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New evidence in Jehovah's Witness allegations - MSNBC

The Jehovah's Witnesses have settled nine lawsuits alleging church policies protected men who sexually abused children for many years.

By Lisa Myers and Richard Greenberg
NBC News Investigative Unit
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Frederick McLean is one of the most-wanted fugitives in the United States, charged with 17 counts of child sexual abuse in California. Law enforcement sources say that when a victim's family confronted McLean in 2004, he allegedly confessed. But before he could be arrested, McLean fled.

Authorities identified at least eight victims that McLean allegedly abused over the course of nearly a decade. One victim estimated McLean molested her "over 100 times," according to the U.S. Marshals Service. Deputy Marshal Thomas Maranda, who is leading the hunt for the 56-year-old fugitive, says McLean gained the trust of many of his victims through his leadership position, as a so-called ministerial servant, in his local congregation of Jehovah's Witnesses near San Diego.

"His role in the church was significant," Maranda explains, "because we believe that his participation in the church gave him access to his victims."

His role in the church also became a matter of legal controversy. Last year, some victims' families filed suit against the Jehovah's Witnesses, alleging that both McLean's local congregation and the church's national headquarters, the Watchtower Society, "knew, or should have known, that Frederick McLean was a pedophile."

The Jehovah's Witnesses recently agreed to pay to settle that lawsuit and eight other similar cases, without admitting wrongdoing. The cases all involved men the church allegedly knew had sexually abused children. The settlements for those cases are confidential and filed under seal.

However, NBC News has obtained a copy of one of the settlements from the McLean lawsuit, and it may offer an indication of the potential magnitude of the payouts. According to the court record, the church agreed to pay \$781,250 to the accuser, who claimed McLean abused her from age 3 to age 9. (After legal fees and other costs, the accuser was set to receive approximately \$530,000.)

Lawyers for the plaintiffs declined to comment.

The Jehovah's Witnesses did not comment specifically on any of the lawsuits, but issued a statement to NBC News: "For the sake of the victims in these cases, we are pleased that a settlement has been reached. Our hearts go out to all those who suffer as a result of child abuse. Jehovah's Witnesses worldwide are united in their abhorrence of this sin and crime." [Click here for the complete statement.]

Internal records now coming to light from the settled lawsuits may help explain why the church agreed to settle the cases. Documents show that the church knew for years that some prominent members were sexually abusing children and did little. Church officials allegedly became aware of several of the cases in question through what amount to internal judicial proceedings, at which local elders confronted suspected abusers, obtained confessions, then meted out punishments.

James Henderson, for example, was a longtime Jehovah's Witness elder in Red Bluff, California – and a serial molester. The newly uncovered

documents include a 1994 letter from a senior regional church official to headquarters stating that Henderson was sanctioned by the church, stripped of a leadership position, "in the early '70's" in another California town. "Now he has admitted to doing it again," the letter states. In the late 1980s, according to another internal church document, a local elder dismissed allegations that Henderson had been sexually abusing a young boy: "There was no way it could be true so it was forgotten."

By October 1994, Henderson was Presiding Overseer – the top elder – in his congregation. After a father of one of his victims confronted him, according to church records, Henderson confessed to other elders preemptively, although he said he had stopped molesting the boy more than three years earlier. That was significant, because, at the time, the church apparently had a policy of waiving sanctions if a sinner was repentant and the sin had occurred at least three years earlier.

In spite of Henderson's confession, the elders did not inform California authorities. (In 1994, California law did not yet mandate that clergy report suspected abuse; the law changed in 1997). Instead, they conducted their own inquiry, apparently while Henderson and his wife were on vacation. A few weeks later, elders reported they found "irregularities" in Henderson's story, and confronted him a second time. Henderson admitted molesting the victim "one and one half years ago." He also admitted "paying restitution for a similar offense" in the early 1970s.

The elders decided to remove Henderson as Presiding Overseer and "publicly reproved" him, announcing to the congregation that he had committed a sin, without disclosing the details. Still, they did not go to authorities.

But then the victim's family did.

While police were investigating, church officials questioned Henderson yet again. He confessed to molesting other children, including his own son, according to a church document. At that point, Henderson was excommunicated. In the meantime, law enforcement authorities contacted the local elders, who at that point apparently cooperated in the investigation.

