

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION AT LEXINGTON

| | | |
|---|---|------------------------------|
| BARBARA OLINGER, as Mother and Next |) | |
| Friend of "A", a Minor Child Under the Age of |) | |
| 18 Years, |) | Civil Action No. 5:07-29-JMH |
| |) | |
| Plaintiffs, |) | |
| |) | |
| V. |) | |
| |) | |
| THE CHURCH OF JESUS CHRIST OF |) | |
| LATTER-DAY SAINTS and JASON |) | |
| STARKS, |) | |
| |) | |
| Defendants. |) | |

AFFIDAVIT OF DENNIS C. BRIMHALL

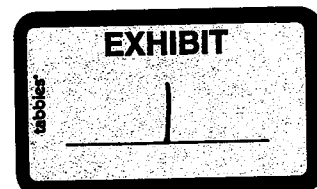
I, Dennis C. Brimhall, declare as follows:

1. I am a resident of the State of Colorado, am on an assignment in Kentucky for The Church of Jesus Christ of Latter-day Saints, and have personal knowledge of the following facts, and if called to testify I could, and would, competently testify to the following:

2. I became President of the Kentucky Louisville Mission of The Church of Jesus Christ of Latter-day Saints ("the Church") on July 1, 2005. As Mission President I supervise missionaries and mission efforts for the Church in portions of Kentucky and Indiana 3.

3. Jason Earnest Stark became a missionary in the Kentucky Louisville Mission on August 10, 2004.

4. When he arrived in my mission, I believed Jason Stark to be an upstanding young man. I had heard nothing about him which led me to believe he would pose a danger to children. In my interviews with him from August 1, 2004 until the time allegations of abuse were made against him in December 2005, he gave me no reason to believe that he had any tendency to act



inappropriately with children. Likewise, no one came to me during that time period and complained or suggested in any way that Stark was a danger to children.

5. The first time I learned of any problems which Stark might have with children was when allegations were made against him in December of 2005. Stark was immediately suspended from his position as a missionary though I understand that he has always maintained his innocence. Stark's trial on these criminal charges is currently set for January 28, 2008.

6. Missionary work is extremely important to the Church. We take seriously Christ's commandment near the end of his earthly ministry to go "into all the world, and preach the Gospel to every creature".

7. Currently, the Church has approximately 53,000 missionaries in 176 countries.

8. To serve a mission is a privilege for members of the Church. Single men between the ages of 19 and 25, single women over age 21, and retired married couples who are worthy to serve missions, may be selected as full-time missionaries.

9. Young people prepare at an early age to serve missions. Preparation may include saving money, as it is generally the responsibility of the missionary and his or her parents to pay all living expenses during the time of the mission. Early preparation may also include studying the gospel and gaining experiences in spiritual matters so that a missionary will be able to explain his or her faith to others. Missionaries study all of the Church's scriptures, but especially the Book of Mormon, to learn the doctrines of the LDS Church. Young people may also attend voluntary religion classes during their high school years, to help them better understand and live the doctrines of the Church.

10. When a young person reaches missionary age, he or she applies to go on a mission. The prospective missionary speaks with his or her local clergyman, called a bishop, who

conducts a searching interview with the candidate to determine worthiness to serve, qualifications, and the individual's physical and emotional capability to serve. If the candidate seems worthy, the bishop gives the candidate a missionary recommendation packet, which includes forms to be completed by medical professionals. Because the clergyman and the prospective missionary live in the same area, the bishop knows the prospective missionary well. In many cases the missionary has lived in the same geographic area as the bishop for many years, often for his whole life.

11. The missionary then fills out the recommendation packet, which contains questions on health, family background, educational and work experience, and similar subjects. It asks for information about any criminal history. The bishop then conducts a second interview with the candidate, interviewing him or her in even greater detail. In both interviews specific questions about the candidate's sexual history are asked. Anyone who indicates any problems with the law of chastity, including any attraction to or improper conduct with young children, is not allowed to complete the application process.

12. After the bishop is satisfied of the candidate's worthiness, he forwards the candidate's application packet to his ecclesiastical superior, the stake president. The stake president interviews the candidate and again asks probing questions about his or her worthiness to serve a mission, including questions about sexual history and activities. Again, anyone who indicates any problems with the law of chastity, including improper attraction to or actions with children, is not allowed to serve. If the candidate is worthy, the stake president submits the forms to the Church's Missionary Department.

