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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

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JOSE LOPEZ, individually
Plaintiff,

Index No.
37-2012-00099849-
CU-PO-CTL

-V-

DEFENDANT DOE 1, Linda Vista Church
DEFENDANT DOE 2, Supervisory
Organization; DEFENDANT DOE 3,
Perpetrator; and Does 4 through 100,
inclusive,
Defendants.

- - - - - X

VOLUME I
DEPOSITION OF
RICHARD ASHE
BROOKLYN, NEW YORK
MARCH 31, 2014
CORRECTED TRANSCRIPT

ATKINSON-BAKER, INC.
COURT REPORTERS
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REPORTED BY: LA VERNE HAIRSTON
FILE# A803782

1 R. ASHE

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BY: CALVIN A. ROUSE, ESQ.

23

24 ALSO PRESENT: MARIO MORENO
JOSE RIVERA, VIDEOGRAPHER

25

1 R. ASHE

2 VIDEOGRAPHER: This is tape
3 number one of the videotape
4 deposition of Richard Ashe in the
5 matter of Jose Lopez individually,
6 plaintiff verses Defendant L1,
7 Linda Vista Church and et al
8 defendants.

9 The Superior Court of the State
10 of California, County of San Diego,
11 case number 37201200099849CVPOCTL.

12 This deposition is being held
13 at the Best Western Arena Hotel in
14 Brooklyn, New York on March 31, 2014
15 at approximately 10:21 a.m.

16 My name is Jose Rivera from the
17 firm of Atkinson Baker Inc., and I am
18 the video specialist. The court
19 reporter is La Verne Hairston, in
20 association with Atkinson Baker Inc.,
21 located in Glendale, California.

22 For the record, will counsels
23 please introduce themselves.

24 MR. ZALKIN: Irwin Zalkin for
25 the plaintiff.

1 R. ASHE

2 MR. STOREY: Devin Storey, also
3 for the plaintiff.

4 MR. COPLEY: Rocky Copley on
5 behalf of Watchtower Bible and Tract
6 Society of New York.

7 MR. ROUSE: Calvin Rouse on
8 behalf of Watchtower.

9 MR. MORENO: Mario Moreno,
10 client representative for Watchtower.

11 MR. MCCABE: James McCabe on
12 behalf of Linda Vista.

13 VIDEOGRAPHER: Now, would the
14 court reporter please swear in the
15 witness.

16 COURT REPORTER: Raise your
17 right hand.

18 VIDEOGRAPHER: You may proceed.

19 Q. Good morning.

20 A. Good morning.

21 Q. My name is Irwin Zalkin. I'm with
22 the Zalkin Law Firm. And as you probably
23 know, we represent Jose Lopez in this
24 litigation.

25 Mr. Ashe, would you please state

1 R. ASHE

2 your full name for the record.

3 A. My full name is Richard L. Ashe, Jr.

4 Q. And Mr. Ashe, where do you reside?

5 A. At 2891 Route 22, Patterson, New
6 York.

7 Q. And is that a residence that you
8 own?

9 A. No, it's a residence that's
10 provided.

11 Q. And by whom is it provided?

12 A. I'm a member of the United States
13 Bethel Family, and I live in the residence
14 there at the Bethel home.

15 Q. What does Bethel Family mean?

16 A. I'm part of the Worldwide Religious
17 Order of Special Servants, Jehovah Witnesses
18 and the Bethel family are all in that same
19 religious order.

20 Q. And is that residence a home or an
21 apartment of some kind?

22 A. It's an apartment.

23 Q. And do you know who owns that
24 apartment building?

25 A. No, I don't.

1 R. ASHE

2 Q. You have been asked to appear here
3 today or you've been offered as the person
4 most qualified to answer a certain category
5 of questions that we have asked of the
6 Watchtower Bible and Tract Society of New
7 York. Have you had an opportunity to review
8 the notice of taking deposition of the person
9 most qualified that was served by our firm?

10 A. Yes, I have.

11 Q. And you've gone through that and
12 looked at the different categories of
13 questions or areas that we would like to
14 discuss here today?

15 A. Yes, sir.

16 Q. And included in that notice was a
17 document production request. Did you look at
18 that as well?

19 A. Yes, sir.

20 MR. ZALKIN: Do you happen to
21 have a copy of that notice, Rocky?

22 MR. COPLEY: No. What I have,
23 I got a copy of the amended
24 objections to the depo notice and the
25 document production but in it, it

1 R. ASHE

2 sets forth the topics, and it sets
3 forth your document request and then
4 our response. It's kind of like the
5 Federal rule.

6 MR. ZALKIN: Right.

7 MR. COPLEY: So I have that.
8 And just to speed it up, we're going
9 to have Mr. Moreno address topics 1,
10 2, 9, and 24 to 30. So it's 1, 2, 9
11 and 24 to 30, and Mr. Ashe will be
12 addressing the balance.

13 (Whereupon, a discussion was held
14 off the record.)

15 Q. Have you ever had a deposition taken
16 before, Mr. Ashe?

17 A. Yes, I have.

18 Q. And on how many occasions have you
19 been deposed as a witness in a matter?

20 A. Once.

21 Q. And can you tell me what type of
22 matter that was?

23 A. It was a personal injury claim on
24 behalf of my wife.

25 Q. And have you provided sworn

1 R. ASHE

2 affidavits and/or declarations on behalf of
3 the Watchtower Bible Tract Society of New
4 York in any legal proceeding?

5 A. In this legal proceeding, yes.

6 Q. Is this the only matter, this Lopez
7 case the only matter in which you have
8 provided a sworn declaration or affidavit for
9 the Watchtower?

10 A. No.

11 Q. And how many other proceedings have
12 you done that?

13 A. I couldn't tell you an exact number,
14 maybe four.

15 COURT REPORTER: Sir, I just
16 want to ask if you can keep your
17 voice up. You're directing -- you're
18 speaking to him, but I need to hear
19 you too. So if you can just kind of
20 look this way, so we can all hear
21 you. Okay?

22 THE WITNESS: Okay.

23 COURT REPORTER: Thank you.

24 THE WITNESS: I'm sorry.

25 COURT REPORTER: It's okay.

1 R. ASHE

2 MR. COPLEY: This air
3 conditioner is really loud and I'm
4 seeing a thermostat over there. I'm
5 wondering if we shouldn't increase
6 the temperature. It will shut this
7 down. If we get uncomfortable, we
8 can fire it back up, but it's going
9 to be difficult because the court
10 reporter is on that side now, instead
11 of that side. It's going to be
12 difficult for us to hear this
13 witness.

14 MR. ZALKIN: Did I mess you up?
15 (Whereupon, a discussion was held
16 off the record.)

17 MR. ZALKIN: Why don't we go
18 off the record and reorganize
19 ourselves. I'm sorry.

20 VIDEOGRAPHER: The time is
21 10:28 a.m. and we are going off the
22 record.

23 (Whereupon, a discussion was held
24 off the record.)

25 VIDEOGRAPHER: The time is

1 R. ASHE

2 10:30 a.m., and we're back on the
3 record.

4 MR. ZALKIN: Can you read back
5 the last question?

6 (Whereupon, the record was read by
7 the reporter.)

8 Q. Did they involve some sort of
9 litigation with the Watchtower Bible and
10 Tract Society of New York?

11 A. Yes.

12 Q. And were you offering a declaration
13 or an affidavit in support of some position
14 of the Watchtower in those four different
15 matters, approximately four different
16 matters?

17 A. Yes.

18 Q. Have you ever offered a declaration
19 or an affidavit on behalf of the christian
20 congregation of the Jehovah Witnesses?

21 A. No.

22 Q. So I'm going to ask you a series of
23 questions today. There are going to be in
24 some way, hopefully, well organized and
25 involve the topic areas that you have now

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R. ASHE

been designated as the person most qualified to provide information for us on, we'll try to hold true, I think, as much as possible to the deposition notice. Although, I think we'll probably be moving around a little bit, depending on the answers and the flow of the questions.

Please give us audible responses.

You do have a soft voice. So if you can try to speak up a little bit. If I can't hear you or the court reporter can't hear you, we'll let you know.

As well, in every day conversation, we may have a tendency to talk over one another. I may understand what you're about to say and I get my question in or you might understand where I'm going with my question and get your answer in before I complete the question, that's fine in every day conversation, but it's difficult for the court reporter to get a clear record when we do that. So I'm going to ask you to wait, let me ask my question completely before you respond, and I'll do the same. That we have

1 R. ASHE

2 a nice clean record with the questions and
3 answers, okay?

4 A. Yes, sir.

5 Q. And if you don't understand my
6 question, please tell me you don't
7 understand. I'm not here to try and trick
8 you or anything. I just want to get as much
9 information as I can. So if you don't know
10 it, tell me you don't know it. If it's
11 something you don't remember, tell me you
12 don't remember and we'll move on.

13 A. Okay.

14 Q. We're going to have a transcript
15 prepared of this testimony. You'll have a
16 chance to read that transcript and when you
17 get that, you can make any changes you feel
18 you need to make to the transcript. And you
19 know, if you change the substance of your
20 answer, I might be able to comment on the
21 fact that you made a significant change, that
22 could affect your credibility in this case.
23 So try to give us your best answer today.

24 A. I will.

25 Q. Is there anything you need before we

1 R. ASHE

2 get started, a glass of water, are you good?

3 A. No. I think I'm ready to go.

4 Q. I notice you have the Bible in front
5 of you or a Bible in front of you. Is there
6 some reason that you have the Bible in front
7 of you?

8 A. Well, I'm a minister, so I never
9 know when the Bible might come in handy in
10 supplying you with an answer that you ask.

11 Q. When you say you're a minister,
12 what -- , you're an ordained minister of the
13 Jehovah Witnesses?

14 A. Yes, sir, I am.

15 Q. Does that mean then you are a
16 baptized publisher?

17 A. I am.

18 Q. And I assume you're also an elder?

19 A. I am.

20 Q. And how long have you been an elder?

21 A. Since 1982.

22 Q. And in what congregation did you
23 start at where you became an elder?

24 A. I was in the Central Congregation of
25 Lakeland, Florida.

1 R. ASHE

2 Q. And when did you move to Bethel?

3 A. In November, 1999.

4 Q. And what brought you to Bethel?

5 A. I was invited to come in to serve at
6 Bethel.

7 Q. By whom were you invited?

8 A. By the Service Department of the
9 United States branch.

10 Q. Was that by any particular
11 individual associated with the Service
12 Department?

13 A. Not to my knowledge.

14 Q. And what positions have you held at
15 Bethel?

16 A. I work in the Service Department of
17 the United States branch. I've been a
18 service deskman. Currently, I'm assigned to
19 the oversight group of the Service
20 Department.

21 Q. And when you say "the oversight
22 group of the Service Department," is that an
23 oversight committee?

24 A. It's not so much a committee. It's
25 just our organizational structure. I work

1 R. ASHE

2 under the oversight of the department
3 overseer and the two assistant department
4 overseers.

5 Q. And how long have you been working
6 in the Service Department, ever since you
7 came to Bethel?

8 A. That's correct, since November '99.

9 Q. And what positions have you had in
10 the Service Committee -- Service Department,
11 I'm sorry?

12 A. When I came to the Service
13 Department, I served on a service desk which
14 cares for the spiritual needs and the advice
15 or counsel or help that we can give in a
16 spiritual sense to congregation elders.
17 After that, then I went into an oversight
18 position where I helped other service desks
19 who do the same type of work.

20 Q. And the Service Department is a
21 department of the United States branch of the
22 Jehovah Witnesses; is that correct?

23 A. That's correct.

24 Q. Can you tell me what the United
25 States branch is?

1 R. ASHE

2 A. The United States branch oversees
3 the spiritual activity of Jehovah Witnesses
4 within the United States. There are many
5 branches throughout the earth, and this is
6 the one that oversees the activity for the
7 United States.

8 Q. And is the Service Department in any
9 way connected or affiliated with the
10 Watchtower or was it at some time?

11 MR. COPLEY: Objection, vague.

12 Q. Affiliated with the Watchtower Bible
13 and Tract Society of New York?

14 A. Affiliated with? The Service
15 Department has always worked under the United
16 States branch.

17 Q. What was its connection to the
18 Watchtower Bible and Tract Society of New
19 York?

20 A. Are you talking what time period?

21 Q. Prior to 2001?

22 A. The connection to the Watchtower
23 Bible and Tract Society is that the
24 Watchtower Bible and Tract Society of New
25 York Incorporated is simply a corporation

1 R. ASHE

2 that was used for publishing and for
3 disseminating bibles, Bible literature and
4 letters.

5 Q. And what role did the Service
6 Department have with respect to work it did
7 while -- strike that.

8 Is the Service Department currently
9 under the CCJW?

10 MR. COPLEY: Objection, vague.

11 MR. ZALKIN: You can answer
12 that question.

13 A. The Service Department is not under
14 the CCJW. CCJW of -- like New York
15 corporation is simply a corporation used for
16 the conveyance of what we publish and any
17 letters that would be sent, Bibles, Bible
18 literature.

19 Q. So if a lawyer for the Watchtower
20 testified that the Service Department is
21 under the CCJW, that would be an incorrect
22 statement?

23 MR. COPLEY: Objection, vague,
24 incomplete hypothetical, assumes
25 facts not in evidence. Go ahead.

1 R. ASHE

2 Q. Would that be an incorrect

3 statement?

4 A. That it's under CCJW?

5 Q. Yes.

6 A. Yes, it would.

7 Q. Does the Service Department

8 currently communicate through CCJW?

9 A. Yes, it does.

10 Q. And does the U.S. branch have

11 oversight over the Service Department?

12 A. U.S. branch does, yes, sir.

13 Q. Does the Service Department

14 interface with the service committee of the

15 governing body?

16 A. Through the United States branch

17 committee.

18 Q. Does the governing body service

19 committee have authority to direct activities

20 of the Service Department of the U.S. branch?

21 MR. COPLEY: Objection, lacks

22 foundation, speculation.

23 A. Would you repeat that, please?

24 Q. Does the service committee of the

25 governing body have the authority to direct

1 R. ASHE

2 activities of the Service Department of the
3 U.S. branch?

4 A. The governing body is the highest
5 Ecclesiastical body among Jehovah Witnesses,
6 but the U.S. branch committee oversees the
7 activities of the Service Department.

8 Q. My question is: Does the U.S. --
9 strike that.

10 My question is: Does the service committee of
11 the governing body have the authority to
12 direct activities of the Service Department of
13 the U.S. branch?

14 MR. COPLEY: I'm not sure he's
15 designated for this topic. That's an
16 organizational structure issue, and I
17 think Mr. Moreno is going to be
18 addressing that.

19 MR. ZALKIN: He's been with the
20 Service Department since he started
21 at Bethel.

22 MR. COPLEY: Well, I understand
23 but --

24 MR. ZALKIN: Are you not
25 qualified to discuss the role of the

1 R. ASHE

2 Service Department of the U.S.

3 branch?

4 MR. COPLEY: Just so I'm clear,

5 are you asking him for his own

6 personal opinion or are you asking

7 him as a PMQ, because he's not the

8 PMQ for that topic?

9 Q. In your experience, not necessarily

10 as a PMQ here, but in your experience as

11 somebody who's worked at the Service

12 Department since 1982?

13 A. 1999.

14 Q. Oh, 1999?

15 A. Yes, sir.

16 Q. Does the governing body's Service

17 Committee have authority to direct the

18 activity of the U.S. Service Department if it

19 were to so choose?

20 MR. COPLEY: Objection, outside

21 the scope of this witness'

22 designation. Just limit it just to

23 your own personal opinion, and you

24 can answer the question.

25 A. In my own personal opinion, we work

1 R. ASHE

2 under the direction of our branch committee
3 and whatever direction comes from the
4 governing body we would fulfill.

5 Q. And does the governing body have
6 oversight over the U.S. branch committee?

7 MR. COPLEY: Same objections,
8 same instruction. You can give your
9 personal opinion but you're not
10 designated on the organizational
11 structure topics. You're testifying
12 just as your own personal knowledge.

13 A. The governing body works with the
14 branch committees earth wide, not just the
15 United States branch committee.

16 MR. ZALKIN: I'm confused,
17 Mr. Copley, because our notice of
18 deposition item number three says the
19 managerial hierarchy staff functions
20 organization individual staff job
21 descriptions of the Service
22 Department of Watchtower Bible and
23 Tract Society of New York, Inc. from
24 1979 to the present.

25 That is an area that this

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R. ASHE

morning or as we got started you indicated he would be qualified or be the person most qualified to respond to you. You indicated that the areas that he would not be qualified to respond to or the topic areas would be numbers 1, 2, 24 through 30 and 9. So are you saying that he's not qualified to address topic area number three?

MR. COPLEY: He is but your questions, if I recall, they were dealing with authority of people. I think it was the service committee, of the governing body and down, and this deals with the Service Department, and that's why I said the objection I did.

MR. ZALKIN: Well, the topic area is the managerial hierarchy staff functions, organization, individual staff job descriptions of the service department of Watchtower Bible and Tract Society, New York,

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R. ASHE

Inc. from 1979 to the present. So I'm trying to understand who had oversight over the activities of the Service Department of the Watchtower up until 2001 when the Service Department moved to the auspices of CCJW, that's what I'm trying to get at.

MR. COPLEY: He can testify about the hierarchy within the Service Department. You're asking him questions about the governing body, and its servicing committee, and I think that's a different topic, and that's where Mr. Moreno is going to be addressing those. Am I wrong here you think.

MR. ZALKIN: I think, but you know, the service; as I understand it, the Service Department is a department of the U.S. branch. Someone has oversight over the activities of the Service Department.

It's my understanding from

1 R. ASHE

2 testimony I've read elsewhere that
3 the U.S. branch primarily has
4 oversight over -- the U.S. branch
5 committee has oversight over the
6 Service Department; however, the
7 governing body has authority to
8 direct those activities of the
9 Service Department, should it so
10 choose that's what I'm trying to
11 determine.

12 MR. COPLEY: If you look at
13 your topic number one, that is like
14 the umbrella. It covers all of these
15 topics. The topic one is, corporate
16 and administrative structure of
17 Watchtower Bible and Tract Society,
18 New York Inc. And then, I mean,
19 isn't that what you're trying to find
20 out?

21 MR. ZALKIN: I don't want to
22 belabor this. We'll cover it. I
23 think it's going to be a long
24 deposition otherwise. Mr. Moreno
25 would probably have some answers for

1 R. ASHE

2 me on that.

3 Q. Mr. Ashe, who is the -- strike that.

4 Is there someone who is considered the
5 department head of the Service Department?

6 A. Yes.

7 Q. And who is that currently?

8 A. Gary Breaux, B-R-E-U-X. I'm sorry
9 B-R-E-A-U-X.

10 Q. And Mr. Breaux, does he perform that
11 position on a full-time basis to your
12 knowledge?

13 A. Yes, he does.

14 Q. And physically, where does the
15 Service Department reside?

16 A. It's on the first and second floors
17 of the office building at Patterson Bethel.

18 Q. And to your knowledge, who owns that
19 building?

20 MR. COPLEY: Objection, lacks
21 foundation.

22 MR. ZALKIN: I'm just asking if
23 he knows.

24 A. I don't know.

25 Q. And do you work or perform your

1 R. ASHE

2 functions within the Service Department on a
3 full-time basis?

4 A. I do.

5 Q. And how do you or do you receive
6 some sort of compensation for doing that?

7 A. No, we are unpaid volunteers.

8 Q. Do you have another job?

9 A. No, I do not.

10 Q. How do you survive if you're working
11 full-time for the Service Department, and you
12 do not receive monetary compensation?

13 A. We are provided for by the religious
14 order of which I'm a member.

15 Q. Is that the Jehovah Witnesses?

16 A. It's the World Wide Order of Special
17 Full-Time Servants of Jehovah Witnesses.
18 It's the name of our religion order.

19 Q. Is there a corporation that
20 corresponds to that order?

21 A. I don't know.

22 Q. Does that order provide you with any
23 kind of a stipend or ability to buy things as
24 you may need them?

25 A. Yes, it does.

1 R. ASHE

2 Q. Who has oversight over that
3 religious order?

4 MR. COPLEY: What religious
5 order?

6 Q. The one that you belong to?

7 A. I couldn't tell you that. You're
8 talking about a corporation giving oversight
9 to it?

10 Q. No. Who has Ecclesiastical
11 oversight?

12 A. It would be the personal committee
13 of the governing body.

14 Q. Are all members of Bethel associated
15 with that order -- give me the name of that
16 again. I'm sorry. What do you call it?

17 A. It's the Worldwide Order of Special
18 Full-Time Servants of Jehovah Witnesses.

19 Q. So are all members of Bethel members
20 of this Worldwide Order of Special Full-Time
21 Servants of Jehovah Witnesses.

22 MR. COPLEY: Objection, lacks
23 foundation, speculation.

24 A. All full-time members of the Bethel
25 family are part of that order, but we have

1 R. ASHE

2 other workers at Bethel that are not in the
3 order because they are there on a temporary
4 basis.

5 Q. When was this order formed; do you
6 know?

7 A. I don't know.

8 Q. Is there a committee of any sort
9 that oversees the activities of the Service
10 Department?

11 A. The United States Branch Committee
12 does.

13 Q. And how many members are there of
14 the United States Branch Committee?

15 A. 16.

16 Q. Has that always been the case, 16?

17 A. No, the number has varied over the
18 years.

19 Q. Now, does the U.S. Branch Committee
20 perform any of its activities through legal
21 corporations?

22 MR. COPLEY: Objection, vague.

23 A. Could you be more specific with
24 that, please?

25 Q. Are you familiar with the book,

1 R. ASHE

2 "Organize to Accomplish Our Ministry?"

3 A. Yes, sir.

4 Q. What is that book?

5 A. It's a book that pretty much
6 outlines the scriptural reasons that we do
7 what we do and the way we are organized.

8 Q. In that book on page 26, this is the
9 1983 version, copy written in 1983. This
10 actually is the 1989 book. On page 26, there
11 is a heading that states, and I'm happy to
12 hand the book as well. Was that a copy of
13 the book you just handed him?

14 MR. MORENO: Yes.

15 Q. "Use of religious corporations," do
16 you see that?

17 A. Yes, sir.

18 Q. In the first paragraph about four,
19 five sentences down in the middle of that
20 fifth sentence, it states, "In discharging
21 its responsibility to provide spiritual food
22 at the proper time, and in order to get the
23 good news of the Kingdom preached before the
24 end comes, the remnant on earth as the
25 faithful and discrete slave class, has formed

1 R. ASHE

2 certain agencies for legal entities;" do you

3 see that?

