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Landmark U.S. verdict against Jehovah's Witnesses may prompt Canadian sex abuse lawsuits

lawsuits

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Candace Conti says the abuse began when she was 9 years old, distributing Bibles door to door with a fellow churchgoer, a loud, hulking man named Jonathan Kendrick.

It was the mid-1990s in Fremont, Calif. Conti's parents were having marital problems, her mother was sick and distracted. So the little girl found family in her tight-knit Jehovah's Witness congregation — and Kendrick found a victim.

For two years, Conti says, Kendrick repeatedly molested her, most frequently when she went out with him to proselytize. When he hugged her, she was afraid of being crushed.

"I was very scared," Conti, now 26, told the Star from California.

She later learned she was not Kendrick's first victim, that he had been convicted in 1994 of child molesting. That led to her suing the Watchtower Bible and Tract Society of New York Inc. — the corporation that oversees Jehovah's Witnesses — on the grounds that the elders of her congregation knew of Kendrick's record and did nothing to protect her.

Last month, in a landmark ruling, a California jury sided with Conti, ordering the Watchtower to pay nearly \$25 million in damages and Kendrick to pay about \$3 million.

"This was about telling the Watchtower ... that they gotta change," said Conti's lawyer, Rick Simons. "They're the last ones to be keeping this secret."

In the wake of this legal victory, some observers predict similar suits might be filed in Canada, where there are more than 110,000 practising Jehovah's Witnesses and numerous former members.

Unlike sex abuse cases involving the Catholic Church, which have received wide public attention in recent years, Conti's case shines a rare spotlight on sexual abuse within the Jehovah's Witnesses.

Conti, who as a sex abuse victim had the right to have her name kept out of the media, chose instead to go public with her case. She deliberately wanted to focus public attention on what she sees as church's extreme secrecy: elders hushing up victims, abused children having to produce independent witnesses, victims being made to confront their abusers face to face.

She also alleged the Watchtower had a policy, since 1989, of instructing elders to keep accusations of child sex abuse secret.

Lawyers for the Watchtower are appealing last month's verdict, but observers say the church's defeat in court could lead to more lawsuits, some of them in Canada.

"They're sure getting a bloody nose over this one," said retired University of Lethbridge professor James Penton, himself a former Jehovah's Witness and the author of three books on the denomination. "This will cause many people to have nothing to do with them, and many people within the movement to question what's going on."

Penton, 80, doesn't think child abuse is any more common in Jehovah's Witness congregations than in any other religion or group.

He also said many elders obey laws on informing authorities of suspected child abuse. (The Watchtower's policy on child protection explicitly states elders should take this step.) But he said there's substance to allegations that the Watchtower simultaneously encourages secrecy when dealing with child abuse matters.



Candace Conti, 26, recently won a huge court battle against the world headquarters of the Jehovah's Witnesses, the Watchtower Bible and Tract Society of New York.

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"They keep sending out various messages to the local elders, telling them to keep this *sub rosa* ... the terrible, nasty aspect to this whole thing is the coverup," Penton said.

According to Simons, documents presented as evidence in the Conti lawsuit proved that elders had been encouraged by the Watchtower not to raise Kendrick's abusive past. The lawsuit alleged that this silence allowed Kendrick to abuse Conti.

The Watchtower did not return a request for comment from the Star. But Jim McCabe, a lawyer for the organization, said in a statement following the Conti verdict that Jehovah's Witnesses "respectfully disagree with the jury's decision."

"We are very sorry for whatever harm this young lady may have suffered. However, the organization is not responsible," said McCabe, noting the lawsuit was based on "the alleged misdeeds of a member who held no position of leadership or authority."

Jehovah's Witnesses "abhor child abuse and strive to protect children from such acts," he said. They also reject allegations that the church has a secrecy policy concerning child sex abuse.

Critics of the church believe there could be Canadian followers whose claims of sexual abuse were swept under the rug in the past who may now file their own suits, having seen Conti defeat the Watchtower and its lawyers in court.

Barbara Anderson, a former Jehovah's Witness who worked at the Watchtower, runs a website called WatchtowerDocuments.com from her Tennessee home. She told the Star that since the Conti ruling, her 10,000-member discussion board, which includes many Canadians, has lit up with people telling their own stories of abuse and wanting to know how to pursue action.

Conti's lawyer Simons said he's had calls from people around the world saying they went through a similar experience in their Jehovah's Witness congregations.

All this publicity is precisely what Conti had hoped her suit would achieve. "Nothing was going to get accomplished if it was kept silent," she said, defending her decision to go public with her story. "In my mind it's a good start to obtaining a goal to protect children in the future."

Here in Canada, Vicki Boer had hoped to shine a light on abuse within Jehovah's Witness communities when she filed a civil suit against the Watch Tower Bible and Tract Society of Canada and the elders of her congregation more than a decade ago over how her complaint of sexual abuse had been handled.

Boer told the court how in the 1980s, between the age of 12 and 16, she was abused by her father. They belonged to a Jehovah's Witness congregation in Shelburne, Ont. and when she told church elders, she was forced to go over her allegations in detail in front of her father.

"It was the process that was damaging ... them putting me in a room, making me sit in front of my father when I was explaining the abuse, when I went to them first because I was suffering," she said from Fredericton, where she now lives.

The Jehovah Witnesses have a strict rule that the accused produce an independent witness of the alleged wrongdoing. As well, Watchtower policy states that when a Jehovah's Witness is accused of abusing a child, elders must meet with both the accused and the accuser — individually and then together.

"If during that meeting the accused still denies the charges and there are no others who can substantiate them, the elders cannot take action within the congregation at that time," says the Watchtower's online child-protection statement. "Why not? As a Bible-based organization, we must adhere to what the Scriptures say, namely, 'No single witness should rise up against a man respecting any error or any sin ...'"

According to former members, elders have told children and their families that if there are no witnesses to the alleged abuse then they should not speak about it as that would be slanderous. To do so can be grounds for "shunning" — whereby the outcast follower is cut off from friends, family, his or her former way of life.

Boer eventually won the high-profile case, heard in Toronto, but was then ordered to pay the legal costs for all parties.

The church eventually relented on making her cover its costs, but the judge's decision was not the victory she had been after.

News of Conti's favourable verdict left her "extremely happy," Boer said. "I applaud her that she did it, too, because it takes an extreme amount of belief in yourself and what you're doing. These (acts of abuse) just have to stop."

Conti's fight, however, may not be over. The verdict is being appealed, and there's a chance the damages awarded to Conti could be reduced.

Her lawyer, Simons, acknowledges the case is an important win, but more verdicts are needed to ensure no more cases of abuse occur or are hidden within the church.

"This is only the first step," he said.