

FINDINGS OF INVESTIGATION INTO THE ACTIONS OF ELLSWORTH
CULVER RELATED TO SEXUAL ABUSE AND THE ACTIONS OF THE 1990s
MERCY CORPS BOARD OF DIRECTORS RELATED TO THE HANDLING OF
REPORTS OF SEXUAL ABUSE

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I. INTRODUCTION

Mercy Corps commissioned an investigation into the conduct and response of Mercy Corps and its Board of Directors during 1992-1993 in response to information provided by Tania Culver Humphrey (hereafter referred to as “Ms. Culver Humphrey” or “the Survivor”), the daughter of Ellsworth Culver (“Mr. Culver”), the late co-founder of Mercy Corps. Specifically, Ms. Culver Humphrey alleged that Mr. Culver sexually abused her when she was a child.

Ms. Culver Humphrey came forward twice to Mercy Corps with allegations of abuse by Mr. Culver, once in 1992 and again in 2018. Mercy Corps conducted two separate investigations to review the organization’s responses to Ms. Culver Humphrey’s reports in 1992 and 2018 and to understand the nature and extent of the abuse. In 2019, following Ms. Culver Humphrey’s contact with Mercy Corps in 2018, the Board of Directors of Mercy Corps directed its outside counsel, Nichols Liu, to engage Vestry Laight, an external investigation firm, to investigate the 2018 response by Mercy Corps (hereafter, “Phase I Investigation”). At the conclusion of the Phase I Investigation, Vestry Laight recommended that Mercy Corps conduct an additional investigation into the organization’s response to the disclosure of abuse made in the 1990’s by Ms. Culver Humphrey and the extent of Mr. Culver’s abuse while at Mercy Corps.

As a result, on May 11, 2020, Venable LLP, acting as outside counsel for Mercy Corps, engaged Freeh Group International Solutions (“FGIS”)¹ to conduct the investigation of the 1992-1993 Board response to Ms. Culver Humphrey as well as the allegations of abuse (hereafter, “Phase II Investigation” or “Phase II”). FGIS conducted 66 interviews and reviewed thousands of pages of documents and communications and informed the Board of Directors of Mercy Corps of their interim findings on October 28, 2020. Since this date, FGIS has conducted additional interviews and investigative work to refine their interim findings. This report is a summary of the independent Phase II Investigation.

A. PHASE I: VESTRY LAIGHT INVESTIGATION

1. Survivor’s 2018 Outreach to Mercy Corps and The Oregonian’s Report

In 2018, Ms. Culver Humphrey and her husband, Chris Humphrey (referred to collectively as “the Humphreys”) contacted the Mercy Corps’ internal reporting hotline via email and requested that the organization evaluate whether the Board of Directors’ response to allegations in the 1990’s of sexual abuse perpetrated by Mr. Culver was in accordance with Mercy Corps’ revised safeguarding policies and procedures. The response to this email by staff members of Mercy Corps, as determined by Vestry Laight, lacked a survivor-centered approach and would become the turning point in Mercy Corps’ efforts to properly investigate the organization’s initial response and handling of the allegations in the 1990s.

Approximately one year later, on October 8, 2019, *The Oregonian* published an investigative report, including a video documentary, which publicly disclosed the abuse by Mr. Culver.² In addition to details of sexual abuse, this report also detailed several missteps made by Mercy Corps’ Board of Directors during their original investigation into the matter in the early 1990s, and the mishandling of the Humphreys’ request in 2018.

¹ During the course of this investigation, Freeh Group International Solutions, LLC, was acquired by AlixPartners LLP, a global consultancy firm, on August 1, 2020. As FGIS was originally retained by Mercy Corps, this Report will refer to the investigators as the “Freeh Group” or “FGIS.”

² *No Mercy*. *The Oregonian*. Available at: <https://projects.oregonlive.com/no-mercy/tania-humphrey/>

2. Special Review Committee Oversees Phase I

In response to *The Oregonian's* investigative report, Mercy Corps' Board of Directors established a Special Review Committee ("2019 SRC") to oversee the Phase I Investigation. As stated above, the 2019 SRC selected Vestry Laight for this Phase, which focused on the organization's response to the Humphreys' outreach in 2018. Vestry Laight's official scope of work was posted on Mercy Corps' website:

"[Vestry Laight] will work with Mercy Corps to review the existing documentation that relates to how the 2018 complaint was handled. [Vestry Laight] will also review other relevant documentation including bylaws, board and audit committee minutes and reports, internal communications, reports, emails, and texts regarding the 2018 complaint, internal guidelines on reporting mechanisms and how misconduct complaints are to be handled, and information about organizational structure and personnel changes relating to safeguarding against abuse and exploitation."

Notably, the scope of Vestry Laight's investigation did not extend to the activities of Mercy Corps' Board of Directors in the 1990s or the substance of the allegations by the Survivor. As such, it is likely that Vestry Laight did not have access to much of the evidence referenced in the Phase II Investigative Report ("the Report").

3. Vestry Laight Recommends Further Investigation of 1990s Board Response

On January 29, 2020, Vestry Laight published a report ("the Vestry Laight Report") detailing their findings and recommendations. In summary, the Vestry Laight Report concluded that Mercy Corps' 2018 response to the Humphreys involved missteps and errors in judgement, that were "damaging and counterproductive," and that the leaders at Mercy Corps "failed to recognize" the risks associated with not responding appropriately to Ms. Culver Humphrey. As a result, Vestry Laight formally recommended that the organization further investigate how Ms. Culver Humphrey's case was initially handled by Mercy Corps in the 1990s and investigate Mr. Culver's activities to determine whether there had been any additional sexual misconduct.³

B. Phase II: FGIS Historical Investigation

In direct response to Vestry Laight's recommendations, Mercy Corps' Board of Directors followed through on their commitment to investigate further⁴ and, through their external counsel, Venable LLP, engaged FGIS to conduct a historical investigation of Mercy Corps' handling of initial reports of sexual abuse by Ms. Culver Humphrey in the 1990s, and to determine the extent of sexual abuse perpetrated by Mr. Culver toward other possible survivors while he was working for Mercy Corps.

The Phase II Investigation conducted by FGIS was not focused on re-investigating *The Oregonian's* findings, but rather to use our resources to expand on the level of understanding of the abuse of Mr. Culver detailed in *The Oregonian's* investigative report. In addition, the Phase II Investigation focused on Mr. Culver's travel and activities as part of Mercy Corps' mission. As such, some of the witnesses interviewed as part of *The Oregonian* investigative report were not re-interviewed by our investigative team.

³ Findings and Recommendations Regarding the Actions by Mercy Corps Following the 2018 Receipt of Allegations Concerning Co-Founder Ellsworth Culver. *Vestry Laight*, dated January 29, 2020. Available at: https://www.mercycorps.org/sites/default/files/2020-02/VestryLaightReport.EN_.pdf

⁴ Mercy Corps' response to details of abuse by co-founder Ellsworth Culver: investigation findings and commitments to action. Available at: <https://www.mercycorps.org/response-to-culver-abuse>

The Phase II Investigative Report is divided into three sections, with the first section providing the reader an overview of the extent of our work and procedures performed. The second section of this Report provides a summary of our findings related to our investigation of any additional potential perpetrators of abuse (“alleged abuser” or “person of interest”) or survivors of abuse. The third section of this Report provides a summary of Mercy Corps Board of Director’s response to the Survivor’s allegations of sexual abuse by Mr. Culver in the 1990s.

1. Coordination with Mercy Corps

Mercy Corps allowed our team full discretion to conduct this investigation independently and objectively. Throughout the investigation, we worked closely with a member of Mercy Corps’ safeguarding team who assisted us in coordinating witness interviews and obtaining relevant documentation. We found her knowledge, experience, professionalism, and survivor-centered approach to be an invaluable asset. She actively facilitated our access to witnesses and documents, and at no time did she impede our investigative objectives or attempt to influence our approach or the findings of this Report. The investigative team also received complete access and full cooperation from Mercy Corps’ staff, the Joint Board Executive Committee (“JBEC”), a Board committee overseeing the Phase II Investigation, and the Mercy Corps Board of Directors. Our findings relate solely to the Board’s conduct in the 1990’s and is not a reflection of the current Board’s actions, objectives, or cooperation with our team.

2. Notification Protocol

Prior to the commencement of this investigation, the investigative team, Mercy Corps, and external counsel agreed to a Notification Protocol (“the Protocol”) that served to protect the investigation's integrity and any potential survivors' safety, while also ensuring Mercy Corps made any necessary notifications to law enforcement or government agencies. In addition, the Protocol allowed for the investigative team to refer any alleged misconduct outside of our scope to the existing investigative teams at Mercy Corps.

Specifically, the Protocol stated that for any information derived from the investigation identifying other abusers or survivors, the investigative team would coordinate with a member of Mercy Corps’ safeguarding team to report possible misconduct to the appropriate law enforcement agency. The Protocol also dictated that the investigative team inform the JBEC for purposes of coordinating proper notifications to donors as required by law or regulation. Notwithstanding the above, the Protocol provided that specific details identifying other possible abusers, survivors, or victims, would not be communicated to the JBEC, but rather they would be simply informed of the fact that the investigative team had developed reportable information.

Consistent with the Protocol and with the consent of the Survivor, FGIS *has* reported names of individuals who were identified by the Survivor as abusers, along with information about the reported abuse, to law enforcement.

3. Investigative Methodology

a. Witness List

The investigative team identified 106 witnesses to be interviewed and conducted extensive outreach for each of these witnesses including emails, phone calls, text messages, certified mail, and in some cases, knocking on doors of last known locations of the witnesses.