13. The Missionary Department screens the applications. If the candidate seems worthy and prepared to serve, the candidate's application is passed to general Church ecclesiastical officers, who decide where each candidate should serve.

14. A letter is then sent to each missionary informing him or her of their place of missionary service. Within approximately a month the candidate reports to the Missionary Training Center. If the missionary will not be learning a second language, the candidate stays at the Missionary Training Center for three weeks, receiving instruction in rules for missionaries, proper conduct, and how to teach the gospel. If the missionary is learning a second language, the period of instruction at the Missionary Training Center is two months or more.

15. While at the Missionary Training Center, missionaries are given a copy of the Missionary Handbook, which is a small white booklet which they are instructed always to keep with them. Copies of pertinent sections of the Missionary Handbook which was in effect at the time of the alleged abuse are attached to this Affidavit as Exhibit A. The Handbook instructs that

As missionaries, you are expected to maintain the highest standards of conduct, including strict observance of the law of chastity, which forbids any sexual conduct of any kind whatsoever. In addition, you need to be aware that any touching of the private parts of another person, whether under or over clothing, can also constitute criminal conduct. If the victim is a child or youth, the penalties are especially severe, including imprisonment.

To assist you to obey the law of chastity and to avoid criminal charges, you should always remain with your companion. You should never be alone with anyone else, male or female, adult or child.

Even false accusations against an innocent missionary can take many months to investigate and may result in disruption or termination of missionary service. Protect yourselves from such accusations by never being separated from your companion, even in the homes you visit, and by avoiding any touching that could possibly lead to accusations, such as holding a child on your lap, hugging, tickling, or being too familiar with a child or adolescent.

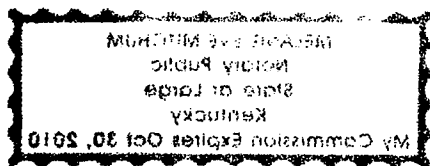
(pp. 13-14.

These rules are stressed repeatedly in trainings at the Missionary Training Center.

16. After completion of the Missionary Training Center courses, the missionaries are sent to their missions, where they are met by their Mission Presidents. The Mission Presidents, as well as assistants working for the Mission Presidents, stress the importance of abiding by all of the mission rules, including staying with companions and never acting inappropriately with children.

17. While performing missionary service, missionaries are interviewed every six weeks by their mission presidents. During these interviews, they are asked questions about whether they continue to be worthy to serve missions, including questions about whether they are observing the law of chastity.

18. Abuse of any child by any member of the Church is strictly against the doctrine of the LDS Church. Gordon B. Hinckley, the Prophet and President of the Church summed up the Church's position on abuse in an April 2002 talk at the Church's semi-annual General Conference: Quoting from the Church Handbook of Instructions, he stated "The Church's position is that abuse cannot be tolerated in any form. Those who abuse ... are subject to Church discipline" In the same talk, President Hinckley read from a 2002 warning of the First Presidency and the Quorum of the Twelve Apostles addressed to missionaries: "As missionaries, you are expected to maintain the highest standards of conduct, including strict observance of the law of chastity.... You should never be alone with anyone else, male or female, adult or child [other than your assigned companion]. Even false accusations against an innocent missionary can take many months to investigate and may result in disruption or termination of missionary service. Protect yourselves from such accusations by never being




separated from your companion, even in the homes you visit.” “Personal Worthiness to Exercise the Priesthood”, *The Ensign*, May 2002, attached as Exhibit “B” to this Affidavit.

19. In an earlier talk in General Conference, President Hinckley said “And then there is the terrible, vicious practice of sexual abuse. It is beyond understanding. It is an affront to the decency that ought to exist in every man and woman. It is a violation of that which is sacred and divine. It is destructive in the lives of children. It is reprehensible, and worthy of the most severe condemnation. Shame on any man or woman who would sexually abuse a child. In doing so, the abuser not only does the most serious kind of injury. He or she also stands condemned before the Lord.” *The Ensign*, October 1994, p. 34, attached as Exhibit “C” to this Affidavit.

I declare under penalty of perjury under the laws of the State of Kentucky that the foregoing is true and correct, and that this declaration was executed on the 29 day of August, 2007, in Jefferson County, Kentucky.


DENNIS C. BRIMHALL

Subscribed and sworn to before me this 29 day of August 2007.


NOTARY PUBLIC
Residing at: Jefferson County, Kentucky
My Commission Expires 10/30/2010

