

Final Supplement to GRACE Amended Final Report

Introduction

Upon the submission of the GRACE Amended Final Report, NTM asked GRACE to provide additional information obtained with respect to six current or former NTM personnel. GRACE provided this information with respect to five of these individuals in a supplementary report dated September 8, 2010. Since that time, GRACE has had a number of written communications with Judy and Hammer Penner as well as written and oral communications with Charles Perry Utz. GRACE has also conducted several additional interviews and received some additional documents provided by MKs or others with knowledge of the Fanda boarding school. Accordingly, GRACE is submitting this final supplemental report with respect to three parties named in the report. To assist NTM in assessing this evidence, GRACE shall elaborate on pertinent definitions of physical abuse or other misconduct and will also consider these definitions in the context of NTM's child protection policy manual. Finally, GRACE has some concluding remarks that may be of assistance to all parties.

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.¹

In considering whether 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.² The issue of whether punishment was "justifiable" has been considered by American courts as early as 1931.³ Punishment is unjustifiable "when it is not warranted by the circumstances, i.e., not necessary, or when such punishment, although warranted, was excessive."⁴

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

¹ 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).

² JOHN E.B. MYERS, EVIDENCE IN CHILD ABUSE AND NEGLECT CASES THIRD EDITION VOLUME 1, page 301 (1997).

³ People v. Curtiss, 300 P. 801 (Cal. App. Dep't. Super. Ct. 1931).

⁴ *Id.*

unreasonably severe corporal punishment or unjustified punishment. Physical abuse may involve single or repeated incidents.”⁵

In speaking generally of the punishments inflicted at Fanda, 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.”⁶ 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.”⁷ When describing the difference between the corporal punishment she received from Fanda and the corporal punishment she has inflicted as a mother, another MK explained “I spank my kids and they can walk afterwards.”⁸

In previous reports, GRACE has given clinical definitions of emotional abuse. These definitions are consistent with the NTM-USA Child Protection Manual which defines emotional abuse as “acts toward a child that cause or have a high probability of causing harm to the child’s health or physical, mental, spiritual, moral, or social development. Acts would be patterns of constant belittling, denigrating, threatening, scaring, discriminating, ridiculing, unrealistic expectations and demands, or other non-physical forms of hostility.”⁹

GRACE recommends that NTM consider these pertinent standards and, in particular, its child protection manual in making personnel decisions.

Judy and Helmut (Hammy) Penner

GRACE interviewed or received written correspondence from more than ten MKs and other witnesses who reported neglect, emotional or physical abuse by Judy and/or Hammy Penner. These allegations and the responses of Mr. and Mrs. Penner are summarized below.

Emotional Abuse

Two MKs report that Mrs. Penner called them derogatory names such as “stupid” and “ugly.”¹⁰ A third MK told GRACE that Mrs. Penner used the word “stupid.”¹¹ The mother of an MK recalls that Mrs. Penner had strong labels, either positive or negative, for some of the children she was working with, calling one MK a “perfect child” and another MK “evil.”¹²

An MK in the little dorm describes an incident during which she asked Mrs. Penner to put her hair in pigtails but Mrs. Penner said she was too old for pigtails and then proceeded to

⁵ NTM-USA Child Protection Manual p. 4 (revised February 2010).

⁶ 112.

⁷ 117.

⁸ 1700.

⁹ NTM-USA Child Protection Manual, p. 4 (Revised February 2010).

¹⁰ 1701-1709.

¹¹ 1710.

¹² 1711.

cut her hair extremely short over her objection.¹³ The mother of this MK recalls her child as having “very curly hair” and that Mrs. Penner did “get on her” about taking care of the hair. The mother recalls that, about two weeks after the incident, she visited with her daughter and noticed the hair was extremely short. She recalls her daughter crying and disclosing that Mrs. Penner had cut her hair. The mother says it was not until many years later that she learned the additional details regarding this incident.¹⁴

Mrs. Penner denies ever calling a child any derogatory names. However, Mrs. Penner admits she “did a lot of haircutting at Fanda.” Mrs. Penner says she doesn’t believe she ever cut a child’s hair without parental permission. Mrs. Penner recalls that, as a girl, her own mother would sometimes cut her bangs so short that she would cry and that “If I did that to one of the girls, I’m truly sorry because I know how it felt. Every girl wants to look pretty.”¹⁵

Physical abuse

As noted in the September report, a large number of MKs expressed concerns about the conduct of Mr. or Mrs. Penner. GRACE has summarized below a number of the specific allegations as well as the responses of the Penners to these allegations.