Witnesses were identified from the following sources:

- **Documentation.** The team was provided thousands of documents at the beginning of the investigation. We carefully reviewed each document and worked to identify any potential witnesses. Examples of these documents include Vestry Laight’s inventory of documents, past investigation work product, board minutes, human resource files, past program donor information, and email files.
- **Open-Source Information.** The team reviewed content and information from sources available online such as media and news reports, social media posts, blogs, and forums. From each of these sources, we attempted to identify potential witnesses. Once we identified the witnesses, we conducted outreach to see if we could schedule interviews with those witnesses who were willing to participate.
- **Referrals.** During each witness interview, we asked the witness if they could provide names of other potential witnesses who may have information relevant to our scope. If the witness was comfortable with us reaching out to their referral, we did, but we also gave the witness the option to reach out to the referral themselves and pass along our contact information.
- **The Oregonian.** On October 8, 2019, *The Oregonian* published an article titled “No Mercy: Did Ellsworth Culver abuse other children? Help us investigate.” In this article, *The Oregonian* asked anyone with potential information about further abuse by Mr. Culver to reach out with the information. The investigative team contacted *The Oregonian* on two occasions to ask whether they had any leads relevant to our investigation. The newspaper responded on both occasions that they did not have any information that they were ready to disclose to our team. As mentioned above, as much as possible, our focus was to further the understanding of the abuse perpetrated by Mr. Culver and the 1990’s Board response rather than to re-investigate much of the information developed in *The Oregonian* report.
- **Secure Email Box and Integrity Hotline.** At the beginning of the investigation, the investigative team created a secure email box to be used by anyone to contact the investigative team directly with information. This email address was broadcast to the entire Mercy Corps organization via the internal intranet and was continuously monitored by our team. In addition, Mercy Corps monitored their Integrity Hotline for any information that could have been turned over to our team.

Of the 106 identified witnesses identified, 66 were interviewed, nine are deceased, one declined for medical reasons, 11 declined to be interviewed, 17 did not respond to our requests, and two of the witnesses could not be located. The witnesses interviewed included employees and board members during the 1990s, current employees and board members, recent employees, and volunteers, as well as family and friends of the Survivor, Ms. Culver Humphrey.

As will be further explained, the investigation found that a special committee of the Board was created in 1993 (“’93 Special Committee” or “the Committee”) to investigate disclosures made by the Survivor relating to sexual abuse on the part of Mr. Culver. The investigative team also determined that there were eight active members of the Board of Directors during the Committee’s investigation, including Dr. Raymond Vath, Robert Newell, and Dan O’Neill, who were the three men appointed to serve on the ’93 Special Committee. Of these eight Board members, the investigative team was only able to interview one Board member. Another Board member declined a full interview but provided the investigative team with limited information through an e-mail exchange. Another Board member did not respond to our requests for an interview, and another two Board members are deceased. As explained in more detail below,

the investigative team was unable to interview any of the three board members who served on the '93 Special Committee.

b. Document Review

At the outset of our investigation, Mercy Corps conducted an intensive search of both on-site and off-site archives for documentation related to the scope of this investigation. Mercy Corps provided the investigative team documents from the Phase I Investigation including Human Resource ("HR") files, photographs, board meeting minutes, and files from Mercy Corps' 2018 internal inquiry and from the Vestry Laight investigation in 2019, respectively. Not included in this list are the several email accounts that were also reviewed. These email accounts were searched utilizing targeted keyword search terms, and based on the results, a subset of relevant emails was reviewed.

Since the Phase II Investigation's scope is farther back in time than the Phase I Investigation conducted by Vestry Laight, the investigative team was able to review documents provided to Vestry Laight as well as additional historical documents and e-mails. By the time our investigation began, Mercy Corps had conducted a more extensive search of off-site archived records and located an additional 10 banker boxes with historical records of possible relevance to the 1990s investigation. The investigative team performed a page by page review of those files but did not find any material details beyond helpful background information. Through the course of the investigation, the investigative team reviewed an additional 20 banker boxes of documents located in both Mercy Corps on-site and off-site archives.

As was published in *The Oregonian* investigative report, Ms. Culver Humphrey was interviewed by the '93 Special Committee at the law firm Davis Wright Tremaine ("DWT"), one of Mercy Corps' outside law firms for many years. The investigative team requested DWT search its archives for any historical documents related to Mercy Corps matters. DWT was cooperative and complied with the investigative team's request by providing a listing of 51 matters related to Mercy Corps. The investigative team reviewed the descriptions for each matter for relevance and requested documents for seven of the 51 matters. The descriptions for the seven matters requested either fell within the relevant period or contained keywords potentially relevant to our scope. However, at the time of selection, the investigative team did not know the contents of the specific documents contained within each file or whether they were relevant to our scope. The remaining unselected 44 matters were unrelated to the '93 Special Committee's investigation based on topic and/or date and determined to be out of scope for the Phase II Investigation. As a result of the investigative team's focused request, DWT produced 10 boxes of documents pertaining to Mercy Corps dating back to 1983. The investigative team performed a page by page review of those files. In addition, Ms. Culver Humphrey provided the investigative team approximately 5,000 documents including computer files, photographs, videos, journal entries, medical records, letters, text messages, and emails. These documents assisted the investigative team with dates, locations of incidents and insight into the emotional trauma described by Ms. Culver Humphrey.

c. Open-Source Information

There had been activity on social media involving this case with discussions and comments related to this case prior to our involvement. Given the medium by which information was shared and discussed, the investigative team proceeded under the assumption that there would be others who shared similar experiences on social media and that those experiences would possibly intersect with the scope of this investigation.

As such, the investigative team reviewed blogs, forums, and several social media platforms such as Twitter, Facebook, Reddit, and YouTube. Keywords, “hashtags” and locations were used for the searches. The purpose of this exercise was to generate leads, locate possible witnesses and corroborate information gained during the investigation. However, the investigative team was sensitive to the fact that many global beneficiaries may not have access to these platforms.

As a result of the open-source searches, the investigative team identified some individuals who may have had knowledge of Mr. Culver’s work with Mercy Corps and who may serve as key witnesses to the investigation. However, the investigative team did not identify any additional incidents of abuse or potential survivors through open-source searches.

d. Restrictions and Limitations

Due to travel and access limitations associated with the Coronavirus pandemic (COVID-19), as well as certain survivor investigative sensitivities, the investigative team was limited in its ability to conduct direct outreach in certain parts of the world. Despite these restrictions, the investigative team was prepared to travel or arrange investigators to visit domestic/foreign jurisdictions if information was obtained that warranted such action.

Aside from the COVID-19 related travel restrictions, conducting outreach may be dangerous to survivors of abuse in some parts of the world. As such, the investigative team conducted a risk assessment when determining how a potential survivor might be identified or contacted and considered potential harm that could be inflicted with indirect or direct outreach. As a result, the investigative team interviewed witnesses with direct knowledge of Mr. Culver’s global programmatic activities.

The information provided in this report concerning survivors may not be an exhaustive list. The investigative team scope was focused on Mercy Corps Programs and Mr. Culver’s travel related to Mercy Corps. There may exist other local survivors who have not come forward or are reluctant to come forward at this time.

Finally, the investigative team’s lack of subpoena power or any authority to compel witnesses to testify or produce documents was a limitation in gaining access to documents and witnesses. Nonetheless, the investigative team made every effort to offer witnesses the opportunity to meet with us openly and transparently. Further, it should be noted that the investigative team received the full cooperation of current Mercy Corps employees, the current Board, and the Survivor.

e. Vath, O’Neill and Newell Declined Interviews

The investigative team contacted the three members of the ‘93 Special Committee several times by email, phone, and U.S. Mail. However, none of the committee members agreed to an interview with the Phase II investigative team, either by failing to acknowledge our request, declining outright, or by setting conditions for the interview that were inconsistent with the investigative team’s protocol on witness interviews. Notably, all three members had previously been interviewed either by Vestry Laight during the Phase I Investigation or as part of Mercy Corps’ internal inquiry in 2019 (and in some cases, both). In the absence of direct interviews with the three members of the ‘93 Special Committee, the Phase II investigative team reviewed contemporaneous documents and correspondences as well as later public statements to assess their actions and intent in the ‘93 Special Committee’s collective action.

II. HISTORICAL INVESTIGATION OF ELLSWORTH CULVER'S SEXUAL ABUSE

A. Timeline in Brief

Time Period	Description
July 1, 1981	Mercy Corps International was incorporated in the State of Washington.
January 1982	Ellsworth Culver begins work as an outside consultant for Mercy Corps International.
July 1, 1984	Ellsworth Culver begins working full-time with Mercy Corps International as President.
January 24, 1994	Ellsworth Culver resigns as President of Mercy Corps.
February 1994	Ellsworth Culver returns to Mercy Corps International as Vice President of International Relations.
October 3, 1996	Ellsworth Culver promoted to Senior Vice President of International Relations.
January 27, 2000	Ellsworth Culver ceremoniously granted title of Co-Founder of Mercy Corps.
August 15, 2005	Ellsworth Culver death.

B. Ellsworth Culver's Travel and Program History

At the beginning of this investigation, the investigative team developed a timeline of Mr. Culver's travels while conducting official Mercy Corps business. The team utilized documents, open-source records, and witness testimony to establish this timeline. As a result, the investigative team was able to trace several of Mr. Culver's overseas travels from the late 1970s up until his death in 2005. Documentation of his travels pre-dating the inception of Mercy Corps was limited, so much of our focus was on travel conducted pursuant to the Mercy Corps mission.

During his career at Mercy Corps, Mr. Culver traveled to numerous countries in connection with his role at Mercy Corps. The investigative team reviewed documents to develop a list of witnesses who would have traveled with Mr. Culver to these locations or would have had an awareness of his movements and activities in those locations. The investigative team also met with Ms. Culver Humphrey and incorporated all the information she provided, concerning Mr. Culver's travels, into our investigative timeline.