4 A. Yes, sir.

5 Q. Is the faithful and discrete slave

6 the governing body?

7 A. Yes, it is.

8 Q. On page 27 at the end of that, just

9 before the title, "Structure under branch

10 organization," that last sentence just above

11 that it says "These and other legal

12 corporations are used by the modern governing

13 body of Jehovah Witnesses to facilitate the

14 preaching of the good news worldwide and to

15 care for the spiritual needs of the entire

16 congregation of God and all parts of the

17 earth;" do you see that?

18 A. Yes, I do.

19 Q. Is that a correct statement?

20 A. It is. The governing body oversees

21 all of the spiritual activities of Jehovah

22 Witnesses.

23 Q. And it uses legal corporations to

24 effectuate its, the preaching of the good

25 news --

1 R. ASHE

2 MR. COPLEY: Objection.

3 Q. And the care for spiritual needs of
4 the entire congregation?

5 MR. COPLEY: Objection.

6 MR. ZALKIN: Can I finish my
7 question before you start objecting?

8 MR. COPLEY: I'm sorry. I
9 thought you did. You want to state
10 it again. I'm sorry, I interrupted.

11 Q. And it does that through the use of
12 legal corporations, it uses these legal
13 corporations to facilitate the preaching of
14 the good news and to care for the spiritual
15 needs of the congregation of Jehovah
16 Witnesses?

17 MR. COPLEY: Objection, vague
18 and ambiguous, outside the scope of
19 this witness' designation as a PMQ,
20 and that's for Mr. Moreno to address.
21 If you want to give your own personal
22 opinion, you can.

23 THE WITNESS: I would prefer to
24 defer to Mr. Moreno.

25 Q. In any event, what does the Service

1 R. ASHE

2 Department do; what is its function?

3 A. The function of the Service
4 Department is to provide spiritual assistance
5 to congregations and bodies of elders in the
6 United States branch.

7 Q. And how is it organized, can you
8 describe for me the structure of the Service
9 Department?

10 MR. COPLEY: Currently?

11 Q. Start currently and then -- well,
12 let's say prior to 2001?

13 A. Prior to 2001, we had a department
14 overseer and an assistant overseer, and then
15 at that time there was what was called the
16 Service Department Committee, which was made
17 up of older men, experienced elders in the
18 Service Department to help, to get spiritual
19 assistance to the service desks as they, in
20 turn, render spiritual assistance to the
21 congregations.

22 Q. Now, does the Service Department
23 have any role in the creation of what I would
24 refer to as body of elder letters?

25 A. Yes.

1 R. ASHE

2 Q. Can you tell me what their role is
3 in that regard?

4 A. In the Service Department through
5 our interaction with bodies of elders across
6 the branch, if we see that there is a
7 particular need that should be addressed to
8 all bodies of elders and not just a specific
9 body of elders, then a letter would be
10 formulated to address that need.

11 Q. And is that something that is
12 generated with the needs -- strike that.

13 Is that need typically a need that
14 is somehow recognized within the Service
15 Department or does, for example, the
16 governing body or some committee of the
17 governing body bring to the attention to the
18 Service Department a particular need that it
19 wants addressed?

20 MR. COPLEY: Objection, vague,
21 compound.

22 A. The needs are assessed by the
23 Service Department because we are the ones
24 that communicate with the field. So the
25 input comes into the Service Department.

1 R. ASHE

2 When we get correspondence from bodies of
3 elders, we try to address the individual
4 needs of the congregations to give them
5 spiritual assistance so that they can make
6 good decisions based on the Bible, but if
7 there is a trend that we see developing from
8 one congregation to another, then we will try
9 to address the needs that are trending
10 so-to-speak.

11 Q. So is it ever a time when the
12 governing body or some committee of the
13 governing body will bring to the attention of
14 the Service Department an issue or a need
15 that it wants addressed by the Service
16 Department to the congregations, to the body
17 of elders of the congregations?

18 MR. COPLEY: Objection, vague,
19 compound.

20 A. Can you restate that for me,
21 Mr. Zalkin?

22 Q. Sure. Does it occur from, time to
23 time, that either the governing body itself
24 or a committee of the governing body will
25 bring to the attention of the Service

1 R. ASHE

2 Department a need or an issue that it wants
3 the Service Department to address and
4 communicate to the bodies of elders of the
5 congregations of the United States for
6 example?

7 MR. COPLEY: Objection, vague,
8 compound. Go ahead.

9 A. Within my knowledge, I do not know
10 that that has happened. The Service
11 Department recognizes needs that develop or
12 exist within the United States field. So we
13 identify those things.

14 Q. And before a body of elder letter is
15 issued, is the content of that letter, does
16 that have to be approved by the governing
17 body before it is distributed?

18 A. No, it does not.

19 Q. Does the governing body have any
20 involvement in the information guidelines or
21 instructions that are contained in the body
22 of elder letters?

23 A. It depends on what the letter is.

24 Q. So there might be a circumstance
25 where the content of that letter, the

1 R. ASHE

2 guidelines, recommendations or instructions
3 might be of a matter that the governing body
4 would want to have some input on; is that
5 correct?

6 A. If it is a matter of policy, the
7 governing body would approve it. Although
8 they would not likely generate it.

9 Q. So if it is a matter of policy, then
10 the governing body will approve it or must
11 approve it?

12 A. Yes.

13 Q. Up until 2001, at least in terms of
14 bodies of elders letters that have been
15 distributed to congregations within the
16 United States to bodies of elders of
17 congregations in the United States, they seem
18 to come on the letterhead of the Watchtower
19 Bible and Tract Society of New York; is that
20 correct?

21 A. That's correct, up until 2001.

22 Q. And since 2001, they now appear on
23 the letterhead of the Christian Congregation
24 of Jehovah Witnesses, correct?

25 A. That is correct.

1 R. ASHE

2 MR. ZALKIN: Can we say for
3 purposes of our deposition,
4 gentleman, Watchtower as referring to
5 the Watchtower New York, as opposed
6 to Pennsylvania or somewhere else and
7 CCJW as referring to the Christian
8 Congregation of Jehovah Witness.

9 MR. COPLEY: Your question is
10 what?

11 MR. ZALKIN: Can we use the
12 abbreviated versions of those two
13 entities instead of my having to say
14 Watchtower Bible and Tract Society of
15 New York every time I use --

16 MR. COPLEY: Oh, you just want
17 to call it Watchtower --

18 MR. ZALKIN: Watchtower.

19 MR. COPLEY: -- and then you're
20 going to call it Christian
21 Congregation --

22 MR. ZALKIN: CCJW.

23 MR. COPLEY: Oh, you're going
24 to call it CCJW?

25 MR. ZALKIN: CCJW.

1 R. ASHE

2 MR. COPLEY: You guys have any
3 problem with that? I have no problem
4 with that.

5 MR. ZALKIN: We're all okay
6 with that?

7 MR. ROUSE: That's fine.

8 MR. ZALKIN: Because it's
9 getting a little tiring saying those
10 titles all the time. It's getting a
11 little tiring.

12 MR. COPLEY: Well, the court
13 reporter likes it. It makes it a
14 longer transcript.

15 Q. Why do the bodies of elders letters
16 appear on either the letterhead of Watchtower
17 or the letterhead of CCJW?

18 A. Because that's the legal entity
19 that's used for communicating things to the
20 field, whether it's in the form of a book, a
21 magazine or a letter.

22 Q. And these letters have generally a
23 stamped signature, correct?

24 A. They do.

25 Q. And why is that, why do they have a

1 R. ASHE

2 stamped signature as a opposed to the
3 signature of some individual?

4 A. Because generally it's not one
5 individual who writes these letters, it's a
6 composite work.

7 Q. And are all elders within the
8 congregations that receive these letters
9 expected to follow either the guidelines,
10 policies or directives of those letters?

11 A. Yes, they are.

12 Q. What records relating to the
13 activities of congregation members are
14 provided to the Service Department?

15 MR. COPLEY: Objection, vague.

16 A. Can you clarify that for me, please?

17 Q. Well, it's my understanding in a
18 variety of different contexts that certain
19 forms and/or other reports, other types of
20 information associated with the activities of
21 congregation members are sent to the Service
22 Department; is that correct?

23 A. Yes. We receive correspondence from
24 the congregations on a variety of different
25 subjects.

1 R. ASHE

2 Q. And so I would like to go through

3 what those are.

4 A. Okay.

5 Q. That's what I'm getting at. So if

6 you can help me out, can you describe for me

7 what types of records, reports,

8 correspondence the Service Department

9 receives that are associated in some way with

10 the activities of congregation members?

11 A. Well, many times we receive

12 correspondence from individual members

13 themselves, seeking some type of guidance or

14 maybe they have some theological question an

15 understanding of the scriptures, excuse me,

16 or it could be that we receive questions or

17 inquiries from bodies of elders seeking

18 spiritual direction on how to handle

19 situations in their congregation, how to

20 address particular needs of the congregation

21 or congregation members.

22 We also have an arrangement within

23 the congregation. It's a special shepherding

24 arrangement. It's called a Judicial

25 Committee, and it's designed to help

1 R. ASHE

2 individuals.

3 Sometimes when they commit what the
4 Bible describes as a gross sin, then they
5 will meet with that individual to try and
6 help them, to restore them, to bring them to
7 repentance.

8 If they are not repentance -- may I
9 use my Bible now? We follow the admonition
10 here in 1 Corinthians 5, and that's when
11 we're told here by the Apostle Paul in his
12 letter to the Corinthians he said, "In my
13 letter I wrote to you to stop keeping
14 company, and it was sexually immoral people,
15 not meaning entirely with the sexually
16 immoral people of this world or the greedy
17 people or extortioners or idolaters.
18 Otherwise, you would actually have to get out
19 of the world. But now I am writing you to
20 stop keeping company with anyone called a
21 brother that would be a member of the
22 congregation who is sexually immoral." It
23 goes on to list these various scriptural
24 offenses.

25 So what this judicial committee

1 R. ASHE

2 would do is meet with the individual and if
3 they are unrepentive, then they would have to
4 be put out of the congregation. They would
5 no longer be recognized as one of Jehovah
6 Witnesses. So that goes onto a form that is
7 reported to the Service Department.

8 Q. And that is an S77 form?

9 A. Yes, sir, it is.

10 Q. And in that form, tell me what is
11 included in that, what kind of information
12 does the Service Department receive regarding
13 the decision by the judicial committee to
14 disfellowship that individual?

15 A. Of course the individual's name,
16 their date of baptism, the congregation where
17 they would fellowshipped, the judicial
18 offense. For example, here it mentions these
19 various offenses. 1 Corinthians 6 goes on
20 and talk about all of these offenses, being
21 drunkards, idolators, extortioners, immoral
22 individuals, adulterers. So there is a whole
23 list of scriptural offenses there that would
24 be listed there as to why they were
25 disfellowshipped.

1 R. ASHE

2 Q. And that would include sexual
3 molesters?

4 A. Any kind of sexual immorality.

5 Q. And so, that S77 form would have a
6 description of what the wrongdoing was; is
7 that correct?

8 A. Yes, it would have a brief summation
9 of what the individual did and why they
10 determined that the individual needed to be
11 disfellowshipped.

12 Q. Would it include a description of
13 the investigation that was performed by
14 elders of that congregation?

15 MR. COPLEY: Objection, vague.

16 Go ahead.

17 A. Not necessarily.

18 Q. But it could?

19 A. It could.

20 Q. Would it include the names of any
21 eyewitnesses?

22 A. It could. Generally, they establish
23 that sin was established at the mouth of two
24 witnesses or by confession.

25 Q. And would they identify who the

1 R. ASHE

2 mouths belong to of the two witnesses?

3 A. Generally, it doesn't. It just
4 establishes the scriptural basis for
5 establishing the sin.

6 Q. And what is done with that
7 information by the Service Department? Let's
8 stick with the S77, so we're on that topic.

9 MR. COPLEY: Objection, vague.

10 Go ahead.

11 A. Well, for any of the S77s that come
12 into the Service Department, they are put
13 into the congregation's file, and then at a
14 later date, if it's deemed that the
15 individual makes a plea for reinstatement
16 into the congregation, and if there's
17 adequate evidence that they've repentant,
18 that they cleaned up their lives, living
19 according to the moral standards of the
20 Bible, the Judicial Committee can reinstate
21 them, and then we are notified of that using
22 that S77.

23 Q. And let's stick with the original
24 receipt of the S77 as opposed to someone
25 pulling it out of a congregation file at a

1 R. ASHE

2 later date. At the time that it's received,
3 it's my understanding that it is sent in a
4 special blue envelope; is that correct?

5 A. Yes.

6 Q. And who would likely be the person
7 or the category of person that would open
8 that envelop?

9 A. It would be a section desk
10 secretary.

11 Q. And that would be a male?

12 A. Yes, it would.

13 Q. It is my understanding that a female
14 cannot open a blue envelope; is that correct?

15 A. That's correct. The reason it's in
16 the blue envelope is to distinguish it as
17 being confidential or sensitive information,
18 we wouldn't want our sisters having to be
19 exposed to.

20 Q. And so this person would open it,
21 and do what with it?

22 A. They would take it out, check it
23 over to make sure that all the information
24 has been provided and if it has, they would
25 give it to the section deskman.

1 R. ASHE

2 Q. And what is the section deskman do
3 with it?

4 A. He'll look it over to see one, that
5 there's been a scriptural reason for
6 disfellowshipped, that it was a scriptural
7 offense. And two, he will take a look in it
8 to make sure that it was established by the
9 scriptural standard of evidence, either
10 confession or two witnesses and then if
11 everything is in order from a scriptural
12 perspective, then he will stamp that, and it
13 will go over to the congregation's file.

14 Q. And do all special blue envelopes go
15 to the Service Department?

16 A. Yes.

17 Q. And you said he would stamp it and
18 then what, it goes into that file or does
19 somebody else then look at it?

20 A. No, it would go back to the section
21 secretary and he would put it into the
22 congregation's file.

23 Q. Was there a time when these
24 documents began to be scanned electronically?

25 A. Yes.

1 R. ASHE

2 Q. And when was that?

3 A. Approximately three years ago.

4 Q. And have these been scanned
5 retrospectively as well? In other words,
6 these documents that were received prior to
7 three years ago, have they been scanned or
8 are they in the process of being scanned?

9 MR. COPLEY: Objection, vague.

10 A. Yes.

11 MR. ZALKIN: Thank you.

12 MR. COPLEY: Also compound.

13 MR. ZALKIN: Pardon me?

14 MR. COPLEY: I'm just stating
15 something for the record.

16 Q. And so, in addition to the physical
17 document being placed in a congregation's
18 file, there's a electronic version of that
19 document now; where does that go?

20 A. It's stored electronically.

21 Q. And is it stored in some sort of a
22 file, an electronic file?

23 A. It's still associated with the
24 congregation file.

25 Q. But there's an electron version of

1 R. ASHE

2 that now?

3 A. Yes, sir.

4 Q. Other than disfellowshipping
5 records, are there other types of records
6 that a Service Department receives associated
7 with the activities of congregation members?

8 A. Other than the S77?

9 Q. Yes.

10 A. Reporting on specific individuals,
11 only if the congregation elders write about a
12 matter pertaining to an individual, perhaps
13 they're wanting to know about scriptural
14 freedom to remarry or an adulterous marriage
15 or bigamist marriage or some other question
16 beyond the scope that they normally deal
17 with, so they would write to the Service
18 Department to seek some spiritual direction
19 on that.

20 Q. How about when somebody is baptized
21 is there a record that is generated, that
22 documents that baptism?

23 A. Generally, when a person is
24 baptized, they receive a copy of that
25 publication organized to accomplish our

1 R. ASHE

2 ministry. There is a newer version of that
3 out. So in the front, it has a place for
4 them to put their name and baptism date so
5 they have a record of when they were
6 baptized.

7 Q. My question is: Does the Service
8 Department receive some sort of a document
9 that acknowledges or recognizes the baptism
10 of a publisher?

11 A. No, sir, we do not.

12 Q. And do you receive reports, if not
13 individual activity records but reports of,
14 for example, the field records of the
15 congregation?

16 A. Of the congregations, yes. Of
17 individuals, no.

18 Q. What are these reports title, if you
19 know?

20 A. It's a Field Service Report.

21 Q. And what information is contained in
22 the Field Service Report.

23 A. Basically, it's an overview of the
24 entire activity of the congregation as far as
25 the number of brochures or magazines or books

1 R. ASHE

2 that had been placed, the number of hours
3 that have been conducted in the Ministry, the
4 number of Bible studies that have been
5 conducted, the number of return visits that
6 had been made on interested persons.

7 Q. And why are those kinds of records
8 maintained by the Service Department?

9 A. Well, its part of a report that we
10 make for the United States branch because,
11 again, we have a publishing organization, and
12 our literature is provided at no cost to the
13 public. So it helps us to be aware of the
14 amount of activity that is done in our public
15 preaching. The literature that's being
16 placed. Are we producing too many magazines
17 or too many books or are there not enough
18 books being placed, so that we can monitor
19 and adjust the levels of production, so as to
20 meet the needs of the publishers in the
21 field.

22 Q. At one time, were publications sold
23 to the public?

24 A. At one time, they were placed in the
25 field with the public for a nominal fee.

1 R. ASHE

2 Q. And that was up until when?

3 A. Up until 1989.

4 Q. And so when someone went out, a
5 publisher went out on field service and
6 offered literature published by the Jehovah
7 Witnesses, they would offer that at a fee,
8 nominal or otherwise?

9 A. That's correct. I remember as a
10 child going out and placing magazines for a
11 nickel each.

12 Q. And there was also the ability to
13 sell a subscription; is that correct?

14 A. Right. We did have some
15 subscriptions at that time.

16 Q. So, the public, members of the
17 public could subscribe to Watchtower or Awake
18 for example?

19 A. They could.

20 Q. And they would pay a fee to do that?

21 A. Yes, they would.

22 Q. And today, or as of 1989, that's
23 changed, that process has changed?

24 A. Yes.

25 Q. And it's my understanding that

1 R. ASHE

2 they're no longer asked to pay a specific
3 amount for any of these materials, instead,
4 it is suggested that they could give a
5 contribution; is that correct?

6 MR. ROUSE: Objection,
7 misstates the evidence, misstates
8 facts not in evidence.

9 MR. COPLEY: I'll join.

10 A. Should I answer this question?

11 Q. Yes.

12 A. So when we go to our door-to-door
13 ministry, we leave our literature at no cost
14 to anyone who would like to read it, but
15 there's no suggestion of a donation. If
16 someone wants to donate, if they offer to
17 donate, then we accept that donation to our
18 worldwide work.

19 Q. How would a member of the public
20 really know to do that unless somebody said
21 to them if you'd like you can make a donation
22 to the worldwide organization?

23 A. Most people don't. Some individuals
24 recognize the value of our literature and
25 they offer it on their own free will. It's

1 R. ASHE

2 not suggested to them.

3 Q. Publishers make a donation,
4 generally, when they obtain this literature
5 from the congregation; is that correct?

6 MR. ROUSE: Objection,
7 misstates the evidence, assumes facts
8 not in evidence in this case.

9 MR. COPLEY: Join.

10 A. So when a publisher picks up
11 literature at the Kingdom Hall, which is our
12 place of worship, many times they will donate
13 for that literature, but they don't always,
14 and we have no way of knowing because it's a
15 voluntary donation.

16 Q. But, generally, you have a
17 literature booth; is that correct?

18 A. It's a counter where they can pick
19 up literature, yes.

20 Q. And in most congregations, there are
21 two boxes next to that counter?

22 MR. ROUSE: Objection,
23 misstates the evidence in this case,
24 assumes facts not in evidence,
25 incomplete hypothetical.

1 R. ASHE

2 MR. COPLEY: I join.

3 A. I can tell you the way it is in our
4 congregation, Mr. Zalkin, and that is, those
5 boxes are in a different location from our
6 literature counter.

7 Q. What are the two boxes?

8 A. One is donations to help us with our
9 local expenses. For example, our
10 electricity, utilities, any maintenance of
11 our place of worship and the other is for the
12 worldwide work which is money that's gone in
13 to fund any aspect of the worldwide work,
14 which includes publishing literature.

15 Q. Are you familiar with what are
16 called "pioneer rates"?

17 A. I am.

18 Q. What is that?

19 MR. ROUSE: Objection. I think
20 it's vague as to time.

21 MR. COPLEY: I'll join.

22 Q. What is that?

23 A. Prior to 1989, when we would give
24 money for the literature, there was a rate.
25 For example, I told you that I used to place

1 R. ASHE

2 magazines for a nickel each. The pioneer
3 rate for a magazine would be three cents.
4 The other two cents difference is designed to
5 help pioneers with their gas expenses.

6 Q. Why are the records sent to the
7 Service Department or these reports sent to
8 the Service Department that you've described,
9 for example as field service activity or
10 Bible study activity; why is that?

11 A. Because the Service Department
12 oversees the field ministry that takes place
13 in the congregations.

14 Q. Does it matter how much time a
15 person spends in field service?

16 MR. COPLEY: Objection, vague.

17 A. I don't understand that question.

18 Q. Well, a publisher that does field
19 service keeps a record of the time that they
20 spend conducting field service; is that
21 correct?

22 A. That's correct.

23 Q. And that information is then added
24 to the aggregate of the time spent by all
25 publishers within the congregation; is that

1 R. ASHE

2 correct?

3 A. That's correct.

4 Q. And that is then reported to the
5 Service Department?

6 A. Right. The cumulative amount, not
7 the individual amount.

8 Q. Why is that necessary?

9 MR. ROUSE: Objection, asked
10 and answered.

11 MR. COPLEY: Objection, vague.

12 Q. Why is that necessary?

13 A. Again, if we are overseeing the
14 activity of our members in the field, it
15 gives us an idea of how much that activity is
16 taking place in our public ministry so we can
17 better meet the needs of the publishers.

18 Q. And what needs would those be?

19 A. Well, for example, if they're
20 putting in many hours, they're likely are
21 going to need more literature, which means we
22 are going to have to produce more literature.

23 MR. ZALKIN: Can we take a two
24 minute break and adjust this?

25 VIDEOGRAPHER: The time is

1 R. ASHE

2 11:29 a.m. and we're going off the
3 record.

4 (Whereupon, a short break was
5 taken.)

6 VIDEOGRAPHER: The time is
7 11:37 a.m., and we're back on the
8 record.

9 Q. Among the documents we asked you to
10 bring with you here today, in the notice of
11 the deposition, which I'll have marked as
12 Exhibit 1.

13 (Whereupon, a document was marked
14 as Exhibit 1, for identification, as of
15 this date.)

