

Declaration of John Herrod

I, John Herrod, pursuant to Rule 80(c) of the Arizona Rules of Civil Procedure, hereby declare as follows.

1. I have personal knowledge of the facts set forth in this Declaration. I declare under penalty of perjury that the facts in this Declaration are true and correct.

2. I am one of the defendants in this lawsuit. The Church of Jesus Christ of Latter-day Saints (the “Church”) refers to local congregations as “Wards.” The issues in the lawsuit center on the “Bisbee Ward” located in Bisbee, Arizona. The Bisbee Ward is one of several Wards in a larger ecclesiastical unit (called a “Stake”) based in Sierra Vista, Arizona.

3. Each Ward is led by a clergyman called a “Bishop.” I served as the Bishop of the Bisbee Ward from 2004 to 2012. Bishop Kim Mauzy, who is also a defendant in this lawsuit, served as the Bishop in that Ward from 2012 to 2018.

4. The Church believes in the fundamental Christian doctrines of confession and repentance. The Church provides a Handbook to Bishops that contains guidance on fundamental Church policies and procedures. The Handbook in place while I was Bishop stated: “Repentance requires that all sins be confessed to the Lord.... Members should also confess to [the Bishop] if they have committed serious sins.” Handbook 1 (2010) § 6.3.

5. The Handbook also stated: “Bishops ... have a responsibility to help members overcome transgression through repentance. This responsibility includes counseling with individual members as needed and helping them in their efforts to repent.” Handbook 1 (2010) § 6.1.

6. Church doctrine requires Bishops to keep confessions, counseling, and interviews confidential:

Bishops ... have a solemn duty to keep confidential all information that members given them in confessions and interviews. The same duty of confidentiality applies to all who take part in Church disciplinary councils Confidential information must not be shared with anyone except authorized ecclesiastical leaders.

Handbook 1 (2010) § 6.5.

During and after their term of service in a calling, leaders must keep confidences about matters discussed when interviewing and counseling. A breach of confidence can damage trust, testimonies, and faith. A leader must not discuss confidential matters with others ... unless he receives consent from the person he is interviewing or counseling.

Handbook 1 (2010) § 7.3.

7. From approximately 2009 to 2013, the Plaintiff children attended the Bisbee Ward with both of their parents.

8. Before late 2011, I had no reason to suspect that Paul Adams was abusing any of his children, or anyone else. No one had ever told me that any such abuse had occurred or was occurring, and I never saw any signs that the Adams children had been physically abused or otherwise abused.

9. In late 2011, within the privacy of the Bishop's office, Paul Adams made a confidential confession to me in my role as Bishop. Subsequently, I met with Paul Adams and his wife, Leizza, in the privacy of the Bishop's office, and had Mr. Adams repeat that confession to me in front of his wife.

10. I believed that these communications were to be maintained as confidential within the concepts of my religion and my role as a Church Bishop. As I understand Leizza Adams has stated in her testimony in this and other proceedings, I in fact asked Paul Adams for permission to disclose his confidential confessions to authorities, but he refused, and it was clear to me he expected confidentiality. I encouraged him to turn himself in, but he refused. I encouraged his wife, Leizza, to go to authorities, but she did not.

11. In 2012, when Bishop Mauzy took over as Bishop of the Bisbee Ward, as authorized by Church doctrine, I engaged in confidential communications with Bishop Mauzy regarding Paul and Leizza Adams.

12. My confidential communications with Paul and Leizza Adams, and with Bishop Mauzy, were all done in my role as Bishop in the course of the discipline enjoined

by the Church, and I have always believed that maintaining these communications in confidence is reasonable and necessary within the concepts of my religion.

13. Indeed, I understood that Church doctrine *and* Arizona law required me, as Bishop, to maintain in confidence the confidentiality of these communications.

14. I never observed Paul Adams abusing or behaving inappropriately in any way toward his children, nor did I see any physical indications or visible signs that he was abusing them.

