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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.

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VOLUME II
DEPOSITION OF
RICHARD ASHE

BROOKLYN, NEW YORK

APRIL 1, 2014
CORRECTED TRANSCRIPT

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24 ALSO PRESENT: MARIO MORENO
JOSE RIVERA, VIDEOGRAPHER

25

1 R. ASHE

2 VIDEOGRAPHER: The time is
3 10:15 a.m., April 1, 2014. This is
4 tape number one, volume two in the
5 continued videotape deposition,
6 Mr. Richard Ashe.

7 Q. Good morning, Mr. Ashe.

8 A. Good morning.

9 Q. We're back at it again this morning.

10 A. Yes, sir.

11 Q. And I just, I want to clarify a
12 couple of things from our discussion
13 yesterday and then move on to some other
14 areas.

15 A. Okay.

16 Q. With respect to the actual scripting
17 or writing of the Body of Elders letters, is
18 that done by elders at the Service Department
19 or is that done in some other department of
20 the U.S. branch?

21 MR. COPLEY: Objection, vague.

22 A. When those letters are written, they
23 are written by elders in the Service
24 Department for the most part. At times there
25 are consultations, for example, with the

1 R. ASHE

2 Legal Department.

3 Q. Correct. But the actual typing up
4 of the letter and formatting of the letter is
5 done by elders within the Service Department?

6 A. Yes, sir.

7 Q. Let's talk a little bit about the
8 literature that is distributed by Jehovah
9 Witnesses. And in particular, I'd like to
10 talk about the two magazines, the *Awake* and
11 the *Watchtower*.

12 And how are those, the content of
13 those magazines, how are they derived; where
14 does the content come from?

15 MR. COPLEY: Objection, vague.

16 A. I really wouldn't be able to answer
17 that for you, Mr. Zalkin, because I don't
18 work with that.

19 Q. Okay. So if I -- you don't know
20 where research is done or how research is
21 done for articles in these magazines, that's
22 not within your purview?

23 A. Yes, sir.

24 Q. Who would I have to talk to learn
25 more about that?

1 R. ASHE

2 A. Perhaps Mr. Moreno would be able to
3 cover that more with you because that covers
4 another department outside of my department.

5 Q. Would that be the Writing
6 Department then --

7 A. Yes, sir.

8 Q. -- we'd be talking about?

9 A. Yes, sir.

10 Q. But are you familiar with how these
11 magazines are used by Jehovah's Witnesses,
12 how they get distributed, what is done with
13 them?

14 MR. COPLEY: Objection, vague,
15 compound.

16 A. Yes, sir, I am familiar with that.

17 Q. Good. So let me, let's start with
18 one of them, to begin with. I'm going to
19 talk about those magazines that have been
20 produced in this case and other cases to us
21 that deal with the subject matter of child
22 sexual abuse and sort of the evolution of the
23 information that's been imparted by the
24 Jehovah's Witnesses through these, to
25 principally these two magazines to members,

1 R. ASHE

2 and I guess to the general public.

3 So I want to start with -- the first
4 one I want to start with is the February 8,
5 1981 Awake, and I'll hand that to -- let me
6 mark that as --

7 MR. STOREY: We're on 6, I
8 think.

9 MR. ZALKIN: Yes, number 6.

10 (Whereupon, a document was marked
11 as Exhibit 6, for identification, as of
12 this date.)

13 Q. With respect to the Awake magazine,
14 is this a, and I'm calling it a magazine
15 because I think, it says, "magazine" on it;
16 is that how you refer to it?

17 A. Yes, sir, we do.

18 Q. And with respect to the Awake
19 magazine, is this a magazine that most
20 publishers subscribe to?

21 A. Not necessarily that they subscribe
22 to, but it's available to them through the
23 congregation, if they pick up their own
24 personal copy.

25 Q. And is it the practice of most

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R. ASHE

publishers to obtain Awake magazines to read these magazines?

MR. COPLEY: Objection, vague, lack foundation, speculation.

A. Yes.

Q. Is that the expectation that they will do that?

A. I don't know that it's an expectation, but it's available to them to do it, and I would say the majority do that.

Q. And how about elders, do elders, or is it expected that elders would read these magazines and be familiar with the content?

A. Again, it's available to them, and I would say the majority of them do read them, right.

Q. And is it -- do they -- are discussions sometimes held within the congregation about materials and content that is provided in the Awake magazine?

MR. COPLEY: Objection, vague.

A. Possibly, but I can't think of any specific instance.

Q. Is that different from the

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R. ASHE

Watchtower magazine; is there some difference between these two in that respect?

MR. COPLEY: Objection, vague.

A. In the Watchtower magazine, there is an article or a series of articles that are covered during our weekly Watchtower study with the congregation.

Q. So is it the case that with respect to the Watchtower magazine, there are more formal discussions and conversations regarding the content of what appears in maybe that particular week's Watchtower?

MR. COPLEY: Objection, vague, misstates witness testimony.

A. There is more information that covered from the Watchtower than the Awake, is that what you're asking?

Q. I guess. Maybe that's a better way to put it.

A. Yes, sir.

Q. Let's turn to Exhibit number 6. This is the February 8, 1981 Awake. And I'd like to draw your attention to page 18 of that magazine, and I've highlighted on that

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R. ASHE

page the last sentence of that first full paragraph in the second column of that; do you see that?

A. I see it.

Q. And that highlighted area reads or says, "Remember, sexual molestation does not have to be intercourse. Fondling, "touching," unwarranted intimacy or any sexual playing, can cause great damage in later life." Do you see that?

A. I do.

Q. Is that something -- you know, you've been designated as somebody as a person most qualified to discuss policies regarding sexual abuse within the Jehovah's Witnesses organization.

Is that something, that as a matter of policy, was understood by the organization at that time?

MR. COPLEY: Objection, vague.

Go ahead.

MR. ROUSE: Vague, I don't know who you mean by "organization." Are you talking about congregations, are

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R. ASHE

you talking about the Service Department or the Writing Department who wrote it? It's totally vague.

MR. COPLEY: Also the policies are -- the Jehovah Witness' religion is not Watchtower.

A. Could you restate the question please, Mr. Zalkin?

Q. Sure. Would this statement here that, "Sexual molestation does not have to be intercourse. Fondling, touching, unwarranted intimacy or any sexual playing, can cause great damage in later life." Does that reflect an understanding by the, let's say, Watchtower of New York, Watchtower Bible and Tract Society of New York of what effects sexual molestation may have? Does that reflect an understanding of that in February of 1981?

MR. ROUSE: I'll object. It's still vague.

MR. COPLEY: I'll join that.

A. Well, again, the Watchtower Bible and Tract Society of New York is a

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R. ASHE

corporation. Are you asking if Jehovah's Witnesses in general understood the meaning of this?

Q. Yes, that was my first question to which I got five objections. So, if you can answer that, yes. Did Jehovah's Witnesses understand that at that time?

A. As far as understanding it, I would say for the most part they did. This is a public journal. It was produced in 7,800,000 copies, 34 languages and distributed to everyone, not just Jehovah's Witnesses but the public at large as well. But the meaning of it, I would think is fairly clear.

Q. So would it be fair to say that elders who read the Awake, who had read the Awake in 1981, would likely understand this to be the case that molestation, fondling, touching, unwarranted intimacy could lead to great damage in later life?

MR. COPLEY: Objection, lacks foundation, speculation.

MR. ROUSE: Join.

A. I would think from the statement in

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R. ASHE

the magazine, everyone would come away with pretty much the same understanding.

MR. ZALKIN: Let's mark as Exhibit number 7 an article, another Awake article.

(Whereupon, An Awake article was marked as Exhibit 7, for identification, as of this date.)

MR. COPLEY: What's the date of that?

MR. ZALKIN: This is dated June 22, 1982.

A. What page?

Q. Well, I didn't get to the page yet, but I will be looking at page 10.

A. You said page 10, sir?

Q. Page 10.

You know, let me just digress for a second, before we actually look at this document. Let me ask you, again, you've been designated as the person most qualified to respond to our questions regarding the development and the distribution of sexual abuse policies within the Jehovah's Witnesses

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R. ASHE

organization. Tell me what qualifies you to be that person to answer our questions regarding that?

A. What qualifies me to be the most experienced person or the most qualified?

Q. Yes.

A. It's part of our training and study and being familiar with these topics that are needed within the field or in the congregation, so that we can give spiritual guidance and direction to those who would call in and ask about these topics. Especially our bodies of elders.

Q. You're an elder?

A. Yes, sir.

Q. Beyond being an elder and having the biblical qualifications that are required to be an elder, is there any additional training or education that you've obtained that gives you some maybe greater insight into issues relating to child sexual abuse?

MR. COPLEY: Objection, vague, overbroad, lacks foundation, calls for an expert opinion. Go ahead.

1 R. ASHE

2 A. Are you talking about secular
3 training or theocratic training?

4 Q. Either.

5 A. Either one. We attend Kingdom
6 Ministry School on a periodic basis, that
7 helps us to understand these issues to a
8 greater degree. And in those schools, just
9 as with our magazines, we examine the
10 scriptural applications of how to deal with
11 these subjects, how to be of benefit to the
12 congregation either by protecting our
13 children or shepherding, consoling,
14 comforting and helping them through their
15 emotional trauma. But if an individual
16 decides to get secular help, they decide to
17 get professional help then, that's a personal
18 decision that they make. But as for me,
19 that's the training that I receive, is
20 through our organization, through our
21 magazines. I have no formal schooling in
22 this.

23 Q. So, much of the material that is
24 disseminated in these magazines that we will
25 be going over regarding sexual abuse, whether

1 R. ASHE

2 it is the depth and breath of the problem of
3 sexual abuse of children or the consequences
4 of sexual abuse of children or how to protect
5 children, is secular based as I read it. In
6 fact, there are many references in these
7 magazines to authors and academics in the
8 secular world.

9 A. Uh-huh.

10 Q. What training, if any, do you have
11 that would give you any, maybe greater
12 insight into these issues from a secular
13 perspective that allows you to be qualified
14 as the person most qualified to address these
15 questions?

16 MR. COPLEY: Objection, vague,
17 overbroad, calls for a conclusion,
18 calls for an expert opinion. Go
19 ahead.

20 A. In dealing with this subject, it's
21 true that we refer to many of the secular
22 sources for background information on this
23 and helping us to see the trends that are
24 occurring in society.

25 But if you'll notice in the article,

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R. ASHE

there are also many scriptures that are cited, and that is the view that we take. What is the Bible's view? We know as Jehovah's Witnesses that child abuse is abhorrent, and, so in the work that I do -- you take a congregation elder -- I'll give you an example. When I was an elder in the congregation, I don't remember that we ever dealt with an occasion, even an allegation of child abuse in my tenure as an elder in that congregation. But in my role, in a supervisory role or an oversight role in the Service Department, of course we get more cases. We get more things that we look into or we help with, give spiritual guidance and direction on, and just through the number of these incidents that we deal with, we gain experience, we gain knowledge, we see what the needs are, what the trends are, how do we need to adjust our policies. So especially, since 1981 forward, we've made progressive with that for that reason. We take a very personal interest in what happens with our members and our various congregations. So,

1 R. ASHE

2 in my capacity in the Service Department, you
3 know I assist with that. I hope that
4 answered your question.

5 Q. Well, I guess. It's your answer.

6 Let's go to this particular article,
7 Awake article, June 22, 1982. And if you
8 turn to page ten on that article in the
9 second paragraph, and I've highlighted that
10 for you.

11 A. Yes, sir.

12 Q. The article refers to a Time
13 magazine article. It says, "The Time article
14 concludes with some statements by
15 psychiatrists. One said, premature sexual
16 behavior among children in this society,
17 almost always leads to psychological
18 difficulties. Another who works with
19 children concludes childhood sexuality is
20 like playing with a loaded gun." Do you see
21 that?

22 A. I do.

23 Q. Again, as we discussed with previous
24 article, this is information that would be
25 imparted to members of congregations

1 R. ASHE

2 certainly within the U.S. Branch?

3 A. Yes, and again, this is a worldwide
4 distribution.

5 Q. So this is actually information that
6 would be imparted to members throughout the
7 world?

8 A. That's correct. Not only members
9 but people in the public in general.

10 Q. And this would be information
11 imparted to elders, obviously?

12 A. To elders, to parents, to anyone who
13 read the magazine.

14 Q. And it would be fair to say that
15 those people who read this, elders included,
16 would certainly gain an understanding that
17 premature sexual behavior with a child could
18 lead to significant psychological problems,
19 correct?

20 MR. COPLEY: Objection, lacks
21 foundation, speculation, overbroad.

22 A. I would believe that the article
23 would speak for itself on that, Mr. Zalkin.

24 Q. And my point is, it's included in
25 this magazine because it's information that

1 R. ASHE
2 someone within the Jehovah Witnesses believes
3 is important for members and others to know;
4 is that fair?

5 MR. Objection, lacks
6 foundation, speculation, overbroad,
7 vague.

8 A. I think that's fair. We were
9 calling attention to what was becoming an
10 emergent trend in society, trying to sound a
11 warning.

12 (Whereupon, a document was marked
13 as Exhibit 8, for identification, as of
14 this date.)

15 Q. Let me show you Exhibit number 8.

16 MR. ROUSE: What is it?

17 MR. ZALKIN: That is the
18 October 1, 1983 Watchtower magazine.

19 MR. COPLEY: Do you have a
20 specific page you want?

21 MR. ZALKIN: Page 27.

22 Q. Again, I've highlighted the area
23 that I want to talk about which appears on
24 page 27. It's in the third paragraph. It
25 reads, "Studies in the United States suggest

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R. ASHE

that one in five girls and one in ten boys
suffer sexual molestation before they grow
up. In most cases, the crime is committed by
someone the young victim knows and in many
cases, it is incestuous." Do you see that?

A. I do.

Q. And, again, as we've said with the
other two articles, this is information that
Jehovah's Witnesses, the organization, let's
say the Society, believes it was important
for people to be aware of.

MR. COPLEY: Objection, lacks
foundation, speculation.

MR. ROUSE: Objection. Vague
as to what the Society is.

A. I'm am sorry, can you say the
question, again?

Q. Again, as we've discussed with the
other articles, this is information that the
Jehovah Witnesses organization believes is
important for members and the general public
to understand and to know?

A. Yes, sir.

MR. COPLEY: Same objections.