Corporal punishment of an infant

An MK told GRACE that, when she was two months old, Mrs. Penner spanked her. The MK reports she knows this because her mother told her.¹⁶ The MK’s mother reports that while she and her husband were at boot camp with Mr. and Mrs. Penner there was an incident in which her daughter was wiggling while Mrs. Penner was changing the child’s diaper and that Mrs. Penner swatted the baby. She believes her daughter may have been closer to four months of age. The mother does not recall witnessing the event but recalls that Mrs. Penner acknowledged the incident.¹⁷ The mother reports that, at the time, she didn’t think anything of this because this is how she and other missionaries were taught by NTM—that children were strong willed and, even as infants, needed discipline.¹⁸ Mrs. Penner informs GRACE that she does not believe infants should be spanked and said “I can’t imagine that I ever spanked a two month old child.”¹⁹

Corporal punishment for homesickness or “lying” about homesickness

An MK describes that she was in the Penner dorm when she was only five years old and that she was deeply homesick and often cried herself to sleep. Nonetheless, she states the

¹³ 1712 and 1713.

¹⁴ 1714.

¹⁵ 1715.

¹⁶ 1704 and 1705.

¹⁷ 1711.

¹⁸ 1711.

¹⁹ 1715.

Penners did not show a great deal of compassion and she felt singled out by Mrs. Penner for punishment.²⁰

A second MK in the little dorm describes extreme homesickness and that she cried every night. The MK recalls going to the Penners to express how much she missed her parents. Later that same night, Mr. Penner took the MK from her bed and he and Mrs. Penner explained to her that they believed she was lying about being homesick and then administered corporal punishment. The MK describes the experience as both embarrassing and traumatic.²¹ With respect to this allegation, Mr. Penner said it was “ludicrous” to suggest a child would be spanked for being homesick and he provided quotes from several MKs who had positive experiences in their dorms. Mrs. Penner told GRACE “I don’t ever remember spanking a child for crying or being homesick—I can’t imagine doing that.”²²

Corporal punishment for failing to brush teeth or “lying” about failing to brush teeth

An MK told GRACE of being physically punished for failing to brush her teeth, or at least lying about it.²³ A second MK says Mrs. Penner removed him from class and “spanked” him because his toothbrush was not wet.²⁴ A third MK reports that Mrs. Penner had specifically threatened her with consequences if she failed to brush her teeth. The MK recalls that Mrs. Penner came to her class and asked her if she had brushed her teeth. The MK remembers standing in front of her class and crying. The MK remembers that Mrs. Penner then checked her toothbrush and removed her from class to receive corporal punishment. The MK states that Mrs. Penner watched as Mr. Penner “whipped” her with his belt on the back of her legs.²⁵ Mr. and Mrs. Penner both acknowledge an incident in which a girl received corporal punishment for lying about brushing her teeth, though they do not indicate whether it was Mr. or Mrs. Penner who administered the blows. However, they both acknowledge the child was removed from class and Mrs. Penner states “I can see now that could have been very embarrassing for her, and I should have waited until after school to deal with it.” Although Mrs. Penner doesn’t recall the incident, she states a second MK has spoken with her about being physically punished for “lying” about brushing her teeth.²⁶ GRACE puts the word “lying” in quotation marks because it would be a fair interpretation of the evidence that the children lied because they were afraid of being “spanked.” If the children believed they could avoid physical punishment by telling the truth, this would have been the logical course of action to take.

²⁰ 1716.

²¹ 1712 and 1713.

²² 1715. In their written statements, neither Mr. or Mrs. Penner specifically address the claim of the MK that she received corporal punishment because the Penners claimed she was *lying* about being homesick. In answering questions pertaining to other matters, the Penners acknowledge that children received corporal punishment for lying. 1717 and 1715.

²³ 1707.

²⁴ 1718.

²⁵ 1716.

²⁶ 1717 and 1119.

