

MEMORANDUM

To: **Service Department**
 From: Legal — V. Toole
 Date: January 23, 2003
 Subject: **BCH** - Loganholme Congregation - Qld

The attached letter from the judicial committee handling the present case involving Brother **BCH** appears to indicate that they have become slightly lost with regard to the primary issue involved here which is his lying. Set out below are the facts which clearly establish that Brother **BCH** is either lying now or has lied in the past.

Brother **BCH** refused to admit to the original judicial committee in Mareeba Congregation that he molested his daughter. However, the committee made the decision to disfellowship him on other grounds. He appealed that decision and a committee made up of Brothers Jim Bennett, Donald Wilson and Joseph Maraziz handled the appeal. The original committee's decision was upheld and added further grounds to the reasons for his disfellowshipping. The appeal committee comments as follows in their report:

"Fresh evidence under questioning of witnesses and appellant produced further more serious reasons for disfellowshipping. Namely 1. Porneia, in the form of gross sexual acts against his teenage daughter (five of six times) during the later part of last year. Under pressure of witnesses he confessed to this charge."

BCH daughters, **BCG** and **BCL** have recently reported their father to the police for sexually molesting them when they were growing up. We were advised that **BCH** was going to plead guilty to several of these charges. However, the brothers in Loganholme Congregation handling his case have advised that he is now going to plead not guilty to all the charges. The committee comments: "He still maintained that he has never molested any of this daughters. He claimed that he admitted to molesting his daughter **BCG** under duress but that it was not true."

In the present court proceedings, the elders involved in the original committees have been required to make statements to the police. While their memories of the specific events are somewhat dulled due to the passage of time, they overwhelmingly confirm that Brother **BCH** admitted molesting his daughter at the appeal hearing. Relevant comments from their statements on this point are as follows:

Brother Jim Bennett: "Towards the end of the meeting, I remember one of his daughters made a statement in **BCH** presence concerning his conduct towards her. I can not recall which daughter it was. I can remember two things that she said that he father had done. One was that he would come into the bathroom whilst they were showering and that he had interfered with her in some way. I am unable to recall the exact words that she used or the extent of how he had interfered with her. When **BCH** was confronted by the statement made by his daughter **BC** admitted that they were true."

Donald Wilson: "At some point during the course of our meeting with **BCH** I remember that his daughter, **BCG** raised an allegation that her father had gone into her bedroom and sexually interfered with her by touching or fondling her inappropriately. While I do not recall the details of what she alleged that he did to her, or how many times it had occurred, but I do recall that it involved touching and fondling her inappropriately in a sexual way. Initially **BCH** denied his daughter's allegation, but I recall that he finally admitted that he had done what **BCG** had alleged."

Joseph Miraziz: "At a certain point, **BCG** and **BCK** came in and I recall that **BCG** made some very serious accusations against her father in connection with him sexually interfering with her. As I recall, she claimed that her father had, on a number of occasions, entered her bedroom during the night

and sexually abused her by fondling and massaging her private parts. Both BCG and BCK were extremely distressed during this discussion.

"I recall that, during the discussion, BCH acted in an extremely menacing way towards his daughters, even standing up, raising his voice and pointing his finger at them. I recall that on several occasions we had to ask him to his cease his actions and sit down. I found this whole situation very stressing emotionally and at one point I excused myself and went outside for a little while. After a short while I returned.

"Towards the conclusion of the meeting, I said to BCH words to the effect: "Based on the evidence of the girls, it has been established beyond doubt that you did molest them." He replied: "Yes, yes, yes, ok, get on with it." I was completely satisfied that his reply was an admission that he had done the things the girls had accused him of doing."