16 Q. On page four of that notice to
17 produce or to appear and produce, is item
18 number three, it says "Any and all records,
19 written communications, files or reports or
20 other documentary tangible or electronically,
21 created or stored information of any kind
22 evidencing the managerial hierarchy, staff
23 functions, organization, individual staff job
24 descriptions of the Service Department of
25 Watchtower Bible and Tract Society of New

1 R. ASHE

2 York, Inc., from 1979 to the present."

3 Did you bring any such documents
4 with you here today?

5 A. No, sir, I did not.

6 Q. Why not?

7 A. Because there are no such documents.

8 Q. Have you ever seen the U.S. branch
9 organizational manual?

10 A. The U.S. branch organizational
11 manual?

12 Q. Yes.

13 A. I'm not familiar with that.

14 Q. Have you ever seen a document, and I
15 heard it referred to a number of different
16 ways, that it lays out the way in which the
17 U.S. branch is organized, and what the
18 departments are responsible for doing and
19 that sort of thing?

20 A. Are you referring to like an
21 organizational chart?

22 Q. No, I'm talking about a guide book,
23 a manual handbook, something of that nature?

24 A. There is a publication branch
25 organization, but it's not specific to the

1 R. ASHE

2 United States branch.

3 Q. Have you reviewed that document?

4 A. The manual, yes, I have.

5 Q. And does it contain information
6 regarding the Service Department?

7 A. It does.

8 Q. Did you not think that might be
9 relevant to this request?

10 A. No, sir, I didn't.

11 Q. Why not?

12 A. Because as I read that, it talked
13 about the hierarchy. I was thinking more
14 along the lines of an organizational chart is
15 what you were looking for.

16 Q. Is that a document you have access
17 to?

18 A. Yes, I do.

19 Q. Is it one that we could have, is
20 that one you have that you can bring with you
21 tomorrow?

22 A. No, sir, I could not.

23 Q. Why not?

24 A. Because I don't have access to it
25 here.

1 R. ASHE

2 MR. ZALKIN: Is there some
3 objection to producing that manual or
4 that document?

5 MR. ROUSE: Yes.

6 MR. ZALKIN: What is that
7 objection?

8 MR. COPLEY: It's after 1986,
9 number one and not relevant, I don't
10 think.

11 MR. ROUSE: It's also a
12 confidential private document that's
13 produced by the governing body and
14 distributed only to a few members of
15 the branch committee and only very
16 few supervisors in the United States
17 branch.

18 It's not a document that is
19 distributed to congregations, to
20 elders or even to most members of the
21 religious order or special full-time
22 service of members of the Bethel
23 Family, and it is a document from my
24 understanding is about the internal
25 functioning of the religious order

1 R. ASHE

2 and the operation of a branch office

3 and religious homes known as Bethel.

4 MR. COPLEY: And the document

5 request doesn't include that.

6 Q. Are you qualified to talk about the

7 U.S. branch and how it is organized and its

8 function, its structure?

9 A. To a limited degree, according to my

10 knowledge.

11 Q. Is that something you expect

12 Mr. Moreno to be addressing as the person

13 most qualified?

14 MR. COPLEY: Yes, we are

15 offering him up for that.

16 MR. ZALKIN: And Mr. Moreno

17 will be talking about the

18 organizational structure of the

19 Watchtower Bible and Tract Society of

20 New York; is that correct?

21 MR. COPLEY: Correct.

22 Q. And are you the person most

23 qualified to discuss with us how judicial

24 committees function?

25 A. Yes, sir.

1 R. ASHE

2 Q. Let's talk about that.

3 A. Okay.

4 Q. Excuse me for taking some time
5 because I'm trying to reorient my questions
6 given that we now have two different people,
7 and they are going to be addressing two
8 different areas. Just trying to get a little
9 reorganized.

10 MR. COPLEY: No problem.

11 Q. What is a judicial committee?

12 A. A judicial committee is a
13 specialized form of shepherding to help
14 individuals who have committed some type of
15 serious sin within the christian
16 congregation.

17 Q. Who is qualified to participate on a
18 judicial committee?

19 A. Appointed elders make up the
20 judicial committee. Scripturally, that's
21 because they are the ones assigned the
22 responsibility to be teachers and Shepherds
23 of the congregation.

24 Q. And what causes a judicial committee
25 to be invoked?

1 R. ASHE

2 MR. COPLEY: Objection, vague.

3 Go ahead.

4 A. Well, there could be two reasons for
5 that. An individual may commit a gross sin
6 according to what the Bible said. I believe
7 I read the scriptures to you earlier of some
8 of judicial offenses that the could put a
9 person outside the congregation. They come
10 to the elders in harmony with James Chapter
11 5.

12 Q. You know, I'm going to tell you
13 that -- I know you like to do that but it's
14 not necessary for this examination. I just
15 am interested in how these committees
16 operate, their function, their practice, not
17 why. That is religion, and I understand
18 that, but I am most interested in how and the
19 practice.

20 A. Okay. You wouldn't mind if I just
21 read it, would you?

22 Q. You can do that. It's going to be a
23 long deposition, but you can do that. We're
24 probably going to move to strike this part of
25 your testimony because it isn't relevant to

1 R. ASHE

2 this case.

3 MR. COPLEY: It certainly is
4 relevant.

5 A. So again here in James Chapter 5 it
6 talks about individuals who could come to the
7 older men of the congregation. In fact it
8 says here, "Is there anyone suffering
9 hardship among you, let him carry on prayer.
10 Is there anyone in good spirits, let them
11 sing psalms." It says if there is anyone
12 sick among you, it's talking about spiritual
13 sickness, "let him call the elders of the
14 congregation to him and let them pray over
15 him, applying oil to him in the name of
16 Jehovah, and the prayers of faith will make
17 the sick one well and Jehovah will raise him
18 up."

19 So the older men have the
20 responsibility of trying to help individuals.
21 If they've committed some kind of sin or
22 they're have having some spiritual
23 difficulty, they can approach the elders,
24 they can confess those sins. The elders will
25 do their best to spiritually restore that

1 R. ASHE

2 individual.

3 On the other hand, there's the
4 scriptural precedence cited there in
5 Deuteronomy and also Jesus' words in Matthew
6 and again, in Timothy's words or Paul's words
7 to Timothy "that out of the mouth of two
8 witnesses a matter is firmly established."

9 So if you have two witnesses to some act of
10 wrongdoing, first they could approach the
11 individual and prompt them to come to the
12 elders but if they don't, then the two
13 witnesses would have the responsibility. For
14 example, mentioned here in Leviticus 5, it
15 says "If someone sins because he's heard a
16 public call to testify and he is a witness or
17 has seen or learned about it, he does not
18 report it, then he will answer for his
19 error."

20 So this gives the individual the
21 opportunity to come forth but if they don't,
22 the witnesses of that wrongdoing would come
23 to the elders and report the matter.

24 Q. Who decides which elders will
25 participate in a judicial committee?

1 R. ASHE

2 A. The body of elders does.

3 Q. And if a publisher reports to an
4 elder, let's use for example, a claim of an
5 allegation of child sexual abuse by a member
6 of the congregation against the child of the
7 congregation. If that is reported to an
8 elder, walk me through the steps of what
9 happens with that information.

10 A. Okay. In which one of those
11 scenarios, by confession or witnesses or?

12 Q. Well, let's assume it's not by
13 confession. Let's assume that it's a mother
14 who reports to an elder that her child was
15 sexually abused by another member of the
16 congregation.

17 A. So it hasn't been established.
18 Right now it's an allegation?

19 Q. Correct.

20 A. Of child sexual abuse?

21 Q. Correct.

22 A. So the elders would look into the
23 matter. They would meet with the mother, and
24 depending on the age of the child, the child
25 is of tender years, they may not meet

1 R. ASHE

2 directly with that child, but certainly not
3 without the parent present just to find out
4 what took place. Then they would also
5 confront the individual accused to see what
6 they had to say about it. If they confess,
7 then the matter's been established.

8 Q. How is it determined which elders
9 will interview the mother?

10 A. When the allegation comes to the
11 body of elders, the elders will assign two of
12 their number, two elders to approach that
13 mother and talk with her.

14 Q. If the mother didn't directly
15 witness the allegation, the alleged abuse,
16 would they then make an effort to speak with
17 the child?

18 Mr. COPLEY: Objection, vague,
19 incomplete hypothetical.

20 A. Would they make an effort to speak
21 with the child?

22 Q. Correct.

23 A. Certainly not without the parents
24 and, again, it depends on if the child is of
25 tender years or not. They're not going to do

1 R. ASHE

2 anything to emotionally extort or exploit
3 that child.

4 Q. Can that child be one of the two
5 witnesses?

6 A. Depending on their age and
7 credibility, they can.

8 Q. So assuming that they are of a
9 certain age and of certain level of
10 credibility, how would that be determined? I
11 mean how would the elders determine if that
12 child is credible or capable of giving
13 credible testimony?

14 A. Unless a child has a reputation of
15 being untruthful, most children are innocent
16 and if they say something, there's reason to
17 listen to what they have to say.

18 You know the truth has the ring of
19 truth to it, but it still has to be
20 established scripturally by the mouth of two
21 witnesses for the congregation to be
22 authorized to take any action.

23 Q. What education, training, experience
24 do elders receive on how to interview a child
25 regarding an allegation of sexual

1 R. ASHE

2 molestation?

3 MR. COPLEY: Objection, vague,
4 overbroad, incomplete. Just vague
5 and overbroad. It lacks foundation.

6 A. Well, I'll share a thought here with
7 you with you, Mr. Zalkin. 2 Timothy 3:16-17.
8 You may be familiar with this. It says, "All
9 scripture inspired of God and beneficial for
10 teaching, and reproof, for setting things
11 straight, for disciplining in righteousness,
12 so that the man of God may be fully
13 competent, completely equipped for every good
14 work."

15 Honestly, Mr. Zalkin, we are not
16 trained investigators, we are not
17 psychologists, we are not psychiatrists, we
18 are not doctors. Although a few may be in
19 their profession. By and large, we're not,
20 but by the principals that are found in God's
21 word, our elders are trained to be
22 spiritually to be good listeners in accord
23 with what's stated there in James 1. It says
24 "To be quick about hearing, slow about
25 speaking, to be good listeners to individuals

1 R. ASHE

2 and to try and ascertain the facts of the
3 matter."

4 But they're not authorized to go out
5 and be spiritual policemen. So they don't go
6 out and do an investigation, for example;
7 like the local police department might or a
8 private investigator might. They're not
9 trained that way.

10 They're training as mentioned here
11 at 2 Timothy 3:16-17, just the scriptural
12 training that they receive.

13 Q. And within that scriptural training,
14 do they have any education, experience with
15 the propensity of molested children to either
16 tell what happened or withhold telling what
17 happened?

18 MR. COPLEY: Objection, lacks
19 foundation, speculation. Go ahead.

20 Q. As you've already received numerous
21 articles that we've been publishing since
22 1981 dealing with the scourge of child abuse.
23 It's an abhorrent thing and so it takes
24 someone to be tender, someone to be loving
25 and concerning with these individuals.

1 R. ASHE

2 They're trained as part of their shepherding
3 work to be able to be helpful to such
4 individuals, even our small children. But,
5 again, never apart from the parent because we
6 recognize the parents have the primary
7 responsibility of teaching their children,
8 protecting their children, caring and
9 nurturing their children.

10 Q. Aside from speaking tenderly and
11 being gentle and being kind, what experience
12 do they have in attempting to ascertain from
13 a child whether they were sexually abused or
14 not, given the propensity of children do not
15 report their abuse?

16 MR. COPLEY: Objection, assumes
17 facts not in evidence, vague and
18 ambiguous, overbroad, lacks
19 foundation.

20 MR. ROUSE: I join.

21 A. Again, in addition to the articles
22 that have been provided, we've had various,
23 what we call, Kingdom Ministry schools for
24 elders where we touch on these subjects and
25 try and help them to understand the special

1 R. ASHE

2 needs of children in this regard, but I'll
3 emphasize again, have not had any formal
4 training in this, Mr. Zalkin.

5 Q. But you do, in your literature, in
6 several of the Awake articles indicate the
7 numbers of cases of childhood sexual abuse
8 where children do not report that abuse,
9 correct?

10 A. In our publications they research
11 this from a number of different reputable
12 sources, and that's where they quote the
13 figures from acknowledging that.

14 Q. And do they have any training or
15 experience in the impact of having a parent
16 present when a child is asked about what
17 happened to them sexually?

18 MR. COPLEY: You say "they."

19 MR. ZALKIN: They the elders.

20 MR. COPLEY: The elders doing
21 the investigation?

22 MR. ZALKIN: Yes.

23 MR. COPLEY: Sorry.

24 A. Could you be more clear on that
25 question?

1 R. ASHE

2 Q. Sure. Does the Bible teach them,
3 elders what impact it has on a child to have
4 a parent present when a child is being asked
5 about what happened to them sexually?

6 MR. COPLEY: Objection, vague.

7 Go ahead.

8 A. I don't understand what you mean
9 "what impact" it has on a child. If a
10 child's parent is present, that should be a
11 source of consolation and comfort to them, an
12 additional layer of comfort and security to
13 them.

14 Q. And that is what elders are trained
15 to believe?

16 A. Again, we can only go by what the
17 scriptures say and that's the nurturing
18 relationship that God's word encourages with
19 parents and children.

20 Q. Do you have any idea why when
21 forensic interviews are taken of their
22 children they are separated from their
23 parents when they have an interview?

24 MR. ROUSE: Objection, it's
25 beyond the scope of this examination,

1 R. ASHE

2 beyond the scope of the PMQ here.

3 Q. I'm just being a little
4 argumentative, I'm sorry.

5 MR. COPLEY: And argumentative.

6 MR. ZALKIN: I'll withdraw
7 that. That's a fair objection.

8 Q. If -- after speaking with the child
9 or the parent and the child, then the accused
10 would be interviewed as well, correct?

11 A. That's correct.

12 Q. If there is a confession or an
13 admission, then what happens?

14 A. Then the elders would report back to
15 the body of elders and a judicial committee
16 would be invoked to meet with the individual.

17 Q. And what is the goal of that
18 committee's meeting with that accused who has
19 confessed, what is the purpose of that?

20 A. The purpose of the committee is to
21 try and help the individual to be restored
22 spiritually, to maintain a relationship with
23 God, but it is also to help them to
24 understand the gravity of what they've done
25 and to show them from the scriptures why that

1 R. ASHE

2 is so abhorrent, not only to God but to

3 Jehovah Witnesses.

4 Q. And if that individual demonstrates

5 a certain level of repentance, heartfelt,

6 what happens?

7 MR. COPLEY: Objection, vague

8 incomplete hypothetical, overbroad.

9 A. If the individual's repentant -- you

10 got to understand what the bible's word mean,

11 repentant. It means that they have to

12 demonstrate that they have a changed view

13 point or disposition towards the wrong that

14 they committed. It's not just a worldly

15 sadness where they shed some tears and oh,

16 I'm sorry. There has to be what the book of

17 Acts describes as works that befit

18 repentance. They have to demonstrate that

19 they've turned around and if that's the case,

20 then it may be that they're allowed to stay

21 as a member of the congregation, but they're

22 given judicial reproof where the elders go in

23 and use scriptures, again, to show why what

24 they did is abhorrent to God. Why what they

25 did is not acceptable and the scriptures to

1 R. ASHE

2 show what they need to do to change their
3 heart and their mind so as not to repeat the
4 sin.

5 Q. So what must a confessed child
6 molester do to demonstrate to the judicial
7 committee that he is repentant by your
8 definition that he understands how abhorrent
9 his behavior is?

10 MR. COPLEY: Objection, vague,
11 overbroad, incomplete hypothetical.

12 A. There are a number of things that
13 they can look for in the individual. An
14 acknowledgement of the sin, an apology to the
15 victim or the victim's family, what have they
16 done to right the wrong.

17 You can't right child sexual abuse
18 but there are steps that you can take to show
19 genuine repentance there, that you're truly
20 cut to the heart for what took place and when
21 that's evident to the judicial committee,
22 then they may choose to reprove. Even at
23 that, the reproof would be announced to the
24 congregation as an indication to the
25 congregation that all is not well with this

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person, so therefore, their own guard around this individual.

Q. So do they wait some period of time to see, make sure that this confessed child molester is not going to repeat that offense before they make a decision to reprove or not?

MR. ROUSE: I'm going to object to this whole line of questioning about judicial committees, reproof, disfellowship, repentance. It's religious. It has to do with religious beliefs and practices of Jehovah Witnesses. And it's forbidden by the First Amendment of the United States Constitution of Freedom of Religion. It's also part of the establishment clause. Civil courts are not to determine, you know, to be competent judges of what should be true and accurate in religion or any different religion.

By the civil court in this case, considering all of this

1 R. ASHE

2 information, would be inviting such a
3 determination and, therefore, under
4 establishment rules.

5 I am going to object on the
6 First Amendment basis on this whole
7 line of questioning.

8 MR. COPLEY: I join.

9 MR. ZALKIN: I have not asked
10 you a single question about what you
11 believe or what Jehovah Witnesses
12 believe. I'm asking -- listen if
13 you're going to be insulting Mario,
14 then I'm going to have to stop this
15 deposition. I have a right to state
16 my position. I don't need you to
17 laugh. I don't need you to burst
18 out. If you can't control yourself,
19 we'll adjourn the deposition. I'll
20 get a protective order excluding you
21 from being present, kay.

22 MR. MORENO: The record will
23 reflect what I did.

24 MR. ZALKIN: Yes, it will.

25 MR. MORENO: It will.

1 R. ASHE

2 Q. I haven't asked you anything about
3 belief. I'm asking you about practice, and
4 the practice that I've asked you is, before
5 they issue a reproof, do they wait a period
6 of time to see or be sure that a confessed
7 child molester is not going to repeat that
8 conduct?

9 MR. ROUSE: I'm going to renew
10 my objection on the First Amendment
11 basis that I've stated. Beliefs and
12 practices of religion are protected
13 under both clauses of the First
14 Amendment. Practices of
15 disfellowshipping, reproofing, not
16 disfellowshipping, not reproofing,
17 determining what is a sin and what is
18 not a sin is all a religious matter.

19 MR. COPLEY: I'll join, go
20 ahead.

21 Q. Are you going to answer my question?

22 A. Yes, I'll answer your question.
23 Just waiting to see if anything else comes
24 up. But, and the answer to your question,
25 they make a decision at the judicial hearing

1 R. ASHE

2 with that individual. So the works that
3 befit repentance. The heartfelt desire not
4 to repeat the wrong, changed viewpoint
5 towards the wrong, has to be determined by
6 the time they meet with that individual.
7 There is no grace period. There is no period
8 okay, now you've been counseled, let's see
9 what you do with it, that would be a mistake.

10 If they haven't demonstrated by the
11 time it comes to a judicial committee, that
12 they are generally repentant, then they will
13 be, you know, put out of the congregation, no
14 longer one of Jehovah Witnesses. I hope that
15 answered your question.

16 Q. Thank you. I appreciate it.

17 And, now, in the case of an accused
18 child molester who does not make a
19 confession, what happens then? You have an
20 interview of the child and the mother. Now
21 the accused will not confess to the
22 allegations, what happens?

23 MR. COPLEY: You only have a
24 single witness, the child?

25 MR. ZALKIN: You have the

1 R. ASHE

2 child.

3 Q. Are there a circumstance where no
4 one else was present during the molestation,
5 and you have a child who is claiming or has
6 told their mother?

7 MR. COPLEY: Understood. Your
8 question just didn't make it clear
9 whether the mother happened to see it
10 in that particular question.

11 MR. ROUSE: I'm going to renew
12 my First Amendment objection to this
13 line of questions.

14 MR. COPLEY: Join. Go ahead.

15 A. Again, Mr. Zalkin you mentioned
16 about this earlier. This is a matter of our
17 religious beliefs. Deuteronomy 19:15 it says
18 "No single witness may convict another for
19 any error or any sin that he may commit."
20 And then further in Verse 18 it says, "The
21 judges will thoroughly investigate and if the
22 man who has testified is a false witness and
23 has brought a false charge against his
24 brother, you should do to him just as he has
25 schemed to do to his brother."

1 R. ASHE

2 Basically, what we're told there in
3 the scriptures, we cannot -- we are not
4 scripturally authorized to take action
5 against a member of the congregation based on
6 one witness, no matter what their age.

7 Q. Is your answer, no action will not
8 be taken?

9 A. I'm not saying no action will not be
10 taken. The action that would be taken is if
11 there's an accusation against an individual,
12 a congregation, the congregation elders are
13 going to be vigilant with that individual.
14 It may be that nothing scripturally
15 authorizes to take action as far as putting
16 them out of the congregation, but it doesn't
17 mean that we don't continue to be vigilant
18 for the safety and protection of children.

19 Q. Does that vigilance include telling
20 parents to be careful and be observant with
21 their children if they see their children
22 around this individual?

23 A. Are you talking about other parents
24 in the congregation?

25 Q. Correct.

1 R. ASHE

2 A. No, they would not do that because
3 the accusation was not established.

4 Q. How is that vigilance conducted?

5 A. They would be observant of the
6 individual whenever they are in the
7 congregation setting. May I continue?

8 Q. Yes.

9 A. I'm sorry, I didn't want to
10 interrupt. But they would be vigilant as to
11 that individual's conduct around children in
12 the congregation setting, not being overly
13 familiar with children, having them sit on
14 their lap, showing signs of affection to
15 them, being alone with children in any way.

16 But, again, we are not spiritual
17 policemen. What they do outside the
18 congregation setting, you know, we have no
19 ability to monitor or to control or to
20 police. We're not scripturally authorized to
21 do that.

22 Q. And that description that you just
23 provided us of the vigilance, they have
24 elders that are expected to undertake where
25 they have this information but they haven't

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achieved the level of confession or the two witnesses required to take judicial action. Is a standard of care that would be expected, and has been expected of elders in the 1980's, the 1990's to the present; is that correct?

MR. ROUSE: Objection to the legal classification standard of care. I don't think this witness is qualified to talk about standard of care.

MR. COPLEY: I would agree with that. He's not designated as an expert on standard of care issues in this case. Go ahead.

A. In looking at that, Mr. Zalkin, going back to 1986, the elders would try to be vigilant because the scriptural principals have always been there. As far as our policies and procedures, trying to help elders to be more cognizant of this. We've been progressive. We've been constantly changing things to give greater protection to our children as more and more. We become

1 R. ASHE

2 aware of these situations and how we can do
3 that.