Punishment with belts

Several MKs reported being struck by Mr. or Mrs. Penner with belts and some MKs recall the blows causing physical injuries. One MK recalls that both Mr. and Mrs. Penner spanked him on his bare bottom with objects and that he suffered welts.²⁷ A female MK recalls that Mr. and Mrs. Penner walked into the room as she and two other girls were doing headstands on the bed when lights were out. The MK states that Mr. Penner took her to the next room, pulled up her nightgown and “whipped” her. The MK said she was alone with Mr. Penner when this incident happened and she described the experience as one of “humiliation and fear.”²⁸ The MK told GRACE that, even today, she gets emotional when speaking about the incident and that “she didn’t get the sense they (the Penners) cared” about her.²⁹

Mr. and Mrs. Penner both acknowledge punishing children by striking them with a belt but never on the bare skin or legs, and never with the buckle. Mrs. Penner said “we asked the child to bend over the bed...I administered 2-4 swats on the buttocks as it has the largest muscle area on the body and is therefore a safe place.”³⁰ Mr. Penner said he typically administered three blows but it could have been “anywhere from 2-6 swats.” Mr Penner also informed GRACE that he can understand “from the mind of a young child any spanking will seem harsh. I am willing to meet with any MK who feels my spankings were harsh and apologize.”³¹ The Penners did not specifically admit or deny whether or not any of these punishments resulted in injuries. Indeed, Mrs. Penner states “I would have considered it an invasion of privacy to check the bare skin afterwards.”³²

According to the Penners, the belt used on the children was Mr. Penner’s leather belt. Mr. Penner had a 32 inch waist. At the time, Mr. Penner was 6 feet, one inch tall and weighed 160 pounds. Mrs. Penner was 5 feet, nine inches tall and weighed 115-120 pounds.³³

The hairline fracture of a child’s arm

An MK describes an incident in which she and others had snuck out of the dorm. The MK states Mrs. Penner caught her crawling in the room and “pulled me in the window and up against the wall.” The MK states her arm began to swell and, three days later, another adult at Fanda took her to a doctor. The MK reports she had a hairline fracture and the arm was placed in some sort of splint but apparently not a cast.³⁴ GRACE interviewed the MK’s parents and they recall being informed of the incident at the time. Specifically, they recall

²⁷ 1719.

²⁸ 1716.

²⁹ 1716.

³⁰ 1715 and 1717.

³¹ 1717.

³² 1715.

³³ 1715 and 1717.

³⁴ 1704 and 1705.

being informed by shortwave radio. However, they were not informed as to the cause of the injury and assumed it was a result of a playground accident.³⁵

In response to this allegation, Mr. and Mrs. Penner state that if they had been aware of an injury, they would have sought immediate medical attention. They support this position by providing GRACE with instances of other children being injured and their prompt response. Mrs. Penner also states, “no-one crawled through windows...we bolted cross-bars as part of the window frames to keep burglars out, and the screens were nailed onto these frames with strips of wood. There was no glass on the windows.”³⁶ However, the MK states there “was a huge window with four squares and a wood frame. It was easy to crawl through one slot of the window and just put the screen back in place.”³⁷

GRACE is unable to go back in time and assess whether or not a particular child could easily get in or out of a particular window. However, GRACE interviewed another MK who told us of incidents in which children had been able to sneak out of their dorms at night.³⁸

Slapping a child in the face

One MK reported that, on at least two occasions, Judy Penner slapped her face while in the dorm.³⁹ A second MK witnessed an incident in which Mrs. Penner slapped a male MK’s face with such force that medicine flew out of his mouth. Mrs. Penner then told the child to clean up the mess.⁴⁰ Mr. Penner said he has never seen his wife slap a child in the face.⁴¹ Mrs. Penner states “I can honestly say that I have no memory of ever slapping a child in the face” and notes that such conduct would be “humiliating and reactionary.”⁴²

Other incidents

Eating vomit

One MK reports an incident in the dining hall in which she vomited up her powdered milk back into her cup and that Mrs. Penner made her drink it.⁴³ A second MK reports a similar incident in which she threw up a piece of sausage into her milk and was made to drink it by Mrs. Penner.⁴⁴ The Penners claim that requiring a child to eat vomit would be abusive and that they were “sensitive to children’s likes and dislikes”. However, Mrs. Penner claims that it was possible that at least one of the children may have “spit her sausage in her cup when

³⁵ 1711.

³⁶ 1715 and 1717.

³⁷ 1705.

³⁸ 1718.

³⁹ 1703.

⁴⁰ 1702.

⁴¹ 1717.

⁴² 1715.

⁴³ 1712 and 1713.

⁴⁴ 1707 to 1709.