1 R. ASHE

2 Q. And it would be expected that elders
3 in 1983 would read this and would understand
4 this information to be important to know?

5 A. That is correct. We were trying to
6 warn and get as many people involved in the
7 protection as we could.

8 Q. So it would be fair to say that they
9 would understand that sexual molestation is a
10 crime?

11 MR. COPLEY: Objection, lacks
12 foundation, speculation, calls for a
13 legal conclusion, vague.

14 MR. ROUSE: Join.

15 A. I think they would understand that
16 sexual molestation is a sin. As far as a
17 crime, I think it would depend on where you
18 live, as far as in this country's state law
19 and in other countries what their laws are,
20 but it certainly would be a sin.

21 Q. Do you think in 1983 that an elder,
22 any elder, would not understand if an adult
23 male had fondled a 11-year-old boy that that
24 would be a crime?

25 MR. COPLEY: Objection, vague,

1 R. ASHE
2 overbroad, calls for legal
3 conclusion, speculation, lacks
4 foundation.

5 MR. ROUSE: Join.

6 A. Are you talking about in this
7 country?

8 Q. In this country.

9 A. I would think that that would be
10 assumed, yes.

11 (Whereupon, Awake magazine was
12 marked as Exhibit 9, for
13 identification, as of this date.)

14 Q. I give you Exhibit number 9. So
15 this is the Awake magazine of January 22,
16 1985.

17 A. Yes, sir.

18 Q. And there are a couple of areas that
19 I've highlighted in this that I want to
20 discuss with you. The first is on page 3,
21 and it falls under the heading, "A widespread
22 problem."

23 A. I see.

24 Q. You see that?

25 A. Yes.

1 R. ASHE

2 Q. And it reads, "The fact is, sexual
3 molestation of children has been going on for
4 a long time, and today it is widespread. In
5 1983, the head of New York City's advisory
6 task force on rape reported, 'a dramatic
7 increase in the number of young children who
8 are victims of rape, incest and other forms
9 of sexual abuse.'

10 "Dr. David Finkelheart of the Family
11 Violence Research Program at the University
12 of New Hampshire conducted a large scale
13 study of the subject. He found that the
14 children of nine percent of the parents
15 interviewed had been sexually abused, 15
16 percent of the woman and six percent of the
17 men had themselves been sexually abused as
18 children." Do you see that?

19 A. Yes, sir.

20 Q. Would it be fair to say that the
21 Jehovah's Witnesses organization was warning
22 members, including elders, that this sexual
23 abuse of children was a widespread problem in
24 1985?

25 A. And including the public, yes.

1 R. ASHE

2 Q. Do you happen to know who

3 David Finkelheart is?

4 A. I don't know personally, no.

5 Q. Turning to page four in -- the top,
6 first paragraph, it's highlighted and it
7 reads, "In the United States, the National
8 Center on Child Abuse and Neglect has records
9 of 55,399 cases of children being sexually
10 molested in one year, that these are only
11 cases of incestuous abuse, abuse by friends,
12 neighbors, teachers and so forth, as well as
13 by strangers, would increase that figure to a
14 considerable extent and a spokesman of the
15 child welfare league of America told Awake
16 that the figures we have are only the tip of
17 the iceberg." Do you see that?

18 A. Yes, sir.

19 Q. Again, that would be information
20 imparted to members and to elders to warn
21 them of the considerable numbers of children
22 that are being sexually abused?

23 A. That's correct.

24 Q. On that same page, as we scroll
25 down, under the title, "Child molesting. Who

1 R. ASHE

2 would do a thing like that" in the bottom of
3 the first paragraph, it's highlighted and it
4 says, "So who are the usual child molesters."
5 Do you see that?

6 A. I do.

7 Q. And they give an example, "Sue was
8 molested by a man who was running a church
9 group. He ran a youth club and everybody
10 agreed that he was very pleasant, that he
11 sexually abused Sue and other girls." Do you
12 see that?

13 A. Yes, sir, I do.

14 Q. So would it be fair to say in 1985
15 the organization, Jehovah's Witnesses
16 organization was warning members and elders
17 that children were not just sexually abused
18 by people within their family, but people
19 that they knew were outside their family?

20 A. That was a possibility, yes.

21 Q. On page five in the highlighted
22 area, in paragraph one, it reads, "Usually
23 the victim knows the assailant. Often the
24 abuser is a relative because in most cases,
25 children are molested by people they know and

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trust and makes the problem of protecting them more difficult." Do you see that?

A. I do.

Q. So, again, was the organization warning members and elders that children are abused by people they know, relatives or others?

A. Yes, that's the message that's given in this sentence.

Q. And presumably that is something that people need to be alert to?

A. That was the purposes to alert people to this danger.

Q. And the Jehovah's Witnesses were aware of that in 1985?

MR. COPLEY: Objection, lacks foundation, vague, calls for speculation.

A. For those that read this article, they would be.

Q. And the organization itself was aware of that?

MR. COPLEY: Objection, vague.

A. The writers of this magazine, yes,

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R. ASHE

they're aware of it. That's the reason they put it in the magazine.

Q. And does the governing body have to approve of the content of these magazines?

MR. COPLEY: Objection, vague, overbroad.

A. Does the governing body approve the content of these magazines?

Q. Yes.

A. To my knowledge they do.

Q. So as we scroll down on page five, under, the heading, "Molester at work," I've highlighted one of the sentences in that paragraph that reads, "At the outset, sexual abuse may be disguised as playful or affectionate contact and go on from there." Do you see that?

A. Yes, sir.

Q. So this would be describing the -- are you familiar with the term, "grooming behavior"?

A. Yes.

Q. And this would be describing grooming behavior?

1 R. ASHE

2 MR. COPLEY: Objection, vague,
3 lacks foundation, speculation, calls
4 for expert opinion.

5 A. In fact, in this entire subheading,
6 they're talking about the tactics of
7 molesters so individuals could recognize
8 these tactics, correct.

9 Q. And if you look over on the page in
10 bold and highlighted, they make the
11 statement, "She was molested by her
12 minister." Do you see that?

13 A. Yes, sir.

14 Q. So it was clear that they were
15 alerting people that even a minister could be
16 a molester?

17 A. That's true.

18 MR. ZALKIN: Mark this as
19 number 10.

20 (Whereupon, an Awake magazine was
21 marked as Exhibit 10, for
22 identification, as of this date.)

23 Q. Let me hand you Exhibit 10 which is
24 an Awake Magazine of December 8, 1987.

25 MR. COPLEY: What page?

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R. ASHE

MR. ZALKIN: Page six.

Q. Mr. Ashe, this is an Awake magazine that seems to be focused the question that appears on the front page of it, "Who is Watching our children." And it discusses childcare, daycare, those types of facilities, and I want to draw your attention to page 6 of that.

In the section that is entitled, "Daycare and sexual abuse," they talk about attention that has been drawn to scandals, child abuse scandals involving daycare facilities. Now, I understand Jehovah Witnesses are not a daycare facility, but I thought it was interesting in the third paragraph of that, part of that section, it reads, "Responsible administrators, however, have taken firm steps. Awake spoke to Dobby Flowers, Deputy Administrator for the agency for Child Development in New York City.

"Over 40,000 children are enrolled in daycare programs under her supervision. Said Ms. Flowers, 'We screen our daycare

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R. ASHE

staffs thoroughly. We check to see if they have criminal or child abuse records, and since 1984, all daycare workers must be fingerprinted.'" Do you see that?

A. Yes, sir.

Q. So that's the Awake or Jehovah Witnesses organization advising the public that there are programs in place as early as 1987 for properly screening people who may have care of children?

MR. ROUSE: Objection, misstates what the article says. The article speaks for itself.

MR. COPLEY: Also vague and ambiguous, argumentative.

Q. Is that correct?

A. Can you repeat that?

MR. ZALKIN: Can you read my question please.

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

MR. COPLEY: Same objection, it misstates what the paragraph states.

A. This is talking about individuals

1 R. ASHE

2 who have a responsibility to oversee
3 children. In Jehovah's Witnesses, the
4 parents have that responsibility.

5 Q. I understand that. I'm not arguing
6 the Jehovah's Witnesses are daycare
7 providers.

8 A. Okay.

9 Q. What I am saying is, and it appears
10 to me from this article, that there is a
11 reason this appears in an Awake magazine, and
12 it suggests, does it not, that the Jehovah
13 Witnesses organization is advising the
14 public, parents, members, elders that there
15 are programs in place?

16 Here is an example, for properly
17 screening people who do have care of children
18 or oversight of children.

19 MR. ROUSE: Objection,
20 misstates -- it's argumentative.

21 Q. Is that correct?

22 MR. COPLEY: Objection. It's
23 argumentative. It's also
24 argumentative.

25 MR. ROUSE: It argumentative,

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calls for a conclusion, calls for improper opinion testimony. You can answer if you can.

A. My answer to that, Mr. Zalkin, would be in the article it says, "Who is watching our children, the working parents dilemma." This was helping them to see that for working parents who may need to put their children in some daycare center, that they need to thoroughly check that out. Because as mentioned here, there are safeguards in place within some daycare centers but not all. I would imagine any parent would want to check out the daycare center that they place their children in the trust of.

Q. So they're advising there are at least places that have programs in place for screening?

MR. COPLEY: Objection, vague, calls for --

Q. And that was early as 1987; is that correct?

MR. ZALKIN: Can I just finish a question before you object?

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R. ASHE

MR. COPLEY: You know you stop
and then you start again.

MR. ZALKIN: No, you keep
interrupting me, Rocky.

MR. COPLEY: No, you do, you
do, Irwin. I'm sorry.

MR. ZALKIN: You did it
yesterday, you're doing it again.

MR. COPLEY: I'm sorry. You
stop and then you start again. And
that's why I apologize to you, but
it's your cadence. It throws me off.
So if you want to state your
question, I'll wait until you're
done, and then I got an objection.
Do you want to state it again,
otherwise, I'll just put my objection
on the record.

MR. ZALKIN: No, I'm going to
state it again.

Q. This article, does it not, advises
parents that there are programs in place,
within at least some daycare centers, for
properly screening individuals who are going

1 R. ASHE
2 to be in charge of taking care of their
3 children; is that correct?

4 MR. COPLEY: Objection,
5 argumentative, calls for a
6 conclusion, calls for improper
7 opinion testimony, the article speaks
8 for itself, misstates the evidence.
9 Go ahead.

10 MR. ROUSE: I join.

11 A. That's what I get from this article,
12 Mr. Zalkin.

13 Q. Thank you. And that was in 1987?

14 A. It was.

15 (Whereupon, a document was marked
16 as Exhibit 11, for identification, as of
17 this date.)

18 Q. Let me show you Exhibit number 11,
19 this is an October 8, 1991 Awake, and I'm
20 going to be referring to several pages in
21 that one.

22 Looking at page 3 of that article,
23 it is the paragraph that I am interested in
24 discussing with you is paragraph two. It
25 comes under the major heading, "The innocent

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victims of child abuse." And it states, "Far from being a rare act, a deviant behavior." Then, "Childhood sexual abuse is a widespread affliction. One that cuts across all social economic, religious and racial lines." Do you see that?

A. Yes.

Q. And that's information the Jehovah's Witnesses organization thought it important to impart to its members, the general public and elders; is that correct?

A. That's correct.

Q. On page 4 under the heading, "The secret wounds of child abuse," it states "Childhood sexual abuse is an overwhelming, damaging and humiliating assault on a child's mind, soul, and body. The abuse invades every facet of one's existence." Do you see that?

A. I do.

Q. And, again, would you agree that's information that the Jehovah's Witnesses organization thought it was important for the public and members and elders to be aware of?

1 R. ASHE

2 A. It would be.

3 Q. And it goes on, on that same page,
4 to discuss why it is so devastating, and it
5 states, "After all, the first few years of
6 life are critical to a child's emotional and
7 spiritual development," and it cites
8 2 Timothy 3:15. Do you see that?

9 A. I do.

10 Q. "It is during those tender years
11 that a youngster begins developing moral
12 boundaries and a sense of personal worth. By
13 bonding to her parents, a child also learns
14 the meaning of love and trust." And it cites
15 Psalm 22:9. Do you see that?

16 A. Correct.

17 Q. And it states, "With abused
18 children, explains Dr. J. Patrick Gannon,
19 this process of trust building gets derailed.
20 The abuser betrays the child's trust. He
21 robs her of any semblance of safety, privacy
22 and self respect and uses her as a mere
23 object for his own self gratification. Small
24 children do not understand the significance
25 of the immoral acts being forced upon them

1 R. ASHE

2 that almost universally they find the
3 experience upsetting, frightening and
4 humiliating. Childhood abuse has thus been
5 called the ultimate betrayal." Do you see
6 that?

7 A. Yes, that's why it's so abhorrent.

8 Q. And it would be the expectation of
9 Jehovah Witnesses organization that the
10 parents, members, the public, elders should
11 understand that?

12 A. That's correct.

13 Q. And that was in October of 1991 that
14 date, that information was imparted?

15 A. Yes.

16 Q. On page 5, it says, "Many abused
17 victims suffer an array of symptoms,
18 including depression. Some also seethe with
19 persistent, and at times, overwhelming
20 feelings of guilt, shame and rage. Other
21 victims may suffer emotional shutdown, an
22 inability to express or even feel emotion.
23 Low self esteem, and feelings of powerless
24 also afflicts many." Do you see that?

25 A. Yes, sir.

1 R. ASHE

2 Q. And, again, that's important
3 information that the Jehovah's Witnesses
4 organization felt parents, members and the
5 public and others should be aware of?

6 MR. COPLEY: Objection,
7 argumentative, cause for a
8 conclusion, calls for improper
9 opinion testimony, vague.

10 Q. On page 6 it says, "Tragically,
11 eating disorders, workaholics, alcohol and
12 drug abuse are common among abused victims,
13 desperate attempts to bury their feelings."
14 Do you see that?

15 A. Yes, I do see that.

16 Q. And it particularly talks about
17 spiritual damage. "The most insidious effect
18 of all the childhood abuse can reek, is the
19 potential spiritual damage, molestation is a
20 defilement of flesh and spirit.
21 2 Corinthian 7:1. By performing perverted
22 acts on a child, by violating her physical
23 and moral boundaries, by betraying her trust,
24 an abuser contaminates a child's spirit or
25 dominant mental inclination. This can later

1 R. ASHE

2 impede the victim's moral and spiritual
3 growth." Do you see that?