As a result of the above exercise, the investigative team interviewed witnesses who had or may have had detailed knowledge of Mr. Culver's travels and activities around the world. These witnesses included current and former program managers, volunteers, and other staff members. Most of these individuals traveled with Mr. Culver to foreign locations or worked at

programs that he visited. The witnesses interviewed who travelled with Mr. Culver did not recall seeing or hearing about any abusive behavior while they were with Mr. Culver, nor do they recall seeing any situations that would raise a red flag given the latest abuse disclosures made public in 2019. Simply because witnesses did not recall seeing any potentially abusive behavior, does not mean we can definitively conclude that this behavior did not occur given the nature of sexual abuse as well as the difficulty in proving the negative. Although the investigative team spoke to as many witnesses as possible, we may not be aware of all witnesses that may have relevant information of Mr. Culver's activities.

C. Acknowledgement of Other Possible Reporters of Abuse

The investigative team's identification of other survivors through this process focused on Mercy Corps operations and programs based on the Survivor's interviews. As previously mentioned, *The Oregonian* identified other possible survivors who shared information with that investigation. As stated above, this Report does discuss information related to additional possible survivors obtained through interviews of Ms. Culver Humphrey. No other survivors came forward to our team or to Mercy Corps during our investigation. Due to the nature of child sex abuse and its impact on survivors, and because some of the incidents related here took place in locations outside the United States, the investigative team does not view the absence of other possible survivors coming forward as definitive evidence that there are no additional survivors nor does it take away from the credibility of the survivors mentioned in *The Oregonian*.

D. Survivor Interviews

1. Background

Ms. Culver Humphrey met numerous times with the investigative team, totaling over 100 hours of in-person and video/phone conversations since June 2020. The investigative team held Ms. Culver Humphrey's security and welfare as a top priority, ensuring that she felt comfortable by working with her to hold interviews at venues where she felt safe and secure. Throughout the course of the investigation, our team remained available to Ms. Culver Humphrey any time she had questions or concerns about the investigation. The team regularly met with her to provide updates on the overall progress of the investigation, without providing substantive details related to findings or details of the interviews. The investigative team treated information that was shared by Ms. Culver Humphrey in confidence.

Mercy Corps provided Ms. Culver Humphrey access to counseling and additional resources throughout the process to ensure she had support between the times the investigative team met with her. At all times, the investigative team provided her information and support related to the reporting of abuse to law enforcement. The team also informed her when information was shared with law enforcement, government agencies, or others as required by law or regulation.

Ms. Culver Humphrey was accessible and cooperative with our team throughout the interviews. It was evident that the interviews were traumatic and extremely difficult for Ms. Culver Humphrey, but she was committed to providing as much information as she could to share the full extent of abuse and assist us in the identification of other possible survivors. We commend Ms. Culver Humphrey on her courage and commitment to this process of sharing very personal details and providing us full access to documents she held.

During interviews, Ms. Culver Humphrey provided numerous details of her childhood and abuse, including trips she took, people she associated with, places she and Mr. Culver visited,

dates, and geographic locations. As stated elsewhere in this Report, Mercy Corps provided thousands of documents to our team and granted unfettered access to historical archives. After review of these documents, the investigative team was able to independently corroborate details provided by Ms. Culver Humphrey, such as dates, geographic locations, trips she and Mr. Culver took, special events she and/or Mr. Culver attended, and personal relationships she and/or Mr. Culver maintained. Further, the Mercy Corps documents generated numerous leads for the investigative team to follow, including witnesses to be interviewed. After interviewing several of these witnesses, the investigative team was able to independently corroborate additional details provided by Ms. Culver Humphrey pertaining to Mr. Culver's travel and personal relationships.

Portions of the below summary were disclosed to various people by Ms. Culver Humphrey prior to the investigation. Ms. Culver Humphrey expressed that as she developed relationships and gained trust in friends or counselors, she shared aspects of the abuse with others around her. Those disclosures were confirmed by some witnesses we interviewed. It is important to note that the extent of the Survivor's disclosures to the '93 Special Committee did not extend beyond the abuse committed by Mr. Culver against the Survivor.

2. Summary of Survivor Interviews

Ms. Culver Humphrey shared with the investigative team information concerning Mr. Culver and other men. The abuse by her father started as far back as she can remember and lasted until approximately 1987. She also provided information that she was sexually abused as late as 1988 by another man she identified to the investigative team. The details in the following narrative have been limited in order to preserve the integrity of any future possible investigation and to maintain a survivor-centered approach for the unidentified survivors described by Ms. Culver Humphrey who have yet to come forward.

Ms. Culver Humphrey informed the investigative team of additional survivors by describing incidents that involved sexual abuse by Mr. Culver and other abusers. Specifically, Ms. Culver Humphrey identified eight individuals who she stated committed abuse, in addition to Mr. Culver. None of the abusers she identified are currently employed by or affiliated with Mercy Corps. However, seven of the eight additional abusers she identified were previously affiliated, in some capacity, with Mercy Corps. Due to the nature and age of the additional abuse incidents and the time lapse since the incidents, the identities of the additional survivors could not be determined. Based on the information gained from interviews with the Survivor, the investigative team informed law enforcement there may be five additional survivors.

The Survivor shared several incidents of sexual abuse with the investigative team. In one incident, estimated to have occurred prior to 1981 and prior to Mr. Culver's tenure at Mercy Corps, Ms. Culver Humphrey stated Mr. Culver and another man sexually abused her and a local national girl in a foreign country. The Survivor stated she was approximately nine years old and the local national girl was approximately nine years old. The Survivor stated that she and the local national girl were abused throughout the night by Mr. Culver and a second perpetrator. The abuse, as described by the Survivor, included severe sexual and physical abuse. Ms. Culver Humphrey told the investigative team when she awoke in the morning, the girl was deceased. Ms. Culver Humphrey stated that a short time later, local nationals arrived and took the child away. Although we are limited in our ability to corroborate the abuse, the investigative team reviewed documents and Survivor statements which confirmed the timing and location of this trip as well as the relationship between both perpetrators. Details of this incident and the alleged victim were reported by the investigative team to law enforcement.

In a second incident the Survivor described a trip in a foreign country in which Mr. Culver severely abused her and local nationals. Ms. Culver Humphrey estimates that she was approximately thirteen to fourteen years old at the time and stated she witnessed the abuse of other local children in separate incidents during the trip. Ms. Culver Humphrey stated that she believed the ages of the children ranged from three-years-old to fourteen-years-old. Ms. Culver Humphrey informed the investigative team that, on the same trip, Mr. Culver facilitated her being sexually abused by a foreign military officer. Details of this incident were reported by the investigative team to law enforcement.

The Survivor described other incidents of abuse of her by Mr. Culver in the Portland area and the previous Mercy Corps headquarters, also in Portland. Regarding the prior Mercy Corps headquarters, the Survivor relayed incidents in which Mr. Culver provided her to other men for sexual abuse. She stated, "I was threatened as a kid not to tell anyone." She expressed she was still reluctant to share her story because of her father's repeated threats to her that she would get in trouble if she reported any of what her father and others had done to her. The Survivor told the investigative team that Mr. Culver manipulated her as a small child by convincing her that she needed to submit to the abuse by other men to support and help other children because these men were making decisions that impacted relief efforts. Ms. Culver Humphrey stated that her father photographed her and other children while they were naked and retained the images. Ms. Culver Humphrey indicated that the uncertainty as to what happened to those photos continues to traumatize her to this day.

The investigative team developed and abided by the above-mentioned Notification Protocol that dictated the specific names and identifying information of the alleged abusers or survivors will not be disclosed in this Report, to the JBEC or Mercy Corps Board, or to the public. Instead, as previously mentioned, all details pertaining to the incidents of abuse, including individuals named by the Survivor as abusers, have been disclosed directly to law enforcement.

III. THE 1990'S BOARD RESPONSE TO ALLEGATIONS OF ABUSE

A. Lack of Prioritization of the Survivor's Rights and Needs in the 1990's

1. Ms. Culver Humphrey's Prior Disclosures

a. Discussion

The investigative team reviewed the conduct of the '93 Special Committee and its response to the Survivor's disclosure of information about the abuse. Several times throughout the 1980s, Ms. Culver Humphrey was hospitalized for various reasons. The investigative team reviewed thousands of documents provided by Ms. Culver Humphrey, including personal journal entries, letters, medical records, and photos. The investigative team found that Ms. Culver Humphrey had disclosed the sexual abuse by Mr. Culver to counselors during those hospital stays, as was noted on several occasions by the hospital's doctors or counselors in their records. The below table includes some excerpts from these hospital records, with the Survivor's consent, to demonstrate the level of disclosures made by the Survivor. The Survivor stated that she gathered some of these medical and counseling records and provided them to the '93 Special Committee. The dates support the fact that these records would have been available to the '93 Special Committee during the span of their 18-month investigation. The investigative team notes that the below excerpts are not an exhaustive list of the disclosures made by the Survivor, but a sample of notations in discharge summaries that reference disclosures of sexual abuse.

Date	Description
June 1986	"Tania was having increased difficulty dealing with some concerns she had that her father may have sexually abused her as a child."
June 1986	"When I asked the patient whether she has ever experienced any molestation she became quiet and admitted to an incident or incidents four to five years previously involving her father."
June 1986	"I also let [Tania] know that I was aware of the incidents with her father."
June 1986	"Tania made a decision to confront her father and mother with sexual abuse issue."
December 1986	"[Tania] is very angry with dad because he was inappropriate with her between the times when she was 10 and 12 and would lay on top of her and kiss her and be demanding about how she kissed him back."
December 1986	"[Ellsworth Culver] pushed himself on her physically and expected her to respond."
December 1988	"[Tania] does report inappropriate touching and kissing with her father which again, in this interviewers opinion, was exploitative and set up a sexual abusive dynamic even though there may have been no touching of her genitals, or his."

