

My Evaluation

Since 1991, the year Creation Seventh Day Adventists were named and gathered into an organized body, a goodly number of essays, tracts, and other writings have been published concerning our name and the significance thereof. Recently, May 25, 2010, a contempt hearing was convened because of motions filed by the international Seventh-day Adventist organization attorneys, seeking further sanctions against me and my assistant at the Guys, TN church house resulting from continued use of our controverted Adventist name in violation of various Federal court orders. After listening to the audio transcript of the hearing, I was taken to meditation about the subjects discussed– the questions asked and the answers given. This activity prompted *My Evaluation*.

There were two major themes relevant to the legal inquisition: 1) the repainting of the CSDA Church signs at the Guys, TN church house, and 2) the continuation of certain violative websites being administered by Lucan Chartier and other unnamed agents of the *Creation Seventh Day Adventist Church*. Other matters before the Court were my refusal to comply with court-ordered discovery and my failure to appear for the May 25th contempt hearing. The Court's conclusion of the day was that both Lucan Chartier and myself were deserving of further sanctions and that the Court was "put into a box" by our continued civil disobedience. The Court's remaining options were now limited regarding enforcement of the permanent injunction previously ordered that prohibits the use of our religious name in America.

My evaluation will deal largely with the name "Creation Seventh Day Adventist" and our reasons for holding to that name resolutely. I am not certain the Court has ever been sufficiently informed on this, though officials have been provided enough general information to glean some level of understanding as to the significance for those advocating Creation Seventh Day Adventism.

I have occasionally spoken and written of the divine mandate given to me and another believer from YAHWEH in 1991 that marked the beginning of our use of "Creation Seventh Day Adventist" as the only suitable description of our faith. This divine mandate has been recorded by my attorney in the legal documents, observed and chronicled by the Court, and commented on in some of my previous writing. I want to develop that truth a bit more after I discuss some of the testimony given before Magistrate Judge Bryant during the recent contempt hearing.

Brother Chartier boldly testified to the historic and sacred nature of the name "Seventh-day Adventist." He did a fine job of building the foundational aspect of keeping "the name God has given us" from the inspiration of SDA prophetess, Ellen G. White. Though the Court was not interested in the religious elements for legal considerations, the Judge did listen to Brother Lucan's development of inspired counsel from the pen of the remnant messenger, giving Seventh-day Adventist believers good reason to employ the "sacred religious name" in their "religious observances and missionary services." A discerning evaluation of the inquisition will reveal, however, that the Magistrate was not so interested in the content of the testimony as he was seeking to decipher just how deeply Brother Chartier's convictions were seated.

Brother Luke (as he is often referred to) further argued a matter that holds great significance, but the Court was obliged to "turn a deaf ear" because the "letter of commercial law" cannot be applied to spiritual constructs. Essentially, he stated that the name of a religion must necessarily exist prior to the forming of an organization, company, or church that will represent that particular religion. On the other hand, with commercial business entities, it is the opposite. A company will form, taking a particular name, and then distribute their products or offer their services, attaching the company's chosen name to the things produced or services rendered. A religion produces the entity that will seek to grow said religion, and when that company fails to rightly represent the particular religion, another organization, company, or church may be formed by those holding to the original religion that sourced the first religious entity. By definition, a trademark is a "source identifier" of the resultant products or services. With religious societies, *the religion* is the source, but with businesses, *the company* is the source. The conclusion is that trademark law is inadequate ("a gross abuse," as stated by Brother Chartier) when regulating organizations initiated by a religion. Our brother correctly stated, "Churches are not businesses, not if they are run by Christ's intent."

The Judge remained set on the notion that when a person leaves a church or religious society, he necessarily leaves behind the name of that particular organization. In this, the Judge reveals either his unwillingness to see the truth of the matter or his inability to understand it. Because judges are required to interpret existing law "on the books," they are not inclined to delve into the potentially faulty aspects of any given law. The Judge suggests if we take issue with the law, we must appeal to Congress for a

revision of the law. His duty is to enforce the laws legislated by Congress. The Constitution provides that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof,” but the principles of the Constitution have been abrogated by the application of trademark law to religious societies.