4 A. I do.

5 Q. And as the designated person most
6 qualified to address these issues and these
7 policies, would you agree that that's one of
8 the common problems of child sexual abuse?

9 MR. COPLEY: Objection, vague,
10 calls for improper opinion testimony,
11 lacks foundation, speculation,
12 overbroad, argumentative.

13 A. That is a very real concern.

14 Q. Would you expect that to happen, to
15 be the case of a child who is raised as a
16 Jehovah's Witness and experience child
17 molestation?

18 MR. COPLEY: Objection. Calls
19 for expert opinion testimony, lacks
20 foundation, speculation. He's not an
21 expert of the effects of molestation
22 on a child.

23 MR. ROUSE: Join.

24 A. I'm sorry. What was your question,
25 again, Mr. Zalkin?

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

A. I would say that the propensity is
there, but it doesn't happen in every case.

Q. In this particular *Awake*, it's truly
dedicated to lengthy discussions of many
issues involving child molestation; is that
correct?

A. Yes, it is.

Q. Before I go on to some of the
others, what prompted this article; do you
have any idea?

A. I couldn't tell you.

Q. On page 7 in the second paragraph,
it reads, "How though could anyone forget
something as traumatic as sexual assault.
Consider how helpless a child is against the
advances of a father or some other powerful
adult. She cannot run. She dare not scream,
and she dare not tell anyone. Yet she may
have to face her abuser every day and act as
if nothing happened, maintaining such a
pretense would be difficult for an assault.
It is nearly impossible for a child. So she

1 R. ASHE

2 uses the tremendous imagination with which
3 children are empowered, and escapes mentally.
4 She pretends the abuse didn't happen,
5 blanking it out or numbing her senses to it.

6 "Actually, from time to time, all of
7 us block out things we don't want see or
8 hear. Compare Jeremiah 5:21. But abuse
9 victims uses this ability as a tool of
10 survival. Some victims report, 'I pretended
11 it was happening to someone else and I was
12 just a spectator. I pretended I was asleep.
13 I did my math problems in my head. And it
14 cites, 'Strong at the Broken Places' by
15 Linda T. Sanford.

16 Not surprisingly, then the book
17 "Surviving Sexual Abuse Claims, it is
18 estimated that up to 50 percent of survivors
19 of child sexual abuse are not aware of these
20 experiences. Some though may recall the
21 abuse itself but block out the feelings
22 connected with it, the pain, the rage, the
23 shame. And it discusses, it goes on to
24 discuss this repression, which it's titled,
25 "A tug of war in the mind". And it states --

1 R. ASHE

2 MR. COPLEY: Is there a
3 question in the future?

4 MR. ZALKIN: It's coming.

5 MR. COPLEY: Okay, just
6 curious.

7 MR. ZALKIN: Because this is on
8 video and we're going to play this to
9 the jury, I'm going to read this.
10 "As a victim gets older, the
11 pressures of life often weaken her
12 ability to repress the past, a whiff
13 of cologne, a familiar looking face,
14 a startling sound or even an
15 examination by a doctor or a dentist
16 may trigger a frightening onslaught
17 of memories and feelings. Should she
18 not simply try harder to forget? At
19 this point many victims find relief
20 in trying to remember." Do you see
21 that?

22 A. Yes.

23 Q. So in 1981, the Jehovah witness
24 organization was informing people --

25 MR. COPLEY: You said '81.

1 R. ASHE

2 Q. I'm sorry '91. Thank you. So in
3 October of 1991, the Jehovah Witnesses
4 organization felt it was important to inform
5 the public, members, parents, elders of the
6 children's ability, sort of, to disassociate
7 from the abuse; is that correct?

8 A. Yes.

9 Q. Even recognizing that there is some
10 effort or some repression of those memories?

11 A. That's correct.

12 Q. And that as many as 50 percent of
13 victims do that, or they disassociate or they
14 repress that memory?

15 MR. COPLEY: Objection. Calls
16 for an expert opinion, lacks
17 foundation speculation by this
18 witness.

19 MR. ROUSE: The article speaks
20 for itself.

21 MR. COPLEY: Yeah.

22 Q. Is that correct?

23 A. According to what's stated in the
24 article, it's quoted from this book
25 "Surviving child sexual abuse."

1 R. ASHE

2 Q. Are you aware that -- well, we'll
3 get to it. Again on page 8 in this article.

4 MR. ROUSE: What page?

5 MR. ZALKIN: Page 8.

6 Q. It talks about the value of
7 acknowledging and it states there, and it's
8 highlighted, "Why so for one thing,
9 remembering allows a victim to grieve. Grief
10 is a natural reaction to trauma. It helps us
11 to put distressing events behind us." And it
12 cites Ecclesiastes 3,4,7, 1 through 3?

13 An abuse victim, though, has been
14 denied her grief, forced to deny her
15 horrifying experience, made to bottle up her
16 pain. Such repression may result in what
17 doctors call posttraumatic stress disorder, a
18 numb state virtually devoid of emotion.
19 Compare Psalm 143, 3 and 4."

20 What do these biblical references
21 represent, do you have any idea?

22 MR. ROUSE: Objection, First
23 Amendment issues as previously stated
24 yesterday.

25 A. Again, as stated, we're a religious

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organization. So this is designed to give helpful comments and comfort from the scriptures. Sometimes individuals may feel that their feelings are unique to themselves but when you can read in the Bible that individuals even in bible times had similar feelings, that's a degree of comfort in that you think that you're strange for the way you feel, that others shared that experience and that feeling. You don't think you are strange for the way you feel, that others shared that experience and that feeling.

Q. So, in October of 1991, the Jehovah's Witness organization was advising parents and public and members and elders that this bottled up repression, that the inability to grieve can result in a psychological disorder condition known as posttraumatic stress disorder?

MR. COPLEY: Objection, misstates his testimony, calls for improper opinion testimony, lacks foundation, speculation, article speaks for itself.

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MR. ROUSE: And it calls for an expert witness opinion.

MR. COPLEY: Yes, that's true.

A. But, again, they're quoting from secular sources that are reporting this. So from '81 to '91, you've got ten years of trying to sound an alarm to the public and to members of the congregation to help them to be aware of this, so that they can be helpful and protective.

Q. Right. And they thought it was important that the public and members be aware of this and elders be aware of this?

A. Yes, sir.

MR. COPLEY: Objection, vague. Can we take a short break?

MR. ZALKIN: Yeah, sure.

VIDEOGRAPHER: The time is 11:10 a.m. We're going off the record.

(Whereupon a short break was taken.)

VIDEOGRAPHER: The time is 11:19 a.m. We're back on the record.

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R. ASHE

(Whereupon, a document was marked as Exhibit 12, for identification, as of this date.)

Q. I'm going to show you exhibit number 20. I'm sorry.

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

Q. Let's look at Exhibit number 12, and that's the Awake.

MR. COPLEY: Awake, April 8, 1993.

Q. '93, looking at page 31.

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

MR. COPLEY: Yeah, page 31.

MR. ROUSE: '93, you said or '92?

MR. COPLEY: '93.

MR. ROUSE: 4/8/93, page 31.

MR. COPLEY: If you want to read that paragraph entirely that's fine.

Q. Can I start or are you reading?

A. Oh, I was just reading, sir.

1 R. ASHE

2 Q. I'll wait until you're finished.

3 A. Okay, Mr. Zalkin.

4 Q. Sir, I want to take you to page 31
5 of this Awake of April 8, 1993, and this
6 entire page is dedicated to reporting on
7 statements and articles made by victims and
8 reporters regarding pedophile priests within
9 the Catholic Church; is that correct?

10 A. Yes, sir.

11 Q. And in this article, it talks about
12 a National Catholic Reporter article, and it
13 quotes that article as stating, "The first
14 abuse is sexual, the second and more painful
15 is psychological." And then the article
16 itself says, the Awake article says, "This
17 second abuse occurs when the church refuses
18 to listen to victims of abuse, fails to take
19 their accusations seriously and moves only to
20 protect the offending priests." Do you see
21 that?

22 A. Yes, sir.

23 Q. So is it fair to say that the
24 Jehovah's Witness organization is advising
25 and alerting parents, members, elders in the

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general public that not listening to victims,
not taking them seriously and protecting
offending religious leaders is a form of
abuse itself?

MR. COPLEY: Objection,

argumentative. It calls for improper
opinion testimony, lacks foundation,
speculation.

MR. ROUSE: The document speaks
for itself.

A. So in this article, they're quoting
from the article from the National Catholic
Reporter and in this statement, "The second
abuse occurs when the church refuses to
listen to victims of abuse, fails to take
their accusation seriously and moves on to
protecting offending priests." And then it
goes on to cite the NCR report again.

But they are saying that there is a
first abuse and then there's a repercussion
from that abuse, which they say could be a
second abuse.

Q. Right. But the portion that I just
read, "This second abuse occurs when the

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church refuses to listen to victims of abuse,
fails to take their accusations seriously and
moves only to protect the offending priests."
That's not a quote from any other article?

A. No, it's not a quote. It's a
commentary.

Q. It's a commentary by the publishers
or the author of this magazine?

A. Correct. Is that all with this one,
Mr. Zalkin?

Q. Yes, it is.

(Whereupon, an Awake article was
marked as Exhibit 13, for
identification, as of this date.)

Q. Show you Exhibit number 13?

MR. COPLEY: 13. Awake, July
22, 1993.

Q. Page six.

MR. COPLEY: Page six.

Q. So we're looking at the Awake
article, magazine of July 22, 1993, and let's
look at page six.

The title of this particular page
is, "Abusive parents, the ultimate

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stressors." And, obviously, it's talking about the impact of abuse by parents. But under the heading, "Sexual abuse," it's stated, "According to one estimate one in three girls and one in seven boys have been forced into a sexual experience by the time they are 18 years old. Most of these children suffer in silence like soldiers missing in action, notes the book, "The child in crisis." "They remain lost for years in a private jungle of fear and guilt." Do you see that?

A. Yes, sir.

Q. So, again, this is information regarding the depth and breadth of the problem of sexual abuse, at least within the United States?

MR. COPLEY: Objection.

Q. Is that your understanding?

MR. COPLEY: Objection, argumentative, lacks foundation, misstates the testimony, misstates the article.

A. Again, it's part of the on-going

1 R. ASHE

2 educational work that we were trying to do
3 with the public and with parents and with our
4 elders and members of the congregation.

5 Q. Thank you.

6 A. Yes, sir.

7 (Whereupon, an Awake magazine was
8 marked as Exhibit 14, for
9 identification, as of this date.)

10 Q. Let's mark this as number 14. This
11 is number 14. It's the Awake of October 8,
12 1993.

13 On page 3, it says, "The molesting of children
14 is an ugly reality in this sick world."
15 Lear's magazine said, 'It affects more of us
16 than cancer, more of us than heart disease,
17 more of us than Aids. Awake, thus feels an
18 obligation to try to alert it's readers to
19 this danger and what can be done about it. Do
20 you see that?

21 A. Yes, sir.

22 Q. By its own terms, the organization,
23 through this magazine, is attempting to alert
24 the public, including publishers and parents
25 and elders of the magnitude of the problem of

1 R. ASHE

2 child sexual abuse, isn't it?

3 MR. COPLEY: Objection,

4 compound, vague. Go ahead.

5 A. That's why the article is entitled,

6 "Protect Your Children."

7 Q. Right?

8 A. It's trying to help people to do

9 that.

10 Q. And in trying to protect children

11 and to alert parents, on page 5 it goes on to

12 say, "Tragically, adult society often

13 unwittingly collaborates with child abusers.

14 How so? By refusing to be aware of this

15 danger, by fostering a hush-hush attitude

16 about it, by believing of-repeated myths,

17 ignorance, misinformation and silence give

18 safe haven to abusers, not their victims.

19 "For example, the Canadian

20 conference of Catholic bishops concluded

21 recently that it was a 'general conspiracy of

22 silence' that allowed gross child abuse to

23 persist among the Catholic clergy for

24 decades. Time magazine in reporting on the

25 widespread plague of incest, also cited a

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R. ASHE

'Conspiracy of Silence' as a factor that
'only helps to perpetuate the tragedy' in
families.

"In citing an Asia Week magazine
article it states, "All experts agree that
the best defense against child abuse is
public awareness." Do you see that?

A. Yes, sir.

Q. Was the Jehovah's Witness
organization warning the public, warning
parents, warning publishers, warning elders
that silence was a danger and that public
awareness was necessary to defeat and attack
and protect against child sexual abuse?

MR. COPLEY: Objection, vague,
overbroad, argumentative, calls for
improper opinion testimony.

MR. ROUSE: Join.

MR. COPLEY: The document
speaks for itself. Go ahead.

MR. ROUSE: Join.

A. You can't correct a problem or
address a problem if you don't know there is
a problem.

1 R. ASHE

2 Q. And if parents don't know that there
3 is a molester within their midst, how can
4 they correct that problem?

5 MR. ROUSE: Objection. Calls
6 for expert opinions, argumentative.

7 MR. COPLEY: I'll join that.
8 It also lacks foundation, speculation
9 and outside the scope of this
10 witness' testimony as PMQ. If you
11 want to have him answer as to his own
12 personal opinion, that's one thing,
13 but he's not testifying on behalf of
14 Jehovah's Witnesses here.

15 Q. Can you answer the question?

16 A. Would your repeat the question?

17 Q. If parents are not warned that there
18 is a child molester within their midst, that
19 has the ability or may be able to come in
20 contact with their children, does that not
21 perpetuate the kind of silence that the
22 Jehovah Witness organization is warning
23 against?

24 MR. COPLEY: Objection, calls
25 for improper opinion testimony,

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R. ASHE

speculation, article speaks for
itself, argumentative.

MR. ROUSE: Join.

A. Not in my view it doesn't.

Q. Let me show you Exhibit number, what
I'll mark as 15.

(Whereupon, a letter was marked
as Exhibit 15, for identification, as
of this date.)

Q. Exhibit number 15 is a redacted
version of a December 5, 1985 letter to all
circuit and district overseers in the United
States.

MR. COPLEY: December 5, 1985,
okay.

Q. Do you see that?

A. Yes, sir.

Q. And in 1985, was it the policy of
the Jehovah's Witness organization that if
child abuse is reported to an elder and that
elder is asked whether the person reporting
it, whether it's a parent or a child should
report it to the authorities, the elder is
instructed or was instructed that before that

1 R. ASHE

2 was to happen, the elder should contact the
3 Service Department of the U.S. branch?

