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COLUMBIA'S FIRST BAPTIST FACES LAWSUIT OVER FORMER DEACON'S CONDUCT

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At First Baptist Church in downtown Columbia, deacon **John Hubner** was well known for his work with children.

Hubner taught Sunday school, was a Boy Scout leader at the church and was active in youth groups. He and his family had been attending the 5,500-member church - one of South Carolina's largest and oldest - for about five years when he was named a deacon in 1997. But **Hubner** hid a dark secret, court papers show. And that secret has plunged the 190-year-old church into legal turmoil amid a growing national debate about whether churches and other organizations are doing enough to prevent sexual abuse of children within their ranks.

What **Hubner** never told First Baptist officials was that in 1983 he pleaded guilty to unlawful sexual contact with a 12-year-old girl in Maine. He initially was charged in a five-count indictment with fondling and raping two girls, Maine records show.

Now First Baptist is facing a lawsuit alleging **Hubner** raped a 12-year-old girl he knew

through the church, though no criminal charges were filed. **Hubner** has been criminally charged with fondling a different 12-year-old girl at the church.

Hubner's attorney says the former deacon is innocent. The suit accuses the church and longtime pastor the Rev. Wendell Estep of failing to check **Hubner's** past and ignoring parents' complaints about **Hubner**.

Estep says he is proud of the way his church - whose members include prominent state and local leaders - has handled the situation. Last year, First Baptist adopted a screening policy for volunteers and procedures for cases in which someone is accused of sexual misconduct.

"Since I have been here, I don't think the church has faced anything more maturely," Estep told The State. "I believe the Lord is going to bring good from this."

But the parents of the girl in the lawsuit and a second girl who has accused **Hubner** of sexual misconduct say the changes by the church are too little, too late. They say the policy allows the church to investigate itself without reporting incidents to police.

"It's a policy that protects the church, not the children," said the father of the girl suing the church.

Estep said the church's reporting policy doesn't exclude authorities, though he added the church must consider the reputations of the accuser and accused when allegations are first made.

Pending state legislation would require churches to report child abuse or neglect cases to police or state social service workers, unless the alleged crime was revealed in a traditional confessional setting, which is considered protected communication. The bill, sponsored by Rep. James Smith, D-Richland, has passed the House and is under consideration in the Senate.

"These sexual offenders find churches to be fertile ground for their pursuits," Smith said.

'SPECIAL RELATIONSHIP'

In addition to being named in the lawsuit, the 54-year-old **Hubner** is accused in criminal indictments of fondling a different 12-year-old girl on six occasions in 1996

and 1997, with five of those alleged instances occurring at First Baptist.

The State newspaper generally does not identify sexual assault victims.

Hubner, a West Columbia resident, has been free on \$200,000 bail since his arrest Jan. 11, 2001. A trial has not been scheduled. Though still a member of First Baptist, his bail conditions require him to stay away from the church.

Hubner, who is married with two grown daughters, declined to comment when contacted by The State recently at his job, where he makes medical braces.

The lawsuit, filed in September, accuses **Hubner** of raping a 12-year-old girl he knew through First Baptist around Sept. 8, 1998, after luring her from Lexington Middle School before the start of classes.

The girl said **Hubner** rode up to the school on his motorcycle, and that he had a gun tucked in his pants, according to police reports. She told investigators

Hubner raped her in a wooded area behind the school.

No charges were filed in that case when Lexington County Magistrate Scott Whittle decided there was insufficient evidence to issue arrest warrants.

Carol McCurry, **Hubner's** lawyer in his criminal case, says her client is innocent.

"He truly has been unjustly accused, and it has taken a devastating toll on him in a lot of different ways. But he is a man of extreme faith."

Richland County records show **Hubner** was indicted and charged with fondling a 12-year-old girl on six occasions. Five of the alleged incidents occurred at First Baptist between Sept. 1, 1996, and Aug. 1, 1997, in the "annex" or old library section of the church at 1306 Hampton St.