15. What Paul Adams confessed to me was a one-time incident that had not reoccurred. I did not learn that Paul had abused his children after his confidential confession to me, or about the extensiveness of the abuse and other illegal conduct, until Paul was arrested in 2017 and news reports concerning the extent of the abuse were released.

16. Although Leizza Adams repeated some of the substance of my confidential communications with her and her husband to authorities in 2017 after he was arrested, I maintained the confidentiality of all of my conversations and communications with Paul and Leizza Adams in my role as Bishop until after Paul had committed suicide in late 2017.

17. Until Paul Adams was arrested in 2017, I had no knowledge that he had viewed or disseminated photos or videos containing child pornography, including related to the abuse of his own children.

18. Until Paul Adams was arrested in 2017, I had no knowledge of him having abused Plaintiffs John Doe or Jane Doe II. Jane Doe II had not been born when Paul Adams met with me in late 2011.

19. On or about June 12, 2018, more than a year after Paul Adams was arrested and six months after he committed suicide, Agent Robert Edwards of the Department of Homeland Security appeared at my home unannounced and gave me the impression that I was legally obligated to answer his questions regarding Paul and Leizza Adams. I had never been questioned by law enforcement and was nervous and somewhat intimidated. I

did not seek legal advice before talking with Agent Edwards, and he did not inform me that I should consider seeking legal advice. Moreover, by that time, there had been extensive publicity about Paul Adams' abuse of some of his children and other details about the conduct of Paul Adams and the involvement of Leizza Adams.

20. Agent Edwards asked me if I had "any belief that Paul was doing anything like this" or if there was "anything weird that stood out to you" or "[a]nything anybody spoke to you about." I said there was nothing. Then, in what I now realize was a violation of my religious duty of confidentiality, which I had kept until that time, I shared with Agent Edwards some limited information regarding the confidential communications I had with Leizza and Paul Adams in my role as Bishop. I did so believing that the information had already been disclosed by Leizza Adams. Moreover, I told Agent Edwards, when he first asked me if I had any prior knowledge that Paul Adams was harming his children, that I had no such knowledge or information "other than what may have passed between him and I confidentially as Bishop."

21. Later in the interview, Agent Edwards specifically asked about "any statements made to you by Paul during ... a meeting ... in 2010 where he explained ... or Leizza explained --." I cut him off and, without disclosing the substance of Paul's confessions to me, said: "I don't know what year it was, but there were -- there were a couple of times when he came in. And after, you know, talking to him and talking with legal counsel, my thing to him was 'You need to go turn yourself in.'" I explained to Agent Edwards that when someone makes a confidential confession, "I can't [report it]."

22. Agent Edwards continued to press, and it was now clear to me that he already knew that I had met with Paul in or around 2010 or 2011. In fact, I knew that Leizza Adams had disclosed my meeting with her and Paul during her sentencing hearing two months earlier. Although I never told Agent Edwards what Paul Adams confessed, I nevertheless violated my religious duty of confidentiality by acknowledging at least some of the substance of what Paul Adams had confessed in response to Agent Edwards' questions. I

was nervous and I felt intimidated and obligated to answer his questions. Attached hereto as **Exhibit A** is what I believe to be an accurate transcription of my discussion with Agent Edwards which was recorded by him without my knowledge.

23. In addition to acknowledging to Agent Edwards what I had learned through confidential communications with Paul Adams, I also repeated information regarding what I first learned after he was arrested in February 2017. For example, I knew nothing about Paul Adams accessing child pornography or videotaping some of his children until it was reported after his arrest.

24. At all times before and since that 2018 interview with Agent Edwards, I have maintained in confidence the confidential communications I received from Paul Adams in my role as Bishop. I have always believed and adhered to the principle that confessions and confidential communications that I received in my role as a Church Bishop are to remain confidential and cannot be disclosed to anyone except other Church clergy who have a need to know of such communications and are likewise bound to confidentiality.

25. I understand there is an allegation in this litigation that members of the Bisbee Ward, including the Ward's "Relief Society," were generally aware prior to Paul Adams' arrest in February 2017 that he had abused some of his children. I believe that allegation is false. No one in the Bisbee Ward ever expressed such a concern to me, and I never heard such concerns from anyone in the Ward.