4 A. Although it doesn't say it
5 specifically here, they did not contact the
6 Service Department, they contacted the Legal
7 Department.

8 Q. So in 1985 -- when it says in this
9 document, when it says it would be best to
10 have the brothers communicate with the
11 Society on the matter, that's referring to
12 the Legal Department?

13 A. That's where their call would have
14 been directed is to the Legal Department.

15 Q. So in 1985, it was the policy of the
16 Jehovah's Witnesses that if there was a
17 question of whether a report of child sexual
18 abuse should be made to the authorities, that
19 question should be directed to the Legal
20 Department before any action is taken?

21 A. Legal Department would have to give
22 legal advice on that, depending on the laws
23 of the state where the abuse was being
24 reported.

25 Q. Mr. Ashe, was it the policy of the

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R. ASHE

Jehovah's Witnesses in 1985 that if an elder received a report of child sexual abuse of a child member of a congregation by another member or ministerial servant, or elder for that matter, that they are not to report that to the police; the receiving elder of that report is not to report that to the police until they have spoken with the Legal Department?

A. They were to contact the Legal Department before contacting the authorities according to what the laws were at that time. If they personally chose to contact the police, they were free to do that according to their individual preference.

Q. So is it your testimony that the policy of the Jehovah's Witnesses in 1985, was that an elder who received a report of child sexual abuse by a member of his congregation would be free on his own volition to call the police and report it to the police?

MR. ROUSE: Objection,
incomplete hypothetical.

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R. ASHE

MR. COPLEY: I'll join.

Q. Without contacting a Legal Department, if he so chose?

MR. COPLEY: Same objection.

Q. Let me restate the question.

Is it your testimony, as the person most qualified to address these issues and these policies, I'm asking you, was it the policy of the Jehovah's Witness organization in 1985, that if an elder received a report of child sexual abuse by a member of his congregation, he had the free choice to call the police and make a report, if he so desired?

MR. ROUSE: Objection, incomplete hypothetical, assumes facts not in evidence.

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

A. Any elder could have called the authorities if they chose to do so. But, again, as you stated, this was a letter to circuit and district overseers not to elders. If elders contacted the circuit overseer and

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R. ASHE

said what do we do, the first suggestion was to call to get legal direction on what our responsibility to the law is, but it's always been foremost to protect children and make sure they're out of harms way.

Q. So are you saying that it's always been the policy of the Jehovah's Witness organization, that a elder receiving a report of child sexual abuse by one of his members, could simply pick up the phone and call the police, if that's what he wanted to do?

A. If that's what he wanted to do.

MR. ROUSE: Objection,

incomplete hypothetical, assumes facts not in evidence.

MR. COPLEY: I'll join that,

also vague.

Q. And is it your testimony then that it was nothing that compelled him to have to call the Legal Department if he didn't want to?

MR. COPLEY: Objection, again,

incomplete hypothetical.

A. All travelling overseers were asked,

1 R. ASHE

2 if they were contacted on this matter, to
3 instruct the elders to call the Legal
4 Department, to call the branch office, and
5 here it's referred to as the Society, to get
6 legal direction on how to proceed.

7 (Whereupon, a document was marked
8 as Exhibit 16, for identification, as of
9 this date.)

10 Q. Let me show you the next exhibit,
11 this group is going to be number 3, Exhibit
12 16. I'm going to show you number 16.

13 Exhibit number 16 is a document that
14 was produced in this case by Watchtower, and
15 it's titled, "The need for confidentiality,"
16 it has the number 15, and on the second page,
17 it states, "KMS87-8." Do you recognize this
18 document?

19 A. Yes, sir.

20 Q. What is this document?

21 A. This was information that was
22 conveyed at a Kingdom Ministry School, which
23 is a school that elders attend.

24 Q. And can you tell from this document
25 when this Kingdom Ministry School information

1 R. ASHE

2 was provided?

3 A. It was in 1987.

4 Q. And how is this communicated? "It
5 notes to be covered in 20 minutes." It says
6 that on the second page, what does that mean?

7 A. It means for the speaker that was
8 given this part, to address the audience, he
9 had 20 minutes to cover the information that
10 was in the entire outline.

11 Q. And when you say, "The entire
12 outline," would that include material that
13 has been redacted from this document?

14 A. Yes.

15 Q. So he had 20 minutes to discuss this
16 entire outline, which would include the
17 portion dealing with confidentiality when
18 serving on judicial committees, et cetera?

19 A. That's correct.

20 Q. And according to this document, it
21 purports to discuss the need for maintaining
22 confidentiality of information obtained
23 during a judicial committee or shepherding
24 calls; is that correct?

25 A. Yes, sir.

1 R. ASHE

2 Q. And that elders are told that they
3 are to keep that confidential under what is
4 being referred to in this document as
5 Ecclesiastical privilege; do you see that?

6 A. Yes.

7 Q. So information they learn about a
8 child molester is to be kept confidential,
9 under what is referred to as Ecclesiastical
10 privilege, if it's learned through a judicial
11 investigation or a judicial committee; is
12 that correct?

13 MR. COPLEY: Objection,
14 argumentative, misstates the
15 evidence.

16 Q. Is that correct?

17 A. It would be correct for any matter
18 that came before judicial committee.

19 Q. My question wasn't talking about any
20 matter. My question was directed to
21 information they learned about a child
22 molester?

23 A. It would include information about a
24 child molester.

25 Q. And it directs that that should be

1 R. ASHE
2 kept confidential from prosecuting
3 authorities?

4 A. Yes.

5 MR. ROUSE: Objection,
6 incomplete hypothetical, assumes
7 facts not in evidence, calls for a
8 legal conclusion.

9 MR. COPLEY: I'll join. The
10 document speaks for itself.

11 Q. Is that correct?

12 A. It's mentioned that anything that
13 comes before judicial committee, and is
14 heard, is to remain confidential. It says in
15 the article here or in this portion, that if
16 individuals were to release confidential
17 information outside of that Ecclesiastical
18 body, then they would lose their
19 Ecclesiastical privilege.

20 Q. Right. And what that means is, if
21 they learn about a child molester, the
22 conduct of a child molester, in the context
23 of a judicial committee, they should not tell
24 a prosecutor or a defense attorney or for
25 that matter anyone else; is that right?

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R. ASHE

MR. ROUSE: Objection,
incomplete hypothetical, calls for a
legal conclusion, assumes facts not
in evidence.

MR. COPLEY: I'll join. Also,
argumentative. Go ahead.

A. It says here that occasionally
elders have succumbed to pressure from
prosecuting or defense attorney, or other
persons during conversation with such persons
and revealed confidential information
regarding divorce, child custody or child
abuse cases, by voluntarily revealing
information learned in judicial hearings or
doing shepherding calls. They have forfeited
Ecclesiastical privilege and unnecessarily
involved themselves or the congregation in
time consuming legal contests. Where there's
a question contact the Society or the Legal
Department.

Q. What does that mean, what does that
mean to you as the person who has been
designated most qualified to address
questions regarding the policies of Jehovah

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Witnesses?

A. It means individuals who have been assigned to the special Shepherding activity to help individuals, keep that within the confines of the Ecclesiastical privilege of confidential communication.

If individuals thought that they could not come to the congregation's elders and reveal past sins or present sins to get the spiritual help that they need, if they knew that they were going to release confidentiality about that, it would be ineffective. It's like the attorney/client privilege. If your client knew you were going to reveal what they told you about to the authorities or the ones that they're being defended against, you wouldn't have much of a practice or an ability to help that individual. It's not much difference with a minister trying to help a member of the congregation. But it doesn't exclude that if an elder chose, of his own volition, that he felt something needed to be reported, that he could not do that. He's encouraged to keep

1 R. ASHE

2 confidentiality, and it would also respect
3 conscience.

4 Q. In 1987, if a member of the
5 congregation was accused of molesting a child
6 of the congregation, a judicial inquest was
7 held, a judicial committee was convened and
8 the perpetrator would not make a confession,
9 and there was not an additional witness to
10 the abuse, other than the child himself,
11 nothing would be done or could be done under
12 the policies of the Jehovah's Witnesses at
13 that time; is that correct?

14 MR. COPLEY: Objection, vague,
15 compound, calls for improper opinion
16 testimony, lacks foundation,
17 overbroad.

18 MR. ROUSE: And incomplete
19 hypothetical.

20 MR. COPLEY: I'll join that.

21 A. Going through your scenario,
22 Mr. Zalkin, if it had not been established,
23 there would be no judicial committee. It
24 would have been looked into by two elders of
25 the congregation. But unless it had

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substance according to the scriptural standard of evidence, the congregation would not have the scriptural authority to pursue it further judicially. Doesn't mean they don't do anything. They still takes steps to protect that child, to make sure it's not in harms way.

Q. But none of those steps would include advising authorities, right because that would violate the Ecclesiastical privilege described in Exhibit 16, correct?

MR. COPLEY: Objection, vague, compound, argumentative.

A. Not necessarily that the elders would report it to the authorities, unless their conscious moved them to do so, but they don't prevent family members, parents or others to know of it to contact the authorities.

Q. So despite this -- am I correct then, despite this instruction, an elder if his conscience so dictated, could go ahead and tell the authorities without suffering any consequence by the Jehovah's Witness

1 R. ASHE

2 organization?

3 MR. COPLEY: Objection,
4 incomplete hypothetical, assumes
5 facts not in evidence, calls for a
6 legal conclusion.

7 A. We don't sanction individuals for
8 reporting child abuse, Mr. Zalkin.

9 Q. So an elder would be free to
10 disregard this instruction that appears in
11 Exhibit 16 if his conscious dictated, without
12 having to be concerned whatsoever of any
13 consequence, any sanction, any reprimand by
14 the Jehovah Witness organization, and that
15 was in 1987; is that true?

16 MR. ROUSE: Objection,
17 incomplete hypothetical, assumes
18 facts not in evidence. It doesn't
19 state all the facts in any particular
20 state of law. It's calling for a
21 legal conclusion too.

22 MR. COPLEY: I'll join that, go
23 ahead.

24 A. As I mentioned earlier, we don't
25 sanction individuals for reporting child

1 R. ASHE

2 abuse.

3 Q. Is there any document that you can
4 refer me to that states anywhere to the
5 effect that if the elder chooses of his own
6 free will and conscious to report to law
7 enforcement child sexual abuse or at least an
8 allegation of child sexual abuse he's
9 received, that he is free to do that?

10 MR. COPLEY: Objection, vague,
11 compound.

12 MR. ROUSE: Join.

13 A. I would have to research that,
14 Mr. Zalkin. I know we have in print that we
15 don't sanction individuals if they choose to
16 report child abuse.

17 MR. MORENO: I can answer that
18 one for you when my turn comes.

19 MR. ZALKIN: Okay.

20 MR. MORENO: I'll be happy to.

21 MR. ZALKIN: Well, are you the
22 expert now on the policies and
23 procedures --

24 MR. MORENO: Of the child abuse
25 reporting, yes. I am, he's not.

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R. ASHE

MR. ZALKIN: Are you testifying
now?

MR. MORENO: Yes.

MR. ZALKIN: Well, do you want
to swear him?

MR. ROUSE: Just like you are.

MR. ZALKIN: Well, he's not the
witness.

MR. MORENO: I thought you
meant when my turn comes will I
testify, yes.

Q. So as you sit here today, you're not
aware of any documents that instruct or
advise elders that they may choose to report
to authorities child sexual abuse and
allegations of child sexual abuse within
their congregation that they've received if
they so choose?

MR. COPLEY: Objection,
misstates his testimony.

A. I think Mr. Moreno can answer the
question better than I could, Mr. Zalkin.

(Whereupon, a document was marked
as Exhibit 17, for identification, as of

1 R. ASHE

2 this date.)

3 Q. Let me show you Exhibit 17.

4 A. May I give you an example of that,
5 Mr. Zalkin?

6 Q. You know, at this point you've
7 already told me you're not the person that I
8 should be talking to about this, so -- I
9 appreciate that but we'll wait for
10 Mr. Moreno's testimony.

11 A. Just trying to be helpful.

12 Q. Thank you.

13 (Whereupon, a letter was marked as
14 Exhibit 17, for identification, as of
15 this date.)

16 Q. Let me show you Exhibit number 17.
17 This is a Body of Elder letter dated July 1,
18 1989.

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

21 MR. ZALKIN: Can we take five
22 minutes.

23 VIDEOGRAPHER: The time is
24 11:58 a.m., We're going off the
25 record.

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VIDEOGRAPHER: The time is
12:09 p.m., we're back on the record.

Q. Looking at Exhibit --

MR. COPLEY: 17.

Q. Looking at Exhibit 17, on the first page of that exhibit, it states in paragraph three, and I've highlighted that for you, "Elders share the obligation to Shepherd the flock. However, they must be careful not to divulge information about personal matters to unauthorized persons. There is a time to keep quiet, when your word should prove to be few." Do you see that?

MR. ROUSE: I'm going to object to that. Again, I am going to object to him commenting about anything that's in the redacted portion of this document. It's like asking the court or a jury to rule on religious policies, practices and beliefs of Jehovah's Witnesses. It's a violation of the First Amendment, Freedom of Religion, Freedom of Association and further violation of

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the establishment clause, Article 1
Section 4 of the California
Constitution, and I think it's trying
to unfairly establish a distinct
religion by criticizing the religious
beliefs and practices of Jehovah's
Witnesses.

MR. COPLEY: I would join that
and also point out, it's not relevant
to the issues at hand which involve
child abuse, and it's not likely to
lead to the discovery the relevant or
admissible evidence. And I instruct
you not to answer any questions about
any portion of Exhibit 17 that has
been redacted from the version that
we have produced.

MR. ZALKIN: And do you have
any kind of an order from the court
permitting the redaction of material
from this, this letter July 1, 1989?

MR. ROUSE: Do you have any
order from the court that says that
we had to unredact this?

1 R. ASHE

2 MR. ZALKIN: It's a public
3 document. You used it in -- it's
4 been used in another trial. It's
5 been entered as evidence in another
6 case.

7 MR. ROUSE: That doesn't mean
8 it's a public document.

9 MR. ZALKIN: It's absolutely a
10 public document. It's everywhere you
11 look on the internet. It's in
12 newspapers. It's been quoted
13 everywhere.