I wasn't looking, and then I asked her to finish her milk."⁴⁵ Mrs. Penner indicates this would not constitute requiring a child to eat her vomit since "vomit by definition is the act of throwing up the contents of the stomach through the mouth. I absolutely did not make kids eat their vomit."⁴⁶

Shining a gas light in a child's face

One MK reports Mr. and Mrs. Penner took him from his teen dorm room bed and shined a gas light in his face until he told them what he did wrong that day.⁴⁷ Mr. Penner acknowledges that "Judy and I may have called a teenager out of their room after lights out to settle a problem" but states "I honestly do not, to my knowledge, recollect shining a gas light in the face of a child for interrogation purposes."⁴⁸ Mrs. Penner informed GRACE as to "how gas lamps work" and noted "it shed light around the whole room, so any light that was shining in a child's eyes was also shining in our own eyes." The MK informed GRACE that the gas light was held in front of his face at eye level.⁴⁹

The impact on the MKs

Although the Penners do not fully accept all of the MKs allegations, and do not label their own conduct as abusive, they do acknowledge that children at Fanda were abused. In a letter to GRACE, the Penners state "we are hurting deeply for the MKs who were abused, and are thankful that you have been able to expose the horrific things that happened at Fanda."⁵⁰

The MKs interviewed by GRACE suffered significantly from their experiences at Fanda, including their experiences with the Penners. One MK who alleges that she was emotionally and physically abused by the Penners writes:

I suffer from severe depression which has directly affected my parenting skills and in some ways, let down my children. Anger is always an issue, even now...For years I hurt immensely and didn't have anyone really to talk to about this. I took up drinking and drugs and got deep into them, while my kids slept in the next room. Abusive relationship after abusive relationship happened, all because after years of my own abuse I didn't think I was worth being talked to nicely, or being treated kindly. I have renounced this so-called God in my life...Now I am in my 33's and still struggling with deep depression, suicidal thoughts and loneliness. Which I know isn't my fault. Counseling (sic) isn't the answer, the answer I want is justice for my childhood hell I had to endure. ⁵¹

⁴⁵ 1715.

⁴⁶ 1715.

⁴⁷ 1720.

⁴⁸ 1717.

⁴⁹ 1720.

⁵⁰ 1715.

⁵¹ 1708.

This same 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.⁵²

GRACE recommendation regarding Mr. and Mrs. Penner

More than one MK recommended to GRACE that the Penners be terminated or removed from ministry.⁵³ Other MKs expressed compassion, believing the Penners were part of an NTM culture that resulted in abusive conduct.⁵⁴ Some MKs spoke of the Penners in heroic terms, noting that Mrs. Penner was proactive in protecting children from at least two men engaging in sexually inappropriate conduct.⁵⁵ We also note that there are MKs who claim they were never abused in any way by the Penners⁵⁶—something that the MKs who report abuse also acknowledge. One MK told GRACE, “I can guarantee that the Penners were great to their own children or to the people that they liked.”⁵⁷ There are also some MKs who describe the Penners in a manner that gives credence to *all* of these views. For example, one MK wrote about Mrs. Penner:

Judy was prickly, unapproachable and would take no nonsense from anyone except her own children. She was a nurse, but not the motherly kind. She was the kind that made you take your medicine, no matter what. She was also fun, was known to be funny and is in too many of my good memories to count. She was there if you needed her. She was efficient. She listened, she taught, she worked hard, and she tried to answer all the sex questions 14, 15 and 16 year old girls threw at her. You did not cross Judy, and you couldn't get really close to her, but you could love her and be loved back.⁵⁸

GRACE continues to assert that the party primarily responsible for the abuse at Fanda was New Tribes Mission. It was NTM that created and fostered a legalistic culture that made harshness and abuse not only predictable, but expected. At the same time, God does not excuse the sin of those who hurt these children. Sin has earthly consequences and NTM must continue taking measures to hold these individuals accountable for their actions.

In assessing the allegations against the Penners, GRACE concludes that the evidence is overwhelming. First, there are at least fifteen witnesses who speak of having experienced abuse, witnessed abuse, or who otherwise give credence to the allegations.

⁵² 1707 to 1709.

⁵³ 1708, 1709, and 1710.

⁵⁴ 1704, 1705, 1718, and 1721.

⁵⁵ 1722.

⁵⁶ 1723.

⁵⁷ 1712.

⁵⁸ 1724.

Second, nearly all of the acts are corroborated by more than one MK. More than one child alleged they were called derogatory names, more than one child alleged having to drink vomit (or whatever they spit back into their cups), more than one child alleged experiencing or witnessing an MK slapped in the face, and more than one child recalls being removed from class and being corporally punished because of a dry toothbrush and “lying” about it. Finally, more than one MK alleges bruises, welts or other injuries from being beaten by Mr. or Mrs. Penner.