26. All adult women in a Ward are considered to be part of an organization called the "Relief Society." In the Bisbee Ward, the Relief Society consists of about 20 to 30 women, and it normally meets on Sundays.

27. "Relief Society" is an organization for all adult women in the Ward. Almost every Relief Society member in a Ward who attends regularly is given an assignment to serve as a "ministering sister" (formerly called a "visiting teacher"). A "visiting teacher" is invited to periodically interact with other Relief Society members to help strengthen their faith in Jesus Christ and offer them encouragement, help, and love. These interactions are

very informal; sometimes they occur in-person at a Relief Society member's home, but they often occur by phone call or text message. I am not aware of any instance prior to Paul Adams' arrest in February 2017 when any Relief Society member indicated an awareness, or even suspicion, to anyone that Paul Adams had abused his children.

28. Almost every man in the Church who regularly attends is assigned to serve as a "home teacher" (now known as a "ministering brother") to perform essentially the same role as visiting teachers.

29. These assignments are a way for Church members to look after each other and provide unsupervised acts of Christian service. Visiting teachers and home teachers have no ecclesiastical authority. These assignments are not clergy positions.

30. Like almost every other active Relief Society member in the Bisbee Ward, Shaunice Warr was at various times asked to be a visiting teacher.

31. For some time, Shaunice Warr was assigned to be a visiting teacher to Leizza Adams.

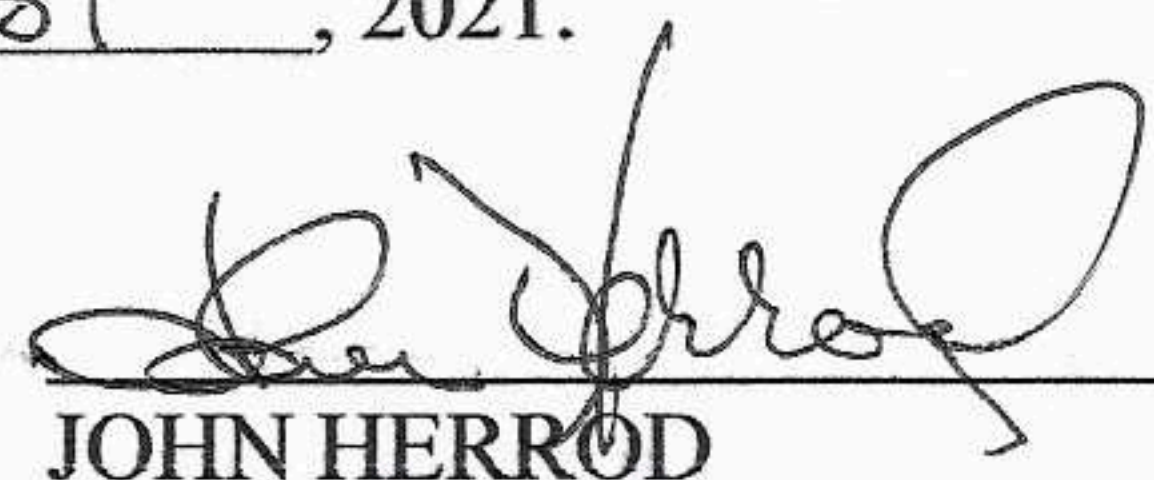
32. I do not know how often Ms. Warr interacted with Leizza Adams. She never reported any concerns about Paul or Leizza Adams, or their children, to me.

33. Under the Church's doctrine, Shaunice Warr has never been a member of the Church's clergy.

34. I understand that a woman named Emily Reynolds has given testimony regarding what she purported to have learned from Relief Society members in the Bisbee Ward.

35. I have no recollection of Emily Reynolds attending the Bisbee Ward or Relief Society meetings or socials from approximately 2004 through 2016, when I left the Bisbee Ward.

EXECUTED ON: Jan. 31, 2021.


JOHN HERROD