

# CAPE COD TIMES

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## NEWS

# Charges dismissed in Community of Jesus incident

*Attempt to discuss abuse allegations did not equal disorderly conduct, judge rules*

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ORLEANS — An Orleans District Court judge has dismissed disorderly conduct charges against a man and woman who tried to interview members of the Community of Jesus about past allegations against the religious community.

Ruth Marshall, a 55-year-old professor at the University of Toronto who is studying the community at Rock Harbor, and Matthew E. Whyte, a 52-year-old Canadian writer who grew up in the community, were charged after they went to the community's bookstore in June and tried to talk to members about the physical and mental abuse Whyte and others say they faced as children.

The pair told the members they did not have to talk if they didn't want to, and Marshall and Whyte left when asked, according to police reports. Community members told police they were alarmed by the interviews and the disturbance at the bookstore, and police later requested a magistrate's hearing on the charges.

Marshall and Whyte's attorney argued last month that their actions were protected by the First Amendment and asked that the charges be dismissed on the grounds of free speech.

On Monday, Judge Robert Welsh III determined the allegations did not rise to the level of criminal charges.

"The defendants simply confronted several individuals about their grievances within their free speech rights and then when asked to leave they left," he wrote.

For a disorderly conduct charge, a person must engage in fighting or threatening, violent or tumultuous behavior or create a hazardous or physically offensive condition that serves no legitimate purpose, according to state law.

The conduct also must likely affect the public, and the prosecution must prove that the defendant intended to cause public inconvenience, annoyance or alarm.

Welsh based his ruling on an audio recording of the incident.

Marshall welcomed the judge's ruling and said it showed that charges should not have been filed in the first place. She said she was appalled by the waste of time and money on the case, as well as the charges being sought by a community Whyte says he was previously hurt by.

"Most of all I'm outraged that the municipal authorities would deem it reasonable to subject a person who was the victim of years of child abuse to be subject to this charge pushed by the cult, when it is the Community of Jesus who ought to be facing charges for decades of child abuse," she said via email.

It was a relief to no longer have a criminal charge jeopardize her research efforts, she said, and she plans to talk about the case at an event at her university later this month.

The Community of Jesus has been accused in the past of being a cult, and last month a Canadian court found that a now-closed Christian school in Ontario that adopted the teachings and practices of the community had abused students for decades.

Whyte said he was abused at the community as a child, and adult members shoved his head into the floor and forced him to eat his own vomit.

The community has denied the abuse allegations and downplayed any connections to the Canadian school.

Whyte said he worried that the same things he says he faced were still going on.

"The reason I draw attention to it is out of concern for the some forty-odd children who still live in and some are, according to current members, home-schooled at the Community of Jesus," he wrote in an email. "Nothing in my recent investigations of the Community has led me to think that these stories of abuse are all only in the past."

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