4 Q. In 1986, were elders aware that a
5 child molester has the propensity to molest
6 again?

7 MR. COPLEY: Objection, vague,
8 overbroad, speculation.

9 MR. ROUSE: Join.

10 A. The only thing I can tell you with
11 that, Mr. Zalkin, is our elders were trained
12 in accord with what's been provided for them
13 in our printed materials, in our magazines.

14 In 1986, this was something that was
15 immerging in society. Just an addendum to
16 that, since you have the magazines there, as
17 far back as 1981, we were already making the
18 public aware of this scourge of child abuse.
19 At that time, it was referred to as incest.
20 It was only later with worldwide
21 publications, surveys, FBI reports that
22 brought out that this was a scourge not only
23 within the family but other individuals
24 molesting children as well.

25 So there was a societal educational

1 R. ASHE

2 work that was going on at that time, as well
3 as what our elders were setting through the
4 publications that were produced.

5 Q. In 1985, do you believe that elders
6 were made aware or were aware that the abuse
7 of a child, the sexual abuse of a child is a
8 crime?

9 MR. COPLEY: Objection, vague,
10 overbroad, speculation.

11 A. Even if it wasn't a crime secularly,
12 it was a crime spiritually.

13 Q. And were they aware that there is a
14 possibility that if that person committed
15 that crime, abusing a child, that they could
16 do it again?

17 MR. COPLEY: Objection, vague,
18 overbroad, incomplete hypothetical,
19 speculation. Go ahead.

20 A. I believe our articles speak for
21 themselves in the warnings that they gave.

22 Q. You don't know that? You were an
23 elder in 1985?

24 A. I was.

25 Q. And did you know a child molester

1 R. ASHE

2 could repeat that offense?

3 A. I believe that anyone that has
4 propensity towards sin could repeat that sin
5 no matter what it is.

6 Q. If the person, the accused confesses
7 and what happens, what happens if they make a
8 confession to this judicial committee?

9 MR. COPLEY: Objection, vague,
10 overbroad, incomplete hypothetical.

11 MR. ROUSE: I renew my First
12 Amendment objection. Go ahead.

13 MR. COPLEY: I'll join that.

14 A. Again, the process would not change
15 whether they confessed or it was established
16 by two witnesses. The elders would continue
17 to try and readjust the individual
18 spiritually, which is in harmony of Galatians
19 6:1, to try and readjust such an individual.
20 So in doing that, they would use the
21 scriptures to help the individual to try and
22 see the gravity of what they've done. If it
23 involved child abuse, how abhorred that is in
24 God's eyes. So as not to repeat the sin.

25 You know, Mr. Zalkin, in looking at

1 R. ASHE

2 this from the scriptures, our objective isn't
3 to legislate to individuals. It's to educate
4 them. You know it's only if you educate them
5 that it reaches the heart and motivates them.
6 I'll give you an example. A no trespassing
7 sign. How many no trespassing signs has
8 anyone ever gone by? I've gone by them. But
9 if you no trespassing, high voltage --

10 Q. I don't mean to cut you off. I'm not
11 asking you to justify or what the
12 justification is. I'm just asking you what
13 happens.

14 A. Okay.

15 Q. So as I understand it, if you have a
16 confessed child molester to a judicial
17 committee or you had the two eye witnesses
18 that corroborate, confirm the allegations,
19 something happens?

20 MR. COPLEY: But you asked him
21 what happened.

22 Q. Something happens. There's an
23 action taken. I'm asking you what the
24 thinking is, what the rationale is, but a
25 certain course of action is taken by those

1 R. ASHE

2 elders?

3 A. Mr. Zalkin, that's what I'm
4 describing to you, that is what happens.

5 Q. They're counseled?

6 A. They're counseled. They're
7 educated. We try to reach their hearts so
8 they won't repeat that sin again.

9 Q. Okay.

10 A. But if we are unsuccessful in doing
11 that, if it's determined that the individual
12 is unrepentant that, you know, they pose a
13 danger to the congregation, they are
14 disfellowshipped. They are no longer one of
15 Jehovah witnesses.

16 Q. And if they demonstrate the level of
17 repentance that we've discussed already?

18 A. Yes, sir.

19 Q. Then they're not disfellowshipped?

20 A. No.

21 Q. Is there anything done, any kind of
22 action taken?

23 A. Yes.

24 MR. ROUSE: Objection, First

25 Amendment.

1 R. ASHE

2 Q. What is that?

3 MR. COPLEY: Join. Vague,
4 overbroad, incomplete hypothetical.
5 Go ahead.

6 A. Again, scriptural precedence there
7 is that they should be reprov'd. It's in
8 Paul's letter to Timothy that they should
9 reprove such an individual. And in doing
10 that, again, they go back through the
11 scriptures. They enumerate not only the
12 wrong, but what they need to correct the
13 wrong or make amends for the wrong any way
14 that they can. And if a reproof is given,
15 then an announcement is made to the
16 congregation so that the congregation knows,
17 they don't know the details of what took
18 place, but they know all is not well with
19 this individual, and they guard their
20 association around this person.

21 Not only that, but the congregation
22 may impose, always imposes, restrictions upon
23 the individual so that they are not put into
24 a position of trust within the congregation.

25 Q. Do they warn members of the

1 R. ASHE

2 congregation --

3 MR. COPLEY: Objection, vague.

4 Q. -- about this man's, woman's conduct
5 for that matter?

6 MR. COPLEY: Objection, vague.

7 MR. ROUSE: Asked and answered.

8 A. No. They are not specific about the
9 sin.

10 Q. Are the members of the congregation
11 expected to read the hearts of these
12 individuals?

13 A. No more than the elders can.

14 Q. Is it expected that parents are to
15 protect their children and have the primary
16 responsibility for doing so?

17 A. Yes, it is.

18 Q. Yet, it isn't expected they could
19 read the heart and mind of this accused,
20 correct?

21 MR. COPLEY: Objection, vague,
22 overbroad, incomplete hypothetical.

23 A. Yes.

24 Q. Yes.

25 A. It's not expected.

1 R. ASHE

2 Q. And when there's a public reproof,
3 what they are told and, what they are to
4 imply from that is that this person has done
5 something wrong?

6 A. That's correct.

7 Q. And in some general sense, they
8 should be cautious in their association with
9 them?

10 A. That's correct. And that is a
11 warning to the congregation that all is not
12 spiritually well with this individual.

13 Q. What are the various offenses that
14 could lead to a public reproof?

15 MR. ROUSE: Objection, First
16 Amendment.

17 MR. COPLEY: I join, vague,
18 overbroad. Go ahead.

19 A. Any of the offenses for which an
20 individual can come to the judicial
21 committee, come before a judicial committee.
22 If it's not to disfellowship, it could be
23 private reproof or public reproof.
24 Especially, if it could endanger others or if
25 others already have knowledge of it or may

1 R. ASHE

2 have come to have knowledge of it.

3 Q. If a person was a confessed
4 adulterer, could that lead to public reproof?

5 MR. ROUSE: Objection, First
6 Amendment.

7 MR. COPLEY: I'll join, vague,
8 overbroad, speculation.

9 A. Again, going to the scriptures,
10 Mr. Zalkin, looking at adultery. Adultery
11 could be a basis for scripturally ending a
12 marriage.

13 Now, Jesus said that a mate had the
14 opportunity to forgive the erroring mate.
15 But if the mate does not forgive that mate,
16 then an announced reproof would be given
17 because if either one of them pursued divorce
18 or later started dating with a view to
19 remarriage, would set the conscious of the
20 congregation at ease that one, the matter was
21 handled, and that the innocent mate was not
22 the one responsible for it.

23 Q. But there would -- people would not
24 be told, would they, that adultery was the
25 basis of the public reproof?

1 R. ASHE

2 A. No, they wouldn't.

3 Q. So, again, in that situation, what
4 people would understand from the public
5 reproval is that this person has done
6 something wrong warranting that, and that
7 they should be cautious in their association
8 with that individual, correct?

9 A. That's correct.

10 Q. Can one appeal a decision of the
11 judicial committee?

12 MR. ROUSE: Objection, First
13 Amendment.

14 A. For disfellowshipping they can.

15 Q. How is that appeal taken?

16 A. Presently or in 1986?

17 Q. Let's do '86 and then we can talk
18 present.

19 A. Okay. In 1986, an individual who
20 did not agree with the decision of the
21 judicial committee had the right to appeal
22 that decision. If that was the case, then
23 the circuit overseer would be contacted and
24 he would recommend an appeal committee from
25 outside the congregation that would be

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R. ASHE

objective, potentially unbiased, have a fresh hearing on the matter, and they would rehear the case of the original judicial committee, that this disfellowship would also be in attendance there. And then as the appeal committee listened, they too would be interested in one, was it a scriptural offense that could result in disfellowshipping, and then two, if there was genuine repentance shown at the time of the judicial committee, and then they would base their judgement on that, they could either uphold the decision or they may find that their decision lacked merit.

Q. So the elders of the appeal committee are different elders than the elders who sat on the original judicial committee; is that correct?

A. That's correct.

MR. ZALKIN: I think we're nearing the end of this tape. Why don't we go off the record and change the tape.

VIDEOGRAPHER: This completes

1 R. ASHE

2 tape number one. The time is 12:24
3 p.m., and we're going off the record.

4 (Whereupon a break was taken.)

5 VIDEOGRAPHER: This begins tape
6 number two. The time is 12:28 p.m.
7 and we're back on the record.

8 Q. Mr. Ashe, we were talking about the
9 appeal of a judicial committee's decision.

10 Now, how are the elders selected,
11 that will be the ones to sit on the appeal
12 committee?

13 MR. ROUSE: My First Amendment
14 objection stands.

15 MR. COPLEY: I'll join. Go
16 ahead.

17 A. These are individuals who are
18 selected by the circuited overseer who would
19 have knowledge of qualified men who are in
20 other congregations that would be able to sit
21 on such a committee.

22 Q. And is the circuit overseer then is
23 he contacted when the appeal is received?
24 How is he contacted, how does he learn that
25 there is an appeal?

1 R. ASHE

2 A. When the individual makes the
3 request for an appeal, we'll contact the
4 chairman of the judicial committee. The
5 chairman then contacts the circuit overseer
6 and lets him know that an appeal has been
7 made. So that then the circuit overseer can
8 then select brothers to be used in the appeal
9 process. We'll give him the contact
10 information of the chairman of the original
11 committee, so that they can work out the
12 details of setting up another meeting with
13 the individual.

14 Q. And the way in which an appeal is
15 initiated, is that through a written letter
16 by the accused, if you will?

17 MR. ROUSE: Objection, First
18 Amendment.

19 MR. COPLEY: I will join him.
20 Go ahead.

21 A. Yes. They submit a letter of
22 appeal, stating the reason for the appeal,
23 whether they feel the elders used poor
24 judgement in this, that they were guilty of
25 the event for which they were accused or if

1 R. ASHE

2 they just feel that maybe there was bias by
3 one of the members of the judicial committee.

4 Q. And is that letter then, or a copy
5 of that letter, provided to the circuit
6 overseer?

7 A. The letter is not provided to the
8 circuit overseer, no, sir.

9 Q. When the circuit overseer is
10 contacted, is he advised as to what the basis
11 of the appeal is in any way, what the
12 underlining offense is and what the appeal
13 is?

14 MR. COPLEY: Objection, vague,
15 overbroad, incomplete hypothetical.

16 MR. ROUSE: First Amendment.

17 MR. COPLEY: I join.

18 A. The circuit overseer, occasionally
19 maybe the chairman of the judicial committee
20 would tell him that, but the thing the
21 circuit overseer is aware of, is that he's
22 been contacted by the chairman of the
23 committee. They need an appeal committee.
24 So he doesn't receive a lot of details about
25 the specific case.

1 R. ASHE

2 Q. And at the time of the appeal
3 committee hearing, is there -- who
4 participates in that, what parties
5 participate in what?

6 A. Initially, the appeal committee will
7 meet with the original judicial committee to
8 hear the case, to be apprised of what took
9 place. The judicial committee can chair any
10 facts about the case, the specifics of the
11 case, why they made the decision that the
12 individual was not repentant, and after
13 meeting with the original judicial committee,
14 then they invite the individual who is met
15 with to come in, the one who appealed. Once
16 that individual comes in with the original
17 committee present to make sure that
18 everything is the way they remember it taking
19 place, the appeal committee will then rehear
20 the case. And if they have questions for the
21 wrongdoer or if they have questions for the
22 original committee, then they have the
23 opportunity to ask that for any clarifying
24 comments or facts of the case.

25 Q. If there is an appeal, what actions

1 R. ASHE

2 are available to the appeal committee?

3 MR. COPLEY: Objection.

4 Q. Does that make sense?

5 A. I think I know what you're asking,
6 but if my answer doesn't reflect that, I'm
7 sure you'll ask me again.

8 Q. Okay. I appreciate that.

9 MR. ROUSE: My objection is
10 First Amendment basis.

11 MR. COPLEY: I join. Go ahead.

12 A. So the actions of the appeal
13 committee is to uphold the decision of the
14 original committee to disfellowship, and if
15 that is the case, then seven days later the
16 announcement would be made to the
17 congregation that the individual is no longer
18 one of Jehovah's Witnesses.

19 In 1986, the announcement was made
20 that the person was disfellowshipped. But if
21 the appeal committee has reason to doubt the
22 decision of the original committee, then no
23 action would be taken at that time, other
24 than the appeal committee would then write to
25 the Service Department and let them know why

1 R. ASHE

2 they disagree with the original committee's
3 decision. Then both committees would send
4 their information in to the Service
5 Department to be reviewed by responsible
6 brothers there.

7 Q. Who or what category of person at
8 the Service Department or persons at the
9 Service Department would then review these
10 respective position from the judicial
11 committee and original judicial committee and
12 appeal committee?

13 A. Within the Service Department, it
14 would come to the service desk that's
15 responsible for that congregation.

16 In looking at the information, he
17 would look at it, and then he would get --
18 well, let me back up just a little bit.
19 Every service desk is assigned to what we
20 call a service desk group, which is comprised
21 of five, maybe six other service desks. Then
22 it would be circulated among that group for
23 each one to offer their comments, and then
24 discuss it to see if there was basis for the
25 appeal committee's concerns, or if the

1 R. ASHE

2 decision of the original committee should be
3 upheld.

4 Now, in writing back to the
5 committees, we do not tell them what to do.
6 It's their decision. But we may give them
7 points, scriptural points to think about when
8 making that decision to see if it alters
9 their decision at all. Maybe they have time
10 to think about it, look at it in view of the
11 scriptures. Maybe they come to a different
12 decision that way, decide to uphold it or the
13 original committee may decide, you know,
14 something, maybe we didn't make a good
15 decision here.

16 Q. The service desk, is that manned by
17 a single individual?

18 A. Yes. May I clarify that.

19 Q. Yes.

20 A. The service desk is manned by a
21 single individual, but there are numerous
22 service desks in the Service Department.

23 Q. Correct. As I understand it, the
24 service desk is essentially responsible for
25 the communications with a group of

1 R. ASHE

2 congregations?

3 A. That's correct.

4 Q. We spoke earlier about the S77 form,
5 and there are some additional forms that I
6 wanted to discuss with you as well. The S79
7 A and B forms, are you familiar with those?

8 A. Yes.

9 Q. Can you explain to us what those
10 are?

11 A. They were cards that were used,
12 specially in the period of 1986. They've
13 been discontinued but they are cards that
14 would just list what the judicial offense was
15 scripturally. The name of the individual and
16 that they were either disassociated or
17 disfellowshipped.

18 Now, I brought in disassociated,
19 that's the action an individual takes
20 themselves. If they no longer want to be one
21 of Jehovah's Witnesses, they can disassociate
22 themselves, and we recognize their decision.

23 Q. Let me just backup for a second.
24 You said that the appeal committee will
25 submit their considerations and their

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R. ASHE

thoughts regarding actions of the original
judicial committee and to the service desk at
the Service Department. And the original
judicial committee will do the same, will
submit something to the original desk. Is
that a form of some kind or is that just a
letter that they write, how is that
transmitted or communicated?

A. Again, that's only if the appeal
committee disagrees with the original
committee. It's done, the original committee
will submit the S77. The appeal committee
will give a letter stating their reasons for
disagreement.

Q. And then does the original committee
submit some additional letter or document or
they just leave it with the S77 form?

A. They can submit a document stating
their reasons for either acceding to the
decision of the appeal committee or why they
disagree with the appeal committee.

Q. And how do they learn of the appeal
committee, their thoughts; how did they learn
of that?

1 R. ASHE

2 A. It's discussed between the appeal
3 committee and judicial committee.

4 Q. And what happens with those, the
5 letter from the appeal committee, under the
6 scenario where they are disagreeing with the
7 actions of the original judicial committee?
8 What happens to that letter in the Service
9 Department, what happens to that?

10 MR. ROUSE: Objection,
11 relevance. First Amendment issues.

12 MR. COPLEY: Also overbroad,
13 vague and ambiguous, and I'll join in
14 that objection. Go ahead.

15 A. Once the letter is received by the
16 Service Department and after it's been
17 considered, it would be filed along with the
18 S77 into the congregation's file.

19 Q. And as of 2002, were those letters
20 scanned as well?

21 MR. ROUSE: Objection.

22 A. Not in 2002.

23 Q. Is there some point in time when
24 those letters would start to be scanned?

25 MR. ROUSE: Objection. This is

1 R. ASHE

2 vague. It's irrelevant. It's just a
3 fishing expedition for I don't know
4 what because there was no appeals in
5 this case. We are just going way
6 afar afield here and the First
7 Amendment violations I talked about.

8 MR. COPLEY: I join.

9 Q. Were those letters scanned at
10 some point?

11 MR. COPLEY: Objection, lacks
12 foundation, speculation.

13 A. Scanning of our files did not occur
14 until around 2011.

15 Q. Has the historical files, such as
16 these been scanned?

17 A. Yes.

18 MR. COPLEY: Such as
19 these (indicating) been scanned?

20 MR. ZALKIN: Yes.

21 Q. These letters that we've just been
22 talking about, appeal committee letters?

23 A. Yes.

24 Q. And are those then stored in the
25 electronic file of that congregation?

1 R. ASHE

2 A. They are.

3 Q. Is there a process where someone who
4 has been disfellowshipped can seek to be
5 reinstated?

6 MR. ROUSE: Objection, First
7 Amendment issues.

8 MR. COPLEY: I join. Vague,
9 overbroad, speculation. Go ahead.

10 A. Yes, an individual who has been
11 disfellowshipped, who is no longer one of
12 Jehovah's Witnesses, can make an appeal to be
13 reinstated into the congregation as a member.

14 Q. Can you describe for me how that
15 process is done, how does one go about
16 seeking to be reinstated?

17 A. They submit a letter requesting
18 reinstatement to the chairman, of the
19 judicial committee that handled their case.

20 Q. And is there something that is sort
21 of typical of what would be included in that
22 letter?

23 A. It depends from individual to
24 individual. Typically, they're just
25 requesting to be reinstated. Sometimes they

1 R. ASHE

2 will say why they feel they can be reinstated
3 at this time. But, typically, it's simply a
4 request for reinstatement.

5 Q. And then is there a process that's
6 engaged in to consider that request?

7 A. Once the chairman of the judicial
8 committee receives the request, then they
9 will arrange for the judicial committee to
10 meet together again, consider the request,
11 and then possibly meet with the individual to
12 see if they're repentant, what's changed in
13 their life, what their viewpoint is at this
14 time.

15 And I say "possibly meet with them"
16 because if an individual has been
17 disfellowshipped, and they come back two
18 weeks later and give you a letter for
19 reinstatement, of course, that's not enough
20 time to demonstrate the repentance that they
21 are looking for, if they were already deemed
22 unrepentant. So therefore, the judicial
23 committee is not required to meet with them
24 again.

25 Q. Is there a quantifiable time limit

1 R. ASHE

2 that is governed when a consideration can be
3 given for reinstatement?

4 MR. COPLEY: Objection, vague,
5 overbroad, incomplete hypothetical.

6 A. There is not an absolute date,
7 Mr. Zalkin. You've read our OD book, which
8 is organized to accomplish our ministry. And
9 in there, it says that elders would likely
10 wait many months, a year or longer before
11 giving reinstatement to an individual. There
12 has to be enough time for them to demonstrate
13 that they genuinely changed their life, and
14 that they are morally qualified to become a
15 member of the congregation again.

16 Q. Does that become then a committee
17 decision to reinstate, is that original
18 judicial committee convened, would they
19 consider that request?

20 A. Yes, it is their decision.

21 Q. Now, there are sometimes where a
22 request for reinstatement might be submitted
23 when the members of the original committee
24 are no longer elders within that congregation
25 or some are deceased; is that correct?

1 R. ASHE

2 A. Correct.

3 Q. And what happens in that scenario?

4 A. In that scenario, then an
5 individual, or more individuals, would be
6 selected from among the body of elders to
7 replace those that are no longer serving in
8 that congregation for whatever reason.

9 Q. And then, when in receipt of this
10 request and considering this request, will
11 they typically look at the original judicial
12 committee decision and documents surrounding
13 that decision?

14 A. Yes, they would become familiar with
15 the actual judicial case at that time.

16 Q. And could the elders that are being
17 convened to consider the reinstatement be of
18 a completely different congregation than the
19 original committee?

20 A. For example, if an individual who is
21 disfellowshipped moves to another
22 congregation, if the congregation is some
23 distance away, it's impractical for them to
24 go to the congregation where the original
25 original judicial committee is, then they can

1 R. ASHE

2 make a request of the elders in that
3 congregation who would then form a judicial
4 committee to hear their plea for
5 reinstatement. At that time, then they would
6 make a recommendation one way or the other to
7 the original judicial committee, but it's
8 still the original committee's decision
9 whether to reinstate or not.

10 Q. If a reinstatement is granted, who
11 is advised of that decision?

12 A. The announcement is made to the
13 congregation that the individual is back in
14 good standing with the congregation.

15 Q. Is that communicated in any way to
16 the Service Department?

17 A. Yes. Once they are reinstated, the
18 Service Department is notified, that S77 in
19 the congregation's file is duly marked, that
20 they are now reinstated, the date of the
21 reinstatement and put back into the
22 congregation file.

23 Q. And does anyone beyond the Service
24 Department learn of that; for example,
25 members of the branch committee or even

1 R. ASHE

2 members of the governing body?

3 A. No, sir.

4 Q. And if the reinstatement is denied
5 for some reason, who's advised of that
6 decision?

7 A. Only it stays with the original
8 committee if they deny it. Now, if another
9 judicial committee has been formed, and
10 they've made a recommendation, they would be
11 informed that the original committee is not
12 reinstating at this time.

