

New Lawsuit Filed Against Chick McGill

PART ONE OF TWO

As you may know, I have written more about General Conference trademark lawsuits against individuals and groups for over thirty years. So I am acquainted with the history of the problem.

I will first provide you with information regarding this latest one. It will then be followed by additional data about our General Conference's infatuation with suing individuals and small groups which use the phrase, "Seventh-day Adventist." There is valuable information in this report, which you will want to save, for it will provide you with legal protection against a trademark lawsuit by our church leaders.

THE NEW CHICK MCGILL LAWSUIT

This morning, Thursday, October 30, 2015, Walter (Chick) McGill received a summons to appear in court at 10 a.m. next Tuesday, November 3, in the U.S. District Court in Jackson TN. The district judge is Edward G. Bryant, and the address of the court is 111 South Highland Ave., Jackson TN 38301. This is Case 1:06-cv-01207-JDB-egb; Document 195; filed 07/23/15.

Chick McGill's address is P.O. Box 424, Idyllwild, CA 92549. He is now living in Tennessee and the mail will be forwarded to him. His website is sda_trademark_lawsuit@yahoo.com
His phone number is 731-610-7341.

This new lawsuit, dated September 23, 2015, demands that McGill pay \$107,000 in compensation to the General Conference, plus \$500 for court costs.

In order to see this latest, entire legal paper, just sent to McGill from Adventist leadership, go to pastorwalterchickmcgilllawsuit.net/motion2015.html

McGill made the mistake of posting a sign ("Creation Seventh-day Adventist Church.") at his little meeting house several years ago. That infuriated our church leaders, and they decided to put him out of business.

WHAT THIS LAWSUIT CHARGES

Here is a portion of this latest legal paper, which reveals the method they use to eliminate competition. There is a lot of legalese in the following quotation, but I have placed the key points in bold print:

"In the Order entered May 28, 2009 (D.E. No.

98), the Permanent Injunction provided as follows:

Defendant and his agents, servants and employees, and all those persons in active concert or participation with them, **are forever enjoined from using the mark SEVENTH-DAY ADVENTIST, including the use of the words SEVENTH-DAY or ADVENTIST, or the acronym SDA, either together, apart, or as part of, or in combination with any other words, phrases, acronyms or designs, or any mark similar thereto or likely to cause confusion therewith, in the sale, offering for sale, distribution, promotion, provision or advertising of any products and services, and including on the Internet, in any document name, key words, metatags, links, and any other use for the purpose of directing Internet traffic, at any locality in the United States. Subject to the foregoing,**

Defendant may use these terms in a non-trademark sense, such as oral or written use of the marks to refer to the Plaintiffs, or oral or written use of certain terms in a non-trademark descriptive sense, such as "this Church honors the Sabbath on the 'seventh day,'" or "the members of this church believe in the 'advent' of Christ."

As it pertains to **all labels, signs, prints, packages, wrappers, receptacles, and advertisements bearing the SEVENTH-DAY ADVENTIST mark, or bearing the words SEVENTH-DAY or ADVENTIST, or the acronym SDA, either together, apart, or as part of, or in combination with any other words, phrases, acronyms or designs, or any mark similar thereto or likely to cause confusion therewith, and all plates, molds, matrices, and other means of making the same (collectively, "Defendant's Infringing Articles"), Defendant shall either: (1) deliver Defendant's Infringing Articles to Plaintiffs' attorney within twenty (20) days** after issuance of the Order, to be impounded or permanently disposed of by Plaintiffs; or (2) permanently dispose of Defendant's Infringing Articles himself within twenty (20) days of this Order, and also within twenty (20) days of this Order certify in writing and under oath that he has personally complied with this Order.

Regardless of the manner of disposal of Defendant's Infringing Articles, Defendant shall file with the Clerk of this Court and serve on Plaintiffs, within twenty (20) days after issuance of this Order, a report in writing, under oath, setting forth in detail the manner and form in which Defendant has complied with the foregoing injunction.

By Order entered January 6, 2010 (D.E. No. 112), the Court provided further definition by or-

dering as follows:

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The Court further finds that the following domain names and the websites located at such domain names violate the Injunction Order, and that all persons acting in concert with Defendant – including any website hosting companies and domain name registrars – are hereby ENJOINED from using or enabling the use of such domain names and websites: [27 are then listed].”