It was hinted throughout the questioning that Brother Chartier was perhaps somehow duped by either me or Brother David Aguilar and maybe even controlled by us to a degree. The intimation was rather disgusting as I listened to the line of questioning. The appearance is that there has to be one or two charismatic individuals that rule the congregation and make everyone’s decisions for them. When a person embraces a strong moral stand, putting one’s future at risk as in Luke’s case, it is attributed to the influence and/or control of some “higher authority figure” that the individual looks to for guidance. This completely overshadows and discounts any leading of the Holy Spirit.

My evaluation finds one important part of the name argument was omitted. While Brother Lucan eloquently argued the historic inspiration for maintaining the name *Seventh-day Adventist* according to the Spirit of Prophecy writings, he failed to remind the Judge of why we are specifically *Creation Seventh Day Adventists*. It has been concluded that if one must conscientiously keep the name “Seventh-day Adventist,” then one must also continue to hold membership in the church currently *owning* that specific name. For us, this is a ludicrous and unreasonable conclusion, but many, if not most, will suggest that, and it seems the Judge himself was disposed in that direction.

So, how did the name “Creation Seventh Day Adventist” originate? Somewhere it is written, but I will take space here to reiterate the history. When I was still holding membership in the Seventh-day Adventist Church (perhaps 1987), I was given a vision of “Creation Ministries.” It was the name I then began to use for identifying a self-supporting ministry I founded within the mission of the Seventh-day Adventist Church. The primary objective of this ministry was to share elements of Biblical creation, including the significance of the Creation Sabbath, with believers of other persuasions, such as Baptists, Methodists, and Christians in general. After the passing of time, I was no longer a member of the Seventh-day Adventist Church, but the goal of *Creation Ministries* that I had envisioned did not change. Of course, the actual work of *Creation Ministries* was interrupted, since there was no homogeneous body of believers to effectively deploy it.

After joining a religious organization based in Sandpoint, ID, I lost sight of my previous aspirations with *Creation Ministries* for a time. I was more focused on disseminating the gospel of “victory over sin” that had become to me as water in a desert land. (That mission has burned within my soul until the present time.) My affiliation with the Idaho-based church was short-lived, and I was required to reassess my calling. Seventh-day Adventist roots were still alive within me, but I had no religious affiliation with any body of Seventh-day Adventist believers. Consequently, I returned to the mission of *Creation Ministries*, with the additional good news of “victory over sin.” I was consequently ordained in an independent Missionary Baptist congregation that honored my conviction regarding the Creation Sabbath. This, however, did not diminish my belief in the pillars of Adventism.

It was early in the year 1990 when *Creation Ministries* was established in Spring City, TN as an active ministry, and soon afterwards the *Remnant Church* was formed there from my efforts. Since all of the congregants were either members of SDA Churches or former members, the principles and doctrines of historic Adventism were espoused by me and other contributing presenters.

As more souls became interested in our work and message, the question of why we were separated from the international body of SDAs was brought to the front. None of us had a reasonable Scriptural answer. Our dissatisfaction motivated Brother David Labatad and myself to take the summer of 1991 in research at *Andrews University* in Berrien Springs, MI. We believed that as we studied the resources from the archives there, we could better understand our roots and the original tenets of the faith of Seventh-day Adventists. We hoped to discover a sound Scriptural reason for our being separated from the “mother organization.”

During our time at *Andrews*, a total of two months, we came across a file on the SDA trademark lawsuits that had either been threatened or initiated by the General Conference Corporation. As we read from the pioneer writings in volumes of *Sabbath Review and Advent Herald* and *Signs of the Times*, the Scriptural concepts of “mystical Babylon” and the spiritual state of “Babylon fallen” mentioned in the Bible became clear to us. For the first time, we realized the connection between a church joined with the state and the condition of being spiritually fallen beyond hope. The trademark lawsuits, as we saw them, were significant to Bible prophecy, and that, respecting the “mark of the beast.” We immediately understood the relationship of this with the “calling out” in Revelation 18.