Two brothers from the original committee were present during the appeal and they comment as follows in their statements to the police:

Ronald De Rooy: "In middle of 1989, two other elders in the Mareeba Congregation, Dino Ali and Kevin Bowditch, and I were handling a serious matter involving BCH that had nothing to do with the matter involving his daughter, BCG

"During one of the meetings that we had with BCH his daughter BCG made some very serious accusations against her father involving sexual matters. She said using words to the effect: 'While I was in the shower, you were looking at me through the window.' While I cannot remember exactly what she also accused her father of coming into her bedroom at night on several occasions and improperly interfering with her in a sexual way.

BCH denied BCG accusation with words to the effect: 'You are making these things up. It's all in your mind. Any of my dealings with you about these matters was my teaching you about sex and marriage. It was all part of your training.'

"We found it impossible to establish whether or not BCH had sexually interfered with his daughter BCG on what was presented to us.

"However, we decided to disfellowship BCH from the congregation for his actions that had nothing to do with his daughter BCG accusations. He then appealed our decision and shortly thereafter three different elders considered the matter.

"During the appeal meeting BCG again put the accusations mentioned in paragraph 4. [mentioned above] to her father. I also remember that BCG was really upset and distraught during this meeting.

"When confronted with BCG accusations on this occasion, he continued to deny that he had done the things that she was claiming he had done and then he confessed with words to the effect: "Yes, what BCG said happened, happened."

Kevin Bowditch: "I was present when the elders heard BCH appeal BCG was also present for part of that hearing and she again put her allegation concerning her father's conduct to him with words to the effect: 'I was laying in bed when you came into my bedroom with only a towel around you. You started speaking to me and gradually got yourself into a position where you started to touch my breasts and genitals.'

"On this occasion, when confronted by BCG accusation, he admitted that he had done what she was accusing him of doing using words to the effect: "Yes, I did do that." I cannot remember the exact words that he used, but BCH then apologised to his daughter BCG for what he had done to her."

In their signed Report dated June 15, 1990, the committee made up of Brother Rodney Spinks, Arthur Johnson and Monty Baker appointed to hear BCH application for reinstatement commented as follows:

"Original committees defined sins: 1. Loose conduct, 2. Lying, 3. Pornea, 4. Malicious slander [last 2 by appeal comm..]

“Differed substantially from [BCH] account. He denied incest and claimed firstly that it was a lie and that he never confessed then after a while stated that he had confessed under pressure.

“We felt that he has constantly lied and been evasive.”

In a signed letter dated March 14, 1992 to the judicial committee in Mareeba from the committee in Beenleigh Congregation hearing [BCH] s plea for reinstatement, Brothers Monty Baker, Michael Clarkeson and Beck state:

“We know you brothers in Mareeba are fully aware of the pattern of deceit that we speak of, but for the benefit of the brothers in St. George, who will also receive a copy of this letter we would like to give a synopsis of this pattern as follow:

“1. Upon his arrival, in his first appeal he stated the grounds for his disfellowshipping were ‘Going against theocratic order’ only.

“As a result of discussions with Brother Jim Bennett, who made a special point of seeing us whilst he was in Brisbane, and as you know served on the committee that heard [BCH] appeal against his disfellowshipping, we discovered there were more grounds for his disfellowshipping that he did not disclose to us. As follows:

...

“3. Pornia. With his daughters, to which he had vehemently denied, until recently when he conceded he interfered with one of them on a couple of occasions. Nevertheless he still claims that he has only interfered with one of them, whereas your recent letter states clearly that both of his daughters were sexually molested and that [BCH] admitted it in your hearings with him.

“With all of the above information, while we are not trying to ‘rake over old coals’ as it were but we are concerned about the way he still seems to be holding to a pattern of lying.”

In conclusion, if [BCH] claims that he did not sexually molest his daughter, [BCG] then on the basis of what he had admitted to before numerous witnesses he is guilty of lying. If he claims that he did not molest his daughter even though he has admitted to doing so before the appeal committee and the other elders mentioned above, then he is saying that he lied to the them. Either way, he is guilty of lying. The committee in considering this matter does not have to concern itself about whether or not [BCH] did in fact molest his daughter. That has already been established by the appeal committee. The primary issue before the present committee is the charge of lying.