13 Q. But that information is not passed
14 up to the Service Department?

15 A. No, it's not.

16 Mr. Zalkin, can I make a request
17 here?

18 Q. You sure can.

19 A. Could we take just a brief break
20 here?

21 Q. We can take all the time you need.

22 VIDEOGRAPHER: The time is
23 12:47 p.m., and we're going off the
24 record.

25 (Whereupon a break was taken.)

1 R. ASHE

2 VIDEOGRAPHER: The time is 1:50

3 p.m., and we're back on the record.

4 Q. Good afternoon, Mr. Ashe?

5 A. Hello.

6 Q. Are you feeling okay, rested, had
7 something to eat?

8 A. Yes, sir, I feel much better, thank
9 you.

10 Q. We were discussing the documentation
11 regarding judicial committee actions that the
12 Service Department receives, and I think our
13 conversation regarding the questions I had of
14 the judicial of committees, how it works, we
15 were talking about the 1986 timeframe. And I
16 know you mentioned that there had been
17 changes made. And let's talk now about those
18 changes.

19 Can you tell me what's different now
20 then what we've discussed about how judicial
21 committees were managed in 1986?

22 A. I believe I mentioned to you earlier
23 that we've tried to be progressive in the
24 changes that we've made. One thing that we
25 came to realize, is that when an accusation

1 R. ASHE

2 would come up, that was established either
3 by, two witnesses, or a confession, a
4 judicial committee was needed.

5 There are many congregations of
6 Jehovah's Witnesses where the elders of that
7 congregation had little or no experience with
8 dealing with the matter of alleged child
9 sexual abuse. So the adjustment that was
10 made is now if a judicial committee is needed
11 to address anything, any kind of sexual sin,
12 a scriptural reason, which would be
13 tantamount to child abuse, then what happens
14 is the elders would contact the circuit
15 overseer. And again, the circuit overseer
16 being familiar with qualified men in his
17 circuit that perhaps have dealt with this in
18 the past, would appoint him to be chairman of
19 that judicial committee with two of the local
20 other brothers from that congregation serving
21 on the committee. So the most experienced
22 elder from within the circuit or an
23 experienced elder within the circuit is part
24 of that judicial process.

25 Q. Is there some point in time when

1 R. ASHE

2 that change was made, if you recall?

3 A. Probably a year, and year and a half
4 ago.

5 Q. Any other changes or differences
6 that you are aware of from how things were
7 handled with judicial committees of 1986?

8 A. None that I am aware of. From 1986
9 to the present, that whole process is a
10 scriptural process. So there is very little
11 adjustment to it, other than the one I just
12 mentioned to you. And even that still falls
13 within the confines of the parameters of what
14 the scriptures outline for us.

15 Q. How about with respect to how
16 appeals are conducted. Has there been any
17 change from what we we're discussing relative
18 to the 1986 timeframe?

19 A. No, sir.

20 Q. And with respect to the kind of
21 notification that's given to the Service
22 Department, have there been changes in that
23 process?

24 A. Yes.

25 Q. Tell me what those changes are.

1 R. ASHE

2 A. You mentioned before about the S79 A
3 and B cards. We no longer use those.
4 Instead that same information is just found
5 on the S77 form. So as a matter of
6 simplification, we did away with those two
7 cards.

8 Q. So it's my understanding that it
9 used to be that the 79B card would be
10 attached to the cover of the blue envelope;
11 is that correct?

12 A. Not the cover of the blue envelope,
13 everything was contained within the blue
14 envelope.

15 Q. So that 79B card is no longer used?

16 A. No, it's not. There may be some
17 that's still in effect for individuals who
18 were disfellowshipped prior to that time, and
19 we still have the cards for them, but there
20 have not been any of those cards submitted to
21 the branch office for a number of years now.

22 Q. Do you have a recollection,
23 specifically, when that change was made?

24 A. I would say probably ten years ago.

25 Q. And that would have been, that

1 R. ASHE

2 change would have been communicated to the
3 body of elders through a body of elder
4 letter?

5 A. Yes.

6 (Whereupon, a discussion was held
7 off the record.)

8 Q. Do you know why the 79A and B cards
9 are no longer used?

10 A. It's just a matter of
11 simplification. We're able to obtain the
12 same information just using the S77, now that
13 it contains the same information.

14 Q. What was the policy when a report
15 alleging child sexual abuse by a member of
16 the congregation was received by an elder,
17 prior to 1989 to July of 1989?

18 MR. COPLEY: Objection, vague
19 and broad.

20 A. You're asking what the policy was
21 prior to 1989?

22 Q. So if an elder receives a report
23 with respect to an allegation of child sexual
24 abuse by a member of the congregation, what
25 was the policy, what was he supposed to do

1 R. ASHE

2 with that information? I know we discussed
3 the judicial committee, we don't have to
4 rehash that. Were there any other
5 responsibilities prior to 1989 that that
6 elder had when he would receive that kind of
7 report?

8 A. Prior to that date, elders would
9 have handled it within the congregation, if
10 it was established and they would have
11 handled it as we discussed earlier. It was
12 within that 1989 letter that went to the all
13 the elders, that told them that they are to
14 report that to the Legal Department.

15 Q. If there was an ambiguity in the
16 alleged conduct, if it wasn't clear to the
17 elders -- hypothetically, if it wasn't clear
18 to an elder or elders, if this conduct that
19 was being alleged amounted to sexual abuse,
20 sexual sin, would they have the ability, the
21 right to contact the circuit overseer and
22 discuss their concerns or questions with the
23 circuit overseer?

24 MR. COPLEY: Objection, vague,
25 overbroad, lacks foundation,

1 R. ASHE

2 speculation. Go ahead.

3 A. Primarily, the elders have always
4 been encouraged to write to the Service
5 Department for direction on those matters.

6 Q. So as of July 1989, there was a
7 change or directive from the Service
8 Department or what an elder is supposed to do
9 when they receive a report of child sexual
10 abuse by a member of the congregation; is
11 that correct?

12 A. You're talking about the July '89
13 letter?

14 Q. Yes.

15 A. I believe that letter was sent out
16 by the Legal Department because it was
17 dealing with legal concerns.

18 Q. Let me show you that letter. We'll
19 mark it as Exhibit 2.

20 (Whereupon, a letter was marked as
21 Exhibit 2, for identification, as of
22 this date.)

23 Q. I'm going to show you Exhibit number
24 2.

25 MR. COPLEY: Mr. Zalkin,

1 R. ASHE

2 Exhibit 2 is an unredacted version of
3 that July 1, 1989 letter. We have
4 produced, redacted versions in this
5 case, and we have asserted our
6 reasons for doing so.

7 We are not going to permit him
8 to answer questions about any of the
9 language that has been redacted in
10 Exhibit 2, so I'm just letting you
11 know that.

12 Q. Look at Exhibit 2, please. Do you
13 recognize that letter?

14 A. Yes, I do.

15 Q. Is that the letter you were
16 referring to that was issued by the Legal
17 Department in July 1, 1989?

18 A. It is, but I need to make a
19 clarification on that. This letter would
20 have been sent out by the Service Department,
21 but it contains legal advice that would have
22 come from the Legal Department.

23 Q. Would it have been drafted by elders
24 within the Service Department?

25 A. I would say in looking at this

1 R. ASHE

2 information, since it deals with a variety of
3 subjects that are not necessarily legal
4 issues, that it was probably a collaborative
5 effort between the two departments.

6 Q. And this would have been sent to all
7 of the bodies of elders in the United States
8 congregation?

9 A. Yes, that's it's addressed to.

10 Q. And the requirement that we were
11 discussing, that was new as of July 1, 1989,
12 is the requirement that when an elder
13 receives a report of an allegation of child
14 sexual abuse by a member of the congregation,
15 they are to contact the Legal Department
16 immediately; is that correct?

17 A. That's Section B. It informs the
18 elders that they need to report to the
19 Society's Legal Department in the case of any
20 physical or sexual abuse of a child, and it
21 also informs them that they need to protect
22 children from further danger.

23 Q. And with respect to the -- strike
24 that.

25 Prior to July 1, 1989, were the elders at all

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R. ASHE

required to report to the Service Department if they had received an allegation of alleged child sexual abuse?

MR. COPLEY: Objection, vague, overbroad.

A. Not to my knowledge.

Q. As of July 1, 1989, if an elder receives a report of alleged childhood sexual abuse by a member of the congregation, how were they to report that to the Legal Department?

A. They were to telephone the Legal Department.

Q. Was there any form of a written communication that would be provided as well?

MR. COPLEY: Objection, lacks foundation, calls for speculation. And I think that's what Mario is going to be covering.

Q. Can you answer the question?

A. I'm sorry what was the question.

Q. After July 1, 1989, in addition to a telephone call from an elder to the Legal Department, was there any sort of a writing

1 R. ASHE

2 that would be generated, transmitted or
3 conveyed to the Legal Department?

4 MR. COPLEY: Same objections.

5 A. In this, they were required to
6 telephone the Legal Department. As to
7 whether there was any follow up or written
8 report would depend on the circumstances of
9 the case.

10 Q. Would the Service Department be
11 advised by the Legal Department of receipt of
12 a report such as we've been discussing?

13 MR. COPLEY: Objection, vague,
14 overbroad.

15 Q. Let me restate it.

16 If an allegation of childhood sexual
17 abuse was received by an elder, sexual abuse
18 by a member of the congregation, was received
19 by an elder, and that elder then calls the
20 Legal Department, to your knowledge, would
21 someone from the Legal Department contact and
22 advise someone from the Service Department
23 that they received this report?

24 A. No, they would not contact them that
25 way, but they would transfer the call to the

1 R. ASHE

2 Service Department.

3 Q. So the call would come to the Legal
4 Department, and the Legal Department would
5 transfer the call to the Service Department?

6 A. Right, because the Legal Department
7 will give legal advice, but they cannot give
8 theocratic advice. Conversely, the Service
9 Department would care for the matter
10 theocratically or scripturally but they can't
11 give legal advice.

12 Q. What would the Service Department do
13 when they receive a call from the Legal
14 Department, that the Legal Department has
15 received a call from the elder regarding that
16 kind of report?

17 MR. COPLEY: Objection,
18 misstates his testimony. I thought
19 he said he just transferred the call
20 as opposed to them calling them.
21 Maybe I'm wrong. I don't know.

22 Q. Let me see if I can clear this up
23 because now I am a little confused.

24 A. Okay.

25 Q. My understanding is that as of July

1 R. ASHE

2 1, 1989, an elder who receives a report of
3 alleged child sexual abuse by a member of a
4 congregation will make a phone call to the
5 Legal Department, in order for the Legal
6 Department to determine what the mandatory
7 reporting requirements might be for that
8 information, correct?

9 A. That's correct.

10 Q. So does the Legal Department take
11 the call, provide, obtain whatever
12 information they need and then transfer it to
13 the Service Department?

14 A. That's correct.

15 MR. COPLEY: Objection, lacks
16 foundation, speculation.

17 Q. And then what is done with that
18 information by the Service Department,
19 they've taken the call, they've obtained that
20 information, what is done with that at that
21 time?

22 A. The Service Department, the deskman
23 would talk this over the phone, because
24 generally there are two elders that call, not
25 just one. And when the two elders call the

1 R. ASHE

2 Service Department, we try to ascertain what
3 do you know at this point, and then help them
4 to determine what to do from that point. Is
5 it an allegation, is there substance to it,
6 does the scriptural standard of evidence met,
7 does it need to be handled by a judicial
8 committee or is there something further they
9 may be needed. And so they would determine
10 those things and help the elders. They would
11 walk them through, what they need to do at
12 this point.

13 Can I just mention something further
14 on that, Mr. Zalkin?

15 Q. Sure.

16 A. And, again, the reason they would do
17 that is just not an arbitrary action on the
18 part of the desk, but there's scriptural
19 reasons for doing it. They would go back to
20 the Bible and help the elders to read some of
21 the scriptures as to what needs to be done.
22 So they don't go beyond their scriptural
23 authority in handling the matter.

24 (Whereupon, a discussion was held
25 off the record.)

1 R. ASHE

2 Q. Give me a moment. I'm looking at
3 notice to see the areas you're here for. I
4 want to make sure I'm not asking you about
5 areas that are not in your purview.

6 I'll show you what's marked. I'll
7 mark this as number three.

8 (Whereupon, a letter was marked as
9 Exhibit 3, for identification, as of
10 this date.)

11 Q. This is a Watchtower, a letter to
12 all body of elders from Watchtower dated
13 March 14, 1997.

14 MR. COPLEY: Let me see that.

15 Q. Are you familiar with that letter?

16 A. Yes, sir.

17 Q. And does that -- strike that.

18 Do you know what the genesis was of
19 that letter; what caused this letter to be
20 drafted and distributed?

21 MR. COPLEY: Objection, lacks
22 foundation, speculation, vague, also.
23 Go ahead.

24 A. This letter was a follow-up to an
25 article that was printed in the January 1,

1 R. ASHE

2 1997 issue of the Watchtower. The Watchtower
3 had an article entitled "Let us abhor what is
4 wicked." And it's talking about our
5 responsibility to protect the flock of God
6 from threatening influences. Especially, did
7 it address the issue of child sexual abuse.
8 So, whereas, the Watchtower went out to
9 everyone including the public. The letter
10 went to the body of elders as to how they can
11 follow through as a body of elders to protect
12 children. Did that answer your question,
13 Mr. Zalkin?

14 Q. I think so, I think so to some
15 extent. We'll get into the details of it and
16 that might pose some additional questions
17 about that.

18 On page two of the letter, under
19 that heading, "Privileges of service in the
20 congregation." The last paragraph on that
21 page it says "It may be possible that some
22 who were guilty of child molestation were or
23 are now serving as elders, ministerial
24 servants or regular or special pioneers.
25 Others may have been guilty of child

1 R. ASHE

2 molestation before they were baptized. The
3 bodies of elders should not query
4 individuals; however, the body of elders
5 should discuss this matter and give the
6 Society a report on anyone who is currently
7 serving or who formally served in a Society
8 appointed position in your congregation who
9 is known to have been guilty of child
10 molestation in the past.

11 On page three, it goes on to include
12 what should be provided in that report, and
13 it says, "In your report, please answer the
14 following questions: How long ago did he
15 commit the sin? What was his age at the
16 time? What was the age of his victim(s)?
17 Was it a onetime occurrence or a practice?
18 If it was a practice, to what extent? How is
19 he viewed in the community and by the
20 authorities? Has he lived down any notoriety
21 in the community? Are members of the
22 congregation aware of what took place? How
23 do they and/or his victims view him? Has he
24 ever been disfellowshipped, reproved,
25 counseled or otherwise dealt with? If he has

1 R. ASHE

2 moved to another congregation, please
3 identify the congregation to which he has
4 moved? Was that congregation advised of his
5 past conduct of child molestation, and, if
6 so, when"? And it goes on to how that's to
7 be transmitted.

8 Are you aware of these reports?

9 A. Which reports?

10 Q. The report that is required by this
11 body of elder letter of March 14, 1997?

12 A. Yes.

13 Q. And have you seen such reports?

14 A. I have.

15 Q. And in what capacity have you seen
16 these reports?

17 A. For these specific reported, I've
18 seen them in the capacity when we would
19 review the qualifications of individuals to
20 see if they should be serving or not.

21 Q. And what would prompt you to review
22 the qualifications to see if someone should
23 be serving or not?

24 A. Individuals who were recorded during
25 this time. Because in 1997, when that

1 R. ASHE

2 Watchtower article came out, and then this
3 letter came out, this was a query of
4 individuals who may have been involved in
5 some form of child abuse in the past, whether
6 before baptism or after baptism. But it was
7 child abuse from the aspect of was it actual,
8 you know, what you would think of a
9 pedophile, or was it child abuse from the
10 legal sense. Was it a physical act or was it
11 a matter where one individual, perhaps they
12 view child pornography or maybe they are
13 voyeuristic.

14 In looking at the details here, for
15 individuals that it happened many years ago,
16 maybe it happened when they were young
17 teenagers. You have an individual who is 18
18 and they have sexual, consensual sexual
19 relations with someone 16. They may have
20 even been dating at the time. It may be
21 viewed as child abuse, you know, from a
22 secular standpoint depending on what state
23 they live in, but you know, all of those
24 factors had to be taken into consideration.

25 When you're dealing with individuals

1 R. ASHE

2 that it mentions in here, elders, ministerial
3 servants, regular pioneers, special pioneers,
4 they have to meet the scriptural
5 qualifications to hold those privileges, and
6 if it was found from this review that they
7 did not meet those qualifications, then they
8 could not hold those privileges.

9 Q. And I appreciate that. My question
10 is really what would, what prompted someone
11 from the Service Department to look at a
12 report of an individual that would be
13 submitted by, in response to this letter?
14 Was it -- did they look at -- obviously, they
15 were getting reports, I assume, and would
16 they -- they would look at these reports.
17 Someone would look at these reports; is that
18 correct?

19 A. That's correct. The service desks
20 as they came in.

21 Q. And what would the service desk do
22 with the report once they received the
23 report?

24 A. They would review the facts of the
25 case and review whether this individual, due

1 R. ASHE

2 to the facts of the case, would still qualify
3 scripturally to serve in an appointed
4 capacity. Especially if it had not been many
5 years, if it was more recent times.

6 Q. And then what would they do with the
7 physical documents or documents themselves?

8 A. They would go in the congression
9 file.

10 Q. Are those documents what have since
11 been scanned at this point?

12 MR. COPLEY: Objection, lacks
13 foundation, speculation, overbroad.
14 Go ahead.

15 A. Yes, they have.

16 Q. And they would be -- the scanned
17 versions would be put into the electronic
18 file of the congregation?

19 A. That's correct.

20 Q. Do you know who did the actual
21 scanning, what department?

22 A. The Service Department did.

23 Mr. Zalkin, just to clarify too, you
24 mentioned what prompted it, the letter is
25 what prompted it because we ask the elders to

1 R. ASHE

2 look at these situations and send a report

3 in.

4 (Whereupon, a discussion was held
5 off the record.)

6 Q. Okay. Have you heard of something
7 called special shepherding arrangement list?

8 A. Special shepherding arrangement
9 list?

10 Q. Yes.

11 A. No. In what context, Mr. Zalkin?

12 Q. In the context of recordkeeping,
13 programing?

14 A. No, I haven't.

15 Mr. Zalkin, would you like Exhibit 3
16 back?

17 Q. Yes, that's fine.

18 (Whereupon, a letter was marked as
19 Exhibit 4, for identification, as of
20 this date.)

21 Q. I'll show you what I will mark as
22 Exhibit 4. Exhibit 4 is the July 20, 1998
23 letter from Watchtower Bible and Tract
24 Society of New York to all bodies of elders.

25 MR. COPLEY: Again, this

1 R. ASHE

2 Exhibit 4 is a document that's been
3 produced by Watchtower, and of
4 course in this case, in redacted
5 form. We object and will not permit
6 the witness to answer any questions
7 about the redacted information.

8 Here's the redacted copy.

9 Q. No, I want you to look at that one.

10 Have you seen Exhibit number 4
11 before?

12 A. Yes, I have.

13 Q. And are you familiar with that
14 document?

15 A. Yes, sir.

16 Q. Is that, in fact, a letter that the
17 Watchtower Service Department sent to the
18 body of elders of the congregation of the
19 United States?

20 MR. COPLEY: Objection, vague,
21 overbroad, misstates the evidence.

22 Watchtower Service Department? There
23 is no Watchtower Service Department.

24 A. It's the Service Department of the
25 United States Branch.

1 R. ASHE

2 Q. Okay. So we'll call it the Service
3 Department of the United States Branch on
4 Watchtower letterhead?

5 A. Yes, sir.

6 Q. And in that first paragraph, it
7 discusses some questions that have arisen
8 regarding the response by elders to the
9 previous letter we've discussed, the March
10 '97 letter; is that correct?

11 A. That's correct.

12 Q. And it's giving further direction in
13 what needs to be included in these reports we
14 just discussed?

15 A. That's correct. It clarifies that
16 even if the abuse happened before a person
17 was baptized it needs to be reported.

18 Q. And it urges elders to get their
19 reports in?

20 A. It does.

21 Q. Are you aware of any kind
22 of -- strike that.

23 Given the level of information that
24 was requested to be in these reports, was
25 there, to your knowledge any sort of

1 R. ASHE

2 statistical compilation made from the
3 information that was received in these
4 reports?

5 A. Can you clarify what "statistical
6 compilation" what are you referring to?

7 Q. Well, it asks for information
8 regarding when the abuse might of occurred,
9 what the nature and extent was, the duration
10 of it, the age of the victim. It asks for
11 other information regarding the accused
12 and/or the victims.

13 Was something done with that data on
14 a more global basis to get some understanding
15 of how significant a problem this is or isn't
16 within the organization?

17 A. No, sir, there wasn't. We took each
18 of these reports and reviewed them on a case
19 by case basis with an individual
20 determination.

21 Q. What is meant by the Society?

22 A. It was a term that became popular,
23 and sometimes the Society referred to Jehovah
24 Witnesses. It was short for the New World
25 Society, because of our scriptural beliefs

1 R. ASHE

2 that in the future God is going to cleanse
3 the earth and bring it back to a
4 paradise-like condition in harmony for its
5 original purpose for the earth. And those
6 living there at that time will be those who
7 make up a society, a new world society, if
8 you will, of individuals who are bent on
9 doing God's will.

10 Q. So when these body of elders'
11 letters refer to the Society, this is the
12 Society's desire or this is a policy of the
13 Society, they are referring to a policy or a
14 desire of the entirety of the Jehovah
15 Witnesses?

16 MR. COPLEY: Objection,
17 compound, vague, overbroad.

18 Q. Is that correct?

19 A. Yes, a more adequate term, and one
20 that we've gone to is "leaving." We don't
21 use the term Society. We use the term
22 "organization."

23 Q. So when the 1997 letter instructs
24 elders to write to the Society, are they to
25 write to the Watchtower or to whom?

1 R. ASHE

2 A. They would write to the branch
3 office. In this case, with the elders, they
4 would write that specifically to the service
5 department of the United States branch.

6 Q. Do you know who JR Brown is?

7 A. Yes, sir.

8 Q. Who's JR Brown?

9 A. JR Brown is the member of the Bethel
10 family in Brooklyn, and he works for the
11 Office of Public Information. I said, "works
12 for them," that's his assignment.

13 Q. I'm sorry?

14 A. I said that's his assignment. It's
15 not that he works for them, he's not
16 employed, that's his assignment at Bethel.

17 Q. Let me show you Exhibit number 5.

18 (Whereupon, a letter was marked as
19 Exhibit 5, for identification, as of
20 this date.)