14 MR. ROUSE: Our position has
15 been stated, Mr. Zalkin.

16 MR. ZALKIN: Are you
17 instructing him not to answer?

18 MR. COPLEY: I did.

19 MR. ZALKIN: All right. Can
20 you mark the record here.

21 COURT REPORTER: Yes.

22 MR. ZALKIN: Thank you.

23 Q. Let me just before we move on from
24 this, have you ever seen this document
25 before?

1 R. ASHE

2 A. Yes, sir.

3 Q. In it's full version, not just the
4 redacted version?

5 A. I have.

6 Q. In what capacity have you seen this
7 document?

8 A. Both as an elder and working in the
9 Service Department.

10 Q. And in what capacity in the Service
11 Department were you working when you first
12 became familiar with this document?

13 A. I was working on a section desk,
14 service desk.

15 Q. Did you have any responsibility for
16 drafting this document?

17 A. No, sir. It predated the time that
18 I came to Bethel.

19 Q. Looking at page 3 of the document,
20 item titled, "Letterhead B."

21 A. Yes, sir.

22 Q. That says, "Child abuse," and that's
23 in the redacted -- you're looking at the
24 redacted version?

25 A. Yes, sir.

1 R. ASHE

2 Q. It says, "Many states have child
3 abuse reporting laws. When elders receive
4 reports of physical or sexual abuse of a
5 child, they should contact the Society's
6 Legal Department immediately. Victims of
7 abuse need to be protected from further
8 danger." And it cites to the Awake, January
9 22, 1985 article, "If the worst should
10 happen." Do you see that?

11 A. I do.

12 Q. What do you attach the significance
13 to the sentence, "Victims of such abuse need
14 to be protected from further danger," in this
15 context?

16 MR. COPLEY: Objection, vague,
17 argumentative.

18 MR. ROUSE: The document speaks
19 for itself.

20 A. And mentioned earlier, elders have
21 the responsibility of shepherding the
22 congregation. So they would want to parents
23 to make sure that their children were out of
24 harms way.

25 Q. And how should they do that?

1 R. ASHE

2 A. Through education, through
3 Shepherding, through helping them
4 spiritually.

5 Q. And how do they protect parents
6 whose children might be in harms way of a
7 known child molester that has not been
8 identified to the congregation?

9 MR. COPLEY: Objection,
10 argumentative, assumes facts not in
11 evidence, First Amendment privilege.

12 MR. ROUSE: It also calls for
13 an expert opinion.

14 MR. COPLEY: I would join that.

15 A. In these situations, Mr. Zalkin, if
16 there's been an allegation of child sexual
17 abuse, they're going to know who the
18 perpetrator is and how to protect their child
19 from that individual.

20 Q. And how are they going to know that?

21 A. The child would've told them who the
22 individual is that they're making the
23 allegation against.

24 Q. No, I'm talking about parents in the
25 congregation who might be exposed to that

1 R. ASHE

2 same molester.

3 A. I'm talking about the parents of the
4 child who allegedly was abused.

5 Q. Now I'm talking about my question is
6 directed to parents. How are parents
7 protected of the danger of the child molester
8 who is in the congregation that hasn't been
9 identified as a child molester?

10 MR. COPLEY: Objection, lacks
11 foundation, speculation, calls for
12 expert opinion, beyond the scope of
13 this witness' qualifications or
14 designation.

15 MR. ROUSE: Vague, it's an
16 incomplete hypothetical, lacks
17 foundation.

18 A. In these situations, Mr. Zalkin, the
19 elders would be alert to the individual, and
20 they would be vigilant as to his conduct as
21 they looked into it to establish whether or
22 not there was the scriptural standard of
23 evidence to show that he did abuse the child.
24 But the other aspect, here they've been
25 instructed to contact the Legal Department

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R. ASHE

because many states have child abuse reporting laws. So whether those elders reported it or the parents reported it, then the secular authorities, maybe child protective services would be involved. And, of course, they are going to do their own investigation.

Q. And in those circumstances, where there are not child reporting laws, what effort is made by the organization to alert authorities to the fact that someone has reported child abuse in the congregation?

MR. COPLEY: Objection, vague, overbroad, lacks foundation, speculation.

MR. ROUSE: It also brings in First Amendment concerns as previously articulated. Also, it calls for an expert opinion.

MR. COPLEY: I'll join that.

A. Well, within the congregation, ours is a spiritual protection when we're talking about physical protection, that's up to the secular authorities to provide. So whether

1 R. ASHE

2 it's reported to a school administrator, a
3 doctor, whether the parents report it, a
4 family member, anyone else who has knowledge
5 of it, even an elder who has knowledge of it.
6 Even if there are no reporting laws, does not
7 mean that it's not reported.

8 Q. It's your experience, or is it
9 within the congregations do, in fact, report
10 to law enforcement --

11 MR. COPLEY: Objection, vague.

12 Q. -- without first contacting the
13 Legal Department?

14 MR. COPLEY: Objection, vague,
15 overbroad, lacks foundation.

16 Q. Are you aware of any circumstance
17 where that's happened?

18 A. Yes, I have.

19 MR. COPLEY: Vague, overbroad.

20 Q. And how many such circumstances are
21 you aware of?

22 A. I couldn't give you a number,
23 Mr. Zalkin.

24 Q. And they would do that knowing that
25 they've been instructed that that could

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R. ASHE

violate Ecclesiastical privilege; is that your understanding?

A. If they're told to report, that releases confidential information also. So the key factor here is making sure that the child is protected.

Q. That should be the overriding concern; is that right?

A. I agree.

MR. COPLEY: Objection, argumentative.

Q. You would agree with that?

MR. COPLEY: Let me get my objections in.

THE WITNESS: I'm sorry.

MR. COPLEY: Okay.

Argumentative, lacks foundation, speculation. Go ahead.

Q. Let's go to the next exhibit.

(Whereupon, a document was marked as Exhibit 18, for identification, as of this date.)

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

1 R. ASHE

2 Q. Let me ask you, have you seen this
3 document before?

4 A. Yes. I am not sure the origin of
5 it, but I have seen it.

6 Q. Do you know what it is, what it
7 derives from, I should say?

8 A. This, again, was part number six on
9 one of our Kingdom Ministry schools.

10 Q. It's not dated. From looking at
11 this document, can you tell otherwise when
12 this would have been generated?

13 A. Not just looking at the document,
14 no, sir.

15 Q. So looking at number six doesn't
16 tell you anything in terms of timeframe?

17 A. No, sir.

18 Q. In any event, if we look down at the
19 bottom of the first page of the document and
20 on to the second page, I've highlighted
21 paragraphs that I'd like to discuss with you.

22 A. Okay.

23 Q. In that it says, "When one fills his
24 mind with the many wholesome, good, virtuous
25 and loveable things of God's word, such a one

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R. ASHE

is strengthened and refreshed," and it cites Psalms 19, 7, 8, and 14. "Experience proves that constant rehashing of past abuse has a discouraging effect. It is not wise for one to indiscriminately divulge ones past bad experiences to others in the congregation, nor to get together with others for what some view as group therapy. Talking indiscriminately to others about child abuse, may result in circulating damaging and harmful talk. Such talk may be slanderous if proof of alleged wrongdoing is lacking." Do you see that?

A. Yes, sir.

Q. Was it the policy of Jehovah's Witness organization that if someone was a victim of childhood sexual abuse, they shouldn't discuss that with other members of the congregation?

MR. ROUSE: Objection, First

Amendment issues, violates Jehovah's Witnesses Freedom of Religion, Freedom of Association, also asking the court or a jury to pass on

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R. ASHE

religious beliefs and practices based on the Bible of Jehovah's Witnesses violation of the Establishment Clause Article 1, Section 4, of the California Constitution.

MR. COPLEY: I'll join that, also argumentative. Go ahead.

A. You're asking if it was the policy for what, sir?

Q. Was it the policy of the Jehovah Witnesses or the Jehovah's Witness organization that a member who is the victim of childhood sexual abuse should not discuss that with other members of the congregation?

MR. COPLEY: Same objection as before.

A. It was encouraged that such individuals would talk to the Shepherds of the congregation to get spiritual assistance. But to go out indiscriminately and talk about it with others, that's a personal decision they make. We don't control individuals.

Q. But this would appear to discourage them from doing that or at least attempt to

1 R. ASHE

2 discourage them?

3 MR. COPLEY: Objection,
4 argumentative, document speaks for
5 itself, argumentative, calls for
6 improper opinion testimony and a
7 conclusion by the witness.

8 MR. ROUSE: And it's an
9 improper hypothetical based on a
10 document that's designed for elders,
11 not for members of the congregation.

12 Q. Is that true?

13 A. I can read here, the scripture
14 that's cited here, Colossians 3:3-5, Mr.
15 Zalkin, it says, "For you died, and your life
16 has been hidden with the Christ in union with
17 God. When the Christ, our life, is made
18 manifest, then you also will be made manifest
19 with him in glory. Deaden, therefore, your
20 body members that are on the earth as
21 respects sexual immorality, uncleanness,
22 uncontrolled sexual passion, hurtful desire,
23 and greediness, which is idolatry. On accord
24 of those, things the wrath of God is coming.
25 Is that how you used to conduct yourselves in

1 R. ASHE

2 your former way of life? But now you must
3 put them all away from you; wrath, anger,
4 badness, abusive speech, and obscene talk out
5 of your mouth. Do not lie to one another.
6 Strip off the old personality, with its
7 practices and clothe yourself with the new
8 personality which through accurate knowledge
9 is being made new according to the image of
10 the One who created it."

11 In looking at this scriptures,
12 elders are helping individuals to see you
13 can't do anything about the past. But you
14 try and help them to see that by talking
15 about this with others in discriminately,
16 especially an allegation of child abuse that
17 has not been proven or established by means
18 of the scriptural standard of evidence for
19 the congregation may not be in the best
20 interest of the person, not because of any
21 sanction by the organization or, by Jehovah's
22 Witnesses, but just by the personal response
23 that they may receive from others, they
24 simply do not want to hear about these
25 things. They're not elders. They're not

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R. ASHE

trained Shepherds, and they may be going through situations in their own life that they can't bear hearing these things.

Q. So the supposition is that A, a person shouldn't talk about this because it hasn't been established by two witnesses or a confession. B, others in the community or in the congregation have their own problems, they don't really want to hear about it, and they need to move on. Is that essentially the bottom line?

MR. COPLEY: Objection, argumentative, misstates the testimony, violates First Amendment rights.

Q. You know what, we'll move on.

MR. COPLEY: Thank you.
Let's move to the next exhibit.

MR. ZALKIN: You know before we go on, let me just ask you, Rocky, Mr. Ashe was also designated as an expert witness. The way I've been conducting the examination has been kind of more focused on his status as

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R. ASHE

the person most qualified to address points that are in the notice. But to some extent, kind of moved off into a little bit of expert testimony.

MR. COPLEY: I know that.

That's why I didn't object because I knew you guys wanted to try and cover him as an expert as well as PMQ while you're here so.

MR. ZALKIN: I thought that

would make some sense to do that. We haven't formally done that or discussed it, but I think we can finish with him in both capacities. Unless there's something that we haven't covered in terms of his work as an expert.

Q. So I wanted just to maybe take a moment here, stop and ask you, you've been designated as an expert, a non-retained expert witness in this case. Are there -- you formed any specific opinions that you've been asked to address in this case, anything

1 R. ASHE

2 specific, other than maybe to discuss how the
3 organization is structured and that sort of
4 thing?

5 A. I'm not sure I understand your
6 question.

7 Q. Well, normally, when an expert is
8 designated, there's some -- in the
9 designation, it states exactly what they
10 intend to offer testimony about, what
11 opinions they're going to render and what
12 areas they are going to discuss as an expert.
13 You've been designated as a non-retained
14 expert. There is no definition exactly what
15 you're going to testify to, so I'd like to
16 cover the work that you're doing here today
17 to include any questions I might have
18 regarding that expert testimony, but I need
19 to know if there is a specific area that
20 you're going to be discussing, or if you have
21 specific opinions you're going to be
22 rendering, so I can determine if I'm doing
23 that as we're going along here.

24 MR. ROUSE: Can I have a second
25 just with counsel?

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R. ASHE

MR. ZALKIN: Sure.

MR. STOREY: You know there's only five minutes left on the tape. Should we --

MR. COPLEY: And he's a diabetic too.

MR. ZALKIN: Oh, sure, you want to just take your lunch now? Let's just go off the record.

VIDEOGRAPHER: The time is 12:30 p.m. we are going off the record.

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

VIDEOGRAPHER: The time is 1:32 p.m., April 1, 2014. This is tape number two volume two, in a continuing videotape deposition, Mr. Richard Ashe.

Q. Good afternoon, Mr. Ashe.

A. Hello Mr. Zalkin.

(Whereupon, a document was marked as Exhibit 19, for identification, as of this date.)

1 R. ASHE

2 Q. Let me show you Exhibit 19, which is
3 titled, "Service Department's advice for
4 child abuse phone calls from Elders."

5 MR. COPLEY: Do you see that?

6 Q. You've had a chance to look at that
7 document.

8 A. Yes, sir.

9 Q. Do you recognize this document?

10 A. I do not recognize it.

11 Q. And as someone who works in the
12 Service Department, has worked in the Service
13 Department for quite sometime, are you
14 familiar with any type of guidelines that
15 have been established for phone calls from
16 elders regarding child abuse?

17 MR. COPLEY: Objection, vague.

18 Go ahead.

19 A. We do have reminders for our deskmen
20 of how to handle such calls. This is 1993.
21 I came in 1999, so it predates when I joined
22 the Service Department, when I came into the
23 Service Department.

24 Q. If you thumb through that, it seems
25 to include information beyond 1993. For

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R. ASHE

example, on page 3, it has November 1998 and it's referring to different letters. Marked on page 5, it says, March 2000, revision of November 1998 and it refers to a letter number one, and it looks like a draft or some sort of a template letter to selected Body of Elders. Do you see that?

A. Yes, sir.

Q. Do you have any idea what this is referring to, what does this document reflect?

A. From March 2000 on, these were letters that I'm familiar with using in the Service Department, and these are letters of restriction that were sent when an individual is known to have molested a child to make sure that they are not allowed to be put in a position of trust and be put into a position where they could be abused again.

Q. So did there, at some time, become a policy within the Jehovah's organization that someone who is a child molester would not be allowed to be in a position of authority, even if they were repentant and had been

1 R. ASHE

2 reproved?