Whether the '93 Special Committee was aware of the disclosures as part of the investigation is discussed below in the discussion about Ms. Culver Humphrey's meeting with the Special Committee.

b. Finding

- **Ms. Culver Humphrey disclosed abuse by Ellsworth Culver to professionals responsible for her care and well-being on multiple occasions.**

2. Sexual Abuse Allegations Made Known to Mercy Corps were Serious in Nature

a. Discussion

In or about the Summer of 1992, Ms. Culver Humphrey attended a women's prayer group. At this time, Ms. Culver Humphrey would have been in her early twenties and attending college. During this prayer group meeting, Ms. Culver Humphrey disclosed the abuse by Mr. Culver.

She told the investigative team that she felt comfortable attending this church because she believed nobody at the church knew of her or her father, Ellsworth Culver.

Ms. Culver Humphrey also told the investigative team that she had not intended to have the information she shared with the prayer group reported to authorities or to Mercy Corps. At least one of the members of the '93 Special Committee appeared to concur that Ms. Culver Humphrey was not seeking anything further. Specifically, Mr. Newell, in his interview with Vestry Laight, stated:

"I never got any sense that she wanted something from Mercy Corps, either by way of termination of him or money or a letter of apology or, you know, whatever, I never got any sense of anything like that."

Shortly after the prayer group meeting, one of the women present at the meeting told her husband about the disclosures of abuse made by Ms. Culver Humphrey. At the time, her husband was an attorney at the same law firm as Mr. Newell. In describing the nature of the disclosures, a member of the prayer group stated that Ms. Culver Humphrey described sexual abuse by Mr. Culver as "bad things happened" and that she disclosed to the group that Mr. Culver had sexually abused her.

The same attorney told the investigative team that in or about August 1992, he told Mr. Newell about Ms. Culver Humphrey's disclosures to the prayer group. He said he believed that the allegations communicated to him had merit and recalled Ms. Culver Humphrey being a fragile and hurt woman. The attorney further told the investigative team that when he informed Mr. Newell of the allegations, he recalls Mr. Newell being shocked, saddened and disappointed by the news. In an interview with Vestry Laight, however, Mr. Newell denied that he was informed by the attorney:

"I know that there's been some assertion that [Ms. Culver Humphrey] revealed [the allegations] in a prayer group and one of the members told her husband, who is a lawyer, who told me. That didn't happen. ... I'm -- I'm pretty sure it didn't happen. You know, we all know the frailty of memory, but I would have remembered that because, as far as I knew, this hadn't -- at the time we learned of it, it hadn't been discussed or revealed outside family and the Mercy Corps board."

"So my recollection of the way this came to our attention, that is "our" being Mercy Corps' attention, was that Ells Culver told Dan O'Neill that his daughter had recovered memory of sexual abuse by him against her."

The investigative team reviewed a draft of a handwritten note dated October 6, 1992, from Ms. Culver Humphrey to the attorney who reported her disclosures in which she expressed gratitude for taking her disclosures seriously.⁵ She also stated in the note that she was "busy trying to get a hold of people and sign release forms for Mr. Newell and the board so that they can get records and statements from CSD, counselors, doctors, teachers...Then I have to give him other physical evidence (written stuff, etc.) and [sic] get interviewed by the board and give a statement."

In regard to the exact nature of the disclosures made by Ms. Culver Humphrey, members of the '93 Special Committee acknowledged the serious allegations of abuse. When describing the *nature* of the allegations he'd been told, Mr. Newell told Vestry Laight the following:

⁵ The investigative team found draft letters in Ms. Culver Humphrey's notes and journals. She described that she would draft a handwritten letter and then draft a cleaner version for sending to the recipient. She retained the first draft in the collection of papers she shared with the investigative team.

"We did at some point along the line, and I don't remember the source of this, but we heard that Tania had been left in a hotel room with someone [sic] of Ells' acquaintances and that that man abused her."

Dr. Vath confirmed to Mercy Corps in the 2018 internal inquiry that Ms. Culver Humphrey was left in a hotel room and another man entered the room, though it was unclear to him what had transpired.

With respect to abuse by Mr. Culver, Mr. Newell described his understanding of the situation:

"What we heard was the inappropriate kissing, the laying on top, being nude. And it didn't go beyond that, in terms of seriousness or scope."

Dr. Vath also stated during Mercy Corps' 2018 internal inquiry that Ms. Culver Humphrey never accused Mr. Culver of intercourse, but that he was nude, kissed her on the lips and had pornography in the home. In June 1993, Dr. Vath wrote a letter to Ms. Culver Humphrey, after the committee interviewed her, acknowledging the seriousness of her allegations:

"...it was not until we met with you, that we were [sic] aware of the seriousness of the problem. We had assumed that they were not too serious as [children's protective services] had not pursued them. In the State of Washington where we have had a serial killer of women, as well as several children murdered by their parents, such charges are generally pursued with great effort. Apparently this is not so in Oregon."

In addition, just two months later in an August 10, 1993 letter to Ms. Culver Humphrey, Dr. Vath appears to acknowledge that she may have been abused by someone else:

"While [Mr. Culver] has admitted with significant remorse the fact that he did not provide protection for you in your very early years, when you were left in the care of persons that took advantage of your innocence, he is equally adamant that some of the more severe behaviors that you accused him of did not occur."

Again, it is important to note that the extent of the Survivor's disclosures to the '93 Special Committee did not extend to abuse beyond the abuse by Mr. Culver.

b. Findings

- **Ms. Culver Humphrey disclosed the abuse by Ellsworth Culver on more than one occasion to people close to her.**
- **Mercy Corps was made aware of the abuse allegations against Mr. Culver as early as August 1992 through the report of an attorney at Mr. Newell's law firm, to Mr. Newell himself.**
- **The nature and extent of the abuse disclosures, made by Ms. Culver Humphrey against Mr. Culver and relayed to Mercy Corps, were serious in nature, but did not prompt Mercy Corps to have an experienced sexual assault investigator, either from Mercy Corps or from an objective, outside investigation firm, interview the Survivor.**

3. Special Committee Objectives and Focus

a. Discussion

Ms. Culver Humphrey told the investigative team that the day after she had made the disclosures to the prayer group, Mr. Newell called her and asked her to keep the information between the two of them, saying that he recommended that they “keep it in house.” Ms. Culver Humphrey specifically recalled taking notes during the call, and the investigative team found a note in Ms. Culver Humphrey’s documents that appears to be contemporaneous notes of the call. The notes were consistent with her recollection, which stated that Mercy Corps would investigate the matter and that [Mercy Corps] had to stay independent. Her notes of the call also state that it would be in everyone’s best interest to keep the information within the confines of the group for the time being. Mr. Newell’s reasoning for not wanting the allegations to become public was based on his concern for Mr. Culver’s reputation and career. As he told Vestry Laight:

“And keep in mind here that we had a concern that if these allegations were false and they became known widely, Ells’ career and, you know, any future employment prospects would be over, whether they were true or not. So we had a concern to be discreet about this and do as much as we could without, you know, putting it in the newspaper.”

In Mr. Newell’s interview with Vestry Laight, he shared his perspective on the ‘93 Special Committee, saying that the group approached the allegations of abuse against Mr. Culver as strictly an employment matter:

“Do we keep [Ellsworth Culver] or do we fire him? It was an employment decision.”

“That was -- that was the only reason for us to investigate, because we're not -- we weren't, and aren't, a social service agency, a law enforcement agency, health-care provider, we're none of the folks that had any responsibility for this sort of thing. And if you think of it like a lawyer, Mercy Corps owed no legal duty to her, absolutely none. And that's, you know, partly why, in hindsight, we probably should have done exactly nothing.”

Ms. Culver Humphrey told the investigative team that when she was contacted by Mr. Newell about her allegations in August 1992, she asked him not to inform Mr. Culver, saying,

“I begged him [Newell] not to tell my dad. I asked him to give me time ... ‘Please don’t tell anybody.’ I freaked out. I think I said something about how I needed to - I was thinking that it was not safe...I told him ‘yes’ because I was not going to say ‘no.’ And then, I don’t know when, it was if it was that same day or a day really soon after that, or if [] called me back ... I just remember he [Newell] didn’t wait.”

At this time, Ms. Culver Humphrey lived at home with her parents, but her father had started the process of moving out of the home due to his separation from his second wife, Ms. Culver Humphrey’s mother. However, the investigative team found that Mr. Culver was likely informed of the allegations sometime between August 1992 and December 9, 1992. Specifically, the investigative team found in the Survivor’s journals an unsigned draft letter from Ms. Culver Humphrey addressed to Mr. Newell dated December 9, 1992, in which she expressed frustration that Mr. Culver was informed of the investigation. The letter stated:

"After we talked on the phone on 12-4-92, I am still disturbed that I was not notified when my father was told about the investigation. From the beginning it was made aware to you my concern about this."

It should be noted that the investigative team was not able to verify that a final form of this letter was sent to Mr. Newell, or that he ever received or read it.

In addition to this letter, Mr. Culver's third wife, Esme Jo Culver, told the investigative team that in or around 1992-1993, likely in the summer, she and Mr. Culver were driving to the beach and, at some point in the journey, stopped at a rest stop. When Mr. Culver returned to the car, he told her that he had received a phone call and has been made aware that his daughter had made allegations of sexual abuse against him. He explained to her that he believed his daughter may have been abused by a third party, and that she was now associating that abuse to him.