Hubner told the seventh-grader that "God had given them a special relationship," and reassured her that her "maturing body was natural," according to the indictments.

Hubner also is accused of inappropriately touching the girl at Frankie's Fun Park off

Harbison Boulevard during a church "lock-in" in November 1996, according to indictments.

Hubner's lawyer, McCurry, said most of the indictments against her client were issued in March only after her client rejected a plea offer in the Frankie's Fun Park case.

Fifth Circuit Assistant Solicitor Anne Spears, who is prosecuting the case, declined comment.

EARLY WARNING SIGNS

Hubner and his family came to Columbia from Maine in the early 1990s and began attending First Baptist in 1992, according to the lawsuit. He was ordained one of the church's approximately 80 deacons in 1997, the same year he began volunteering in church youth programs.

Tad Wilson, former minister to students, said there was no reason to distrust **Hubner** when he first met him.

"If he was good enough to be a deacon, he was good enough to teach Sunday school," Wilson said. "He was the kind of guy that if you asked him to do something, he would do it. His kids were very involved, and it seemed natural" to involve him in other aspects of the church's youth ministry, he said.

During 1996 and 1997, however, church leaders had received written and verbal complaints from parents about **Hubner's** "unnatural interest in their young sons and daughters," including that he had inappropriately touched them, the lawsuit alleges. Church officials should have immediately banned him from youth activities but didn't do so, the suit contends.

Wilson, now on staff at Roswell First Baptist Church in Roswell, Ga., said he first heard complaints about **Hubner** in the summer of 1997 after a youth camp. He said he informed Estep, who told him to tell **Hubner** to "back off." **Hubner** agreed, Wilson said.

"It was a 'Hey, no big deal,'" to **Hubner**, Wilson said.

Estep remembers the conversation with Wilson.

"I advised him to tell Mr. **Hubner** to leave them alone," Estep said. "He said he had talked to him, and according to Tad, everything was fine."

Wilson said his concerns resurfaced after the girl whom **Hubner** is charged with fondling told him **Hubner** commented often that she was pretty, and offered to take her on rides on his motorcycle and go shopping with her on her birthday.

In July 1998, Wilson said, he asked the girl to write down what **Hubner** was doing and how she felt about what was happening. He said he had no suspicion of molestation or assault, but believed the alleged behavior was inappropriate and could lead to something more dangerous.

In that letter, a copy of which the girl's parents provided to The State, the girl said she was "very frightened" of **Hubner**, claiming he was "always hugging all over me and following me everywhere." Wilson confirmed the letter's contents for The State.

Estep said he didn't learn about the letter until just before **Hubner's** January 2001 arrest.

Wilson said he took the girl's letter in the summer of 1998 to Phil Myers, First Baptist's minister of education. Soon after, they told **Hubner** he could no longer work in youth programs.

" (**Hubner**) was upset about it," Wilson said. "It was uncomfortable. He was hurt. It looked like he was ticked off, but he wasn't violent, and he didn't threaten us." Wilson said he had a second conversation with Myers about a year later after a psychologist for the girl told Wilson she was concerned **Hubner** might be a child molester, based on her conversations with the girl.

"She said, 'You need to do something,'" Wilson recalled. "And so I went back to Phil and said, 'You need to do something.' I knew he needed to be removed from all leadership with kids - Boy Scouts, the Baptism Committee - but that wasn't my call."

Wilson said he didn't share his concerns with any other church officials because Myers was his boss, and he felt he had to "trust him in the chain of command." Myers, now a children's minister at a Baptist church in Oklahoma, said he never saw

the girl's letter, though he confirmed he asked **Hubner** to step down from youth work at the church

Myers said he didn't take the information to anyone else because he felt the problem had been taken care of.

'EVOLVING RESPONSE'

First Baptist officials didn't remove **Hubner** from his deacon's position or notify the Boy Scouts of America, though church officials were aware of the allegations against him "well before" his January 2001 arrest, the lawsuit contends.

