee proceeding, or in
6 furtherance of the congregation’s ongoing spiritual assistance to a wrongdoer, are considered by
7 all present—including the accused member and the elders—to be private and confidential. The
8 presence or participation of multiple elders in an investigation or judicial committee does not
9 relieve the elders of their confidentiality obligations. Furthermore, any records created in
10 connection with these matters are kept under lock and key at the Kingdom Hall and are
11 accessible to elders only, all of whom operate under the same duty to maintain confidentiality.

12 Spiritual Discipline

13 41. If a congregation member who commits a serious sin repents, the elders on the
14 judicial committee prayerfully determine what Bible-based instruction, restrictions, and spiritual
15 discipline are appropriate. They administer reproof either in private or in public “before
16 onlookers” who have knowledge of the situation, to instill in the sinner and in any onlookers a
17 wholesome fear of continuing in a sinful course. (2 Samuel 12:13; 1 Timothy 5:20.) The elders
18 help the wrongdoer to “keep making straight paths for [his] feet” thereafter. (Hebrews 12:13.)
19 In due course, the judicial committee will lift the imposed restrictions if the individual’s progress
20 to spiritual recovery becomes manifest.

21 42. If the matter is likely to become known in the congregation or in the community
22 or if the congregation needs to be on guard concerning the repentant wrongdoer, a simple
23 announcement is made to the congregation so that members know that the wrongdoer committed
24 a serious sin but has demonstrated a repentant attitude. No mention is made to the congregation
25 of what type of serious sin the wrongdoer committed.

26

1 Disfellowshipping Congregation Members

2 43. If a congregation member who commits a serious sin is not repentant despite the
3 elders' spiritual efforts to help the wrongdoer, the judicial committee prayerfully determines
4 whether it is necessary to expel the unrepentant wrongdoer from the congregation in compliance
5 with the Scriptures. (1 Corinthians 5:11-13 ["stop keeping company...not even eating with such
6 a man...Remove the wicked person from among yourselves."]; 1 Timothy 1:20 ["handed them
7 over to Satan"]). Based on the beliefs and practices of Jehovah's Witnesses, the decision to
8 "disfellowship" is the strongest form of religious discipline.

9 44. In all cases of disfellowshipping, the elders on the judicial committee create a
10 confidential spiritual record of their action and forward a notice of disfellowshipping to the
11 Service Department.

12 45. When a congregation member is disfellowshipped, an elder will make a simple
13 announcement at a congregation meeting. Based on the beliefs and practices of Jehovah's
14 Witnesses, such an announcement puts congregation members on notice to stop any spiritual
15 association with that person. No mention is made of the type of wrongdoing committed by the
16 disfellowshipped person.

17 Maintaining Confidentiality

18 46. The requirement that elders keep information and spiritual communications
19 confidential is based on Scripture and has been explained in the official publications of
20 Jehovah's Witnesses.—Proverbs 25:9; The Watchtower, April 1, 1971, pages 222-224; Kingdom
21 Ministry, July 1975 page 3; The Watchtower, December 15, 1975, pages 764-66; The
22 Watchtower, September 1, 1983, pages 21-26; The Watchtower, September 15, 1989, pages 10-
23 15; The Watchtower, September 1, 1991, pages 22-27; The Watchtower, November 15, 1991,
24 pages 19-23.

25 47. Congregation members trust elders to keep all spiritual communications strictly
26 confidential.

1 48. Revealing confidential communications would call into question an elder's
2 qualifications and could result in his removal as an elder in the congregation.

3 49. While not every breach of confidentiality by an elder will result in his removal,
4 each elder is accountable before God, the ultimate Judge, for his adherence to the Bible's
5 command to maintain confidentiality.

6 50. If an elder disclosed confidential information, his credibility and effectiveness as
7 an elder would be adversely affected and compromised and it could have a chilling effect on the
8 congregation members seeking spiritual encouragement, counsel and guidance from elders.
9 Because free and open communication between congregation members and their elders is
10 essential to the spiritual welfare of the members and of the congregation as a whole, the
11 importance of privacy and confidentiality is difficult to overstate.

12 **WATCHTOWER'S RECORDS**

13 51. I have personal knowledge of Watchtower's records that are maintained by the
14 Service Department of the U.S. branch.

15 52. I am aware that Plaintiffs have narrowed document request No. 63 to "all
16 documents evidencing childhood sexual abuse allegations or complaints against any Baptized
17 Jehovah's Witnesses," which are in the possession of "Watchtower's Service Department" which
18 were received by Watchtower before April 13, 1987.