On December 14, 1994, Henderson was arrested. In 1995, he pleaded guilty to three counts of sexual abuse and was sentenced to four years, four months in prison. By 1998, he was out on parole and, according to church correspondence, attending another Jehovah's Witnesses congregation.

Like Henderson, Alvin Heard was also a member of a Jehovah's Witnesses congregation in Red Bluff, California and was also excommunicated – "disfellowshipped" – for molesting children. In Heard's case, records show the church first learned of the abuse in 1981, when the local congregation sent a letter to the national headquarters explaining that Heard was kicked out after he admitted sexually abusing three children, whose "ages range from five nine and eleven years."

In a deposition filed as part of the recent civil lawsuits, Heard admitted confessing to church elders in the late 1980s that he had molested four more young children. His punishment that time: "private reproof." In other words, church elders chastised him privately, but never told other members of the congregation, according to the deposition. Again, it appears, the church did not pass the information to police or child welfare authorities.

In the 1990s, Heard moved to South Dakota. In his deposition, he said he told church elders there that he had a history of child molestation. They, too, apparently kept his secret.

By 2003, Heard had moved to Oregon, where he molested yet again. In January 2004, he was indicted for sexually abusing a five-year-old boy. He pleaded guilty and currently is serving six years, three months in prison. Through the prison warden's office, Heard declined to be interviewed.

In all, the nine settled lawsuits involved 16 victims and eight alleged abusers, all of whom – except Frederick McLean – have been criminally convicted. Among them: Larry Kelley, a television personality and children's entertainer in Amarillo, Texas; and Timothy Silva, who reportedly taught "adolescent book studies" at a congregation in Woodland, California. The church allegedly knew of Silva's problem as early as 1987, according to one of the lawsuits, but still allowed him to work with children.

Barbara Anderson, a former church member and a vocal critic of the organization on this issue, contends that Jehovah's Witnesses policies "protect pedophiles rather than protect the children." Anderson recently compiled documents from the lawsuits on a CD titled "Secrets of Pedophilia in an American Religion."

Anderson says she first focused on the controversy in the early 1990s when she worked at the Watchtower Society headquarters in Brooklyn and was assigned to deal with letters from church members complaining of abuse. While conducting that research, she says she discovered that in its internal proceedings against accused molesters, the church applies a biblically based "two-witness" rule. "They require another witness to the actual molestation," Anderson says, "which is an impossibility."

Anderson also claims that she discovered the church headquarters kept track of sexual abuse cases in confidential files.

The recent lawsuits produced evidence that the headquarters did keep internal records of abuse reports submitted by local congregations. The court filings include a church form called a Child Abuse Telememo. "Just thinking that they had a memo made up, printed up that says 'Child Abuse Telememo,'" Anderson says, "indicates to me that they were handling this a lot. Because why make up a form for it?"

The Telememo appears to be a questionnaire to guide officials at headquarters who receive phone calls from local elders. It includes boxes to check as to whether the alleged incident took place in a "reporting state" – where clergy by law must report suspected abuse – or in a "nonreporting state." In reporting states, the form instructs officials to advise local elders "to make an anonymous phone report from a neutral location, such as a phone

booth.”

The church consistently has maintained that it follows all laws on reporting suspected child abuse. Those laws are complex. According to the U.S. Department of Health and Human Services, 25 states specifically mandate that clergy report suspected abuse; but 21 of those states recognize exemptions for “pastoral communications.” Another 16 states have blanket reporting laws, which cover “any person” and may be interpreted as including clergy; seven of those states also grant pastoral privilege. [Click here for a state-by-state review of reporting laws.]

In its statement to NBC, the Jehovah’s Witnesses said it does “not condone or protect child molesters. Our elders expel unrepentant sinners who commit this crime.” According to the church, “the incidence of this crime among Jehovah’s Witnesses is rare.” The statement said the organization does “not silence victims” and “members have an absolute right to report his horrible crime to the authorities.” The church has issued many publications about child abuse, including the cover story in the October issue of its magazine, Awake. “These articles clearly show our concern for protecting children from sexual abuse,” the church said in its statement.

In the meantime, Frederick McLean remains on the run. The U.S. Marshals Service says he should be considered “armed and dangerous, and possibly suicidal.”

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