21 Q. This is a letter from Watchtower
22 Bible and Tract Society of Pennsylvania to
23 someone by the name of Betsan, B-E-T-S-A-N,
24 Powys, P-O-W-Y-S at BBC Panorama. Have you
25 ever seen this letter before, this is dated

1 R. ASHE

2 May 9, 2002?

3 A. No, sir, I haven't.

4 Q. Albeit you haven't seen this letter,
5 I'm going to just ask you some questions
6 based on some content of this letter, see if
7 you have any knowledge of that or not.

8 MR. COPLEY: Let me see the
9 letter.

10 MR ZALKIN: Rocky, on page two
11 of that letter.

12 MR. COPLEY: Any particular
13 paragraph you're looking for?

14 MR. ZALKIN: I'm looking for --
15 I'm sorry. Wrong.

16 Q. At the bottom of the page, the last
17 paragraph on the bottom of the page, the
18 letter says, "You have been told that here in
19 the United States we have compiled a list of
20 23,720 names of child abusers, that is false.

21 "First of all, the total number of
22 names in our records is considerably lower
23 than that. In addition, it is not meaningful
24 to focus on the number of names we have in
25 our records. This is because our figures

1 R. ASHE

2 include the names of many persons who have
3 only been accused of child abuse, whereas the
4 charges have not been substantiated. We keep
5 these records to document our compliance with
6 what the law requires in many U.S.
7 jurisdictions. Also included on our list,
8 are allegations made on the basis of so-call
9 repressed memories. The validity of which
10 many authorities challenge.

11 Then there are the names of persons
12 who have been accused abusing children before
13 becoming Jehovah's Witnesses, as well as
14 individuals who have never been baptized
15 witnesses, but whose names we are obliged to
16 keep because of their association with the
17 witnesses."

18 It goes on to say, "To be safe, we
19 also list the names of persons who may or may
20 not be considered as child abusers, depending
21 upon the jurisdiction where they live."

22 It goes on to say later on, "The
23 list also includes names of persons who are
24 actually guilty of child abuse. We do not
25 apologize for keeping such records here in

1 R. ASHE

2 the United States."

3 Are you familiar with these records
4 that are being referenced by Mr. Brown?

5 MR. COPLEY: Objection, lacks
6 foundation, speculation.

7 Q. Are you familiar with these records?

8 A. No, I am not.

9 Q. Have you ever seen these lists of
10 names that are being referenced?

11 MR. COPLEY: Objection, assumes
12 facts not in evidence, lacks
13 foundation, speculation.

14 A. I don't know where he got his
15 information, Mr. Zalkin.

16 Q. But he is somebody who speaks for
17 the organization as their public relations
18 person?

19 MR. COPLEY: Objection, vague,
20 lacks foundation.

21 A. To my knowledge.

22 Q. To your knowledge, yes?

23 A. Yes. And, again, I don't know the
24 background of why he was responding to
25 someone in the BBC or where he got his

1 R. ASHE

2 information.

3 Q. Have you brought any records with
4 you in response to the notice that we've
5 requested, documents be produced?

6 A. I have not. No, sir.

7 MR. COPLEY: We have some.

8 A. I take that back.

9 VIDEOGRAPHER: The time is 2:36
10 p.m. and we are going off the record.

11 (Whereupon a short break was
12 taken.

13 VIDEOGRAPHER: The time is 2:44
14 p.m., and we're back on the record.

15 MR. ZALKIN: So Mario's got
16 number one, right? Mario's got the
17 corporate administrative structure of
18 Watchtower?

19 MR. COPLEY: Right. That's
20 number one, if I recall, and he's got
21 number 2, number 9 and then 24 to 30.

22 MR. ZALKIN: I'm just trying to
23 understand the scope of that. Is he
24 going to be speaking to the roles of
25 the different individuals, the

1 R. ASHE

2 groups, the sort of hierarchy, the
3 strata within the organization? Is
4 that something Mario is going to
5 discuss?

6 MR. COPLEY: That's my
7 understanding based on how you phrase
8 this, yes. It just says a corporate
9 administrative structure, and so
10 you're going to go through --

11 MR. ZALKIN: Well, here is my
12 dilemma -- it is whatever it is. So
13 you're going to talking about the
14 roles of a overseers, the role of
15 elders, the role of ministers?

16 MR. MORENO: We are talking
17 about the governing body.

18 (Whereupon, a discussion was held
19 off the record.)

20 MR. ZALKIN: So, let's go back
21 on the record.

22 Q. So I have been handed by
23 Watchtower's counsel a package, some records,
24 and it's my understanding these are the only
25 records that are going to be produced.

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R. ASHE

MR. COPLEY: No, we have additional records, but you already have them, and that's why we had served the response to the document request in this depo. If you want -- the books, you know, that we produced. You got all of this stuff.

MR. ZALKIN: Well, yes, I have bits and pieces and redactions, and that sort of thing, so that's why we have requested that documents be produced by the person most qualified to respond to these topic areas, so that we have records that are complete and accurate, that are not redacted.

There is no court order permitting redactions in this case. There is no protective order that permits redaction in this case. You've never requested one in this case. So that's what the purpose of this is, of noticing this deposition and requesting these documents, was

1 R. ASHE

2 to get these documents.

3 With that, is this what I'm
4 getting, this response to request
5 number 28?

6 MR. COPLEY: If you would like,
7 we got the school outlines. We got
8 several hundred pages here of
9 documents. I don't know -- we're
10 ready to produce. If you don't want
11 them --

12 MR. ZALKIN: Tell me what
13 you're going to produce, and I will
14 look and see what they are.

15 MR. COPLEY: Here they are.
16 Can you pass those over.

17 MR. ZALKIN: So why don't we
18 take a few minutes and go off the
19 record while I take a look at these
20 documents.

21 VIDEOGRAPHER: The time is
22 2:51, and we are going off the
23 record.

24 (Where upon a short break was
25 taken.)

1 R. ASHE

2 VIDEOGRAPHER: The time is 2:55
3 p.m. and we are back on the record.

4 MR. ZALKIN: So we've had a
5 chance to review the other documents
6 that you have here, that you're
7 willing to produce, but appear to be
8 documents that have, in fact, been
9 produced with the redactions.

10 Corrections?

11 MR. COPLEY: Correct.

12 MR. ZALKIN: And it's your
13 position that you're not going to
14 produce anything more or different?

15 MR. COPLEY: That's true.
16 That's correct. Not all the
17 documents have been redacted. We
18 stand by the redactions. I meand
19 whether we produce them before or
20 even if we produce them today, we'd
21 be producing them in redacted format,
22 so.

23 MR. ZALKIN: Documents
24 responsive to request number 28,
25 you've handed me five pages of

1 R. ASHE

2 documents, and these are documents
3 that Mr. Moreno will be discussing as
4 part of his testimony as the person
5 most qualified on the topics
6 associated with the governing body;
7 is that correct?

8 MR. COPLEY: Correct.

9 Q. Mr. Ashe, what efforts have you made
10 to obtain the documents that were prepared,
11 the reports that were submitted in response
12 to the March 1997 letter by members of the
13 bodies of elders of the congregations of the
14 United States?

15 A. I'm sorry, I missed your question?

16 Q. What efforts have you made, to
17 produce today the documents we requested, the
18 reports that were prepared in response to the
19 March 1997 letter?

20 A. Honestly, Mr. Zalkin, the efforts
21 that we've made up to this point is just
22 trying to figure out how on earth we could
23 ever do that in our filing system. You're
24 talking about 14,400 congregations and over
25 3,000,000 documents that have been scanned in

1 R. ASHE

2 that would have to be searched. There is no
3 hard copy anymore, but to just looking up on
4 the computer screen and open up and read and
5 see if it's what you're looking for. It
6 would be labor intensive. It would take
7 years to do that.

8 Q. The documents that were scanned,
9 were they -- do you know what OCR is?

10 A. Yes.

11 Q. Were they OCR'd?

12 A. Yes.

13 Q. What search efforts have you made
14 using OCR technology to find those records?

15 A. In looking at our search methods,
16 it's not as if you can look up child abuse.
17 In searching these documents, all of the
18 offenses, if you would, that would be
19 involved in child abuse -- again, we go back
20 to what is scripturally designated as. If it
21 involved, you know, something to do with the
22 genitals. It's pornia according to what the
23 Bible says, fornication. And so it's listed
24 as pornia. If it's some other form, it may
25 be brazen conduct, it may be loose conduct.

1 R. ASHE

2 It may be gross uncleanliness.

3 So it's not as if you can just punch
4 in child abuse, and even if you did, you'd
5 get every one of the documents that have any
6 mention of a child or of some kind of abuse,
7 alcohol abuse, spouse abuse, elder abuse,
8 whatever it would be, and try to filter and
9 down through those things, we've been
10 unsuccessful in trying to do that,
11 Mr. Zalkin.

12 Q. So you've actually searched "pornia"
13 and you haven't been able to pull up
14 documents referring to pornia?

15 A. We can pull thousands of documents,
16 but it has to do with adultery or any kind of
17 sexual immorality between adults. It's all
18 inclusive.

19 Q. Who in your organization has been
20 doing that, undertaking that effort?

21 A. It's been done on a number of
22 different levels just primarily within the
23 Service Department. You know, any of the
24 deskmen looking through these things would
25 come up with the same thing.

1 R. ASHE

2 Q. And they haven't found a single
3 document?

4 A. I can't say they haven't found a
5 single document. There maybe ones here and
6 there, but even there, if they found one that
7 said pornia, the question comes up, if it's
8 dealing with child abuse. It goes back to
9 what we said earlier. The child abuse may
10 have been an 18 or 19-year-old with a
11 16-year-old, had consensual sex, and
12 depending on the state where it took place,
13 was it viewed as child abuse there or are we
14 going by California law of what for child
15 abuse is we're unclear.

16 Q. So you have not a single document
17 that you feel you could produce in response
18 to that question today?

19 MR. COPLEY: Objection, asked
20 and answered.

21 Q. Is that the case?

22 A. I don't have anything to bring to
23 you, sir.

24 Q. So, do you have the names of the
25 individuals and their positions of the

1 R. ASHE

2 individuals who have been conducting this

3 search?

4 A. I can honestly say that it's

5 probably numerous brothers in the Service

6 Department. Have we dedicated a team to look

7 into this, no, sir, we haven't.

8 Q. Does the Service Department have to

9 approve an application by a pioneer?

10 A. No.

11 Q. Did it at sometime have to do that?

12 A. It did at one time.

13 Q. And when did that change?

14 A. I couldn't say definitively. I just

15 can't say definitively. It was in recent

16 times.

17 Q. And why did that change?

18 A. It was a simplification.

19 Q. What records, regarding the

20 appointment of an elder, are maintained by

21 the Service Department?

22 MR. COPLEY: Objection, vague

23 as in time.

24 A. Is there a particular time,

25 Mr. Zalkin?

1 R. ASHE

2 Q. Let's talk about 1986 and then if
3 that's changed in any way.

4 A. The form that's submitted for the
5 appointment of elders and ministerial
6 servants would be reviewed by the Service
7 Department and then kept in the congregation
8 file.

9 Q. And that was how it was done in
10 1986?

11 A. That's correct.

12 Q. Is there anything different today
13 than what was done then?

14 A. It's pretty much the same procedure.

15 Q. And how about with respect to
16 pioneer work, what records used to be kept
17 back in 1986 regarding pioneers?

18 MR. COPLEY: Objection, vague.

19 Pioneer work in what with respect?

20 MR. ZALKIN: Pioneers.

21 MR. COPLEY: Yeah, okay. Doing
22 what?

23 MR. ZALKIN: What pioneers do.

24 They spend time doing field service.

25 They try to make disciples, they

1 R. ASHE

2 preach the good word or the good

3 news.

4 MR. COPLEY: Okay, I just want

5 to make sure we're on the same page

6 as "pioneer work". That's a pretty

7 broad description.

8 Q. Well, what is a pioneer? I know

9 there are different levels of pioneers so

10 let's talk about what does a pioneer do? What

11 is a pioneer?

12 A. A pioneer is an individual who

13 volunteers a certain number of hours each

14 month to the ministry, and because they are

15 appointed as pioneers, it's each month,

16 January through December, as long as they

17 hold that position of pioneering.

18 Now, in 1986 that would have been 90

19 hours a month. Today, it's 70 hours a month.

20 Q. And what records were maintained by

21 the Service Department regarding the work of

22 pioneers?

23 MR. COPLEY: In '86?

24 Q. In '86.

25 A. They would fill out an application

1 R. ASHE

2 that would be approved by the congregation
3 service committee, which at that time was the
4 presiding overseer, the secretary and the
5 service overseer and submit it to the branch
6 office for approval.

7 Q. And when you say "the branch
8 office," would that be the Service
9 Department?

10 A. Service Department, yes, sir.

11 Q. What are the levels of pioneers?

12 A. Well, you have auxiliary pioneer,
13 which is an individual who can only maybe
14 pioneer for one month at a time. In 1986,
15 that would have been 60 hours a month.
16 Today, it's 50 hours a month, or on special
17 occasions, 30 hours a month.

18 For example, we have special events
19 during the year, the visit of the circuit
20 overseer with the congregation, auxiliary
21 pioneer, that month is 30 hours. Or during
22 this time of the year, we have the memorial
23 celebration, the observance of Jesus' death.
24 And so since there is a special campaign to
25 invite as many of the public as possible to

1 R. ASHE

2 come and join us for that. Again, auxiliary
3 pioneers, if they choose to, can put in 30
4 hours a month and be an auxiliary pioneer.
5 Other than that, it's 50 hours a month, on a
6 month to month basis.

7 Q. What's a special pioneer?

8 A. A special pioneer is an individual
9 who is brought into the order, such as I am.
10 The worldwide order of special full-time
11 servants of Jehovah's Witnesses, and as such,
12 they are sent into an assignment, a
13 congregation where they devote a specified
14 number of hours. For most, it's 130 hours
15 for the brothers, 120 hours for the sisters,
16 which can be adjusted according to health and
17 circumstances; age

18 Q. And what is the mission of the
19 Jehovah's Witnesses?

20 MR. COPLEY: Objection, vague
21 overbroad, violates First Amendment
22 rights.

23 A. It's two folds, Mr. Zalkin. We
24 believe in what Jesus commanded his disciples
25 in Matthew 24:14, there he said, "And this

1 R. ASHE

2 good news of the Kingdom will be preached in
3 all the inhabited earth for a witness to all
4 the nations, and then the end will come."

5 So there was a preaching work to be
6 done, but in addition, there was also a
7 teaching work to be done. You talked about
8 that in Matthew 28:19-20, where he said, "Go
9 therefore and make disciples of people of all
10 the nations, baptizing them in the name of
11 the Father and of the Son and the Holy
12 Spirit, teaching them to observe all the
13 things I've commanded you. And look, I'm
14 with you all the days until the conclusion of
15 the system of things."

16 So that's really our mission is to
17 go out and preach and teach the good news of
18 God's Kingdom.

19 Q. And disciple making?

20 A. Yes, sir.

21 Q. And by disciple making, we mean
22 including them within the Jehovah's Witness
23 religion?

24 MR. COPLEY: Objection, vague.

25 Q. Correct?

1 R. ASHE

2 A. Right, that's what making disciples
3 is, is making disciples for Christ Jesus.

4 Q. And the time that is spent in those
5 efforts is counted, there's a tabulation that
6 is kept of the time that publishers spend
7 doing that?

8 MR. COPLEY: Objection, vague.

9 MR. ZALKIN: Sir, can I finish
10 my questions?

11 MR. COPLEY: Well, you hesitate
12 and I think you're done.

13 MR. ZALKIN: Well, it takes me
14 a while sometimes to think through
15 what I'm going to ask.

16 Q. Let me rephrase the question. There
17 is an actual tabulation that is kept of the
18 efforts that are made by publishers to engage
19 in preaching and disciple making; is that
20 correct?

21 MR. COPLEY: Objection, vague.
22 Tabulation by whom?

23 MR. ROUSE: Objection on the
24 First Amendment grounds.

25 Q. Is that correct?

1 R. ASHE

2 A. It is just as we described earlier.

3 Q. It is important, is it not, to
4 accomplish the mission for publishers to
5 encourage members of the public to become
6 disciples and to live in the truth, isn't it?

7 MR. ROUSE: Objection, First
8 Amendment grounds.

9 MR. COPLEY: Objection, vague,
10 too. I'll join in that.

11 A. Encourage -- it goes back to what I
12 mentioned to you earlier, belief and
13 education. And each one has the right to
14 make their own decision, what they want to do
15 based on an informed decision.

16 Q. But it is through the process of
17 educating the public that the hope is that
18 they will accept those principals and live in
19 the truth and become a disciple of the
20 Jehovah's Witnesses?

21 MR. COPLEY: Objection, vague.

22 MR. ROUSE: Objection, First
23 Amendment.

24 A. Yes, sir.

25 Q. And when publishers -- how are

1 R. ASHE

2 contributions made to the organization?

3 MR. COPLEY: Objection, vague.

4 MR. ROUSE: Objection, First
5 Amendment right of privacy.

6 MR. COPLEY: You're talking
7 about monetary contribution?

8 MR. ZALKIN: Yes.

9 A. Donations are made to the worldwide
10 work of Jehovah's Witnesses, it's
11 anonymously. It's no tithing. It's what
12 each individual wants to give as according to
13 their ability to give, and they choose that.
14 We don't even know what it is.

15 Q. And publishers donate, yes?

16 A. Yes, sir.

17 Q. And are subscriptions still offered
18 to the literature, to the general public?

19 A. No, they are not.

20 Q. So if I would like to receive the
21 Watchtower or the Awakes, as they are
22 published, do I have to become a member of
23 the Jehovah's Witnesses to receive that?

24 A. No, sir. We have a website GEW.org
25 that people all over the world can go to.

1 R. ASHE

2 You can get our publications in 700
3 languages.

4 Q. And what happens to the
5 contributions that are put into the two boxes
6 that you earlier described? If it's to the
7 worldwide organization, what happens to those
8 contributions?

9 MR. ROUSE: Objection, First
10 Amendment right of privacy.

11 MR. COPLEY: I'll object just
12 as vague. Just talking about what
13 they do with the money eventually or
14 are you talking about how does it go
15 back or what?

16 Q. Where does it go? It goes into the
17 box. Is that not an area that you know, if
18 it's not an area that you know then I'll ask
19 you.

20 MR. MORENO: Again, which
21 corporation? It's would be my area.
22 He'd be guessing. I'll cover that.
23 If that's where you're going.

24 MR. ZALKIN: That's where I was
25 going. We'll get to that.

1 R. ASHE

2 MR. MORENO: Well, you can ask
3 me.

4 (Whereupon, a discussion was held
5 off the record.)

6 Q. How is witnessing accomplished?

7 MR. ROUSE: Objection.

8 Q. What are the ways in which
9 witnessing is accomplished?

10 MR. ROUSE: Objection,
11 irrelevant to this case, violation of
12 the First Amendment, freedom of
13 association and freedom of expression
14 and also establishment clause.

15 MR. COPLEY: I'll join that but
16 also it's vague. I'm not even sure
17 what you're talking about.

18 Q. I know, but he is, you understand
19 what I am asking?

20 A. I believe I do.

21 Q. Why don't you answer the question.

22 A. For Jehovah's Witnesses, because of
23 our appreciation of what the scripture say,
24 any opportunity we have of sharing with
25 someone the good news based on God's word the

1 R. ASHE

2 Bible, we avail ourselves of that. It may be
3 informally, it may be to non-witness family
4 members, it may be to our work mates, our
5 schoolmates, people on the street. It can be
6 in our house-to-house ministry. It could be
7 letter writing. It could be telephone
8 witnessing. I mean, any way that we have of
9 contacting people and being able to share
10 this message with them, we try and take
11 advantage of that.

12 Q. What is telephone witnessing?

13 A. Well, for example, in Southern
14 California, I'm sure you're familiar with the
15 fact that they have gated communities, and
16 so, we're not able to go in physically and
17 talk to people, so we may call them on the
18 telephone just to see if they would be
19 interested in our message.

20 Q. What documentation do pioneers
21 currently prepare, if any, that documents the
22 hours they have spent pioneering?

23 MR. ROUSE: Objection, freedom
24 of religion, First Amendment issues,
25 and privacy issues.

1 R. ASHE

2 MR. COPLEY: I'll join.

3 A. Just to clarify that, Mr. Zalkin,
4 are you talking about the report that they
5 make to the congregation?

6 Q. If that's what they do, yes.

7 A. They fill out a report just like any
8 other publisher in the congregation, that
9 reports their placement of various types of
10 literature and the hours they placed in the
11 ministry for that month, the number of Bible
12 studies that they conducted.

13 Q. And that is the same -- is that the
14 same form that a publisher uses for field
15 service?

16 A. It is.

17 Q. And those forms are maintained in
18 the congregation?

19 A. They are.

20 Q. They don't get sent up to the
21 Service Department?

22 A. No, sir, they don't.

23 Q. A final tabulation is made at the
24 end of the month of all of those times, both
25 pioneer times and regular publisher times,

1 R. ASHE

2 and that report gets sent to the Service
3 Department?

4 A. Right. It gives us the
5 congregation's report.

6 Q. Now, let's talk about the role of
7 the different overseers.

8 A. Okay.

9 Q. I know this is somewhat tedious but
10 it's necessary for our purposes.

11 MR. ROUSE: I have a standing
12 objection to the roles and the
13 activities of the overseers based on
14 the First Amendment issues that I've
15 articulated before so I don't have to
16 keep interrupting you.

17 MR. ZALKIN: That's fine and
18 I'll stipulate that you preserved
19 that objection so that it's not being
20 waived by not raising it, to any of
21 my questions.

22 MR. COPLEY: That will be
23 great.

24 MR. ZALKIN: You can make
25 whatever objections you want.

1 R. ASHE

2 MR. COPLEY: Thank you.

3 Q. The zone overseer, what is a zone
4 overseer?

5 MR. COPLEY: Objection, vague
6 as to time.

7 Q. Well, at one time was there such a
8 thing as a zone overseer?

9 A. There was nominally. We don't
10 already use that term. They do -- there are
11 branch representatives that make visits on
12 branches so it's a branch visit, not a zone
13 visit. Because in actuality, we don't have
14 zones, we do have branches.

15 Q. So what are these -- are they
16 representatives of the governing body?

17 A. They're representatives of the
18 United States branch.

19 Q. And these representatives do what
20 exactly?

21 A. They will visit other branches, and
22 by the way, they are not limited to branch
23 representatives in the United States. There
24 are branch representatives in other branches
25 who do that work as well. But to be

1 R. ASHE

2 objective, you've heard the expression "you
3 can't see the forest for the trees." It's an
4 objective viewpoint with other overseers
5 going in examining the operations of a
6 branch, seeing where improvements can be made
7 and just assuring that everything is being
8 held scripturally to what they are assigned
9 to do.