Third, there is very little, if anything, in the statements provided by the Penners that would seriously undermine the credibility of the MKs or other witnesses. Indeed, the Penners themselves provide corroborating evidence for many of the allegations. The Penners acknowledge hitting children with a man’s leather belt, they admit that at least one child was taken from class and hit with a belt because she “lied” about brushing her teeth, they admit that Mrs. Penner may have cut a girl’s hair too short, and they admit they “may” have taken a teenager from his bed and questioned him with the assistance of a gas light (though they dispute the MK’s report as to how the gas light was used).

Even when Mr. and Mrs. Penner have specifically denied some of the allegations, GRACE does not find the denials to be compelling or even credible. For example, Mrs. Penner says she has “no memory” of slapping a child in the face, that she “can’t imagine” spanking an infant, and that spitting a sausage back into a cup would not constitute “vomit.” With respect to the allegations of injuries, the Penners contend it would have been an “invasion of privacy” to check for bruises or other injuries. With respect to the allegation of a hairline fracture, GRACE notes the Penners spent a great deal of time explaining the impossibility of a child crawling through a window but failed to specifically address the central question we posed: “To your knowledge, did you ever engage in conduct with an MK that, intentionally or otherwise, may have resulted in a fracture?”

Finally, and most importantly, GRACE finds the witnesses interviewed to be extremely credible. GRACE finds no motive for any of these witnesses, much less all of them, to be lying. In most instances, the MKs have explicit memories and these memories are corroborated by the memories of other witnesses. Many of these MKs also suffer from significant medical and mental health problems, which are consistent with their allegations of having endured trauma as children.

Even if GRACE were to dismiss one or more of the MK’s allegations, the sum total of the remaining evidence supports the conclusion that the Penners engaged in abusive conduct with at least some of the children they were charged to protect. Accordingly, GRACE stands by its original recommendation. The only reason GRACE is not recommending termination from NTM is because of the efforts by the Penners, particularly Mrs. Penner, to protect the children from being sexually abused.⁵⁹ This conduct is in such stark contrast of the conduct of nearly every other

⁵⁹ 1722.

adult aware of the situation that it merits substantive consideration. GRACE also notes several MKs expressed this same opinion, including some MKs who report they were physically or emotionally abused by Mr. or Mrs. Penner.

GRACE reaffirms the original recommendations regarding Hammy and Judy Penner as outlined in the Amended Final Report, dated August 28, 2010.

Perry Utz

GRACE interviewed seven MKs and one former teacher of Fanda who spoke of Mr. Utz as legalistic, strict, and angry. The MKs called Mr. Utz “legalistic”, “intimidating”, “nasty”, “scary”, “evil”, “unbelievable” and an “extremely brutal man.”⁶⁰ One MK expressed concern that Mr. Utz was still “out in society.”⁶¹ A fellow teacher described Mr. Utz as having a “strict and intimidating air about him” and that he was “really strict with the boys.”⁶² This same teacher also noted that a number of children “gravitated” toward Mr. Utz. A female MK told GRACE, “Mr. Utz was always nice to me” but “I know lots of people who were terrified of him.”⁶³ As an example of his anger, an MK recalls a time in which Mr. Utz called him a “jackass.” The MK said this incident stands out because cursing was severely frowned upon at Fanda and that there could be significant consequences for anyone caught swearing. The MK states Mr. Utz must have been extremely angry to run that risk.⁶⁴

GRACE was informed of three incidents involving Mr. Utz and corporal punishment. First, there was an incident in which someone had carved initials on a bathroom wall. According to one MK, Mr. Utz took charge and led “interrogations” of the boys to determine the responsible party. Apparently, the responsible party was a member of the Utz family.⁶⁵

Second, there was an incident of “wrestling” or “pretend fighting” between two boys. Mr. Utz walked past and the boys were later summoned to the principal’s office where they were questioned with Mr. Utz present. An MK explained they weren’t really fighting but “as a child, you have no say, no room for reasoning.” Both children were paddled as a result of the “infraction.” An MK recalls that it was his clear impression the principal did not want to paddle the boys, but was doing so at the insistence of Mr. Utz.⁶⁶ GRACE interviewed the principal and he said it was “possible,” but that he didn’t remember the incident.⁶⁷

By themselves, these incidents do not rise to a level where GRACE would recommend NTM to take retroactive measures. However, there is a third incident which, if accurate, is deeply concerning. An MK disclosed that when he was in the 5th and 6th grade class in Fanda during the year 1986, he had Mr. Utz as a science/biology teacher. The MK and two other

⁶⁰ 1725, 1710, 1726, 1722, 1703, 1721, and 1727.

