

Supplement to GRACE Amended Final Report
September 8, 2010

Introduction

At the request of NTM, GRACE is providing additional detail as to the information obtained with respect to six current or former NTM personnel. To assist NTM in assessing this evidence, GRACE shall elaborate on pertinent definitions of sexual abuse, physical abuse or other misconduct and will also consider these definitions in the context of NTM's child protection policy manual. Based on this manual and various clinical and legal definitions of child maltreatment, as well as the evidence summarized in the GRACE report and this supplementary report, GRACE stands behind its personnel recommendations with respect to five of these personnel. A sixth individual has scheduled a conference call with GRACE and we will wait until after the call to finalize our information for NTM.

Sexual abuse or other sexual misconduct

Although New Tribes Mission was communicating some sort of child abuse policy to field workers as early as 1992,¹ their first written policy was in place at least by 2000 with amendments made in 2002 and 2009. The current "NTM-USA Child Protection Manual" was revised in February 2010.² According to this manual, "New Tribes Mission has zero tolerance for those who abuse children...These policies and guidelines pertain to NTM-USA members, volunteers and children."³ NTM-USA applies its child abuse policies to any child under the age of 18.⁴

NTM-USA defines sexual abuse as including, but not limited to "verbal, visual, and/or physical touch."⁵ Visual sexual abuse includes "peeping" and physical sexual abuse is defined as including "holding, and kissing for the purpose of sexual gratification."⁶ The NTM-USA Child Protection Manual makes it clear this policy will be applied retroactively:

NTM-USA will not accept an applicant who has been, at any time during his/her adult life, convicted or confirmed through an internal investigation of child sexual or physical abuse. If any information unknown to NTM-USA at the time of acceptance comes to light regarding a conviction or confirmation through an internal investigation of child sexual or physical abuse by a

¹According to Field Committee notes from 1992, the policy on child sexual abuse was as follows: "If it is a homosexual act with a child the person will be dismissed immediately and may never be considered for membership in the mission again. If it is a heterosexual act the person will be dismissed immediately but could be considered for ministry again in the future depending on the case. If it occurs on the field it is not necessary to report it to the Senegalese or U.S. authorities. It must be investigated as not doing so could be ruinous for the mission." See 1600.

² NTM-USA Child Protection Manual (revised February 2010)

³ *Id.* at 2.

⁴ *Id.* at 3.

⁵ *Id.* at 3.

⁶ *Id.* at 12.

member, that individual will be permanently dismissed. An individual will not be allowed to serve with NTM-USA where screening or other information reveals behavior that reasonably indicates he or she would pose a risk of sexually or physically abusing a child.⁷

The child protection manual of NTM-USA is consistent with the clinical definitions of sexual abuse GRACE provided in its original and amended report. The NTM-USA definition of sexual abuse as applying to any child below the age of 18 is also consistent with many criminal codes. In a number of states, unlawful sexual conduct includes sexual contact with a child below the age of 18.⁸ In 1978, New Tribes Mission became headquartered in the state of Florida. In Florida, it is a felony for a person 24 years of age and older to have sexual activity with a 17 year old child.⁹ Some version of this statute dates back at least to 1943.¹⁰

Physical Abuse and emotional maltreatment

Although corporal punishment was banned at the Fanda boarding school by 1993, and is now banned at all NTM boarding schools, GRACE recognizes that corporal punishment was allowed at the school during much of its operation. In recommending disciplinary action, GRACE selected offenders and actions which, even under the standards in place under criminal or civil codes at the time, would likely have been considered excessive.¹¹

In considering whether or not corporal punishment is excessive, courts consider the child's age, the type of discipline inflicted, the means used, the degree of injury or pain, and whether the punishment was justifiable.¹² The issue of whether or not punishment was "justifiable" has been considered by American courts as early as 1931.¹³ Punishment is unjustifiable "when it is not warranted by the circumstances, i.e., not necessary, or when such punishment, although warranted, was excessive."¹⁴

These legal definitions of excessive force are consistent with NTM's child protection manual, which defines physical abuse of a child as that "which results in potential or non-accidental physical harm from an interaction within the control of a parent or person in a position of responsibility, power, or trust. Inflicted physical injury most often represents

⁷ *Id.* at 5.

⁸ Charles A. Phipps, *Children, Adults, Sex and the Criminal Law: In Search of Reason*, 22(1) SETON HALL LEGISLATIVE JOURNAL 1, 131, 136-141(1997) (noting that 48 states set the age of consent for sexual penetration at 16 or higher. Six of these states set the age of consent at 17 and twelve of these states, including Florida, set the age of consent at 18).