3 MR. COPLEY: Objection, vague.

4 Go ahead.

5 A. That was stated clearly in our
6 article, in the Watchtower of January, 1997.
7 The individuals who were known to have been
8 child molesters would not be qualified to
9 serve in a position of trust in the
10 congregation, at least for many years, if
11 ever.

12 Q. And then there is some discussion
13 about a 20-year period. Are you familiar
14 with that discussion?

15 A. A 20-year period for what, sir?

16 Q. For a 20-year waiting period before
17 someone can be reinstated or could be put in
18 a position of leadership?

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

21 A. Generally, we make sure sufficient
22 time passes for an individual to prove that
23 they are not going to repeat the offense.
24 Twenty years maybe used as a benchmark, but
25 it's not a hard and fast rule.

1 R. ASHE

2 Q. If you look at page 5 of the
3 exhibit, Exhibit 19 in the exemplar letter,
4 it says it's addressed to selected bodies of
5 elders. Do you know what that means,
6 "Selected bodies of elders"?

7 A. These would be sent to a body of
8 elders where they have a known child
9 molester, that's part of the congregation, a
10 member of the congregation.

11 Q. And so would the Service Department
12 have that information? The Service
13 Department would know which congregation had
14 someone who is a known molester and send them
15 this letter; is that how it worked?

16 MR. COPLEY: Objection, vague,
17 overbroad. Vague and overbroad.

18 A. The Service Department generated the
19 letter, so they would know who they sent the
20 letter to.

21 Q. Right, and my understanding is, it's
22 being sent to those congregations where it
23 was known that they have a child molester; is
24 that correct?

25 A. That's correct.

1 R. ASHE

2 Q. And my question then is: How would
3 the Service Department know that?

4 A. How would they know what, sir?

5 Q. Which congregation had someone in it
6 that was a child molester?

7 A. Because they would have been
8 contacted by that body of elders for
9 theocratic direction on how to proceed in
10 handling the matter, protecting the child,
11 comforting the family and dealing with the
12 wrongdoer.

13 Q. So, again, the elders -- strike
14 that.

15 Would this letter be sent, was this
16 letter sent, to your knowledge, at the time
17 that the Service Department was contacted by
18 the elders, advising that they are
19 investigating a claim of child sexual abuse?
20 Is that when this letter would go or did this
21 letter go out at sometime following the
22 January 1, 1997 Watchtower article and
23 perhaps the March, 1997 letter?

24 MR. COPLEY: I'll object to the
25 question just being compound, vague,

1 R. ASHE

2 ambiguous, overbroad.

3 MR. ZALKIN: Can we go off the
4 record.

5 VIDEOGRAPHER: The time is
6 1:41, we're off the record.

7 (Whereupon a short break was
8 taken.)

9 VIDEOGRAPHER: The time is 1:42
10 p.m., we're back on the record.

11 Q. So what I am trying to understand is
12 when this letter would have been sent out,
13 and the question is: Would it have been sent
14 out upon a phone call from an elder, that
15 that elder was in the process of
16 investigating a current allegation of child
17 sexual abuse or was this letter sent out in
18 response to the information received to the
19 March, 1997 letter.

20 A. The letter would be sent out anytime
21 it was established that an individual was
22 involved in some act of child abuse, sexual
23 child abuse.

24 Q. But this letter does not appear that
25 it was sent out or drafted until March of

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R. ASHE

2000?

A. But the original letters from which this was derived started in 1998.

Q. 1998?

A. Yes, sir.

Q. So if it had been established that someone had committed abuse but it was prior to 1998, would this letter have gone to those congregations where that was established prior to 1998, and that molester might still be in that congregation?

MR. COPLEY: Objection, vague.

Q. Do you not follow what I'm saying?

A. I'm trying to process it.

Q. Let me see if I can make this clear.

A. Okay, thank you.

Q. So let's assume we have a circumstance where in 1990 a judicial committee was held, it was established that an individual who had been accused of child sexual abuse met the standards required to find that those allegations were true, that person demonstrated his repentance was reproofed and allowed to remain in the

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R. ASHE

congregation. Would this 1998 letter have gone to that congregation eight years after the fact, if that -- that person was still in the congregation?

A. It would depend on the circumstances of the case. If you look at the information that would have been reported in that 1997 letter to all bodies of elders, they may be reporting on individuals who molested a child before baptism. It may have been 50 years ago. This letter would not have gone out on them unless there was some reason to believe of recidivism, where they had continued to abuse a child. So that's where it comes up with this and not much less than 20 years ago.

So from 1998, going back to 1978, in many cases with individuals, what they did, you know, if it happened before their baptism, it may have been child abuse in the sense like we talked about of a 19-year-old and a 16-year-old, but not really pedophilia as we were looking at it that way.

Q. That's not answering my question.

1 R. ASHE

2 A. But you asked if a letter would have
3 gone out on these individuals, not all of
4 them.

5 Q. No, I had a specific hypothetical
6 circumstance that I was asking about. So my
7 hypothetical was, if we had somebody that it
8 was established they were a child abuser in
9 the congregation in 1990.

10 A. Okay.

11 Q. So eight years before this letter,
12 and they were allowed to remain in the
13 congregation, they were subject to -- they
14 had been reprovved but allowed to remain in
15 the congregation, would this letter, eight
16 years later, this letter have gone to that
17 congregation if that person was still in the
18 congregation? Assume he was in 1998.

19 A. So I'm clear, it's abuse that took
20 place in 1990?

21 Q. Correct.

22 A. Yes, it would have.

23 Q. Was there a change in policy with
24 how to handle allegations that were based on
25 what's been referred to as repressed memory?

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R. ASHE

MR. COPLEY: Objection, vague,
overbroad.

A. A change in policy on how to deal
with that?

Q. Right. Was there a time when if a
child or maybe even an adult had come to an
elder and said, I believe I was abused by a
particular individual within the
congregation. I buried that. I now, you
know, have had something trigger that memory,
and I'm bringing that to your attention. Was
there a way in which that kind of an
allegation was handled previously in time to
how it's handled today or has it always been
handled the same way?

MR. COPLEY: Objection, vague,
overbroad, lacks foundation and
compound.

A. We are still caring for the beliefs
and practices that the scriptures outline for
dealing with these types of situations with
repressed memories, and it was openly
discussed in the November, 1996 issue of the
Watchtower talking about comfort for those

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R. ASHE

with a stricken soul. And it talks about those with repressed memories and what elders can do to help them, but it also acknowledges what we've said in the past that with repressed memories, they may not be connected.

Many times an individual with repressed memories does not remember specifics of what happened or, you know, have unclear memories. And based on those, they can make an allegation, but the congregation may not be authorized to pursue it any further than to try and give the individual help and comfort and support in overcoming that.

Now, there are beliefs and practices in that article that the elders can follow. For example, with the individual who's accused, perhaps they can show why it was that they could not have done what the individual is accusing them of or it could be with the accuser, and that they could present evidence as to why the individual did. So it would be looked into. The elders would try

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R. ASHE

to handle it, you know, in a way to establish whether it was or was not true, even based on repressed memories. But if it cannot be established by what the scriptures call for with the two witnesses that what we discussed earlier, in Deuteronomy, First Timothy, it leaves them in a position where they try and have try to help the individual who is stricken with that repressed memory to be able to find some comfort in the scriptures and leave the matters knowing that Jehovah will take care of it in due time, if they were truly guilty.

Q. Is it the case that someone who is providing the allegation, based on a repressed memory, is to not to be considered as a witness?

MR. COPLEY: Objection, vague.

You mean a testifying witness?

MR. ZALKIN: Right.

Q. That testimony is not considered as credible for purposes of meeting the two or more witness standard?

A. Depends on how the memory comes

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R. ASHE

through. If it's repressed memory, that they're vague and unclear on what happened or who did it, then that would not be viewed as a witness. If they are concise, if they have connected memories, they can remember details, events, times, places, then, yes, we would consider their testimony.

Q. Is it written, can you point me to anywhere in your literature that you're aware of, where it describes how a repressed memory matters to be considered with respect to the ability of the person to provide testimony of particular details or not? Do you have anywhere that you can point me to that I can see that?

MR. ROUSE: I'll object on grounds of relevance.

A. That same article addresses that.

Q. And what article is that?

A. It's entitled, "Help for those with a stricken spirit, comfort for those with a stricken spirit" and I believe it's the November, 1996 issue of the Watchtower.

Q. Do you happen to have one with you?

1 R. ASHE

2 A. No, sir, I don't. The article
3 itself is not addressing so much child abuse
4 as it is repressed memories.

5 (Whereupon, a document was marked
6 as Exhibit 20, for identification, as of
7 this date.)

8 Q. Right. Let me show you Exhibit 20.
9 Do you know what this document is?

10 A. It looks like it was part of a KM
11 School at one time. It was outline number 21
12 in a question and answer session.

13 Q. And where did these answers come
14 from?

15 A. They're based on the practices and
16 beliefs of Jehovah's Witnesses.

17 Q. But who's articulating this in these
18 documents? Is this being written by members
19 of the Service Department or some other
20 department?

21 A. No. These would have originated in
22 the Service Department.

23 Q. And elders in the Service Department
24 would have prepared the substance of these
25 answers?

1 R. ASHE

2 A. Yes. But in preparing the substance
3 of these answers too, they would base that on
4 past articles that we've printed, past
5 direction, policies. Not so much policies,
6 but practices, beliefs that we've had.

7 Q. So this would reflect the policies,
8 practices and beliefs of the Jehovah's
9 Witness organization?

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

12 A. This was part of a school that we've
13 conducted with elders.

14 Q. Right. And would this accurately
15 reflect the policies of the Jehovah's Witness
16 organization?

17 A. Our practices and belief. As you
18 notice there it's citing Proverbs 25:8, so I
19 it takes us back to the scriptural basis for
20 this.

21 Q. Is the answer, yes, this would
22 reflect the policies of the Jehovah's Witness
23 organization?

24 MR. COPLEY: Objection,
25 argumentative, asked and answered.

1 R. ASHE

2 A. You know, I understand what you're
3 saying policies but, really, we have
4 practices and beliefs more than we have
5 policies.

6 Q. Does this reflect the practices and
7 beliefs of the Jehovah's Witness
8 organization?

9 A. Yes, sir.

10 Q. And is there an expectation that
11 elders will follow these answers?

12 A. There is an expectation that they
13 will follow these answers. Of course, you
14 know expectations aren't always met.

15 Q. Yes, I know that. I think we have
16 previously dealt -- let me show you this
17 (indicating).

18 MR. COPLEY: Which one.

19 Q. The August 1, 1995 Body of Elders
20 letter?

21 MR. ROUSE: Actually we
22 haven't.

23 (Whereupon, a document was marked
24 as Exhibit 21, for identification, as of
25 this date.)

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R. ASHE

MR. ZALKIN: We haven't dealt with that have we?

Mario, on Exhibit 20, do you have a second page to this?

MR. MORENO: You say the what?

MR. ZALKIN: Do you happen to have a second page for this?

MR. MORENO: You know I'm looking. I'm not sure because the way they are I saw two 21s and so -- I'm sure we do. I don't know if we have it --

MR. ZALKIN: This is what was produced to us, but it clearly goes on to a second page.

MR. MORENO: Yeah.

MR. ZALKIN: And I don't have a second page.

MR. MORENO: Let me see if we have that.

MR. ZALKIN: It's schools number 21. I don't know the date though.

MR. MORENO: Yeah, I think it's

1 R. ASHE
2 '94, but I'm not sure.
3 MR. ZALKIN: We can do it
4 later. I don't want --
5 MR. MORENO: What question?
6 MR. COPLEY: Question 21.
7 MR. ZALKIN: Question 21. It
8 says, question 21, and it has a page
9 five in it.
10 MR. MORENO: It doesn't have
11 the beginning of the question, does
12 it?
13 MR. ZALKIN: No, it doesn't
14 have the beginning of the question,
15 and it doesn't have the end of this
16 answer. It's kind of sandwiched in
17 the middle of something.
18 MR. MORENO: I think this is
19 it. Hold on a second. I think I
20 have it.
21 MR. COPLEY: Go to the other
22 one.
23 MR. MORENO: Yeah, we do have
24 that.
25 MR. ZALKIN: Would you mind

1 R. ASHE

2 giving that to me?

3 MR. MORENO: That was one we
4 turned over.

5 MR. ZALKIN: I don't know why
6 we only have this, that's what we've
7 got.

8 MR. MORENO: I got the
9 beginning of the question, previous
10 page, and then the page you're
11 looking at.

12 MR. COPLEY: You want to
13 substitute that?

14 MR. ZALKIN: I would like to
15 substitute that one. If that's okay.
16 So we're going to substitute what I
17 previously marked as number 20.

18 MR. MORENO: Does it have the
19 date on it by any chance?

20 MR. ZALKIN: No.

21 Q. All right. So I am pulling out
22 number, the old 20 and putting in the new
23 one.

24 Let's go to the August 1, 1995 Body
25 of Elders letter, and I ask you if you've

1 R. ASHE

2 ever seen this?

3 A. Yes, I've seen it.

4 Q. In this letter, on page 2, discusses
5 what should be done in the event that a
6 former child abuser moves to another
7 congregation; do you see that?

8 A. Yes, sir.

9 Q. And if he's -- it says here, "If
10 he's under judicial restrictions, the
11 committee in his former congregation should
12 clearly and discretely inform the elders in
13 the new congregation about the problem
14 outlining the counsel given and restrictions
15 imposed and pointing out what they have been
16 doing to monitor and assist him." Do you see
17 that?

18 A. Yes, I do.

19 Q. So what information do you
20 understand should be conveyed to the new
21 congregation body of elders by the former
22 congregation body of elders under these
23 circumstances?

24 A. They would inform them of just
25 what's stated here in the letter. We inform

1 R. ASHE

2 our elders that a good rule of thumb is tell
3 the next body of elders what you would want
4 to know if this individual was moving into
5 your congregation, so that you can protect
6 your congregation, your children. So it's
7 not limited to just what's stated here. They
8 can give then the information that they feel
9 is needed and will be helpful to the next
10 body of elders.

11 Q. So it's important for the next body
12 of elders to have this information so they
13 can protect their congregation?

14 A. That's correct.

15 Q. And the children in their
16 congregation?

17 A. Yes, sir.

18 Q. Let me show you what's marked as
19 Exhibit 22. Strike that. We've already been
20 through that, that's the March 14th letter.
21 We've already been through that.