⁶¹ 1725.

⁶² 1728.

⁶³ 1704.

⁶⁴ 1729.

⁶⁵ 1729 and 1726.

⁶⁶ 1729.

⁶⁷ 1728.

boys were assigned a science experiment that involved dangling some sort of a feather in front of a toad and documenting its reaction. Apparently, the toad did not react in the manner expected and the MK and his friends turned in their science report documenting what actually happened. The MK reports he and the boys got an “F” on the report. The MK asked Mr. Utz why they were given an “F” since they simply recorded the actual reaction of the toad. Mr. Utz became “very angry” and removed the MK from the classroom and took him to the “storage” room where children were physically punished. He described being taken to the storage room as the “walk of shame” because one would go past other classrooms and other children could see who was being taken for punishment. He recalls the storage room had sheet metal and no sound-proofing, thus it was easy to hear when someone was being beaten and the sound of crying. The MK said Mr. Utz “beat” him with a paddle that was in the storage room. He said he had to lean over a desk but can’t remember if Mr. Utz had him drop his pants (the MK said sometimes when he was hit by teachers or dorm parents he had to drop his pants, and on other occasions he did not).⁶⁸

The MK became very emotional during his disclosure of this event and, on several occasions, had to take a few moments to compose himself. He didn’t recall how many blows he received but said it “hurt tremendously” and that he cried throughout. The MK said that sometimes when he was being spanked he would feign getting hurt just to get it over with but that “with Perry you didn’t pretend.” The MK described himself at that time as a “little shrimp” and said he was a “scrawny, tiny little kid until high school.” The MK recalls Mr. Utz as a “huge man.”⁶⁹

The MK reports Mr. Utz struck him with a heavy paddle. The MK knows the paddle was heavy because when a female teacher tried to hit him with the same paddle, she “had difficulty swinging it and did so with little effect.”⁷⁰ The MK said he once went into the storage room to take a close look at the instrument. He said it was made of a very thick grade of plywood, not the type of plywood that could be found in North America. He said the paddle had holes in it that were big enough to put a finger in. He said the paddle was “similar in size to a cricket bat, with a two-handed grip, which I assume was needed as a result of the weight.”⁷¹

The MK recalls there being multiple paddles and other instruments teachers used for punishment. The MK said it was generally understood that Mr. Utz made this particular paddle. However, this MK acknowledges he never witnessed Mr. Utz making the paddle.⁷² A teacher at Fanda has corroborated this claim, stating that it was his assumption that Mr. Utz fashioned an instrument for corporal punishment and that Mr. Utz “probably” told him about it.⁷³ The teacher advises there was a carpenter shop available and teachers used it to

⁶⁸ 1729.

⁶⁹ 1729.

⁷⁰ 1730.

⁷¹ 1731 and 1729.

⁷² 1729. Mr. Utz was described as “handy” in the shop.

⁷³ 1728. There is no evidence in the records provided by NTM that paddles or other instruments for inflicting corporal punishment were ever purchased for the school. A former teacher confirms that paddles were never

fashion desks, chalkboards and other school materials. The teacher indicates he is aware that paddles were used during this time period and they were not ordered as school supplies—and thus would need to be brought in or made.⁷⁴

The MK's account of his beating is corroborated by an individual who witnessed at least part of the incident. An MK in the 3-4th grade class reports that through her classroom window she observed Mr. Utz take the aforementioned boy into a "middle room" to be punished. She describes the boy as "very tiny" and that Mr. Utz was a big man.⁷⁵

This MK remembers seeing only the boy and Mr. Utz and doesn't know if anyone else came into the room to observe. Though she cannot recall if Mr. Utz was holding a paddle, she distinctly remembers the blows were "very, very hard" and she could hear them in her classroom. She further remembers the boy "crying loudly." The MK reports being "really upset" by this incident.⁷⁶

Both of the MKs differentiate this incident from other incidents of corporal punishment they had witnessed or experienced. For example, the boy claims that the physical punishment he received from Mr. Utz was very different from the corporal punishment he experienced from his father. The MK states his father would never discipline if he was angry, would explain the infraction, and then would administer a spanking over his knee with a small paddle followed up by prayer. The MK states the "beating" he received from Mr. Utz had none of these features.⁷⁷