Ms. Culver Humphrey told the investigative team that when she heard Mr. Culver had been told about her allegations, she did not want to stay at her home anymore because she did not feel safe. It was immediately after being informed that her father knew of her disclosure that she moved out of the home and in with the family of a member of her prayer group.

b. Findings

- **The '93 Special Committee's investigation objectives appear to have been employment-related. In addition, the '93 Special Committee was concerned that if the allegations were made public, the organization and/or Mr. Culver might sustain reputational damage.**
- **Mr. Culver was informed, by the '93 Special Committee, of the allegations against him against the explicit wishes of Ms. Culver Humphrey.**

B. Lack of Thorough Investigation

1. '93 Special Committee Consulted False Memory Expert

a. Discussion

Evidence indicates that one of the very first steps the '93 Special Committee took in their investigation was to consult Dr. Elizabeth Loftus, a recognized expert in recovered false memory.^{6 7} Dr. Loftus has testified or consulted in hundreds of cases on behalf of people accused of a crime and has authored a book entitled "Witness for the Defense." Mr. Newell confirmed that this consultation was based on Mr. Culver's assertion that Ms. Culver Humphrey's abuse allegations had resulted from a recovered false memory, saying to Vestry Laight:

"When we heard [about the alleged recovered memory], one of the very first things that we did, after the committee was appointed by the chair, was to consult with Elizabeth Loftus at the University of Washington, who at that time was supposedly the nation's leading expert on recovered and false memories in sex abuse cases. And what

⁶ Biography of Elizabeth F. Loftus. UCI. Available at: <https://faculty.sites.uci.edu/eloftus/>

⁷ The investigative team does not question the credentials or experience of Dr. Elizabeth Loftus; rather, we observe only that she was not formally engaged and did not have any opportunity to directly evaluate or analyze either the Survivor or documents and materials related to the Survivor.

she told us was that it looked to her like a false memory, but we should take some steps to try to corroborate or undercut that memory.”

In a 2018 email to Mercy Corps’ investigator, Dr. Vath also confirmed this consultation with Dr. Loftus, stating:

“In the process of evaluating her [Ms. Culver Humphrey’s] claim we contacted [Dr. Loftus] who wrote *Witness for the Defense*.⁸ She is an expert in evaluating false memories and served as an expert witness in many such cases where a marginally trained therapist was seeming[sic] leading Tanya in this direction.”⁹

There is no evidence however that Dr. Loftus was ever formally engaged by Mercy Corps or that she performed or was asked to perform an assessment of the case.

According to Dr. Vath, Dr. Loftus guided the ‘93 Special Committee on how to assess whether Ms. Culver Humphrey’s allegations were a recovered false memory, saying:

“She [Loftus] reminded me to stay true to the process of medical diagnosis and look for supporting data: school records, teachers’ observations, family photographs, observations of other individuals when available.”

In a November 27, 2018 email to Mercy Corps’ internal investigator, Dr. Vath wrote that “a marginally trained therapist was seeming[sic] leading Tanya” in the direction of a false memory. However, based on Mr. Newell’s explanation, it appears the ‘93 Special Committee had not obtained or reviewed any actual medical records or other relevant documents, or spoken to the Survivor or the Counselor prior to accepting this theory of the case. It also provides insight on why the ‘93 Special Committee focused so much on the Survivor producing her medical and counseling records once they had this theory of the case in mind (as discussed further below).

As previously stated, the investigative team found no evidence that Dr. Loftus was formally engaged by the ‘93 Special Committee for the Culver case. In addition, the investigative team was unable to identify any reports authored by Dr. Loftus, related to the Culver case, in the files we reviewed. Indeed, Mr. Newell confirmed to Vestry Laight that Dr. Loftus was never officially retained. When asked by Vestry Laight whether the ‘93 Special Committee retained Dr. Loftus, Mr. Newell stated:

“Well, it was neither. It was formal in the sense that we talked significantly with her, but we had no money at the time.”

b. Findings

- **Mr. Culver’s explanation of “false memory” appears to have set the direction of the ‘93 Special Committee’s investigation without adequate scrutiny.**
- **Dr. Loftus was never formally engaged, nor did she ever interview Ms. Culver Humphrey or Mr. Culver, review documents, or produce any type of report or opinion to the Special Committee.**

⁸ Dr. Loftus’ name was omitted from Dr. Vath’s email; however, *Witness for the Defense* is a book written by her.

⁹ The former senior legal counsel told the investigative team that it was his understanding, from his discussions with the Special Committee members, that both Dr. Vath and Mr. O’Neill met with Dr. Loftus.

- **Despite this, the members of the '93 Special Committee cited Dr. Loftus' "engagement" and the concept of false recovered memories multiple times to defend the thoroughness of the investigation, and as a reason for taking no action in response to Ms. Culver Humphrey's allegations.**
- **As noted below, some members of the '93 Special Committee denied receiving medical and counselling records from Ms. Culver Humphrey. This denial is inconsistent with their "false memory" explanation as the reviews and assessment of these documents would have been critical to any opinion that her disclosure had been a false memory, if following the guidance of Dr. Loftus.**

2. Ellsworth Culver's Explanation for Allegations

a. Discussion

As detailed above, Mr. Culver initially stated that the abuse was a false memory by his daughter. Alternatively, he also told members of the '93 Special Committee that Ms. Culver Humphrey was abused by another person, not him, and that she was associating this abuse to him. The investigative team reviewed a handwritten, undated document written by Mr. Culver where he summarizes his knowledge of the abuse. In this document, Mr. Culver wrote the following:

- "Approximately 18 months ago Tania told her mother of an incident that happened when she was in the 1st grade. We were away on vacation – she stayed with a neighbor family – and while she was preparing to/or taking a bath the father in the house came in and dropped his pants and she can't recall what happened after that."
- "When [Tania] was about 8 or 9 on a trip to [intentionally blank] she was molested by a hotel room boy while we were away for a short time."

Ms. Culver Humphrey did not raise the incident in the first bullet above during our debrief with her. The second bullet is significant, however, because as mentioned in Section II of this Report, Ms. Culver Humphrey disclosed to the investigative team an incident of sexual abuse (also involving another minor) by Mr. Culver and another man at a hotel in this same or similar location when she was 8 or 9 years old.

Esme Jo Culver told the investigative team that Mr. Culver disclosed to her that both he and his ex-wife (the Survivor's mother) suspected something happened to Ms. Culver Humphrey in the past, but when asked about it, Ms. Culver Humphrey would not disclose specifics. However, in a February 1989 letter reviewed by the investigative team, the Survivor's mother acknowledged her daughter's disclosures of sexual abuse by Mr. Culver and apologized for not recognizing the issue sooner.

b. Findings

- **The investigation found that Mr. Culver gave several inconsistent explanations for the allegations such as recovered false memory, third party abuse, and mental health issues.**
- **These explanations should have been red flags as they appear to have been an attempt to mislead the '93 Special Committee and reframe the seriousness of the allegations.**

- **The investigation found that the '93 Special Committee took several actions that appeared to show undue deference to Mr. Culver by keeping him informed of the investigation and accepting his explanations without a thorough investigation.**
- **If the '93 Special Committee thought the third-party abuse explanation provided by Mr. Culver was credible enough to exonerate Mr. Culver, they should have ensured the matter was fully investigated, especially considering it could have happened at the location where Mercy Corps programs and operations were occurring.**

3. Survivor's Meeting with the '93 Special Committee

a. Discussion

Ms. Culver Humphrey told the investigative team that, in or about August 1992, Mr. Newell called her numerous times to ask her about her disclosures of abuse. In describing the initial phone call, Ms. Culver Humphrey stated that Mr. Newell informed her that he had been made aware of the disclosures of abuse, and when describing his attitude during the call, she stated, "He wasn't very nice, he was really abrupt and sort of like exasperated. I really felt scared and stupid."

Ms. Culver Humphrey recalled making it clear to Mr. Newell that Mr. Culver subjected her to serious sexual abuse, but that she did not feel safe when confirming this information, saying, "I just remember feeling this icy sensation of fear, but telling him 'Yes'."

As previously stated, Ms. Culver Humphrey told the investigative team she did not intend for her original disclosures in her prayer group to be relayed to Mercy Corps, nor did she want Mr. Culver to be made aware of the disclosures. She said that when she was contacted by Mr. Newell, she confirmed the allegations because she did not want to lie but felt immediately that Mr. Newell was questioning her integrity. Ms. Culver Humphrey said that she fully cooperated by signing releases for records. In addition, she worked to gather medical records and other evidence on her own to support and prove that her disclosures were true. Ms. Culver Humphrey stated these records were provided to the '93 Special Committee ahead of their scheduled interview.

On June 4, 1993, Ms. Culver Humphrey met with Messrs. Newell and O'Neill, and Dr. Vath at the law offices of DWT. In addition to the three members of the '93 Special Committee, Ms. Culver Humphrey was accompanied by two women, her counselor and a friend who she was living with at the time.¹⁰

Prior to the June 4th meeting, in March 1993, one of Ms. Culver Humphrey's counselors, at her request, wrote a summary document for the '93 Special Committee. The counselor begins by stating that she had been working with Ms. Culver Humphrey since she was admitted to the Portland Adventist Eating Disorders program several years prior. This summary stated that the Survivor "exhibits most of the identified effects consistent with one traumatized at an early age by sex abuse, physical, and emotional abuse." The counselor then went into specific detail about Ms. Culver Humphrey's memories and the extent of abuse she had disclosed which included a long list of severe sexual abuse. At the end of the summary, the counselor states that it is imperative that Ms. Culver Humphrey have her own legal counsel, prior to proceeding with the Special Committee interview.