⁹ Fl. Stat. 794.05.

¹⁰ See *Rye v. Florida*, 15 So.2d 255 (1943).

¹¹ Christian Psychologist Dr. James Dobson is an advocate of corporal punishment and yet in a 1978 publication he states that caretakers should not spank for "accidents" or "mistakes" and that a caretaker should never be "mean" or "harsh." Punishment inflicted under these circumstances or in an atmosphere of "fear and oppression" is improper. DR. JAMES DOBSON, *FOCUS ON THE FAMILY* (1978).

¹² JOHN E.B. MYERS, *EVIDENCE IN CHILD ABUSE AND NEGLECT CASES THIRD EDITION VOLUME 1*, page 301 (1997).

¹³ *People v. Curtiss*, 300 P. 801 (1931).

¹⁴ *Id.*

unreasonably severe corporal punishment or unjustified punishment. Physical abuse may involve single or repeated incidents.”¹⁵

In speaking of the punishments inflicted, many of the MKs themselves made it clear that, even under the standards of that era, the punishments they received were excessive. One MK noted “I call it beating because we got spankings at home from my parents, and these were not spankings. They used objects and were very excessive.”¹⁶ Another MK stated the “word ‘spanking’ is inaccurate. It was not spanking, it was beating...I was spanked by my father, but it was always out of love.”¹⁷ When describing the difference between the corporal punishment she received at Fanda with the corporal punishment she has inflicted as a mother, another MK explained “I spank my kids and they can walk afterwards.”¹⁸

GRACE recommends that NTM consider these pertinent standards and, in particular, it’s own child protection manual in making personnel decisions. With respect to NTM’s request for additional information, GRACE provides the following additional information in alphabetical order:

Mark Adams

In a report dated January 14, 2003, Stan Donmoyer details a conversation with a missionary and his wife and also with an MK (for purposes of this section the MK will be referenced as “MK #1”) who was an adult at the time. While discussing revelations of sexual abuse at the Fanda Missionary Boarding School, MK #1 became very emotional and, during the course of the evening, gave a very detailed account of being sexually abused by Reginaldo Goulart while at the boarding school. During the course of this conversation, MK #1 also spoke of a second MK (MK #2) who told her that when she was at the boarding school, MK #2 woke up several times and saw Mark Adams in the room. According to the statement taken by Mr. Donmoyer, Mr. Adams “would walk in and flash his light over their bodies, but they were afraid and so just pretended to be asleep.” MK #1 also reportedly told Mr. Donmoyer that MK #2 reported “I know the way he touched me was not right.” However, GRACE interviewed MK #2 and she believes the reference was to the effect “the way he looks at me was not right.” Although there are some conflicting documents, it appears MK#1 was never in the Adams dorm and was relating events told her by MK#2.¹⁹

Mr. Donmoyer’s report also summarizes a conversation with the parents of MK #1, which was taken the same night as Donmoyer’s conversation with MK#1. According to this report, these parents recalled “while in the states ... they went to visit the Adams and that Mark just kept staring at” MK #1’s “bust which they all noticed.” That night, MK #1 “refused to

¹⁵ NTM-USA Child Protection Manual (revised February 2010), p. 4.

¹⁶ 112.

¹⁷ 117.

¹⁸ 1601.

¹⁹ In Mr. Donmoyer’s report, he states he allowed the MK to speak at length without interruption and this could explain why, when he later turned the statement into a lengthy report, he did not correctly record the statements made from MK #1 regarding Mr. Adams. See 1602.

sleep anywhere but with her folks.”²⁰ GRACE communicated with MK #1’s father and he confirms that this visit took place and that Mr. Adams was staring at his teenager’s breasts to the point where he “stood up, went over the table and placed myself between (my daughter) and him, looking straight in his eyes. Then all noticed what I did, and he didn’t know if he would hide under the table or what.” The father also confirmed his daughter’s fear of the sleeping accommodations and that she slept in the same room as her parents.²¹ MK#1 also confirmed these events to GRACE.²²

MK #2 informed GRACE that while living in the dorm there was a man who came into the dorm at night and stared at each girl as they lay in bed. MK #2 said the girls wore only their underpants because of the heat. This man would stare and MK #2 said she would lie very still because she was scared. MK #2 does not have a clear memory of the man but believes it was either Mark Adams or Bill Poortviet. However, this MK subsequently told GRACE she realizes it was Mark Adams because, in part, she recalled how long he looked at another girl who was in the Adams’ dorm. When Mr. Adams came to her bed, she pretended to be asleep.²³

GRACE interviewed Mr. Poortviet who denies ever entering the girls’ dorm during the night. GRACE also interviewed Mr. Adams who acknowledged entering the girls’ dorms at night for legitimate purposes such as checking the mosquito netting around the girls’ beds. Mr. Adams acknowledges that while conducting these checks, he may have touched a girl but “to me, it was not sexual.” Mr. Adams acknowledged to GRACE that it may have been a better idea to have his wife check the girl dorm rooms but that she was often busy taking care of their own children.