Brother Labatad and I returned to Spring City with a large body of research gathered from the James White Library at *Andrews University*. I sorted through the materials and began to write a position paper based on our findings. (You may discover an online edition by searching for “Crucified Afresh!”) During the two weeks that I was being led by the Spirit of YAWEH to write out the results of our research, two of us in the congregation had visions of identical content and import. Brother Daniel Smith and I received almost simultaneous visions of the name YAH was giving us to bear as the name of our religion. We accepted these visions as divinely mandated from the Almighty. “In the mouth of two or three witnesses shall every word be established.” [2 Cor. 13:1; see also, Deut. 19:15] The congregation agreed unanimously that the name divinely given to our faith was “Creation 7th Day Adventist.” The name of our congregation right away changed from the *Remnant Church* to the *Remnant Church of Creation Seventh Day Adventists*. This was the origin of the name both controverted and now banned from use in the jurisdiction of the Federal Court of the United States of America.

Be assured, Creation Seventh Day Adventists never had a desire to be confused with the “mother church” of Seventh-day Adventists. We knew that we dare not seek to identify ourselves as the *Seventh-day Adventist Church*, for this option could not be approved of God. Our new name was unique and different, and for over seventeen years of use, up to the time we were sued in civil court by the Plaintiff church, we were never confused with them. While, at the beginning of our existence, we did not understand all the reasons for the name given to us by the Father, we came to realize those grounds with the passing of time.

So, what *was* the rationale of God’s giving us the name “Creation Seventh Day Adventist?” Over the years we have come to understand the following:

- 1) “Seventh Day Adventist” in our name describes the original religion from which we sprang, rightly signifying our keeping of the Bible Sabbath and our belief in the blessed hope of Christ’s second advent. Based on the prophetic writings of Ellen G. White, it was impossible to conscientiously cease identifying ourselves by the name of our divinely-inspired heritage, though this name alone was not adequate to express our new faith.
- 2) “Creation” added to our inherent religious name was necessary for two basic reasons:
 - a. In this perverse generation, even professed Christians have departed from the traditional Biblical doctrine of an active six-day creation connected to the seventh-day rest of YAH—a literal reckoning of Genesis. “Creation” in our religious name stands as a rebuke to those having adopted a “theistic evolution” perspective or some other related heresy regarding origins.
 - b. Our understanding of the spiritual rebirth teaches the “creation of a new person.” The CSDA faith recognizes that no person can become a victorious Christian (fit for Heaven) without being created anew—thus the word “Creation” was a necessity.
- 3) Calendar reforms and changes world-wide adopted a modified chronology of the week, diverse from the Gregorian Calendar. Instead of beginning with Sunday as the first day of the week and Saturday as the seventh (as indicated in the Bible), the new calendars set Monday as the first day of the week and Sunday as the seventh day. This has caused, for example, the Seventh-day Adventist Church in China to be called “the sixth-day church.” With this obvious confusion abounding, we saw that God had mandated a name that describes the reference point for the seventh-day Sabbath, which is properly called the “Creation Seventh Day.” This connects the Sabbath cycle back to the Sabbath of Creation in lieu of any calendar week.

My evaluation of the principles concludes that to argue for the keeping of the name “Seventh-day Adventist” without giving grounds for adopting the name “Creation Seventh Day Adventist” falls short. While society in general and courts in particular are loath to accept the possibility of modern-day prophetic gifts, those spiritual gifts exist nevertheless. “Now there are diversities of gifts, but the same Spirit. And there are differences of administrations, but the same Lord. And there are diversities of operations, but it is the same God which worketh all in all. [...] And God hath set some in the church, first apostles, secondarily prophets, thirdly teachers, after that miracles, then gifts of healings, helps, governments, diversities of tongues. Are all apostles? are all prophets? are all teachers? are all workers of miracles? Have all the gifts of healing? do all speak with tongues? do all interpret? But covet earnestly the best gifts:” [1 Cor. 12:4-6, 28-31] Infidels cannot acknowledge the gifts of the Spirit of YAHWEH. “For to be carnally minded is death; but to be spiritually minded is life and peace. Because the carnal mind is enmity against God: for it is not subject to the law of God, neither indeed can be. So then they

that are in the flesh cannot please God.” [Rom. 8:6-8] Those who live in the flesh cannot understand “the way, the truth, [or] the life” of YAH. Their minds are set on the things of this earth and not eternal realities. The name “Creation Seventh Day Adventist” was given to the last church of God on earth via the gift of prophecy.