¹⁰ The investigative team met with the Survivor and the two women who accompanied her to this meeting in order to gain a complete understanding of what occurred during the meeting with the committee.

(Continued on next page.)

She continues to have problems with boundaries and in protecting herself. Therefore, I have the concern she does not know to retain her own legal counsel. This is why I have resisted and opposed providing this information. Tania has difficulty sorting out when people have multiple roles with her (dual relationships) Mr. Newell can only have one primary allegiance which ethically is not to Tania. For this reason, it is essential that she have her own counsel. Tania is exceedingly trusting at times and has been hurt deeply by people who had other priorities. She needs and deserves her own legal representation.

Mr. Newell denied that the special committee received a copy of the summary report, telling Vestry Laight:

"We didn't get - I've seen references to a counselor's summary. We didn't see that that I recall."

"It was 27 years in the past, and we had no documents, all we had were memories. And she [Ms. Culver Humphrey] wouldn't give us anything and wouldn't meet with us."

In addition, Mr. Newell wrote the following in a 2018 email to Mercy Corps:

"I don't remember who of the three of us did what, but I have no memory of seeing any medical records or talking with any medical providers."

In contrast, in a June 15, 1993 letter from Dr. Vath to Ms. Culver Humphrey, Dr. Vath references that the committee reviewed at least some records, saying,

"Because the records were not very precise in describing the abuse, it was not until we met with you, that we were [sic] aware of the seriousness of the problem. We had assumed that they were not serious as [children's protective services] had not pursued them."

Ms. Culver Humphrey told the investigative team that Messrs. Newell and O'Neill, and Dr. Vath initially "reassured" her that the meeting was going to be kept "in house" and no one else would be involved. Ms. Culver Humphrey said that prior to the meeting, she had gathered - and delivered to Mr. Newell - records and information as supporting documentation of the abuse; during the meeting she stated she referenced the materials provided as support for what she was sharing.

The Survivor's interviews and contemporaneous records suggest that the '93 Special Committee reviewed some medical and counseling records documenting the disclosures that Ms. Culver Humphrey made during her counseling, based on Dr. Vath's acknowledgement of the records and the Survivor's recollection.

Ms. Culver Humphrey also noted that, while she was overwhelmed by the entire situation, she wanted to be honest and answer any of the '93 Special Committee's questions. She described Mr. Newell and Mr. Vath as continuously challenging everything she said in response to their questions. She recalled that one of the women who accompanied her would interject to address the way Messrs. Newell and O'Neill, and Dr. Vath were treating her during the interview.

Witnesses confirmed for the investigative team Ms. Culver Humphrey's recollection of events and stated that the meeting carried on with the men confronting and challenging Ms. Culver Humphrey during the interview.

One of the two women accompanying Ms. Culver Humphrey told the investigative team that the meeting was contentious, and she felt the committee members at the meeting did not want to hear the truth, but rather were only interested in defending Mr. Culver and Mercy Corps. The witness further told the team that Dr. Vath said he had worked many cases like Ms. Culver Humphrey's, and he did not believe her allegations to be true. The witness stated that Dr. Vath, at one point, shifted the focus to the counselor by challenging her work experience and credentials.

The other woman present said that Ms. Culver Humphrey's goal was to inform the committee members of her abuse and share her concerns of the abuse. She recalled that Ms. Culver Humphrey did not trust the committee members and at some point, during the meeting, the tone changed from listening to Ms. Culver Humphrey, to challenging her about her abuse. She said at this point, the first aforementioned woman called an end to the meeting. Mr. Newell seemed to also recall the abrupt ending to the meeting:

"But the meeting, I do recall, didn't last very long. She was angry, she got up and left."

Lastly, Ms. Culver Humphrey told the investigative team that one of her close friends was also interviewed by the '93 Special Committee because she may have witnessed some of the abuse or was a survivor herself. We attempted to locate this witness to interview her. Our investigative team was unsuccessful in attempts to contact this friend numerous times, including via social media, email, telephone, and as a last resort, physically traveling to previously known addresses to locate her.

b. Findings

- **The '93 Special Committee's interview with Ms. Culver Humphrey was confrontational, and the '93 Special Committee failed to properly interview the Survivor as a sexual abuse victim so that Mercy Corps could fully understand the nature and extent of abuse.**
- **The '93 Special Committee conducted the face-to-face meeting in a confrontational manner challenging the Survivor's disclosures and the counsellor's credentials and prior work experience.**
- **The '93 Special Committee effectively shifted the burden to Ms. Culver Humphrey, the Survivor, to prove her sexual abuse by her father by requiring her to produce medical and counselling records. While it appears that Ms. Culver Humphrey produced many of these records for the '93 Special Committee, the confrontational tone of the interview is evidence the committee members discounted her disclosures.**
- **This '93 Special Committee failed to assess and fully understand the nature and extent of the abuse because they failed to conduct a proper interview of a sexual abuse survivor which would have allowed them to hear and understand the full extent of the Survivor's information and take appropriate action.**
- **Based on the accounts of the meeting, it does not appear that the '93 Special Committee was neutral on the theory of the case. Rather it appears the**

committee continued to support Mr. Culver's theory that the Survivor's account was a false memory.

4. Ellsworth Culver - Polygraph Exam

a. Discussion

On several occasions, the investigative team found references to Mr. Culver submitting to a polygraph exam. Mr. Newell stated, in his Vestry Laight interview, that Mr. Culver submitted to a polygraph exam (a/k/a "lie detector test") at the suggestion of Mr. Newell:

"We could not, obviously, force him to [take the polygraph], we were fully aware of the shortcomings of the polygraphs, but figured that would be one more thing that we could do that might substantiate or undercut the allegations."

The interviewer then asked Mr. Newell if it was his suggestion to take the polygraph, to which Mr. Newell replied:

"Yes. And he agreed and took it, and he passed it."

Despite suggesting Mr. Culver take a polygraph and arranging the polygrapher, Mr. Newell did not have any memory of the polygrapher's identity or whether he was involved in designing the questions that were asked, saying:

"I have no recollection in being involved in formulating the questions. I'm pretty sure I arranged the polygrapher, but, you know, that's as far as my memory goes."

In contrast to Mr. Newell's statement, one witness suggested that Mr. Culver was able to seek his own polygrapher. By way of background, polygraph tests are used by law enforcement as an investigative tool and not a means to exonerate an accused. The validity of a polygraph test will be completely dependent on the actual questions asked and the credentials and reputation of the polygrapher. The formulation of the questions asked would be critical to the validity of the results and should have been closely monitored by the '93 Special Committee. The inability to recall or produce any critical information about the identity or the credentials of the polygraph team, questions asked as part of the polygraph, and the actual results of the test raises serious questions as to the polygraph test administered to Mr. Culver. Several witnesses stated that they had heard that Mr. Culver took (and for some, "passed") a polygraph test, though none seemed to know any specifics.

Mr. Newell suggested that the decision to have Mr. Culver take a polygraph was predicated on Mr. Culver admitting to possessing Playboy magazines at home. This raises the question as to whether the focus and scope of the polygraph was limited to the possession of the magazines, as opposed to being focused on testing Mr. Culver's denial of the abuse of his daughter. Mr. Newell told Vestry Laight:

"As I think I alluded to, Ells denied all this initially, later admitted to the Playboy magazines. And we said, well, if that's true then you need to undergo a polygraph."

Lastly, it should be noted again that after an extensive document search, the investigative team was not able to locate any records of a polygraph being administered to Mr. Culver, and was unable to verify a polygrapher's name associated with the test, questions asked of Mr. Culver, or the official results of the test.

b. Findings

- **Mr. Culver allegedly took a polygraph, but no records of a polygraph were found. The investigative team found no record or documentation disclosing the polygrapher's identity or credentials, test venue, questions asked, or results to assess the validity of the test.**
- **If Mr. Culver had, in fact, taken and passed the polygraph, a record of the polygraph conducted by Mr. Culver would have been critical evidence for the '93 Special Committee to preserve in order to demonstrate the investigation conducted and justify the '93 Special Committee's actions in their response to the allegations of abuse by Mr. Culver.**

C. Lack of Clear Accountability and Inconsistent Rationales

1. Story "Leaks" and Ellsworth Culver resigns as President

a. Discussion

The investigative team interviewed an employee active during the '93 Special Committee investigation. This witness stated that in or about Fall of 1993, he/she read a letter from what he/she recalled as children's protective services which stated there were allegations of sexual abuse against Mr. Culver and the agency was reviewing the information related to the case. After opening the letter, he/she called Mr. Culver who had just recently returned from a trip to the former Yugoslavia and was resting at home. Mr. Culver traveled to the Mercy Corps office, where the witness informed him of the contents of the letter. The witness told the investigative team that Mr. Culver was angry he/she had read the letter, swore him/her to secrecy, and then requested he/she organize a meeting with the Board.

The timing of the discovery of this letter is not certain, but the witness does remember it was a cooler weather month and thought it was possibly in Fall or Winter of 1993. The witness told the investigative team that Mr. Culver was returning to the United States from Yugoslavia via London and had ordered him/her to book him on a Concorde flight from London for his return trip which stood out in his/her mind based on the cost of the flight, a situation which was also confirmed by a former senior employee. The investigative team reviewed Board meeting minutes and travel records and found that in October/November 1993, Mr. Culver had just returned from a trip to Yugoslavia and London. Another employee working in Finance at the time, confirmed that Mr. Culver had flown the Concorde jet back; the information about the flight stood out in the employee's memory because it was an unusually large expenditure of funds for a small non-profit. This information corroborates the timing of the letter referenced by the witness.