After the release of the GRACE report, a male MK contacted GRACE and questioned the contention that Mr. Adams checked mosquito netting, at least not in the boys’ dorm. Specifically, the MK reports:

I would also like to add that I was in the dorm at this time, and to my recollection the only time anyone ever came into our room late at night and shone flashlights on us was when we were making noise and not settling down. I don't recall Mark or anyone else ever coming to our room after lights out for the sole purpose of checking our mosquito nets. I remember several times waking up and noticing the net untucked, so it was a problem. But I never recall Mark or anyone else coming into the room to remedy this in the middle of the night. And I was a light sleeper.²⁴

After the release of the GRACE report, MK #2 has written GRACE twice and challenged the claim that Mr. Adams was simply checking mosquito netting in the girls’ dorm room. In the

²⁰ 1603.

²¹ 1604.

²² 1605.

²³ 1606.

²⁴ 1607.

first e-mail the MK wrote “I still don’t feel his intentions were simply to ‘check the mosquito nets’ as he put it.” In a second e-mail, the MK wrote she was “terrified of Mark coming into my room at night. This was the year my panic attacks started.”

A third MK living in the Adams dorm described herself to GRACE as a sound sleeper but acknowledged that other girls told her about Mr. Adams coming into the girls’ dorms with a flashlight and that they were scared.²⁵

A fourth MK told at least one other person that “something” happened with Mr. Adams and reported this to her parents on a holiday break. The MK’s parents confronted Mr. Adams about this incident and the MK apparently was outside the room and was upset when her parents accepted Mr. Adams’ explanation for this event. Unfortunately, the MK has not responded to requests from GRACE to speak about this reported incident and thus GRACE is unable to conclude that this was related to Mr. Adams’ entering of the girls’ rooms at night.

From the information provided by NTM, it appears Mr. Adams resigned from NTM on May 1, 1994.²⁶

In the amended GRACE report, an incident was described in which an 8 year old MK was disciplined in the Adams dorm. This MK informed GRACE she was one of three girls paddled for jumping on beds and that the bruises lasted for several days. GRACE re-interviewed the MK who was paddled when she was 8 and she informed us her paddling was inflicted by Mrs. Adams, not Mr. Adams. However, Mr. Adams identified an older girl he acknowledges having paddled, but could not remember if the paddling left any bruises. He does recall that shortly after the incident, he was directed by Bob Ames that all future spankings of the female MKs should be carried out by Mrs. Adams. GRACE corroborated this paddling episode with the identified female MK and by one additional witness to at least part of the event.

Whether it is the conduct in the girl dorms, the incident in his own home with a teenage MK, there is credible evidence that Mr. Adams violated NTM’s child protection policies.

Donna Beach

In reviewing documents provided by NTM as well as interviewing more than one witness with knowledge of the events, GRACE finds credible evidence that Donna Beach engaged in intimate contact with a child who, at best, was 17 years old. It appears that Ms. Beach was approximately 31 at the time.²⁷ Although GRACE is aware of no evidence that Ms. Beach has inappropriately touched any other child since the events discussed in this report, GRACE considers the NTM policy on sexual contact with a minor to be prudent and consistent with best practices for employers

²⁵ 1608.

²⁶ 1609.

²⁷ 1610.

in responding to instances of maltreatment. The actions of Ms. Beach directly contradict the NTM policy on sexual contact with a minor.

Audrey DeJager

One MK described Audrey DeJager as “strict and mean” who would “spank” for a bad score on a test. This MK said that “Audrey nit-picked . . . it was as though Audrey was trying to find something wrong with the kids actions.” The MK recounted an incident in which she was physically disciplined for writing in a notebook. The MK reported that Ms. DeJager beat her with a paddle and used such force that the paddle broke.²⁸

A second MK recalled an incident in which Ms. DeJager used such force on a child that the paddle broke. This MK also recalled an MK being taken into a “closet” (a room between the classrooms which contained construction paper, etc) and beaten by Ms. DeJager with such force that “I literally looked out the window because I thought elephants were coming.” The MK vividly remembers the “wailing” of the child who was being beaten.²⁹