Now, examples of this infidel mind-set can be demonstrated as I evaluate the legal interpretation of one’s freedom to exercise their religion. Excerpts from the May 25th court transcript illustrate what I am referring to. I begin with a segment taken from General Conference Attorney, Joel Galanter’s questioning. **Galanter:** You understand that this Court’s orders do not dictate in any way how you choose to practice your religion or your religious beliefs. **Chartier:** I understand that claim has been made, but I also understand that the support for it has been very lacking and [...] does not exist. [...] **Galanter:** You understand that Mr. McGill in his defense in this litigation espoused that theory that he needed to do this for religious purposes and that he lost that legally and the court found otherwise and that this could be treated as a simple trademark matter [...] that defense was asserted and did not prevail. This exemplifies precisely how “the mind set on the flesh” reasons. To equate a religious conviction to a “theory” of law is absurd!

Judge Bryant follows a similar path in his questioning of Brother Chartier: “Is there anything the Plaintiffs are doing to stop you, as a member of this church, from possessing these views and communicating those views and trying to convert people over to your views? [...] Chartier responds RE the name [...] The name aside—is there anything that the Plaintiff is doing to prevent your church, your gathering, from doing all those things with your beliefs? [...] Chartier responds RE the name [...] Again, let’s just set that aside a minute [regarding the name]. Is there anything else that the Plaintiff is doing other than bringing this suit over the use of the name?—that aside, for this question. Is there anything else that the Plaintiff is doing to inhibit or prevent you in any way from practicing your religion?” My immediate and vigorous question is, “How much of my faith must be yielded before it is considered a violation of my religious freedom?” I would necessarily answer the Judge with a similar question, respectfully objecting to his infidelic query.

The Judge continues his ignominy with, “You hold your beliefs and you are here before this court to say that God has given you this name? not you, but the predecessors down the road in past history?” [Chartier responds, “Right.”] Here the process took an unfortunate turn. Satan used a miscue by the Judge to divert Brother Chartier from a marvelous opportunity to stand for “Creation Seventh Day Adventism” by elaborating on the origin of *our* name rather than the name of the Plaintiff church. While Brother Luke gave an affirmative answer to the Judge, he could have objected to the “...not you...” and initiated a different course of defense. Satan sought to keep the focus on the *historic* name “Seventh-day Adventist” and its roots without allowing for a defense of the renewed pioneer religion under the *new* name “Creation Seventh Day Adventist.”

The *General Conference of Seventh-day Adventists* lays their trademark claim to the name “Seventh-day Adventist” based on history and majority usage rather than divine revelation. Creation Seventh Day Adventists exist *only* by divine revelation, generated *both* from the 19th century (through Ellen G. White) and the 20th century (via Daniel Smith and Walter McGill). Even though the legal system, maintaining an infidel mind-set, cannot reason past worldly policy and human legislation, it is both necessary and beneficial for all men everywhere to hear “the truth as it is in YAHSHUA” respecting the name that marks His people as peculiar.

Later in the query, Judge Bryant continues, “Well, you are obviously well-informed on your beliefs. [...] I am taking this time because I want to say to you that this court is not at all interested in violating anybody’s right to worship anyway they want to [...] but, you have to understand too that without laws—copyright laws, trademark laws, patent laws, there very well could be chaos [...] perhaps you could take up your issue up with Congress who makes those laws [...] this court and other courts like this court enforce those laws [...] but it is certainly not this court’s desire to sanction someone who believes as strong as you believe [...] or come across that I’m trying to limit your practice of religion [...] it is a simple issue of who’s entitled to use that name under the existing laws of this country, and I would like to have seen Mr. McGill come forward or somebody, Mr. Aguilar, someone who, people that you seem to rely on in large part for guidance within the church [...] sort of defend at least their actions in this case, because the court really doesn’t have a lot of options here [...] the main problem is, again, disobedience of the court’s orders [...] when somebody willfully disobeys the orders of the court, it sort of puts the court into a box [...] you have a right to be whatever you want to be, but with the exception that you can’t take a name that’s already been taken; you can’t walk away from a place that has a name legally

protected, and the Plaintiff does, and call yourself that—we just disagree on that—respectfully.” Here we can readily perceive the condition described in Revelation 18:2, “Babylon the great is fallen, is fallen, and is become the habitation of devils, and the hold of every foul spirit, and a cage of every unclean and hateful bird.” By disobeying the faulty human enactment of Congress, we have “put the court into a box.” It is essentially demonstrated where this church-state union roosts—and that, in the “cage of every unclean and hateful bird.” “Chaos” is the effect of their fears, and they “have no rest day nor night, who worship the beast and his image, and whosoever receiveth the mark of his name.” [Rev. 14:11]