GRACE has communicated with Mr. Utz over the phone and also through e-mail. Mr. Utz claims he did not make a cricket-shaped paddle with holes in it. However, he did state that corporal punishment is very clear in the scriptures and, when parents give permission, it is permissible to spank those who are not your children. During his time at Fanda, he recalls that corporal punishment was permitted by leadership and by parents.⁷⁸

Mr. Utz said he administered corporal punishment on only one occasion while at Fanda. He said this was done with the parent's permission and that he had an adult witness present in the room. Mr. Utz said the punishment took place in the school office and the witness was a member of the school staff. Mr. Utz is unable to recall with certainty the name of the adult witness.⁷⁹ Mr. Utz said the punishment was administered to a boy who was probably in the 7th grade or junior high school level. Mr. Utz cannot remember the name of the boy, nor can he remember the infraction. However, he said there were only three reasons to administer

ordered. 1728. Accordingly, if paddles or other instruments were used at Fanda, which numerous children report having been the case, the teachers or dorm parents brought the instruments in or fashioned them.

⁷⁴ 1728.

⁷⁵ 1726.

⁷⁶ 1726.

⁷⁷ 1729.

⁷⁸ 1732.

⁷⁹ In a subsequent written statement, Mr. Utz states his lack of recollection this way: "When asked if I recalled the names of the child and the witness, my answer was that I wasn't 100% sure of either and was not going to speculate until I could confirm that who I remember is correct." 1733.

corporal punishment at the school—lying, cheating, or stealing. Mr. Utz said he struck the boy’s buttocks 4-5 times with a paddle which he believed was ¼ to ½ inch board, 18-20 inches long, and that weighed only a few ounces. In a subsequent written statement, Mr. Utz reiterated he “really didn’t know” the size of the paddle and that he was providing a “general description.”⁸⁰ Mr. Utz claims that he tested the paddle on himself first and that he also prayed with the boy both before and after the punishment was administered. Mr. Utz remembers that the boy was standing during the administration of the punishment and does not believe the boy cried.⁸¹

With respect to the other statements the MKs made about him, Mr. Utz said he never beat on children or adults and he couldn’t understand these statements. Although he expressed a desire to meet with the MKs and work toward reconciliation, he also asked GRACE if the MKs were under oath when they made the statements. GRACE advised him that this was not a legal proceeding and no one was under oath (including Mr. Utz).⁸²

After interviewing Mr. Utz, GRACE re-interviewed the MK who reported being beaten and informed him of the statements made by Mr. Utz. The MK stated that if Mr. Utz was referring to the incident involving him, it was a “total fabrication.” The MK said he was leaning over a desk, there was not a witness present, and he (the MK) was crying throughout. The MK said Mr. Utz was very angry and did not pray before or after the beating.⁸³

GRACE reviewed the Fanda yearbook for the year 1986 and confirmed the male MK was in the 5th and 6th grade class during that year. GRACE also confirmed that the female MK was in the 3rd and 4th grade class that year. Photographs from that year corroborate the MK’s description of himself as small and skinny. The same yearbook describes Mr. Utz’ teaching assignments as including 5th and 6th grade science.

GRACE recommendation regarding Mr. Utz

The MK who appears to be the most impacted by Mr. Utz has stated he does not blame Mr. Utz so much as the culture of Fanda created by NTM. The MK described Fanda as a “magnet” for “hurting people trying to escape their reality.”⁸⁴ GRACE does not disagree with this assessment but, as in the case of the Penners, believes those directly responsible for harm to one or more children also bear responsibility for their actions.

GRACE finds credible evidence that Mr. Utz’ conduct runs counter to NTM’s child abuse manual. Although that manual was not in place while Mr. Utz taught at the school, Mr. Utz’ administration of corporal punishment contradicted his own stated reasons for administering such punishment—lying, stealing, or cheating. The boy who asked why he

⁸⁰ 1732 and 1722.

⁸¹ 1732 and 1722.

⁸² 1732.

⁸³ 1729. The MK also said he did not see Mr. Utz “test” the instrument on himself first, but doesn’t know if Mr. Utz may have done this once he (the MK) leaned over the desk.

⁸⁴ 1729.

got a bad grade was not lying, stealing or cheating. He was asking a legitimate question and corporal punishment was not justified.

The MK's statement is directly corroborated by a second witness. The statement is also indirectly corroborated by other witnesses, including a former teacher, who indicated Mr. Utz had a temper and some of the children were frightened of him. As is the case with the Penners, Mr. Utz may have been kind to any number of children.⁸⁵ However, that has no bearing on what happened in the storage room and the severe impact of the event on more than one life.