10 Q. And who appoints these
11 representatives?

12 A. I don't know that.

13 Q. A district overseer. What is a
14 district overseer?

15 A. Can I stipulate upfront that as of
16 September 1st, there will be no more district
17 overseers, but for the purpose of answering
18 your question, a district overseer is an
19 individual who has oversight over anywhere
20 from 12 to 14 circuits. So he works
21 primarily with the circuit overseer in giving
22 spiritual assistance, encouragement,
23 shepherding. He also serves as the chairman
24 of our circuit assemblies.

25 Q. And what's a circuit assembly?

1 R. ASHE

2 A. A circuit assembly is an annual
3 gathering. Again, in the past, it was two
4 days on a weekend that's been adjusted for
5 the service year. It will be a one day event
6 and it's where the individuals within a
7 circuit, which is a given area made up of 18
8 to 24 congregations. They come together for
9 spiritual instruction, encouraging talks and
10 being able to review Bible principals that
11 will would benefit them in their lives.

12 Q. And who appoints the district
13 overseer?

14 A. District overseers are appointed by
15 the branch committee. In this country, it's
16 the United States Branch Committee.

17 Q. At any time, were they appointed by
18 the governing body?

19 A. Not to my knowledge.

20 Q. And the circuit overseer, what is
21 the role of a circuit overseer?

22 A. The circuit overseer visits a
23 congregation each week. There's normally 18
24 to 24 congregations within a circuit, and his
25 role is to go around and encourage the field

1 R. ASHE

2 ministry and help people be effective at what
3 they're doing there.

4 It's also to give encouragement and
5 spiritual talks to the congregation. He also
6 reviews with the elders any recommendations
7 for appointments of elders or ministerial
8 servants, or conversely any that might need
9 to be deleted because it's felt they no
10 longer qualify.

11 Q. And will he review congregation
12 records?

13 A. Yes, he does.

14 Q. And that would include publisher
15 record cards?

16 A. Yes.

17 Q. And monthly field service reports?

18 A. Well, the monthly field service
19 reports -- well, the monthly field service
20 reports are recorded on the publisher record
21 cards.

22 Q. How about meeting attendance
23 records?

24 A. He would examine those as well.

25 Q. And the financial accounts?

1 R. ASHE

2 A. Yes. Making sure that they're
3 audited regularly and that everything is in
4 order that day?

5 Q. How does the congregation gets its
6 money?

7 A. Through voluntary donations of the
8 members.

9 Q. To your knowledge, I know Mr. Moreno
10 will probably be the one to answer more of
11 these questions, but to your knowledge, does
12 the congregation keep any portion of the
13 contribution that are made to the worldwide
14 organization?

15 A. No, they do not.

16 Q. How is a circuit overseer
17 compensated, if at all?

18 MR. COPLEY: Objection, lacks
19 foundation, speculation, if you know.

20 A. Circuit overseers are also part of
21 the religious order. May I just use
22 religious order?

23 Q. Uh-huh.

24 A. They also are part of the religious
25 order, and they get a small stipend each

1 R. ASHE

2 month.

3 Q. Do you get insurance benefits, and
4 like health benefits, a car to use?

5 A. I don't, Bethel Family members do
6 not get automobiles, but we do have a
7 healthcare plan. And traveling overseers,
8 circuit overseers, they also have a
9 healthcare plan, and they are provided an
10 automobile.

11 Q. In terms of the, sort of the status,
12 stature of a circuit overseer, are they
13 considered to have somewhat of a higher
14 status within the organization?

15 MR. COPLEY: Objection, vague,
16 overbroad, lacks foundation,
17 speculation.

18 MR. ROUSE: Join.

19 A. I think the best way to answer that
20 is, is what Jesus says is all of your
21 brothers. It's not anything that's expected
22 or that they promote. Do sometimes
23 publishers hold them in high esteem? Yes,
24 they do, for the work that they do. They're
25 appreciative of that work.

1 R. ASHE

2 Q. And what's a city overseer?

3 A. A city overseer is another term that
4 we no longer use, and we have not had city
5 overseers for the past five years. Their
6 function primarily was when you have a city
7 that works has more than one congregation,
8 and back when we had subscriptions, if you
9 had a subscription renewal, wasn't sure which
10 congregation, the city overseer would
11 determine which congregation that should go
12 to for renewal, that's basically its purpose.

13 MR. ZALKIN: We can go off the
14 record a minute.

15 VIDEOGRAPHER: The time is 3:27
16 p.m., and we are going off the
17 record.

18 (Whereupon a short break was
19 taken.)

20 VIDEOGRAPHER: This begins tape
21 number three. The time is 3:44 p.m.
22 and we are back on the record.

23 Q. Mr. Ashe, what is an unbaptized
24 publisher?

25 A. An unbaptized publisher is an

1 R. ASHE

2 individual who's expressed their desire to be
3 one of Jehovah's Witnesses, and has
4 demonstrated that they have sufficient Bible
5 knowledge to be able to publish the good news
6 and the witnessing work.

7 Q. In 1986, were unbaptized publishers
8 referred to as unbaptized publishers?

9 A. No, they were approved associates.

10 Q. Why did that name change; do you
11 know?

12 A. Well, as an approved associate, it
13 was up to the individual who studied with
14 that person to determine when they were ready
15 to accompany them in the field ministry. And
16 with the term "associate", it was kind of a
17 misnomer. So unbaptized publishers seemed to
18 be more descriptive or accurate as to what
19 they were under the arrangement of unbaptized
20 publishers. Now, the elders were involved in
21 seeing if an individual qualified to go into
22 the ministry.

23 Q. With an approved associate, do you
24 know what year that changed?

25 A. 1989.

1 R. ASHE

2 Q. So for the time that they were
3 referred to as approved associates, did the
4 individual have to demonstrate some level of
5 understanding of the Bible principals that
6 are important to the Jehovah's Witnesses?

7 A. They did but, again, it was
8 determined by the person studying with them,
9 which means you had various levels of, you
10 know, individuals who felt they were ready.

11 Q. And were they able to engage in
12 field ministry work?

13 A. Yes.

14 Q. The approved associates?

15 A. The approved associates were able to
16 accompany individuals into the ministry.

17 Q. And at that time, did elders have
18 to, the body of elders of the congregation
19 would, they have to get some sort of level of
20 approval of that decision?

21 MR. COPLEY: Objection, vague.

22 A. No, they did not.

23 Q. Was an approved associate subject to
24 a judicial committee?

25 A. They were subject to a committee. I

1 R. ASHE

2 don't remember that it was called a judicial
3 committee, but if an approved associate got
4 involved in moral wrongdoing, then they would
5 no longer be an approved associate.

6 Q. And at some point, an approved
7 associate could become a baptized publisher,
8 correct?

9 A. Yes.

10 Q. And what would it take for an
11 approved associate to become a baptized
12 publisher?

13 A. So an approved associate, we're
14 talking about pre-1989?

15 Q. Yes. That's why I'm continuing to
16 use that term.

17 A. They would go over a list of
18 approximately 100 questions. It was one of
19 the publications. I want to think it was the
20 Lamp book. I know when I was a kid, I went
21 through the questions in the Lamp book, but
22 the OR book, you're right, the OR book is the
23 questions that they would have gone over, and
24 if they could demonstrate that they had a
25 reasonable knowledge of basic Bible

1 R. ASHE

2 teachings, then they could be an unapproved
3 associate or an unbaptized publisher.

4 Q. Now, so you answered my question, I
5 think in terms of an approved associate, I
6 was asking about a baptized publisher, so
7 let's go back. We can clarify that. So, an
8 approved associate -- did an approved
9 associate have to go through and respond to
10 the hundred questions or so that an
11 unbaptized publisher today has to do?

12 A. An approved associate did not. An
13 unbaptized publisher has to demonstrate that
14 they have an adequate knowledge of the Bible,
15 but to progress to be a baptized member of
16 the congregation, they do have to go over the
17 questions and demonstrate to a reasonable
18 degree that they understand the bible's
19 teaching and the beliefs of Jehovah's
20 Witnesses.

21 Q. And then who administers those
22 questions to them?

23 A. Elders from the body of elders are
24 assigned to go over certain sections of those
25 questions.

1 R. ASHE

2 Q. And in order to become a baptized
3 publisher, beyond responding to these
4 questions and demonstrating reasonable
5 understanding of the Bible, is there some
6 other qualification they have to have to
7 become a baptized publisher?

8 A. Well, part of the questions that are
9 outlined in there brings out that one, they
10 want to be a one of Jehovah's Witnesses. And
11 two, they have an adequate understanding of
12 Bible teachings. And three, that they've
13 harmonized their lives to live in a harmony
14 with the Bible's moral requirements.

15 Q. Why would one become a baptized
16 publisher as opposed to remaining an approved
17 associate, or in later time, an unbaptized
18 publisher?

19 MR. COPLEY: Wait, you're
20 asking him why would someone want to
21 become, basically, a Jehovah witness?

22 Q. Why would they want to become a
23 baptized publisher?

24 MR. COPLEY: Objection. Lacks
25 foundation, speculation. How would

1 R. ASHE

2 he know somebody -- what would
3 trigger them to want to become a
4 Jehovah's Witness?

5 Q. In your experience --

6 MR. ROUSE: Can I just throw
7 in, this is so key First Amendment.
8 I just have to say First Amendment
9 objection.

10 MR. COPLEY: I mean, think
11 about it. Everybody has a reason why
12 they might join a particular
13 religion, but how would he know what
14 any one person might -- it's
15 speculation.

16 Q. Is there some difference, some
17 advantage to an individual to become a
18 baptized publisher over remaining an
19 unbaptized publisher?

20 MR. COPLEY: Objection, vague.

21 A. Okay. May I speak now?

22 Q. Yes. I wish they would let you.

23 A. In an individual, as they come to a
24 heartfelt appreciation of what they've
25 learned, they make a dedication to do God's

1 R. ASHE

2 will, to live up to his righteous
3 requirements. The baptism is a symbol of
4 their dedication. When a person dedicates
5 their life to God, they do that in prayer to
6 him, that's between them and God, but the
7 baptism is an outward symbol to everyone else
8 that they've become a baptized member of the
9 congregation, an imitation of what Jesus did.

10 In the scripture that we use, there
11 is Mark 1:9, it says, "In the course of those
12 days, Jesus came from Nazareth of Galilee and
13 was baptized in the Jordan by John, and
14 immediately on coming up out of the water, he
15 saw the heavens being parted and like a dove,
16 the spirit coming down upon him. And a voice
17 came out of the heavens; you are my son, the
18 beloved; I have approved you. And
19 immediately the spirit impelled him to go
20 into the wilderness."

21 Then Verse 14 says, "Now, after John
22 was arrested, Jesus went into Galilee
23 preaching the good news of God." So that's
24 the reason. Not only is it baptism, but we
25 view it as an ordination.

1 R. ASHE

2 Q. So one who becomes baptized becomes
3 an ordained minister within the Jehovah's
4 Witnesses?

5 A. That's correct. And I think it goes
6 back to your question of the difference
7 between an unbaptized publisher and a
8 baptized publisher. Baptized publishers are
9 recognized not only as ordained members but
10 as members of the congregation.

11 Q. And in order to be an ordained
12 minister of the Jehovah's Witnesses, they
13 have to be approved by the body of elders; is
14 that correct?

15 MR. COPLEY: Objection, vague.

16 A. Again, there are three elders that
17 would meet with the individual before their
18 baptism, and after they've gone over the
19 various aspects as outlined in the OR book
20 back then, the OD book today, they meet and
21 confer and if they feel the person qualifies
22 to a reasonable degree, then they approve
23 that they are qualified and the individual
24 would get baptized.

25 Q. And in that capacity, they can then

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R. ASHE

say actually represent the Jehovah Witnesses when they engage in their ministry of preaching the good word or making disciples?

MR. COPLEY: Objection, misstates the evidence, misstates his testimony, vague.

MR. ROUSE: I'm going to object, too, on the grounds that it's asking him to testify on what someone else thinks or what someone else believes.

MR. COPLEY: I join in that, it's speculation. Go ahead.

A. In answer to that, Mr. Zalkin, they don't represent the congregation. They represent themselves as ordained ministers because their ministry is a personal one. It's not necessarily a congregational ministry. They do this out of their own volition. They do it because they want to.

Q. But one might have that same ambition and want to preach the good word and make disciples, but unless they are a baptized publisher, they can't do that as a

1 R. ASHE

2 Jehovah's Witness; is that correct?

3 MR. COPLEY: Objection, vague
4 overbroad.

5 A. As a non-baptized publisher, they
6 can still go out into the ministry. They can
7 preach to whoever they want to. That's a
8 personal decision on their part. They can
9 study the Bible with them, and then it's up
10 to that individual as to whether or not they
11 want to get baptized or not.

12 Q. So I can just decide one day I want
13 to go knock on somebody's door, and I want to
14 educate them on the beliefs of the Jehovah's
15 Witnesses, would I be doing that for your
16 benefit or for the Jehovah's Witnesses
17 benefit or would I be doing that for by own
18 benefit?

19 MR. COPLEY: Objection, lacks
20 foundation, speculation, vague.

21 MR. ROUSE: Join.

22 A. I think you would have to determine
23 that as to your motive for doing it.

24 Q. Well, I certainly wouldn't fill out
25 or be asked to fill out a field service card,

1 R. ASHE

2 would I?

3 A. No, sir, you wouldn't.

4 Q. And the time I spent conducting that
5 ministry wouldn't count in any way towards
6 the congregation's report to the Service
7 Department, would it?

8 A. No, sir, it wouldn't, but the reason
9 for that is because the elders haven't
10 determined that you qualified for that.

11 Q. I'd have to be qualified for some
12 reason?

13 MR. COPLEY: Objection, vague.

14 A. Well, that's true. The beliefs of
15 Jehovah's Witnesses are based on our
16 understanding of the Bible. There are some
17 religious tenants that are commonly held in
18 most churches have christened them that we do
19 not believe in. So if you want out
20 representing yourself as one of Jehovah's
21 Witnesses, going door to door, and you were
22 teaching these other beliefs, you can see how
23 confusing that would be to people.

24 Q. That's why it's important to the
25 Jehovah's Witnesses that those who are going

1 R. ASHE

2 to be doing that are approved, demonstrate
3 that they have the capability of doing that
4 for the benefit of Jehovah's Witnesses,
5 right?

6 MR. COPLEY: Objection, vague,
7 misstates the testimony and misstates
8 the evidence.

9 A. They would have to demonstrate that
10 they're qualified, have a reasonable
11 knowledge of the beliefs of Jehovah's
12 Witnesses based on the Bible.

13 Q. Was I correct?

14 MR. COPLEY: Same objections,
15 asked and answered.

16 MR. ROUSE: Join.

17 A. I'm sorry, what's your question?

18 MR. ZALKIN: Can you read my
19 question back, please.

20 (Whereupon, the record was read by
21 the reporter.)

22 MR. ZALKIN: Could you read his
23 answer to that.

24 (Whereupon, the record was read by
25 the reporter.)

1 R. ASHE

2 A. That would be my answer, Mr. Zalkin.

3 Q. And they would have to demonstrate
4 that so the organization would be certain
5 that they are not preaching tenants or
6 christened them, that do not comports with
7 the beliefs of the Jehovah's Witnesses; is
8 that correct?

9 MR. COPLEY: Objection, vague.

10 A. Yes, sir.

11 Q. What is a ministerial servant?

12 A. A ministerial servant is one who
13 scripturally qualifies, according to what
14 Paul laid out in his letter to Timothy,
15 2 Timothy 3, where he talked about
16 "Ministerial servant should likewise be
17 serious, not double tongued, not indulging in
18 a lot of wine, not greedy of dishonest gain,
19 holding the sacred secret of the faith with a
20 clean conscious. Also, let these be tested
21 as to fitness first, then let them serve as
22 ministers as they are freed from accusation."

23 So within the congregation the
24 elders would look over those that they feel
25 scripturally qualified according to what's

1 R. ASHE

2 described here, and if they measure up to a
3 reasonable degree, if they're reaching out
4 and want to be used in the congregation to
5 help with certain duties in the congregation,
6 then the elders can make a recommendation for
7 their appointment as a ministerial servant.

8 Q. And to whom do they make that
9 recommendation?

10 A. To the circuit overseer.

11 Q. What does that circuit overseer then
12 do with that recommendation?

13 A. He'll discuss it with a body of
14 elders during his visit with them, as far as
15 anyone who qualifies to serve as ministerial
16 servants. They will review the
17 qualifications. He'll ask questions about
18 their background and if they are living up to
19 these requirements to a reasonable degree,
20 and if so, he will make a recommendation on
21 his report to the Service Department.

22 Q. I may have asked this question, and
23 I am not sure what the answer was, so forgive
24 me if it's been asked and you've answered it.
25 When a publisher is baptized, there is a

1 R. ASHE

2 ritual that's associated with their baptism;
3 is that right? And, I' am not sure if the
4 word ritual is --

5 MR. COPLEY: Like a ceremony?

6 Q. Like a ceremony associated with
7 baptism?

8 A. If you mean by a ceremony, we
9 believe in full emersion under water.

10 Q. Is there a record then made of that
11 ceremony, of that baptism? Did they get
12 something, a certificate or something that
13 says that they've gone through this ceremony,
14 they've been baptized?

15 A. No, sir. As I mentioned to you
16 before, they can write it in the front of
17 their publication, write it in the front of
18 their Bible, and that's where they have the
19 record of the date of their baptism.

20 Q. What does a ministerial servant do
21 within the congregation?

22 A. I think an easy way of putting that
23 is they take care of the necessary business
24 of the congregation, leaving the elders free
25 to give attention to their teaching and

1 R. ASHE

2 shepherding responsibilities so they may take
3 care of the counter where their literature is
4 distributed. You know, when the literature
5 is received, they put it away. They keep an
6 inventory of it.

7 There may be an accounts servant
8 that collects and counts the money. There
9 are those individuals within the congregation
10 who would handle microphones for not only the
11 any public speaker or any parts given from
12 the platform but also microphones for those
13 in the audience as they give responses or
14 answers when they participate. They serve as
15 attendants in the congregation. Sometimes
16 for large events, they may serve as parking
17 attendants, helping individuals that way.

18 So there's a number of different
19 things as described in our publications there
20 that ministerial servants would handle.

21 Q. And how are ministerial servants
22 generally viewed by the congregation?

23 MR. COPLEY: Objection, vague,
24 speculation, also overbroad. Go
25 ahead.

1 R. ASHE

2 A. How are they viewed by the
3 congregation?

4 Q. Yes.

5 A. They have the respect of the
6 congregation as those that are as reaching
7 out and being used and volunteer their time
8 and efforts on behalf of the congregation.

9 Q. The congregation -- is the oversight
10 of the congregation is by a body of elders;
11 is that correct?

12 A. Yes, sir.

13 Q. And the body of elders can vary
14 depending on the size of the congregation?

15 A. It can, yes.

16 Q. And the body of elders, there are
17 certain, there is a service committee of the
18 body of elders?

19 A. That's correct.

20 Q. That used to be the oversight of
21 chairmanship of that committee, used to be
22 someone called the presiding overseer?

23 A. Yes, sir.

24 Q. That no longer is the term used I
25 understand?

1 R. ASHE

2 A. No, today it's referred to as the
3 coordinator of the body of elders.

4 Q. And there is a secretary that serves
5 on the service committee?

6 A. There is.

7 Q. And what other roles are there on
8 the service committee?

9 A. The third member of the service
10 committee is the service overseer for the
11 congregation, then we have two other
12 positions of responsibility. One is the
13 watchtower study conductor who is a teacher
14 that conducts the weekly Watchtower lesson.
15 It's a Bible study based on information
16 that's contained in a specific article of the
17 Watchtower.

18 Then we also have the theocratic
19 ministry school overseer. Every week at our
20 midweek reading, we have a school that
21 teaches public speaking and how to be better
22 teachers. It's open to anyone in the
23 congregation baptized or unbaptized to be
24 able to improve.

25 Q. Essentially, what is the role of the

1 R. ASHE

2 body of elders within the congregation?

3 A. The body of elders are individuals
4 to oversee the spiritual well-being of the
5 congregation. They act as teachers and
6 shepherds. Going back to 1 Timothy 3 it says
7 "The overseer should therefore be
8 irreprehensible. A husband of one wife,
9 moderate in habit, sound in mind, orderly,
10 hospitable, qualified to teach, not a
11 drunkard, not violent, but reasonable, not
12 quarrelsome, not a lover of money, a man
13 presiding over his own household in a fine
14 manner, having his children in subjection
15 with all seriousness, for if a man does know
16 how to preside over his own household, how
17 will he care for the congregation of God, not
18 newly converted man, nor for fear that he may
19 get puffed up with pride and fall into
20 judgement passed on the devil.

21 Moreover, he should also have a fine
22 testimony from outsiders, so that he does not
23 fall into reproach and a snare of the devil.

24 So given these qualifications, the
25 body of elders may not exemplify every point

1 R. ASHE

2 to a superlative degree, but all of these
3 qualifications are represented within the
4 collective body of elders.

5 As far as what they do over at
6 Galatians 6:1 it brings out that what these
7 men do and it is says, "Brothers, even if a
8 man takes a false step before he is aware of
9 it, you who have spiritual
10 qualifications," -- the qualifications we
11 just outlined -- "try to readjust such a man
12 in a spirit of mildness."

13 So this would be in their role as a
14 teacher and a shepherd, trying to help
15 individuals to do their best, to live a
16 morally and right life.

17 Q. And they sit as judges?

18 A. At times.

19 Q. And they manage certain of the
20 affairs of the congregation, correct?

21 MR. COPLEY: Objection, vague.

22 A. They oversee them.

23 Q. Elders, are they appointed in some
24 way?

25 A. Yes.

1 R. ASHE

2 Q. How are they appointed?

3 A. The same process I mentioned
4 earlier. When the circuit overseer visits,
5 he would go through those same qualifications
6 with the body of elders. If they have a
7 ministerial servant who has done well, has
8 gained freeness of speech demonstrated that
9 he has a desire to reach out for the office
10 of overseer, as Paul mentioned in his letter
11 to Timothy, then they can make that
12 recommendation.

13 The circuit overseer would then
14 review the qualifications with the body of
15 elders, and if they are in agreement that the
16 individual qualifies to a reasonable degree,
17 they will make the recommendation to the
18 Service Department.