Based on this witness' statements and documents reviewed, the witness' discovery of the letter appears to have been the catalyst for Mr. Culver resigning as President because the sexual abuse disclosures were starting to become more widely known. On January 22, 1994, Mr. Culver announced his resignation from the position of President and CEO at a Mercy Corps' Board of Directors meeting stating that the resignation was for "personal reasons" but expressing his desire to remain with the organization in a new capacity. Meeting minutes also confirm that the Board understood Mr. Culver's reasons to be "personal in nature" and unanimously voted in favor of accepting his resignation.

In this same Board meeting, during Executive Session, the members agreed that Mr. Culver would be demoted to the position of Vice President for International Relations, reporting to

Mr. O'Neill. In 2018 the '93 Special Committee explained that the basis for the reassignment and demotion was poor management or financial mismanagement on the part of Mr. Culver. However, in contrast with this explanation, the Board gave Mr. Culver 30 days of paid leave, required him to attend therapy sessions, and agreed that there would be an official statement drafted that would "clearly" state that the resignation "transpired for personal reasons." A former board member stated that the therapist who treated Mr. Culver as part of a board recommendation was chosen by Dr. Vath.

On January 24, 1994, a confidential statement was sent to the Board announcing that Mr. Culver was resigning for personal reasons, Mr. O'Neill would assume the role as President, and Mr. Culver would become Vice President for International Relations.

The investigation found multiple and conflicting explanations as to whether Mr. Culver resigned as President or was re-assigned by the Board.

Although Board meeting minutes state that Mr. Culver resigned and the reasons for his resignation were "personal in nature," statements by members of the '93 Special Committee suggest that the move was an involuntary reassignment. For example, in a 2018 email reviewed by the investigative team, Dr. Vath wrote to Mr. O'Neill:

"When I had to deal with Els problem, I met with him personally to let him know he had to step down as president or be fired."

Mr. Newell also alluded to Vestry Laight that Mr. Culver was involuntarily re-assigned, saying he supported the decision based on his assessment of Mercy Corps and advocated that Mr. Culver be terminated and replaced for his inability to manage the organization:

"And it became very clear to me that Ells was just not a manager, not an administrator. I mean I had the context of the financial problems that the agency was having, but, you know, I saw issues in the field with folks who were supposed to be running big programs that really weren't doing a very good job, things that weren't being followed up on and dealt with in the way that they should have been. And so when I came back I was pretty adamant that he needed to be terminated and replaced. And the initial -- the board agreed that he had to be replaced, but concluded that he could be reassigned to different duties that didn't involve administration, and so forth."

Mr. Newell stated during Mercy Corps' 2018 internal inquiry that the reassignment was not due in any manner to the abuse allegations:

"[Your memo] implies that the allegations were partially responsible for the change in Ells position with MC. I don't think that's right - my recollection is that his re-assignment had solely to do with the management deficiencies we had identified. The reason I favored termination was that I thought it very unlikely a new CEO would be able to work successfully alongside Ells with the management baggage he then carried - it had nothing to do with Tania's allegations."

Both Dr. Vath and Mr. O'Neill told Mercy Corps during the 2018 internal inquiry that Mr. Newell wanted Mr. Culver terminated from the organization, but for mismanagement and not for sexual abuse.

Further, in an April 1994 letter to Ms. Culver Humphrey, Dr. Vath wrote that her allegations of abuse led them to find that Mr. Culver was a poor manager:

"By now you must be aware of the changes that have occurred at Mercy Corps. As we explored your complaints, we looked for similar mistreatment of the organization and as might be expected, a person who creates a dysfunctional family will be a dysfunctional influence in an organization."

The language used in Dr. Vath's April 1994 letter appears to be an attempt to reframe the reasoning for Mr. Culver's reassignment as being related to mismanagement versus the abuse allegations. In trying to explain the contents of the letter, Mr. Newell told Vestry Laight that the April 5th letter was referencing Ms. Culver Humphrey's abuse by a third party (not by Mr. Culver):

"And so the reference in the '94 letter has been used, apparently, to say that we, on the committee, knew about all this and didn't do anything, covered it up. What we were told was that she'd [Ms. Culver Humphrey] been abused by somebody else and that Ells had failed to protect her, and that's what that '94 letter is about."

b. Finding

- **Mr. Culver was asked to resign from his position as President and CEO on January 22, 1994, notably this was the same time period in which the sexual abuse disclosures were starting to become more widely known.**
- **Mr. Culver was re-assigned to Vice President for International Relations on January 24, 1994.**

2. Inconsistencies - E-mail Statements of Raymond Vath

a. Discussion

Through a forensic review of Mercy Corps email accounts, the investigative team uncovered several email messages, written within the last 10 years, that appear to directly reference and provide context to the '93 Special Committee's Investigation. By way of background, the e-mails between Dr. Vath and Mr. O'Neill pertained mostly to another issue but Dr. Vath mentions the '93 Special Committee in these exchanges.

In particular, the investigative team found several communications written by Dr. Vath where he references "saving" Mr. Culver's job with Mercy Corps.¹¹ For example, in a 2014 email to Mr. O'Neill, Dr. Vath wrote:

(Continued on next page.)

¹¹ The redacted portion in the "From" field is Dr. Vath's e-mail address, which has been hidden for privacy reasons.

From: Raymond Vath [REDACTED]
Date: Mon, 26 May 2014 18:26:00 -0400 (EDT)
To: <doneill@sea.mercycorps.org>
Subject: Re: Words of wisdom from Franklin Graham

[REDACTED]
[REDACTED]
[REDACTED] That power corrupts is an observable fact and few can resist the temptation, which is why checks and balances are so important. Look at Eills problems that through collaborative problem solving, we saved his MC function, but needed input from a variety of experts including Elizabeth Loftus, you and Bob, as well as her school records and some photographs. That's the way systems should work.

As noted earlier in this report, the reason given by members of '93 Special Committee for why Mr. Culver was demoted in 1994 was that he was a poor manager or poor financial manager. However, when referencing "Eills problems" in the above email, Vath states that the '93 Special Committee needed input from experts like Dr. Loftus to preserve Mr. Culver's career. As explained above, Dr. Loftus was briefly consulted by the '93 Special Committee in connection with their investigation of sexual abuse allegations. Additional emails follow this theme. For instance,

On October 31, 2013, Dr. Vath emails Mr. O'Neill:

Privacy [REDACTED]
[REDACTED]
[REDACTED]. When we needed to deal with Eills, did you hear me denigrate him, or did you hear us note his behavior and investigate the accusations by his daughter objectively. As I recall, I offered him a VP job at the same salary that suited his skills better and he served honorably in that capacity. Privacy [REDACTED]
[REDACTED]
[REDACTED]

Again, in the above email Dr. Vath ties the demotion of Mr. Culver to the allegations of abuse and not mismanagement of the staff.

On June 16, 2018, Dr. Vath emails Mr. O'Neill:

(Continued on next page.)

Re: Mercy Corps Letter

From: Raymond Vath [Privacy]
To: doneill@mercycorps.org
Sent: June 16, 2018 6:10:28 PM EDT
Received: June 16, 2018 6:10:30 PM EDT

[Privacy]

[Redacted]
[Redacted]
[Redacted] If I send a letter it will question the disparity of keeping Els <#> on the pay role until he was 84. [Privacy]. If they can not show mercy to you they have no business with the name: Mercy Corps. If they can treat you badly, they can treat anyone badly. I would ensure the story was widely circulated and even Bob's skill could not save Mercy Corps from a very bad PR episode, worse than Els <#> problem with his daughter.; [Privacy]
[Redacted]

On August 4, 2018, Dr. Vath again emailed Mr. O'Neill, appearing to threaten to create a "PR disaster" while mentioning how the 93 Special Committee "skillfully avoided" a "PR disaster" related to Mr. Culver's "family problem":

Re:

From: Raymond Vath [Redacted]
To: doneill@mercycorps.org
Sent: August 4, 2018 2:43:22 PM EDT
Received: August 4, 2018 2:43:23 PM EDT

[Redacted]
[Redacted] If not changed, we will create a PR disaster for Mercy Corps. One could have occurred over Els family problem, but we skillfully avoided that.

Then, on August 6, 2018, Dr. Vath sent another email to Mr. O'Neill, again referencing his saving of Mr. Culver's job, saying it was the "right thing" to do:

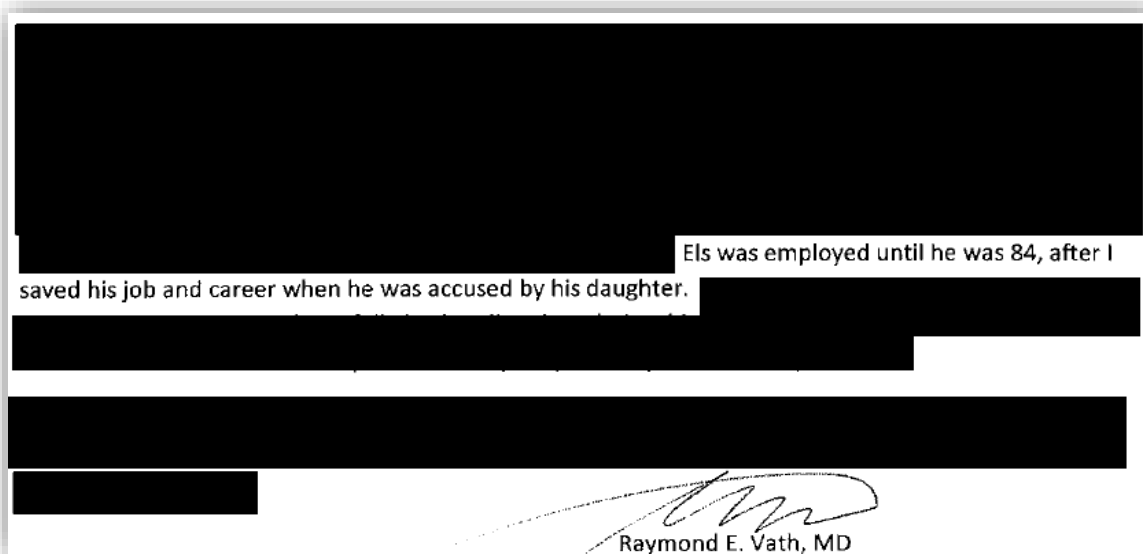
(Continued on next page.)