19 53. This request, as written, presents multiple issues. First, Watchtower has no
20 Service Department. The Service Department at the U.S. Branch is not a part of Watchtower's
21 corporate structure. Second, the Service Department does not maintain a list of baptized persons.

22 The Burden Imposed on the Faith to Locate Responses to the 1997 Letter

23 54. The letter dated March 14, 1997, was sent with the goal of ensuring that every
24 congregation of Jehovah's Witnesses in the United States was in compliance with the Bible and
25 the beliefs and practices of Jehovah's Witnesses as set out in the January 1, 1997, issue of *The*
26 *Watchtower* magazine, specifically in the article, "Let Us Abhor What is Wicked." In part, the

1 letter asked each body of elders to write to Watchtower about anyone who was then serving or
2 who had previously served in the congregation who was known to have committed child sexual
3 abuse.

4 55. The BOE Responses were stored in the Service Department at the U.S. branch
5 and remained there even after the Service Department ceased collaborating with Watchtower in
6 2001 in communicating with congregations. The Service Department returned copies of each
7 letter to Watchtower for production in this litigation. The process of locating letters took elders
8 in the Service Department nearly one year after a custom program was developed that allowed a
9 reliable search term, i.e., a specific date to locate documents. The project entailed much
10 overtime work by elders in the Service Department and put an enormous strain on the Service
11 Department.

12 56. The BOE Responses were based on information obtained by congregation elders
13 from privileged and confidential spiritual communications with alleged perpetrators, victims,
14 victims' relatives, or other congregation members.

15 57. The alleged perpetrators of abuse who were the subject of discussion, as well as
16 the alleged victims, their relatives, and other congregation members depend on congregation
17 elders for confidential spiritual comfort and advice.

18 Records Already Identified and/or Produced

19 58. Elders in the Service Department conducted a search for records for each of the
20 congregations where the alleged Perpetrator, Daniel Castellanos, and the Plaintiffs in the case
21 were known to be members and gave them to Watchtower's attorneys. I am informed and
22 believe that every document located was either produced to the Plaintiffs or was listed on a
23 privilege log that was delivered to the Plaintiffs.

24 59. In addition, as I understand it, Watchtower has already produced the equivalent of
25 over 118,000 pages of documents to Plaintiffs in response to Plaintiffs' onerous demands.

26

1 60. Beyond the burden involved in attempting to locate potentially responsive
2 documents, Watchtower is extremely concerned that production of confidential communications
3 *unrelated* to these Plaintiffs or their claims or to this perpetrator would violate Scripture. At
4 Proverbs 25:9, the Bible says, “do not reveal what you were told confidentially.”—See also
5 Proverbs 11:13.

6 61. Thus when elders, in the course of discharging their Scriptural obligation to
7 shepherd congregation members, obtain confidential information about a person’s relationship
8 with God, they are Scripturally bound to maintain strict confidentiality.

9 62. Disclosure of such confidential information about other victims and alleged
10 perpetrators that does not refer to the parties or Plaintiffs’ claims would undermine the
11 confidence in the elders of not only those non-party victims and alleged perpetrators, but other
12 Jehovah’s Witnesses as well.

13 63. The requirement to turn over the information now sought by Plaintiff would thus
14 negatively affect spiritual relationships and the effectiveness of congregation elders who help
15 congregation members in need of spiritual advice and counsel who may not seek it due to their
16 understandable concern that elders may reveal their confidences in a future case that has nothing
17 to do with them. Such a burden would infringe on our right to exercise our worship of God.

18 **I declare under penalty of perjury of the laws of the State of Oregon that the**
19 **foregoing is true and correct.**

20 Executed on April 15, 2016 in Walkkill, New York.

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Thomas Jefferson, Jr. Declarant

CERTIFICATE OF SERVICE

I hereby certify that on April 15, 2016, I caused to be served a copy of the foregoing
DECLARATION OF THOMAS JEFFERSON, JR. IN SUPPORT OF DEFENDANT
WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK, INC.'S OPPOSITION TO
PLAINTIFFS' MOTION TO COMPEL on the following person(s) via Email at their last known
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Of Attorneys for Defendant North Hillsboro Congregation of Jehovah's
Witnesses

Dated this 15th day of April, 2016.

s/Adam Holbrook

Adam Holbrook
Philip Van Der Weele