22 (Whereupon, a letter was marked as
23 Exhibit 22, for identification, as of
24 this date.)

25 So this is a July 5, 2000 letter

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R. ASHE

to circuit and district overseers.

MR. COPLEY: You said 2000?

Q. That's July 5, 2000. And this is Exhibit number 22, and this is a redacted version of that.

In this letter portion that has been provided from this letter is titled, "Letters of introduction when publishers move." Do you see that?

A. Yes, sir.

Q. Was there any change in the policy or the practice of what information should be conveyed to a new congregation from a former congregation with respect to the former congregation's information regarding a known child molester; was there any change from what we just discussed was the policy a few years before that?

MR. COPLEY: Objection, vague.

A. And this letter, this would be after we started issuing these letters of restriction on child abusers, and so if an individual moved to another congregation, then in addition to any information the

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R. ASHE

elders felt needed to be conveyed about their past actions, they would also convey the restrictions that this individual was under as he moved to the next congregation.

Q. Well, I think that previous -- yes, the 1995 policy required them to provide the restrictions as well, that's on Exhibit number 21. And I am not trying to trick you, I'm just curious if there was a change.

The one thing I see that does address the circumstance where they may have been determined to be a child abuser before they were baptized. I don't know if that is something was added differently. I am trying to see if there's something new, something different that occurred in the year 2000, then what was the policy in '95?

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

A. In issuing this letter, as we have done on numerous occasions with a constant reminder to the elders that this had to be done. That's the reason you have italicized that word, it's imperative that this letter

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R. ASHE

be sent.

Q. Would that suggest that maybe these letters weren't being followed too closely before?

A. I think it was a safeguard to make sure that they are followed.

Q. And it also notes that -- it says, "Some letters of introduction being sent for publishers who are former child molesters are not fully complying with the direction in the Society's letter of March 14, 1997, page two, paragraph two." Do you know what that is all about? We can pull that letter if we need to, but do you know, it seemed not to be -- whether there was some problems and people weren't complying with the directions of the 1997 letter?

A. Do you have a copy of that letter, please?

Q. Do we have yesterday's exhibits? So this is Exhibit number 3.

A. Thank you.

MR. COPLEY: Are you looking for the March 14th, '97 letter?

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R. ASHE

MR. ZALKIN: Yes. I don't have an extra copy. That's the only one I had. I don't need it, it's okay.

Q. Have you had a chance to look at that March 14, 1997 letter?

A. Yes, sir.

Q. And do you -- yes, go ahead.

A. And in this section, where it says that, it asks the question, "What should elders do when a former child molester moves to another congregation." And then it refers to the February '91 Archime ministry and also the question box in the August 1, 1995 letter to all bodies of elders, "Our policy is always to send a letter of introduction when a publisher move to another congregation." And that's where that quote comes from. "It is imperative that this be done when one who is known to have been a child molester moves. Then this instruction was given. The secretary should write on behalf of the elders to the new congregation's body of elders, and outline the publisher's background and what the elders in the old

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R. ASHE

congregation have been doing to assist him.
Any needed information should be provided to
the new congregation's body of elders."

So, in the 2000 letter, which was
three years letter, it goes back and just
quotes from that same place that I read from,
the March 14, '97, page 2 paragraph 3 and,
again, says, "In every case, the letter
should include information about the
individual's background, what the elders have
been doing to monitor and assist him and the
present experience they have had with him."

Q. And do you know how it came to the
attention of the Service Department in 2000
that there was some lack of compliance with
that requirement?

MR. COPLEY: Objection, assumes
facts not in evidence, vague and
ambiguous, argumentative, lacks
foundation, speculation.

Q. Well the letter speaks for itself.
It says it's not fully complying with the
direction in the Society's letter of March
14, 1997. So I am asking, do you know how it

1 R. ASHE

2 came to the attention of the Service
3 Department that there was a lack of full
4 compliance with that previous letter?

5 A. Yes, sir. In this information,
6 instruction was given for the elders when
7 they would send a copy of the letter of
8 introduction to another congregation, that a
9 copy of that letter would be sent to the
10 Service Department, upon receipt of those
11 letters, reading through it, we could see
12 that many times they were lacking. I won't
13 say many times, but there were times they
14 were lacking and, thus, the need for the
15 reminder.

16 Q. So a copy of the letter of
17 introduction that goes to the new
18 congregation, also goes to the Service
19 Department?

20 A. That's correct.

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

23 Q. And what is done with that letter?
24 What is done with that letter by the Service
25 Department?

1 R. ASHE

2 A. It's put into the congregation's

3 file that received that letter.

4 Q. And those are scanned?

5 A. They are now.

6 Q. And historically, they've been

7 scanned?

8 A. Yes.

9 Q. And they are put into the electronic

10 file of that congregation?

11 A. They are. Now when you say,

12 "historically" that's only taken place in the

13 last two years.

14 Q. How far back have the documents been

15 scanned?

16 A. Anything that was in the

17 congregation's file was scanned in.

18 Q. But how many years back? It doesn't

19 matter how long it's been in the file; is

20 that the answer?

21 A. In the file there are different

22 retention periods for different documents.

23 But anything that deals with child abuse is

24 marked, "do not destroy," so it stays

25 indefinitely in the congregation's file.

1 R. ASHE

2 Q. And those have been scanned?

3 A. Yes, sir.

4 Q. The next is --

5 MR. COPLEY: We're up to 23?

6 MR. ZALKIN: Yes.

7 (Whereupon, a document was marked
8 as Exhibit 23, for identification, as of
9 this date.)

10 Q. I am going to show you 23. This is
11 how it was produced. I am going to ask you
12 if you can tell me where you think that comes
13 from.

14 MR. ZALKIN: Do you have your
15 notebook, Mario, of the historical
16 policies and procedures, sexual abuse
17 policies & procedures that you guys
18 have produced in the past? It's
19 usually a white binder, because that
20 will help you get to it quickly
21 because that's what most of these
22 come from.

23 MR. COPLEY: Can we go off the
24 record?

25 VIDEOGRAPHER: The time is

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R. ASHE

2:19, and we're going off the record.

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

VIDEOGRAPHER: The time is 2:27 p.m. We're back on the record.

(Whereupon, a document was marked as Exhibit 23, for identification, as of this date.)

Q. Mr. Ashe, I've taken what we've previously marked as Exhibit 23. I actually removed that exhibit tag from that and put it on the first page of that document, that's a two-page document, at least the portions that we're going to be dealing with. So let me show that to you again, if I didn't show it to you before.

A. Thank you, okay.

Q. Since I don't have that first page in front of me, can you just -- so that first page poses a question, "If the decision is to reprove, consider very carefully whether to announce the reproof to the congregation." And then the second page has an example, and it says, "A child was sexually molested. An

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R. ASHE

announced reproof would serve to protect the congregation indicating that all is well with the wrongdoer." Do you see that?

A. Yes, sir.

Q. Explain to me how you believe or how the organization believes that an announced reproof would protect the congregation from a known child molester?

MR. ROUSE: Objection, all of First Amendment concerns previously objected to.

MR. COPLEY: I'll join that.

Also -- I'll just join in that.

A. It goes back to our scriptural beliefs stated here in 1 Timothy 5:6, where it says, "reprove before all onlookers those who practice sin as a warning to the rest." And so for Jehovah's witnesses, if such a reproof is made, it does, it tells the congregation not all is well with this person, so they need to guard their association.

Q. So that he's committed some kind of a sin or wrongdoing?

1 R. ASHE

2 A. That's correct.

3 Q. But they would never know what
4 exactly that was?

5 A. It would not be announced.

6 (Whereupon, was marked as
7 Exhibit 24, for identification, as of
8 this date.)

9 Q. Let me show you what we marked as
10 Exhibit number 24.

11 (Whereupon, a discussion was held
12 off the record.)

13 Q. Do you recognize what this document
14 is?

15 A. Yes, it was part of the Kingdom
16 Ministry School in 2001.

17 Q. And it has a bold title, "Kingdom
18 Hall Volunteer Workers"?

19 A. Yes.

20 Q. And then it says -- the sentence
21 below that says, "Remember that if a brother
22 has entered an unscriptural marriage or is a
23 known child molester, he is not QUALIFIED to
24 work on any Kingdom Hall, other than the one
25 he attends." Do you see that?

1 R. ASHE

2 A. Yes.

3 Q. Can you tell me why it is a known
4 child molester can work on his own Kingdom
5 Hall but not on any other Kingdom Hall?

6 A. Well, as we've stated before, the
7 local elders are aware of the situation with
8 this individual, knows that they need to keep
9 vigilant with regard to him.

10 If he's working at his own
11 congregation where his elders are, they know
12 that he should not be around children, should
13 not show affection, should not be touching
14 them, any of those things as a protection to
15 the children. But if he were to go to
16 another Kingdom Hall, perhaps where those
17 elders were not present, it may be that the
18 other elders would not be aware to be that
19 vigilant.

20 Q. How might they be able to control
21 that?

22 MR. COPLEY: Objection, vague.

23 A. Control what, sir?

24 Q. That he not work in any other
25 Kingdom Hall?

1 R. ASHE

2 A. Well, he would be told that he
3 cannot work at any other Kingdom Hall.
4 Generally, when there's work at another
5 Kingdom Hall, there are elders and other
6 publishers in his congregation that would
7 work on that Kingdom Hall also, it's a
8 voluntary effort. So, the likelihood,
9 someone there would know if he was violating
10 this restriction and they would report that
11 to the elders.

12 Q. So would all publishers be told that
13 he's not allowed to work in another Kingdom
14 Hall?

15 A. No, they would not. The elders
16 would know, he would know that he's not to
17 work at another Kingdom Hall.

18 (Whereupon, a document was marked
19 as Exhibit 25, for identification, as of
20 this date.)

21 Q. Show Exhibit number 25. Do you
22 recognize this document?

23 A. Yes, sir.

24 Q. What is it?

25 A. This is, again, an outline from the

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R. ASHE

Kingdom Ministry School that was held in
2001.

Q. And it's titled, "Reminders
regarding the handling of cases involving
child abuse."

A. Yes, sir.

Q. And it says "Three minutes" next to
it.

A. Yes.

Q. And that was the time that whoever
is giving these instructions should spend on
this?

A. Yes.

Q. And in the last bullet point that
I've highlighted, it says, "Child abuse is a
crime. Never suggest to anyone that they
should not report an allegation of child
abuse to the police or other authorities. If
asked, make it clear that whether to report
the matter to the authorities as a personal
decision for each individual to make, and
that there are no congregation sanctions for
either decision. That is, no elder will
criticize or punish anyone who reports such

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R. ASHE

an allegation to the authorities." Do you see that?

A. Yes, sir.

Q. What prompted that, do you know? What prompted that instruction?

A. It was simply another reminder. It was as you asked me earlier, do we have this in print anywhere? Well, I know this is one place that we have it in print, that elders are not to discourage anyone from reporting child abuse, and that would include other elders and that there are no congregation sanctions if someone chooses to do so.

Q. So is it your testimony that this statement applies to other elders as well?

A. It says to anyone.

Q. And that would include elders?

A. It would.

Q. So if an elder was in any way to attempt to inhibit another elder or a member of the congregation or the victim himself from reporting it to the police, they would be violating the policies of the Jehovah Witness organization?

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R. ASHE

MR. COPLEY: Objection, vague,
misstates his testimony.

A. They would be going against the
direction as is stated here, yes, sir.

Q. And is that direction a reflection
of the policy of the Jehovah's Witness
organization?

MR. COPLEY: Objection, vague.

A. It's a reflection of our practices
and belief's, yes, sir.

Q. That's not a religious issue, is it?

A. About not restricting anyone who
would do this?

Q. Right.

MR. COPLEY: Objection. That
calls for improper opinion testimony,
that calls for conclusion.

A. Leviticus 5:1 would apply here,
where it talks about anyone that hear such a
matter, unless they report it, you know,
that's held accountable for that.

Q. So if they don't report it, they're
held accountable?

A. If they report it to the elders,

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R. ASHE

they're reporting it to those in authority in the congregation that can take care of this. But if they choose to take it outside of the congregation, report it to secular authority, it still in compliance with that scripture and there would be no sanctions for it.

Q. And if a person decided not to report it to the authorities but report it to their elders, that would be in keeping with what the Jehovah's Witness organization would consider to be a reasonable report, reasonable effort to deal with the problem?

MR. COPLEY: Objection, misstates his testimony, vague, overbroad, incomplete hypothetical.

MR. ROUSE: Join. I'll add First Amendment issues.

MR. COPLEY: I would join that as well.

Q. Is that fair?

A. That they report it to the elders?

Q. Yes.

A. Yes, they should.

Q. And that would be the reasonable

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R. ASHE

thing for what you would expect a member of
the congregation to do?

MR. COPLEY: Objection. Calls
for a legal conclusion, improper
opinion testimony, lacks foundation,
outside of the scope of this
witnesses' designation.

MR. ROUSE: It's also a very
vague, incomplete hypothetical.

MR. COPLEY: I'll join that.

A. We would not object to individuals
reporting that to the elders. We would
encourage them to do it so that the elders
can shepherd the flock placed in their care.

Q. Okay, we are down to our last
exhibit with you.

(Whereupon, a document was marked
as Exhibit 26, for identification, as of
this date.)

Q. Let me show you Exhibit 26.

MR. COPLEY: I'm sorry. What's
the date on this?

MR. ZALKIN: 7/25/01, at least
revised on it.

1 R. ASHE

2 Q. What is this document?

3 A. This, again, is outline number 54
4 from the Kingdom Ministry School for elders
5 in 2001.

6 Q. And this is titled,
7 "Irreprehensible, free from accusation, fine
8 testimony from outside." I assume those are
9 the qualifications for an elder?

10 A. Yes, sir. These are the scriptures
11 I read the other day.

12 Q. Right. It says, "Some elders have
13 recommended former child molesters, either
14 because they did not know the man's past or
15 because they minimized the seriousness of it.
16 Therefore, we wish to reiterate what was
17 stated on page 29, paragraph two of the
18 January 1, 1997 Watchtower article 'Let us
19 abhor what is wicked.'"

20 And it goes on to say, and I've
21 highlighted this area, "Child sexual abuse
22 reveals an unnatural, fleshy weakness.
23 Experience has shown that such an adult may
24 well molest other children. True, not every
25 child molester repeats the sin but many do,

1 R. ASHE

2 and the congregation cannot read hearts to
3 tell who is and who is not liable to molest
4 again," in citing Jeremiah 17:9.