Re: Mercy Corps Terms

From: Raymond Vath [REDACTED]
To: doneill@mercycorps.org
Sent: August 6, 2018 1:39:01 PM EDT
Received: August 6, 2018 1:39:02 PM EDT

When I had to deal with Els problem, I met with him personally to let him know he had to step down as president or be fired. I did not hide behind HR people and "procedures. One doesn't do that with senior staff which has had personal friendships. I thought he had a Masters Degree in Management. I had the military management training but not the degree. My training worked in helping rehabilitate Els and he became even more productive in the right job. It is curious that Els never thanked me for saving his job, not that I needed thanks for doing the right thing.

Lastly, during the forensic email review, the investigative team uncovered a letter sent by Dr. Vath to Mercy Corps in September 2018 where he wrote again about saving Mr. Culver's job. Dr. Vath ended this letter by drawing the direct connection of saving his job when Mr. Culver was accused by Ms. Culver Humphrey:



In these email exchanges, Dr. Vath makes no mention of Mr. Culver's poor management skills or financial mismanagement, but rather, consistently references Mr. Culver's "family problem" and the allegations of sexual abuse by Ms. Culver Humphrey.

b. Finding

- **Through a forensic review of Mercy Corps email accounts, the investigative team located several emails authored by Dr. Vath, written in the last 10 years, referencing the Culver matter that provide insight into Dr. Vath's intent and motive acting as part of the '93 Special Committee.**

- **Dr. Vath ties the reassignment of Ellsworth Culver to “family problems” or “problems with his daughter” in his emails commenting on the matter.**

D. Lack of Independence and Governance

1. Lack of Proper Board Authorization for '93 Special Committee

a. Discussion

The investigation found that the members of the '93 Special Committee were appointed solely by Dr. Vath and that there is no record of a formal Board voting process to appoint the three members. Further, the investigative team found no Board resolution or notes in Board minutes that reflected there was a formal special committee appointment process to vest Vath, Newell, or O'Neill with any Board authority or a clear mandate for the investigation. Mr. Newell, in his interview with Vestry Laight, also confirmed that Dr. Vath appointed the '93 Special Committee himself. The investigative team spoke with a member of the Board who was active during the time of the investigation who confirmed that Dr. Vath appointed the '93 Special Committee members. This witness did not remember any Board voting process to appoint the members.

As previously stated, the investigative team found that information related to the allegations of abuse against Mr. Culver was communicated to the full Board and Mercy Corps staff in an inconsistent and non-transparent manner. Mr. Newell told Vestry Laight that the Board was not initially informed of the abuse allegations and that he was uncertain if they were ever informed about the abuse allegations.

A member of the Board active during the '93 Special Committee investigation stated that Dr. Vath and Mr. O'Neill informed the Board of issues related to Mr. Culver's management capabilities. This Board member confirmed that the full Board was not informed of any of the allegations against Mr. Culver related to sexual abuse, but that he/she only learned about the sexual abuse allegations when contacted by our investigative team in 2020. The Board member specifically recalled that during a Board meeting held on January 22, 1994, the '93 Special Committee asked Mr. Culver to depart the meeting, at which point the committee members informed the Board of issues concerning Mr. Culver's poor management capabilities. At this same Board meeting, the Board asked Mr. Culver to step down and receive counseling, stressing that the counseling was for his management style of staff, exclusively. However, this same Board member acknowledged being aware that as part of the '93 Special Committee investigation, Ms. Culver Humphrey was interviewed, and Mr. Culver submitted to a polygraph but maintained he/she did not know the committee was investigating sexual abuse allegations.

Another Board member active during the investigation did not agree to be interviewed at length, but told the investigative team via email that he/she did not know about the allegations, saying,

“I have no memory of a board discussion or response to the 1990 investigation and that perhaps those discussions were held in executive session.”

b. Findings

- **Dr. Raymond Vath appointed the members of the '93 Special Committee.**
- **The investigative team did not find any record of a formal voting process undertaken to select the members of the committee nor was there any evidence**

in Board meeting minutes that the full Board was consulted on the committee composition or updated on the nature and extent of the allegations.

- **Mercy Corps Board minutes do not reflect the Board vesting authority in the '93 Special Committee to investigate the allegations or to act for the Board.**

2. Lack of Independence of the Committee

a. Discussion

Mr. Newell was both a Board member at Mercy Corps and an attorney at a Portland-area law firm which conducted legal work for Mercy Corps throughout the 1990s and 2000s. The investigative team found that there was confusion as to whether Mr. Newell was acting as external counsel for Mercy Corps or in his capacity as a Board member.

The investigative team found evidence that Mr. Newell used his law firm's letterhead when conducting Mercy Corps business. However, in an August 1993 letter, Mr. Newell stated that he was not acting as a lawyer in the '93 Special Committee investigation and only used his law firm's letterhead "as a convenience." In conflict with that account, Mr. Newell told *The Oregonian* in a taped phone call with a reporter, "Well, let me be clear about one thing, my role in this was as outside pro-bono counsel..."

To ensure an independent and objective investigation, a special committee investigating allegations of misconduct should consist of independent members who do not demonstrate an actual or apparent conflict of interest. Prior to selecting these members, the *full Board* should have assessed whether there are any conflicts of interest that might create an actual or apparent conflict of interest or might cause a lack of independence by the special committee. If a Board does not have enough independent members to serve on a special committee, new independent members may be added to ensure the independence of the committee.

From the outset, the '93 Special Committee's investigation of Mr. Culver lacked independence and objectivity for numerous reasons including the '93 Special Committee's long-standing relationships with Mr. Culver. Mr. Newell himself stated that the '93 Special Committee was not truly independent:

"We can, and probably should be, soundly criticized for all knowing Ells and not being truly, you know, unassailably independent, but the circumstances were such that how else were we going to do it? You know, we didn't have the money to hire anybody, we didn't -- we didn't want to make this any more public than we had to be until we got to the bottom of it."

The investigation found that during the time of the '93 Special Committee's investigation, there were at least eight members on the Mercy Corps' Board of Directors. Based on a limited review of each of these individuals' backgrounds, the investigative team believes there were at least three members other than Dr. Vath and Messrs. O'Neill, and Newell who did not have long-standing close personal relationships with Mr. Culver, and were therefore better qualified in this regard to serve as independent members of the '93 Special Committee.

The investigation found that close personal friendships and long-standing professional associations between Mr. Culver and Messrs. Newell and O'Neill, and Dr. Vath, created a lack of independence and should have precluded them from serving on the '93 Special Committee:

- Mr. Newell had a connection to Mr. Culver predating Mercy Corps, and according to witnesses, attended regular poker games at the Culver residence. Mr. Newell has also been referenced as one of five men who started Mercy Corps, along with Mr. Culver, in the early 1980s.
- In addition to his relationship with Mr. Culver, Mr. Newell also represented Ms. Culver Humphrey in a personal injury matter prior to the '93 Special Committee's investigation.
- Mr. O'Neill and Mr. Culver were close family friends, and their relationship predates Mercy Corps' inception when the two worked to form Mercy Corps out of the Save the Refugees Fund. The relationship is evidenced by, but not limited to, cards and notes written to Ms. Culver Humphrey from Mr. and Mrs. O'Neill.
- Dr. Vath was Chairman of the Board of Directors and a founding Board member of Mercy Corps and had a close personal relationship with Mr. Culver stretching back for many years.

b. Findings

- **The membership of the '93 Special Committee presented conflicts of interest in both substance and appearance and demonstrated a serious lack of independence.**
- **There were eight members on the Mercy Corps' Board of Directors in 1993. Based on the background and credentials of the members, the '93 Special Committee could have been comprised of more independent and impartial board members.**

3. Actions Following the Special Committee Investigation

a. Discussion

The investigation found that from the time Mr. Culver was demoted to Vice President in 1994 until the time of his passing in 2005, Mr. Culver's career remained on a positive trajectory. For example, while Mr. Culver officially took a "demotion," he continued to receive salary increases, cash bonuses, a promotion, and was even formally designated as a co-founder in a ceremony held at Mercy Corps in 2000. Furthermore, it also appears Mr. Culver continued visiting programs and having access to minors as is evidenced by photographs reviewed by the investigative team. By way of background, Mercy Corps provided the investigative team with dozens of photographs of Mr. Culver at the beginning of this investigation. The investigative team performed a review of these image files and identified several photos that show Mr. Culver with minors. Notably, these photos were taken after the '93 Special Committee's investigation, thus showing that Mr. Culver continued to have access to children, even after being accused of sexual abuse of a minor. It should be noted that none of these photographs were inappropriate, but it did demonstrate that Mr. Culver continued to travel and had access to minors during his trips.

b. Finding

- **In the years following his 1994 reassignment and up until his death in 2005, Mr. Culver received a promotion to Senior Vice President for International Relations,**

multiple salary increases and bonuses, and continued to travel the globe on behalf of Mercy Corps without penalty or enhanced scrutiny. The investigation found no evidence of restrictions placed by the Mercy Corps' Board on Mr. Culver's activities after the '93 Special Committee's investigation.