19 Q. What does the Service Department do
20 with that recommendation?

21 A. Then we review the recommendation
22 and the qualifications that are given there
23 and if all is in order, then we will go ahead
24 and approve the appointment.

25 Q. Does that governing body in any way

1 R. ASHE

2 participate in the approval process?

3 A. No.

4 Q. Does any committee of the governing
5 body participate in any way with the approval
6 process?

7 A. No.

8 Q. Is any record provided to the
9 governing body of who is approved as an
10 elder?

11 A. No.

12 Q. How about the U.S. branch committee,
13 does the branch committee participate in any
14 way in the approval of an elder?

15 A. No.

16 Q. And is any record provided to the
17 U.S. branch committee of the approval of any
18 elder?

19 A. No.

20 Q. And so is exclusively within the
21 province of the Service Department to approve
22 the appointment of an elder?

23 A. That's correct.

24 Q. Has that always been the case?

25 A. To my knowledge.

1 R. ASHE

2 Q. Are elders encouraged to engage the
3 young people of the congregation in some
4 manner?

5 MR. COPLEY: Objection, vague,
6 overbroad, speculation.

7 A. As shepherds of the flock, they are
8 encouraged to be shepherds to all in the
9 congregation, that would be young and old
10 alike, but they would not do so with children
11 without their parent.

12 Q. Do elders have a responsibility
13 towards children or young ones of the
14 congregation?

15 MR. COPLEY: Objection, vague,
16 overbroad, speculation.

17 A. What kind of responsibilities?

18 Q. Well, let's say you have a
19 circumstance where you have a young boy that
20 who his parents are not Jehovah's Witnesses
21 but he's interested, would an elder have
22 some, be encouraged in some way to help that
23 young man understand the Bible, the
24 principals of the Jehovah's Witnesses?

25 MR. COPLEY: Objection, vague,

1 R. ASHE

2 overbroad, incomplete hypothetical,
3 speculation.

4 A. The elders have have that kind of
5 interest in everyone in the congregation. I
6 would say it would be a rare instance that
7 you have a young person without their parents
8 that would show that kind of interest, not
9 that it doesn't happen, but someone who have
10 developed that interest, you know, helping
11 them to come to an understanding. And if
12 they start associating with the congregation,
13 the elder would take an interest in their
14 spiritual progress.

15 Q. Have you heard the term "fatherless
16 boy"?

17 A. I have. It's a scriptural term.

18 Q. What does that mean?

19 A. It means a young person, it could be
20 boy or girl, who's maybe in a one-parent
21 family, or sometimes it means they have no
22 parents. They are usually referred to as
23 orphans though.

24 Q. Are there circumstances within
25 congregations where a child may be of a

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single parent who is busy working, has responsibilities for providing for the health and welfare of that child, and doesn't have the time to dedicate to their spiritual well-being? That they would come to an elder and say can you help me with my child's spiritual development?

MR. COPLEY: Objection, vague, overbroad, lacks foundation, speculation. Go ahead.

A. Yes, there are those situations. I was in that situation. I had a non-witness father and a believing mother, and she at one time went to the elders asking for someone to take an interest or study with me, but it was always done with her present.

Q. So are you telling me there are never occasions where elders or someone at their direction would be alone with young a child in the congregation due to purposes of attempting to help their development, spiritual development?

MR. COPLEY: Objection, vague, overbroad, lacks foundation,

1 R. ASHE

2 incomplete hypothetical.

3 A. I can't tell you that that would
4 never happen. I can tell you that as
5 Jehovah's Witnesses, we believe what's stated
6 here in Deuteronomy 6:6 and there in Verse 6
7 it says, "These words I am commanding you
8 today must be on your heart." Now that's
9 talking to parents. "And you must inculcate
10 in your sons and speak of them when you sit
11 in your house, when you walk on the road,
12 when you lie down, when you get up, tie them
13 as a reminder on your hand and they must be
14 like a headband on your forehead. Write them
15 on the door post of your house and of your
16 gates."

17 We view that. Our belief in this,
18 Mr. Zalkin, is that parents have the
19 responsibility of training and teaching their
20 children.

21 In fact, in Paul's letter to the
22 Ephesians, he told fathers to go and bring
23 their children up in the discipline and
24 mental regulating in Jehovah, and not to
25 irritating their children. Now, that's a

1 R. ASHE

2 tall order today not to irritate your
3 children.

4 The point is, fathers had that
5 responsibility to take care of the spiritual
6 needs of their children.

7 Q. Let me read to you from the "Pay
8 attention to yourselves and to all the
9 flock." This is the 1977 version, page 19.

10 "Parents have the primary
11 responsibility to care for the needs of their
12 children; however, the young ones are a part
13 of the congregation and elders have a
14 responsibility toward them also;" would you
15 agree with that?

16 A. I do.

17 Q. "Many youths have no fathers in the
18 truth, some have no relatives in the truth.
19 They deserve the consideration is to be shown
20 to the fatherless boy." Do you agree with
21 that?

22 A. Yes.

23 Q. Have you ever read the example they
24 give in the pay attention book, the
25 circumstance where an elder is alone with

1 R. ASHE

2 this young boy, "A teenager was given
3 attention by an elder." This is the example
4 they give. "He would stop and pick the boy up
5 every time he was going to help with the
6 building of the Kingdom Hall. Each day after
7 they finished their work on the Hall, they
8 would stop and get some refreshments and
9 converse.

10 The boy has grown up now and is a
11 circuit overseer. But he still remembers
12 this elder's concern as one of the highlights
13 in his spiritual development."

14 Why do you suppose they gave that
15 example?

16 MR. COPLEY: Objection, lacks
17 foundation, speculation.

18 A. I would imagine because it was an
19 encouraging example with a positive outcome.

20 Q. It goes on to say, "Note, some ways
21 that elders and others can assist and
22 encourage young ones in the congregation,
23 engage them in a conversation at the Kingdom
24 Hall and elsewhere." Would you agree to
25 that, that's something that elders are

1 R. ASHE

2 encouraged to do, as well as others in the
3 congregation?

4 A. From 1977, I don't think that has
5 changed, with very few exceptions.

6 Q. It goes on to say, "Encourage them
7 to express themselves, listen to their
8 viewpoints and problems." I think we can all
9 agree that's important?

10 A. Yes.

11 Q. "Share with them in the field
12 service. Help them to make progress in this
13 activity." Do you agree with that?

14 A. Yes.

15 Q. So elders should share with young
16 people in the field service?

17 A. That's true.

18 Q. And is it your testimony that they
19 will never do that without the parent of the
20 young child being with them?

21 A. I would say that it would be a rare
22 occasion that they would do it without the
23 parent, and certainly they're encouraged not
24 to do it by themselves.

25 Q. Why?

1 R. ASHE

2 A. Because of the prevalence of
3 problems that comes with accusations today.
4 You know, for the most part, with our elders,
5 they live up to those scriptural
6 qualifications. They're good people, but we
7 can't attribute or read hearts or account for
8 everybody, Mr. Zalkin.

9 I mentioned that that was in 1977,
10 today it's a different climate and elders
11 have to use good judgement in doing these
12 things. Do they still work with young people
13 in the ministry? Yes, but not alone.

14 Q. Is there a policy that you're aware
15 of, a written policy anywhere that
16 specifically provides that elders should
17 never be alone with children?

18 MR. COPLEY: Objection, vague,
19 overbroad.

20 A. There is policy with elders not
21 being alone with persons of the opposite sex
22 not their mate.

23 Q. Right. Is there a similar policy
24 that prohibits or proscribes elders from
25 being alone with a child of the congregation?

1 R. ASHE

2 MR. COPLEY: Same objections,
3 vague, overbroad.

4 A. Only if they are of the opposite
5 sex.

6 Q. Now, people come to elders for all
7 kinds of reasons, congregants, members of the
8 congregation come to elders for all kinds of
9 reasons.

10 Are elders generally held in very
11 high esteem in the congregation?

12 MR. COPLEY: Objection, lacks
13 foundation, speculation, overbroad.

14 A. Again, going back to the scripture
15 qualifications I mentioned earlier, have to
16 have a fine report inside and outside the
17 congregation which means, yes, sir they need
18 to be exemplary in the congregation.

19 Q. Is it your experience that members
20 of the congregation would generally follow
21 either the advise or the direction of the
22 elders?

23 MR. COPLEY: Same objections.

24 A. I think with the congregation's
25 publishers, they too have a knowledge of what

1 R. ASHE

2 the Bible says. If what the elders tell them
3 is in harmony with their knowledge of what
4 the Bible says, they will be obedient to it.

5 Q. What's a Kingdom Hall?

6 A. It's a place of worship for
7 Jehovah's Witnesses.

8 Q. And who holds title to the Kingdom
9 Hall, if you know?

10 MR. COPLEY: Objection, vague,
11 overbroad, lacks foundation,
12 speculation.

13 A. It would be the title holding
14 congregation. Many times they have a
15 corporation or a trusteeship that legally
16 allows them to holds titles to property.

17 Q. And is it the case that there might
18 be multiple congregations that will meet and
19 utilize a Kingdom Hall?

20 A. Yes.

21 Q. And who maintains the Kingdom Hall?

22 MR. COPLEY: Objection, vague.

23 A. That's distributed among all the
24 members of the congregation, whoever
25 volunteers.

1 R. ASHE

2 Q. And in terms of insurance for the
3 Kingdom Hall, do you know how that is
4 procured, and who provides that?

5 MR. COPLEY: Objection, vague,
6 overbroad, speculation.

7 A. It's a program through the branch
8 office, through our accounting office that
9 allows them to have insurance.

10 Q. So what takes place within the
11 Kingdom Hall?

12 A. We have weekly meetings. Each
13 congregation has a mid-week meeting that
14 consists of the congregation Bible study,
15 followed by a half-hour Theocratic Ministry
16 School, and then a service meeting. And then
17 on Sunday, we have a public talk, and then
18 following the public talk, we have a one-hour
19 Bible study based on the Bible and the
20 Watchtower magazine.

21 Q. And is there some expectation that
22 members of the congregation should attend
23 these various meetings?

24 A. Yes, in Hebrews 10 it brings out
25 that we should gather ourselves together for

1 R. ASHE

2 the purpose of inciting to love and fine
3 works, encouraging one another. So, we are
4 encouraged to come together, to meet together
5 for spiritual encouragement and instruction.

6 Q. Is there some record that is
7 maintained of the attendance of members at
8 the various meetings?

9 A. Yes.

10 Q. Why is that?

11 A. Just recordkeeping for the
12 congregation's sake to let them know how many
13 are attending their meetings.

14 Q. Does it matter in some way whether
15 people attend or don't attend?

16 MR. COPLEY: Objection, vague,
17 overbroad.

18 A. Well, it helps the congregation
19 elders to know, one, if you got low
20 attendance, is there some way that you need
21 to improve your teaching ability at your
22 meetings. Is it because, maybe the meetings
23 need to be elevated as far as, you know, its
24 content or it could be that it's an
25 indication of individuals who, for whatever

1 R. ASHE

2 reason, cannot attend, what can we do to help
3 those individuals, because we really feel
4 that we get association, we get encouragement
5 through that association.

6 Q. And are materials generally
7 distributed at these meetings?

8 A. Partly, some of them, yes.

9 MR. COPLEY: Objection, vague,
10 overbroad.

11 Q. Let's say you have a Theocratic
12 Ministry School, are there some kinds of
13 written materials that are generally provided
14 at the meetings of the Theocratic Ministry
15 School?

16 A. We have a publication that's
17 available called, "Benefitting from
18 Theocratic Education" which allows the
19 publisher to see various aspects that they
20 can improve their teaching. It's like a
21 textbook for that school, if that's what
22 you're referring to.

23 Q. Yes, anything like that.

24 A. But our primary publication that we
25 use in the school is the Bible.

1 R. ASHE

2 Q. What version of the Bible is used
3 for that?

4 A. For the Theocratic Ministry School?

5 Q. Yes.

6 A. We never stipulated a version of the
7 Bible. If individuals used the King James,
8 they would use the King James. I prefer the
9 New World Translation of the Holy Scriptures,
10 which is a modern English Version of the
11 Bible. But I've heard talks given with, you
12 know, Phillips Translation. The -- it's not
13 the Duway version, I forget the name of it,
14 but it's a common version that's used by
15 people.

16 Q. What's a service meeting?

17 A. A service meeting is a meeting for
18 spiritual encouragement to a congregation.
19 It may outline certain ways that we can be
20 effective in presenting the good news when
21 we're in a public ministry or it may cover
22 other subjects as well.

23 For example, currently, we're going
24 through a series of articles that talk about
25 what we learn from the prophets, and examines

1 R. ASHE

2 the lives of the profits and how we benefit
3 from their example. So there's a variety of
4 subjects that are discussed.

5 Q. At the service meeting?

6 A. Yes, sir. We've recently had parts
7 that talked about our upcoming district
8 convention and how we can prepare for them
9 and what to expect.

10 Q. What's field service?

11 A. Field service is a term used for our
12 public ministry. You know, within the
13 congregation, Galatians 6:10, says "Keep
14 doing what is good towards all, but
15 especially towards those related to you in
16 the faith." Describes a ministry within the
17 congregation. Our field ministry is the
18 ministry who perform outside the
19 congregation.

20 Q. And that is done through a variety
21 of ways?

22 A. Yes, sir, as discussed earlier.

23 Q. Door to door?

24 A. Or telephone witness.

25 Q. And is there certain training that's

1 R. ASHE

2 provided on how to be effective at field
3 ministry?

4 MR. COPLEY: Objection, vague,
5 overbroad. Go ahead.

6 A. Well, we have one-on-one training
7 that is done to help people to be effective.
8 That's one of the purposes also of the
9 circuit overseers visit. He'll work with a
10 variety of publishers helping them to be
11 effective in their ministry, and many times
12 those are subjects that will be covered in
13 our service meeting to help individuals to be
14 effective in their ministry.

15 Q. Now, who determines where publishers
16 will conduct their field ministry?

17 A. The publisher does.

18 Q. Are there territories that are
19 organized for the purpose of conducting field
20 ministry?

21 A. Yes, within every congregation is
22 assigned territory. There are smaller
23 territories that usually consist of sometimes
24 up to 200 homes that a publisher can check
25 out if they choose to do so, and then they

1 R. ASHE

2 can work in that territory. They can take a
3 car group into that territory if they wish.

4 Q. And before they actually go out to
5 the territory to conduct their field service,
6 is there a meeting that generally takes place
7 prior to that?

8 A. We have a meeting for field service
9 that people are welcome to attend. It helps
10 us to organize our ministry.

11 Q. So is that what most people do or do
12 they just go out on their own and decide I'm
13 going to go to this territory today and do my
14 thing?

15 MR. COPLEY: Objection, vague,
16 overbroad, speculation.

17 A. But in answer to your question, it's
18 up to them individually what they do.

19 Q. Is it acceptable for individual
20 publishers to just go out and knock on doors
21 without first attending some sort of a
22 meeting, getting some approval to go to
23 wherever they want to go?

24 MR. COPLEY: Objection, vague,
25 overbroad, speculation.

1 R. ASHE

2 A. Yes, there's no objection to that.

3 Q. So they don't need approval if
4 they're going to go -- when they're going to
5 go and where they are going to go?

6 A. That's correct.

7 Q. Is that the practice in your
8 experience that people do that or do they
9 tend to go to a service meeting first?

10 MR. COPLEY: Objection, vague,
11 overbroad, lacks foundation,
12 speculation.

13 A. Many go to the meeting for field
14 service. For example with my wife and I, we
15 will support the meeting for field service in
16 case there's someone there who does not have
17 territory or maybe they don't have
18 transportation, and so we'll take them with
19 us and work in our territory, and we'll drive
20 them. But in that same group, for example,
21 our coordinator of the body of elders attends
22 that group. There are many times that he'll
23 go out earlier in the morning. He doesn't
24 come back for the meeting for field service,
25 they just stay out in the field.

1 R. ASHE

2 Q. So does anyone issue field service
3 assignments?

4 A. There are no assignments. If
5 someone wants to share in a territory,
6 they're welcome to join you in your
7 territory, or they may have their own
8 personal territory that they checked out.

9 Q. Is there any concern that if people
10 simply decide they're going to go wherever
11 they decide to go, without some coordination,
12 that that might over saturate one particular
13 neighborhood of people?

14 MR. COPLEY: Objection, vague,
15 overbroad, speculation.

16 A. Well, believe it or not, that does
17 happen. But for the most part, people will
18 support the arrangement of working in an
19 organized way going into a territory so that
20 that does not happen. We don't want to be
21 irritating to our neighbors.

22 If I go through a territory that
23 I've checked out, and I've gone door to door,
24 you know sometimes you have someone that
25 comes behind you and does it without having

1 R. ASHE

2 that territory or just doing it on their own,
3 can become an irritant to the community, to
4 the neighborhood. What are you people doing
5 here, you were just at my door. You get that
6 type of a response. So we try to be
7 considerate of our neighbors that way in
8 being organized.

9 Q. Is there such a thing as a meeting
10 for field service?

11 A. There is.

12 Q. What is it?

13 A. It's a meeting where we come
14 together to do just that. We have some
15 encouraging words from the Bible to help us
16 get into the right frame of mind as we go out
17 into the ministry.

18 I know myself, as a conductor of
19 such meetings at times, I just ask the group,
20 is there anyone who does not have
21 arrangements this morning. And see if they
22 would like to join another group that does
23 have arrangements, but it's their decision.
24 I'm not telling them to go.

25 Q. I understand.

1 R. ASHE

2 A. Because, you know the truth, you
3 can't tell them to go. They're going to make
4 their own arrangements anyway.

5 Q. Who is permitted to conduct a field
6 service meeting?

7 A. It could be an elder, could be a
8 ministerial servant. It may be a sister if
9 there's not an elder or ministerial servant
10 available.

11 Q. Is there's a male publisher, one
12 male publisher and the rest are sisters, can
13 a sister conduct a field service meeting?

14 A. Generally, that would defer to the
15 male baptized publisher.

16 Q. How is it determined, what
17 particular passage of the Bible is going to
18 be discussed for that field service?

19 MR. ROUSE: Object, First
20 Amendment.

21 A. Well, we have suggested
22 presentations that are given in our Kingdom
23 ministry, which is the publication we use at
24 the service meeting, so maybe they will
25 review that or it could be that they review

1 R. ASHE

2 an encouraging scripture from that day. We
3 consider a daily text each day, and although
4 we don't normally consider that at the
5 meeting for field service, there maybe a
6 scripture that's applicable to the ministry
7 that the conductor may want to share.

8 Q. What does it mean to have a full
9 share in house-to-house ministry?

10 MR. COPLEY: Objection, vague.

11 A. To have a full share is to do what
12 you can. You have to determine what your
13 full share is.

14 It's just like Paul wrote to
15 Timothy. He said "Do the work of an
16 evangelizer, fully accomplish your Ministry.
17 Now, for Timothy, his ministry was different
18 from Paul's. Timothy did what he could in
19 his service to God, Paul did what he could in
20 his service to God, and the same is true with
21 all of Jehovah's Witnesses. We each do what
22 our personal abilities and circumstances
23 allows us to do.

24 Q. Are publishers provided with some
25 sort of a training or given sort of opening

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R. ASHE

line. When they come to your door, and I know its happened in my neighborhood, is there some kind of way they introduce themselves? Is there some sort of an opening line so-to-speak that they've been trained or taught to use?

MR. COPLEY: Objection, vague, overbroad, speculation, First Amendment.

A. That's petty much up to the individual. I'll give you an example. In our Kingdom Ministry, there may be samples, presentations, suggested presentations, a publisher may wish to use that or they may not.

Personally, in my ministry, like to have a nice opening conversation with individuals. I'll just ask them, do you know the three words Jesus said that will change the world. Take them to Matthew 6:10 where he said, "Your Kingdom come." And show them what that kingdom is and how it's going to benefit mankind. But you won't find that in a Kingdom ministry. I just personally enjoy

1 R. ASHE

2 using it and find it to be a conversation

3 starter.

4 Q. What materials are used during field

5 service?

6 MR. COPLEY: Objection, vague.

7 You mean now?

8 Q. Has that changed -- is there a

9 difference between say 1986 and now in

10 materials that are used for field service?

11 A. No, sir. Our primary tool in the

12 ministry is the Bible. Many publishers only

13 use the Bible in the ministry, but they can

14 use any of our published literature that they

15 want. Many now are enjoying using the

16 simplified tracts. They're very short. They

17 don't take a lot of time to read. People

18 appreciate them. Many times we're using the

19 Bible and referring people to our website.

20 Let them do their own research and look up

21 answers to their questions.

22 Q. Would they normally carry Watchtower

23 or Awake magazines with them?

24 MR. COPLEY: Objection, vague,

25 overbroad, speculation. Go ahead.

1 R. ASHE

2 A. I would say the majority do,
3 because, again, they're brief. And sometimes
4 they are more succinct. They can express a
5 message, you know, in a better way in a
6 person's privacy of their home, than I can do
7 standing at their door for five minutes,
8 which they're not going to allow me to do
9 anyway.

10 Q. In these days, they might hand them,
11 somebody who's interested, one or both of the
12 magazines for them to keep?

13 A. That's correct.

14 Q. And they may suggest a donation to
15 the well-liked organization --

16 MR. COPLEY: Objection,
17 misstates his testimony.

18 A. I can't say that they wouldn't but
19 my experience and in my own case, that's
20 rarely done.

21 MR. ZALKIN: Okay. Why don't
22 we call it a day for today. Is that
23 alright? I think we'll get through
24 tomorrow pretty quickly.

25 MR. COPLEY: Are you done with

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him or you want to let us know
tonight?

MR. ZALKIN: I'm not quite
done, but I can tell you that I
probably don't have an hour's worth,
maybe an hour's worth probably
tomorrow.. If we start at 10:00 --

Maybe we can go off the record.

VIDEOGRAPHER: The time is 4:40
p.m. and we're going off the record.

(4:40 p.m.)

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A C K N O W L E D G E M E N T

STATE OF NEW YORK)

:ss

COUNTY OF QUEENS)

I, RICHARD ASHE, hereby certify that I have read the transcript of my testimony taken under oath on April 1, 2014, that the transcript is a true, complete and correct record of what was asked, answered and said during my testimony under oath, and that the answers on the record as given by me are true and correct.

RICHARD ASHE

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I N D E X

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C E R T I F I C A T E

I, LA VERNE HAIRSTON, a shorthand reporter and Notary Public within and for the State of New York, do hereby certify:

That the witness(es) whose testimony is hereinbefore set forth was duly sworn by me, and the foregoing transcript is a true record of the testimony given by such witness(es).

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

LA VERNE HAIRSTON