5 "Hence, Paul's counsel to Timothy
6 applies with special force." Read 1 Timothy
7 5:22. "For the protection of our children, a
8 man known to have been a child molester, does
9 not qualify for a responsible position in the
10 congregation."

11 Was that the policy, has this always
12 been the practice and belief in policy of the
13 Jehovah's witness organization?

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

16 MR. ROUSE: First Amendment.

17 A. As you brought out, Mr. Zalkin,
18 since 1981, we've been trying to educate and
19 warn about this abhorrent practice of child
20 abuse. Where this was known about with
21 individuals, whether there was a policy in
22 place or not, the beliefs and practices,
23 going by this scriptural qualification would
24 have applied, if they were not
25 irreprehensible. If they did not have a fine

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R. ASHE

testimony inside and outside of the congregation, they would not qualify to serve in an appointed position within the congregation.

Q. But it was the case, at least at some point in time that a known child molester could serve at some future time, assuming they had met these qualifications at that future time as in ministerial servant to an elder?

MR. COPLEY: Objection vague.

Q. Is that correct?

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

MR. ROUSE: Objection, First Amendment issues.

MR. COPLEY: I'll join in that.

MR. ROUSE: Who would be appointed ministerial servant of elder.

A. Again, going back to the scriptural beliefs of Jehovah's Witnesses. 1 Corinthians Chapter six, in Paul's writing to the congregation in Corinth, which was in

1 R. ASHE

2 Greece, there were many things that were
3 taking place that were just immoral actions,
4 but because of the changes in their life
5 after coming to a knowledge of the truth and
6 applying God's will in their life, he
7 mentioned, "And yet, that's what some of you
8 were but you have been washed clean, you've
9 been sanctified, you have been declared
10 righteous in the name of Lord Jesus Christ
11 and with the spirit of our God."

12 Based on that, it would be
13 unscriptural to say an individual would never
14 qualify to have privileges in the
15 congregation again. That would be many
16 years, if ever, depending on their progress
17 and their lack of being a danger to the
18 congregation, that they would have to
19 qualify. Did I state that understandably?

20 Q. You did.

21 If someone -- if elders in a new
22 congregation or even in the old congregation
23 conclude that one who sexually abuse a child
24 in the distance past is now -- may qualify
25 for privileges, is there a procedure they're

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R. ASHE

supposed to engage in before they can appoint
him an elder in that congregation?

MR. COPLEY: Objection, vague,
overbroad.

MR. ROUSE: Objection, First
Amendment issues.

A. A procedure that they're suppose to
follow?

Q. Yes.

A. If they feel that an individual
qualifies after having been a known child
molester, they should write to the Service
Department. Actually, they should call the
Service Department, it expedites things.

Q. Why is that?

MR. COPLEY: Objection, vague,
overbroad.

Q. Why should they be calling the
Service Department?

A. Because if they give us the name of
the individual, we can see what history we
have on that individual, and then we can
check out what are the facts of the case.
For some individuals it may be either too

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R. ASHE

soon or the acts were so egregious, that more time needs to pass before they could even be considered, to be used in the congregation again.

Q. How would you go about doing that?

Looking at, figuring out what his history is?

A. We have the name.

Q. And what does that do?

A. That allows us to look him up in the congregation file. If we have the name and we have the congregation, we can locate correspondence that we have on that individual.

MR. ZALKIN: I don't have

anything further, Thank you. I really appreciate your time.

MR. COPLEY: We are going to

have some questions, not many. Just a few minutes. Maybe we can take a short break and come back and ask our questions.

VIDEOGRAPHER: The time is 2:49

p.m., We're going off the record.

(Whereupon a short break was

1 R. ASHE

2 taken.)

3 VIDEOGRAPHER: The time is 3:02

4 p.m. we're back on the record.

5 EXAMINATION BY

6 MR. COPLEY:

7 Q. Mr. Ashe, I have just a few
8 follow-up questions on a topic that we
9 covered yesterday.

10 How many -- let me ask you this way:
11 Are there any extra elders who work in the
12 Service Department for the U.S. branch that
13 do not have any assignments?

14 A. No, sir. Everyone has an
15 assignment.

16 Q. Well, how many qualified elders are
17 there who are available to search the
18 congregation files for documentation that
19 Judge Lewis may have ordered Watchtower to
20 produce in this case?

21 A. We have 36 service desks that would
22 have access to that information and if you
23 include their secretaries, that would be 72.

24 Q. And how many hours a day do these
25 qualified elders currently work?

1 R. ASHE

2 A. Everyone works an eight hour day.
3 Some choose to work longer, sometimes ten
4 hours depending on the workload, which seems
5 to be the case.

6 Q. How many days a week do they work?

7 A. We typically have a five day
8 workweek, but it's not unusual for the
9 brothers to come in on the weekend and work
10 as well.

11 Q. And you explained to us yesterday
12 these people working at the service desk are
13 there to give spiritual advice and guidance
14 to congregations members and elders and
15 people who may contact you?

16 A. That's correct. They're kind of the
17 link between the branch office and the
18 congregation in the field.

19 Q. So if you were to assign every
20 person manning a service desk to the task of
21 searching the congregation files in order to
22 comply with Judge Lewis' order, what would
23 happen to the spiritual advice and direction
24 that would normally come from the service
25 desk to these congregational members and

1 R. ASHE

2 elders, when they sought that advice?

3 A. Given the timeframe that they would
4 have to do that, it would effectively shut
5 down their duties in the Service Department
6 for a considerable length of the time.

7 Q. Let me ask this: You had mentioned
8 that the -- you have these documents now
9 scanned, the congregational files are
10 scanned?

11 A. That's correct.

12 Q. And it has its OCR, optical care
13 recognition system?

14 A. Yes, sir, that's the scanning method
15 that's used.

16 Q. What's the name of your software
17 program?

18 A. It's called, "Sharepoint."
19 Microsoft software Proscan for file
20 management.

21 Q. Now, explain to me, why couldn't you
22 just simply type in the word "child abuse"
23 and pull up all the documents that respond to
24 that search and thereby comply with
25 Judge Lewis' order?

1 R. ASHE

2 A. Well, let me preface that, if I may.
3 With Sharepoint, it was never designed for
4 the 3,000,000 documents that we scanned into
5 it at it's managing for us. So to put in the
6 words, technical term used by our computer
7 support, sometimes it's goofy. It's not
8 reliable all the time but to try and type in
9 a search parameter, we've examined this. How
10 can we do this to be in compliance. There is
11 no easy way to do that. You'd have to search
12 every congregation file electronically to try
13 and do that.

14 And the search parameters, for
15 example, if you typed in child abuse, you're
16 going to get every document that has the word
17 child in it and every document that has the
18 word abuse in it.

19 Child abuse is not a scriptural sin.
20 Although the actions that constitute child
21 abuse are. For example pornia, any kind of
22 immoral fornication involving the genitals,
23 could be brazen conduct, it could be loose
24 conduct, it could be uncleanness or gross
25 uncleanness, according to what the scriptures

1 R. ASHE

2 are and that's the way we categorize things.

3 Q. So when these responses came into
4 the March 14, 1997 letter, would they come in
5 typically using the phrase, "child abuse" or
6 would they use the scriptural definition of
7 sin?

8 A. They would use the scriptural
9 definition of sin because that's what we go
10 by.

11 Q. And this -- one of the terms you
12 used was, "pornia" sounds like pornography?

13 A. That's correct.

14 Q. But how many different sins are
15 covered by this scriptural term, "pornia"?

16 A. It could be oral sex, it could be
17 anal sex, it could be vaginal sex, it could
18 be any number of actions or immoral conduct
19 that involves the genitals of another person.

20 Q. Does it always pertain to child
21 molestation?

22 A. No. It's any sin that includes
23 those elements. It could be individuals who
24 are adults. It could be married persons. It
25 could be individuals of the same sex or it

1 R. ASHE

2 can involve children.

3 Q. How about people just that are
4 addicted to pornography, watching pornography
5 would that be one of the sins that would fall
6 under pornia?

7 A. It could, especially if it was an
8 abhorrent form of pornia.

9 Q. Like watching videos of people
10 having sexual relations with children, child
11 pornography?

12 A. Child pornography would be an aporic
13 form of pornography.

14 Q. So even though they haven't molested
15 any child, if they are watching child
16 pornography that would fall under the
17 definition of pornia, and so just typing in
18 pornia into your computer system data base
19 would cover all of those things?

20 A. Actually child pornography would
21 fall under gross uncleanness, brazen conduct,
22 loose conduct because the genitals of another
23 human were not involved.

24 Q. Why couldn't they just go through a
25 congregation file by congregation file and do

1 R. ASHE

2 the searches that way?

3 A. We have over 14,400 congregations,
4 and that continues to grow. So you would be
5 going through approximately 3,000,000
6 documents that are contained in 14,400 files.

7 Q. Now when you do a search and you
8 want to open a document, does it open
9 instantaneous or is there usually a second
10 delay or a couple of second delay as this
11 documents loads and appears on the screen?

12 A. Yes, you have to load the document,
13 you have to open it, then you have to read
14 the contents to see if there's anything in
15 there that would comply with Judge Lewis'
16 order. And even these was, you would have to
17 see if there was attorney/client privilege,
18 if there was a legal opinion that was
19 registered with it. It gets very
20 complicated.

21 The other aspect, I believe I
22 mentioned yesterday is the fact looking at
23 the various laws of different states.
24 Because you got to remember, we're talking
25 about all 52 states of the United States.

1 R. ASHE

2 Q. Fifty states and two territories?

3 A. Well, yes 50 states, two
4 territories. But in looking at that, you
5 know they have a variety of laws. What's
6 considered child abuse in one area, may not
7 be considered child abuse in another area or
8 we use the California statutes on a benchmark
9 on this. It's kind of broad.

10 Q. Based on your knowledge of the OCR
11 system, would it be possible for the Service
12 Department to conduct just an electronic, a
13 search electronically of it's databases and
14 thereby comply and produce all the documents
15 that Judge Lewis has ordered in this case?

16 A. As I mentioned earlier as part of
17 our process in trying to assess the situation
18 of an individual, if we have the person's
19 name and their congregation, we can look that
20 information up.

21 Q. But you can't go the other way, if
22 you don't have their name, and you don't have
23 the congregation. Are you able to pull up by
24 a search term, child molester, and get a list
25 of names?

1 R. ASHE

2 A. No, we cannot do that. I mean,
3 technically, we cannot do that.

4 Q. When you say, "technically," you
5 mean just from a technical standpoint in the
6 sense of technology?

7 A. That's correct.

8 Q. The technology would not permit it?

9 A. Right, it's not an unwillingness as
10 much as it is an inability.

11 Q. And, again, if you were to do this
12 even electronically, would you have to
13 basically assign every member of the service
14 desk to conducting searches of the electronic
15 files and basically shut down the Service
16 Department?

17 A. Yes. It would take -- I can't even
18 guesstimate. It would take years to get that
19 information put together. And, in the mean
20 time, we cannot give the spiritual service
21 that we need to, to the congregations in the
22 field in helping elders and congregation
23 publishers and different ones that we're
24 responsible for.

25 Q. But if you did that, and you in

1 R. ASHE

2 order to try and comply with Judge Lewis'
3 order, and you shut down the Service
4 Department, would that interfere with the
5 religious practices of the Jehovah Witness
6 religion?

7 A. It would severely hamper them, yes.

8 MR. COPLEY: Do you guys have
9 any questions? I don't have anything
10 else.

11 EXAMINATION BY

12 MR. ZALKIN:

13 Q. So, let me follow up on that. When
14 we were discussing a little earlier what is
15 to be done with the files with respect to a
16 known child molester, the one thing you said
17 is that those files are marked, "do not
18 destroy." Is that correct?

19 A. Yes, sir.

20 Q. And those are marked, "do not
21 destroy" and kept in the congregation's
22 files?

23 A. They are.

24 Q. So someone looking for the records
25 relating to child molester, would look for

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R. ASHE

files that have on it a cover, an indication that says, "do not destroy." Is that right?

A. The do not destroy is an electronic tag so they do not disappear according to retention policy for our documents.

Q. So one thing you can do is search physical files and look for any file that says, "do not destroy" on it?

A. But there are no physical files. Once they were scanned, all those documents were destroyed.

Q. So you can do a search for the term, "Do not destroy"?

A. You could try to do a search for do not destroy, but you'd come up with child abuse, you'd come up with adultery, you'll come up with bigamist marriage, you'll come up with slander, fraud, murder, any abhorrent sin.

Q. That much sin going on in the Jehovah's Witness religion?

MR. COPLEY: Objection, argumentative. I'll instruct you not to answer.

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R. ASHE

MR. ZALKIN: I don't have anything further, thank you.

MR. COPLEY: Thanks. You want to send the depo to my office, and I'll make arrangements to get him to review it, sign it and notify you of any changes within 30 days, and if the original is lost, misplaced, certified copy can be used in lieu thereof. Do you agree with that?

MR. ZALKIN: Yes, why don't we do that.

How long are we talking about, madam reporter do you think we can get the transcript?

MR. COPLEY: We can talk to her off the record.

MR. ZALKIN: We'll stipulate that the original can be sent to Mr. Copley's office, and he will make arrangements for that to be provided to you, Mr. Ashe. You can read it and sign it under the penalty of perjury. We'll waive any

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R. ASHE

requirements otherwise under the code
civil procedure of either the State
of New York or the State of
California.

MR. COPLEY: Let me -- if I can
make a request, because we've
basically two days here of testimony,
can we get 45 days instead of the
typical 30? We got enough time
before trial.

MR. ZALKIN: Right. We may
want to use some portion of this
sooner than that. Let's just
stipulate that we can use a certified
copy in lieu of an original if the
original is not available for any
purpose.

MR. COPLEY: That's fine. I
just want him to have 45 days to
review and approve his testimony.

MR. ZALKIN: He can have 45
days to review and approve his
testimony.

MR. COPLEY: Thank you. And I

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will notify you within that same 45
day period of any changes.

VIDEOGRAPHER: Time is 3:16
p.m. April 1, 2014. This completes
the continued videotape deposition,
Mr. Richard Ashe.

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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 NEW YORK)

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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|--------------|----------------|------|
| Richard Ashe | Mr. Zalkin | 3 |

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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