This second MK also spoke of cruelties inflicted upon her by Ms. DeJager. The MK told GRACE of a time when Ms. DeJager refused to allow her to go to the bathroom and she ended up urinating in her pants while sitting in class. This same MK recalled a time when she was instructed by Ms. DeJager to throw out some paint. The MK threw it out in a wash basin. Unbeknownst to her, Ms. DeJager wanted the paint thrown outside. She instructed the MK to wash out the basin and then come to her house later that evening for punishment. When the MK arrived at the house, Ms. DeJager was cooking and wearing an apron. The MK does not recall in which room she was struck or how many blows were administered. She does recall “trembling” even before she was struck and she recalls that Ms. DeJager struck her with a “very large” paddle with a flat handle. The MK described Ms. DeJager as “terrifying” in the manner in which she struck children.³⁰

At the request of NTM, GRACE e-mailed Ms. DeJager to inquire whether she had any further information about these incidents. Ms. DeJager declined to speak with GRACE, indicating she did not trust us.

Judy and Hammy Penner

GRACE interviewed or received written correspondence from ten MKs who reported that the punishment inflicted by Judy and/or Hammy Penner was excessive. Two MKs recall Judy Penner forcing them to eat their own vomit.³¹ One MK reports that Judy Penner

²⁸ 1611.

²⁹ 1612 and 1613.

³⁰ 1614 and 1615.

³¹ 1616 and 1617.

slapped her in the face and also “spanked” her if she was crying in bed.³² One MK reports that Judy Penner broke her arm (hairline fracture) and this incident is corroborated by a second MK.³³ One MK says Mrs. Penner removed him from class and “spanked” him because his toothbrush was not wet.³⁴ One MK reports Mr. and Mrs. Penner took him from his dorm room bed and shined a gas light in his face until he told them what he did wrong that day.³⁵ Two MKs report that Mrs. Penner called them derogatory names such as “stupid” and “ugly.”³⁶ One MK describes the emotional and physical abuse she endured by Mrs. Penner to be worse than the sexual abuse she endured from Mr. Brooks and that she still has nightmares about the Penners.³⁷ To get a sense of the strong emotion expressed by a number of MKs, consider this posting on the Fanda Eagles blog:

...this woman (and to a lesser extent her husband) should never, ever have been responsible for children, in any country at any time. She has affected my life and my view of myself to such a huge level...I was also forced to eat my own vomit, and had the belt buckle scars, and lived in fear of god’s wrath, and was ridiculed and told in exact words that I was ugly and weird for not measuring up to an impossible standard I could never achieve...³⁸

Although several MKs remember the conduct of Mr. Penner was less severe than that of Mrs. Penner, one MK recalls that both Mr. and Mrs. Penner spanked him on his bare bottom with objects and that he suffered welts.³⁹ A female MK recalls Mr. Penner pulling up her nightgown and whipping her with a belt buckle on the back of her legs.⁴⁰

Although GRACE was not allowed to interview the Penners prior to the original release of the report, two MKs reported having confronted Mr. and Mrs. Penner about their past conduct and that the Penners apologized.⁴¹ Mr. Penner recently communicated with GRACE and wrote, “We absolutely deny the allegations made against us personally.”

In the original report, GRACE noted as a mitigating factor the Penner’s actions to protect children from being abused by Phil Gates. In addition, Mrs. Penner was also proactive in protecting children from the sexual misconduct of Norm Livingstone.⁴² Since this conduct stands in such stark contrast from the actions of others who knew or should have known about sexual abuse at the school, GRACE has balanced this conduct against conduct that was abusive.

³² 1618.

³³ 1619 and 1620.

³⁴ 1621.

³⁵ 1622.

³⁶ 1623 and 1624.

³⁷ 1625.

³⁸ 1626.

³⁹ 1627.

⁴⁰ 1628.

⁴¹ 1629 and 1630.

⁴² 1631.

Additional corroborating evidence

As noted in the original report, many MKs suffer from depression and other medical and mental health conditions, have had suicidal thoughts and actions, and have struggled with chemical addictions. These and other conditions are consistent with having endured trauma such as was reported to GRACE.

GRACE also considered various statements made by those recommended for disciplinary action. Of the 20 personnel recommended for disciplinary action, GRACE interviewed 11. Two additional personnel declined to speak with GRACE prior to the issuance of the report but did speak with others about their actions. Of the remaining seven, five were interviewed by NTM contemporaneous with the events in question. Of the remaining two, one has communicated with NTM and the other has asked for a meeting with GRACE after September 18th. Many of the personnel discussed in our reports made incriminating statements or outright confessions.