Mr. Utz' description of his administration of corporal punishment has at least three weaknesses. First, not one of the MKs who described corporal punishment at Fanda has indicated they were standing up. In the experience of the GRACE team, this would be an unusual position for administering corporal punishment. Second, the statement provided by Mr. Utz' lacks credibility in that even though he seems to have a clear memory of so many aspects of the event, he is unable to recall with certainty the identity of the boy receiving corporal punishment or the name of the adult witness he alleges was present. Third, a fellow teacher at the school informed GRACE that he did not recall witnessing Mr. Utz administer corporal punishment on the MK described in this report, but he did recall witnessing Mr. Utz administer corporal punishment on other children.⁸⁶ GRACE also interviewed an MK who stated that several boys, including his older brother, told him Mr. Utz' spankings were "really hard."⁸⁷ These and other statements undermine Mr. Utz' contention that he only administered corporal punishment once at the school.

GRACE reaffirms the original recommendations regarding Perry Utz as outlined in the Amended Final Report, dated August 28, 2010.

Conclusion

Although the GRACE team has well over 100 years of experience working with cases of child maltreatment, none of us were fully prepared for all that was disclosed by MKs and their parents. Nearly four months after the release of our report, we continue to be impacted by all that we heard and saw. Those who died and those who live with the abuse they endured at Fanda are forever in our hearts and prayers.

GRACE is grateful for the courage of New Tribes Mission. To the best of our knowledge, this is the first time in the history of Christendom that a major faith institution hired a truly independent, outside body to investigate a major case of child maltreatment. We are also heartened that NTM has responded promptly and forcefully to many of the GRACE recommendations. In some instances, NTM has gone beyond the GRACE recommendations—even at the risk of losing supporters and funding. Through its words

⁸⁵ 1703.

⁸⁶ 1728.

⁸⁷ 1721.

and actions, NTM has clearly begun to demonstrate repentance for the sins committed against so many and against our Lord.

We also note that NTM has made much progress since the 1980's. GRACE has reviewed NTM's current child protection manual and policies and we applaud the effort of Scott Ross and others who developed these policies.

Having said this, no child protection policy will be effective unless those charged with its enforcement are trained and experienced in handling cases of child maltreatment. The errors NTM made in the investigation of Fanda could have been reduced if they had utilized one or more outside bodies specializing in this unique offense. This will be important for NTM to keep in mind as it confronts allegations of abuse in other boarding schools. GRACE encourages NTM to carefully review and consider the proposal for future investigations provided to NTM on November 1, 2010.

It is difficult to investigate dozens of allegations of abuse involving numerous perpetrators or enablers. This is even more difficult when the allegations are more than 20 years old. Memories will be imperfect, records inconsistent, and even truthful witnesses will have disagreements as to various events. Such was the case in the investigation of the Fanda boarding school. Nonetheless, after hundreds of hours of interviews and in reviewing more than 1000 pages of documents, there remains the incontrovertible fact that dozens of children were maltreated and numerous minds, bodies and souls were impacted. Although some have attacked the periphery of the GRACE report or the procedures used, no one has or will be able to undermine this simple truth.

There is another truth that became apparent during the course of this investigation. In the book of Matthew our Savior said "I praise you, Father, Lord of heaven and earth, because you have hidden these things from the wise and the learned, and revealed them to little children."⁸⁸ GRACE is humbled to have seen this verse come to life during the course of the investigation. Although the victims of Fanda have endured great pain, and may always on this earth feel a loss, many of them have demonstrated a remarkable sense of love and compassion—not only for each other, but for those who hurt them. As noted in this report, many of those who claim they were hurt by their teachers and dorm parents are sympathetic to those who hurt them. Many reported they forgive their offenders, even though these offenders may not have asked for forgiveness. One MK told GRACE she could understand how hard it must be for those who hurt her to fully grasp the significance of their sin. She told us she had committed some pretty big sins in her life and appreciated the difficult process those who scarred her childhood must now go through. Though this is not true of all the MKs, the fact that so many expressed such thoughts is a remarkable reflection of the power of the Holy Spirit.

Through their suffering, through their broken bodies and spirits, these children have grasped the things "hidden from the wise and the learned." In their love, and even in their

⁸⁸ Matthew 11:25

righteous anger, the MKs preached God's truth to each other, to those who hurt them, and to all of those watching.

The months and years ahead will determine how well Christendom has listened to these children.

Respectfully Submitted by GRACE on this 4th day of January, 2011.