"In our view, instead of the church trying to deal with the problem, they're trying to hide the problem," said Michael Montgomery, the lawyer for the family suing the church.

Estep, 59, who has been the First Baptist pastor for 16 years, told The State he didn't feel **Hubner** was "someone to be concerned about" when **Hubner** was nominated in 1997 to serve as a deacon. He said his feelings about **Hubner**, whom he briefly interviewed before the nomination, were based on his knowledge of him, and his observations of him as a father and husband.

Ronnie Burkett, a First Baptist member for 10 years, considers himself **Hubner's** friend and served as a Boy Scout leader with him. He said he would trust **Hubner** alone with his four children.

"Everything about this is very shocking," the Columbia accountant said.

Estep said he was first notified about the more serious allegations against **Hubner** in December 2000 - about a month before **Hubner's** arrest - by the father of the girl in the lawsuit. Estep said the parent, who was a longtime friend of his, told him **Hubner** had sexually assaulted his daughter.

Four days after **Hubner's** Jan. 11, 2001, arrest, Estep said, he told church deacons about the charges. About a week later, during the Sunday school hour, Estep said he met with youths, parents, teachers and staff in the youth department to explain the charges.

On Feb. 12, 2001, the church sent a letter to parents of all children involved over the

previous three years in youth programs, including the Boy Scouts.

That letter said a church volunteer had been arrested and charged with inappropriate behavior with a youth, and that a meeting would be held with parents nine days later to provide more information. In a follow-up April 11, 2001, letter, the entire congregation was told of **Hubner's** arrest.

The mother of the girl in the criminal case told The State that the second letter was mailed only after long negotiations with church lawyers and a threat of a lawsuit.

Estep said the letter was part of the church's "evolving response" to the incident. "We were doing everything we could to minister to our families and to ensure a safe environment," the pastor said.

PROTECTING YOUTHS

By summer 2001, the church had adopted a screening policy for volunteers, Estep said, noting a church committee and an employment lawyer drafted the policy. No policy had been in place previously, he said, "because in my 32 years of ministry, this is the first time a situation like this has occurred."

The lawsuit contends Estep and the church violated their "duty of care" by failing to check **Hubner's** criminal past and recognizing the "risk posed by allowing a convicted child sex offender to volunteer to work with the church's youth."

First Baptist has dozens of outreach ministries involving hundreds of volunteers, Estep said. The programs include Boy Scouts, recreation, and prison and international ministries. Paid staff working in the church preschool routinely were screened before the volunteer policy was adopted, he said.

Estep notes the church has spent "several thousands of dollars" on background checks on volunteers and staff since the new policy went into effect.

In addition to the new background checks, the church also has added procedures to investigate allegations of abuse, which includes appointing a "pastoral caregiver" to assist with the emotional and spiritual needs of the accused and accuser, according to the policy.

"It's very difficult," Estep said. "Your heart goes out to all the people in something like this."

If counseling is needed by either party but is unaffordable, the policy also states that a request for assistance can be made to the senior minister or the church's finance or benevolence committees.

But the new policy is weak because it doesn't require the church to report child-abuse allegations to police, said the father of the girl in the lawsuit.

"Church workers aren't trained to do criminal investigations," the father said. "The first thing you do when you have an allegation is to go to the police."

Estep said church officials would be willing to work simultaneously with police, though the policy does not require the church to contact them.

The policy's first page says the policy should not be "construed as in any way limiting a parent's or guardian's right to report allegations of child sexual abuse or child molestation to appropriate authorities."

The mother of the girl whom **Hubner** is charged with fondling hopes all churches will adopt strict screening policies for volunteers and employees.

"You wouldn't let your child go to a day care without those workers being screened," she said. "You need to do the same with a church. That's what it's all about - protecting children."

[StopBaptistPredators.org](http://www.StopBaptistPredators.org)