The “Court-in-a-box” would like to see one of the CSDA “chiefs” of the tribe step forward to face appropriate sanctions with the hopes of getting the Court back out of its box. Since this case is in the Hands of YAHWEH, as I indicated in my last essay entitled “My Hands,” the Court will remain in its present state until the Almighty deems otherwise. I, personally, have been willing from the beginning to testify under oath, before men and angels, to my beliefs and reasons for my actions. In fact, my testimony *is in writing* before the Court, but the authorities unequivocally deny my faith. I had initially sought a “trial by jury” in order to decide this contest before a panel of my peers. That opportunity was denied as well. In addition, Brother Aguilar has published his detailed testimony online for all to read. Perhaps few involved in this conflict have enough interest in the matter to take note. Wherein have we failed to step forward? Deaf ears are not open to the testimony of YAHSHUA. Ichabod!

The Apostle declared, “There is neither Jew nor Greek, there is neither bond nor free, there is neither male nor female: for ye are all one in Christ.” [Gal. 3:28] There is neither chief nor peasant, there is neither boss nor subordinate, for the Savior also taught, “be not ye called Rabbi: for one is your Master, even Christ; and all ye are brethren.” [Matt. 23:8] Since the Court cannot recognize YAHWEH or His Son in this contest, the Almighty has sanctioned the Court with its own incarceration. YAH says, “As I live, [...] I have no pleasure in the death of the wicked; but that the wicked turn from his way and live:” [Ezek. 33:11] Those who turn a deaf ear to the truth are choosing death, and YAH cannot save them. The execution of permanent sanctions are reserved for the day of final judgment.

As the book of James records, “If ye fulfil the royal law according to the scripture, Thou shalt love thy neighbour as thyself, ye do well: But if ye have respect to persons, ye commit sin, and are convinced of the law as transgressors. For whosoever shall keep the whole law, and yet offend in one point, he is guilty of all.” [James 2:8-10] The Court has offended the royal law by having respect to persons and has become a transgressor of the law. If I offend in observing the tenets of my religion “in one point” *only*, I am not practicing my religion at all, and the single offence proves my faith to be faulty. When I am forced by court orders to cease employing the name YAH gave to His people in my “religious observances and missionary services,” I am effectively required to deny my faith. Can the world understand this? Nay, and the Savior said something that applies to our day, “I am come in my Father's name, and ye receive me not: if another shall come in his own name, him ye will receive. How can ye believe, which receive honour one of another, and seek not the honour that cometh from God only? Do not think that I will accuse you to the Father: there is one that accuseth you, even [Ellen G. White], in whom ye trust.” [John 5:43-45; bracket insert supplied] Worldly policy and sordid gain is all they know who make void the law of God.

My evaluation closes with a brief commentary on the following question asked by the Magistrate Judge: “If Pastor McGill would change his view on this litigation and agree that the Plaintiff church is correct and that he would make whatever accommodations are necessary to avoid taking a church dispute to court [...], what would you do; would you agree with him?” The correct answer was in three parts. Firstly, it can be known beyond any shadow of doubt that Pastor McGill would never “change his view” respecting the divine mandate given him or the doctrines he has espoused for nearly twenty years. Secondly, any CSDA member confirmed in the faith and sealed in the forehead will be “sett[ed] into the truth, both intellectually and spiritually, so they cannot be moved.” [*The Faith I Live By*, page 287] And, thirdly, the Creation Seventh Day Adventist faith does not consist of individuals that worship or follow a man or any earthly institution. We are the people devoted to righteousness who “keep the commandments of YAH and the faith of YAHSHUA.” Our faith is steadfast and sure, for it is founded upon the Eternal Rock—Christ YAHSHUA, the Son of the living God.

Writing from Africa
Pastor “Chick” McGill
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