(Go to:

pastorwalterchickmcgilllawsuit.net/motion2015.html for the complete legal paper.)

ILLEGALITIES IN THE ABOVE LEGAL PAPER

Frankly, the above sounds more like something done in Russia or China than in America.

I have been reporting on these Adventist trademark lawsuits, against little believers and groups of believers, since the mid-1980s. So here are some background facts on this:

The above quoted accusation is illegal for it forbids the use of “Seventh-day Adventist” and “SDA” by individual Adventist believers. Read this:

At the March 13-16, 2000, Perez trial in Florida, it was ruled that his church could not use the term, “Seventh-day Adventist Church.” **The ruling specifically required that “church” must be attached to “Seventh-day Adventist.”**

At the April 1991 Kinship trial in Los Angeles, the judge ruled that, **in accord with the First Amendment, individual persons, whether on the Adventist church membership rolls or not, could call themselves “Seventh-day Adventists.”**

The above quoted legal paper appears to forbid McGill to ever again call himself a “Seventh-day Adventist.” It may not mean that, but this is the impression that an average person receiving such a lawsuit paper would assume.

It does appear that the objective is to crush out small Adventist groups and their meeting houses! Perhaps the GC does not mean that, but the above legal paper surely does look that way.

But something new has been added: No websites can mention the supposedly legally protected phrases! But, according to the Kinship decision, “Seventh-day Adventist” and “SDA” are not legally owned by the General Conference!

WOULD YOU LIKE TO HELP MCGILL”

He could surely use your help at this time!

Chick McGill’s address is P.O. Box 424, Idyllwild, CA 92549. He is now living in Tennessee and the mail will be forwarded to him. His website is sda_trademark_lawsuit@yahoo.com
His phone number is 731-610-7341.

KINSHIP CASE FINAL DECISION

Here are quotations from the landmark deci-

sion in Los Angeles in 1991, which forbade the General Conference from pretending that it owns the term “Seventh-day Adventist” or its acronym, “SDA”:

OFFICIAL DECISION

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA, CASE NO. CV 87-8113 MRP, OCTOBER 3, 1991

“The parties stipulated that the basic tenets of the religion practiced by the Seventh-day Adventist Church were established by 1850, and that no formal organizational structure was established until 1860. The name ‘Seventh-day Adventist’ was officially adopted by the Battle Creek Conference in 1860 . . . But the name ‘Seventh-day Adventist’ was clearly in use prior to its adoption at the Battle Creek Conference . . . The Court finds, therefore, that Seventh-day Adventism, the religion, pre-existed the Seventh-day Adventist Church (p. 13) . . .

“This Court is persuaded that the term ‘Seventh-day Adventist’ has a dual meaning; it refers not only to the church, but to adherents of the religion of Seventh-day Adventism (p. 14) . . .

“There is no term that adequately describes an adherent to the religion of Seventh-day Adventism, other than ‘Seventh-day Adventist’; the only possible alternative would be ‘Adventist,’ and that term is too broad (p. 14) . . .

The Court finds that as used by SDA Kinship [as the terms are applied to individuals, not to a church or denomination], the terms ‘Seventh-day Adventist,’ and its acronym ‘SDA’ are generic [they can be used by anyone], and are not entitled to trademark protection (p. 15) . . .

“The Court has concluded that SDA Kinship is entitled to use the term ‘Seventh-day Adventist’ because it is the generic name for an adherent of the religion of Seventh-day Adventism (p. 16) . . .

The terms ‘Seventh-day Adventist’ and ‘SDA,’ as used by SDA Kinship, are generic. This finding disposes of all claims by the plaintiff. Therefore judgment shall be entered in favor of the defendant. (p. 18).”

—Mariana R. Pfaelzer, *United States District Judge, October 23, 1991; United States District Court, Central District of California, Case No. CV 87-8113 MRP, October 3, 1991.*

SUMMARY GC STATEMENT FLORIDA CASE

Here the final statement made to the court by the General Conference attorney in the March 2000, Florida Trademark Lawsuit:

“The Supreme Court in the case of *Employment Division vs. Smith*, in 1990 . . . The Smith opinion, I think, says it all. It says we [the U.S. Government] have never held that an individual’s religious beliefs excuse him from compliance with an otherwise valid law prohibiting conduct . . . The Smith Court basically says that to make an individual obligation to obey such a law contingent on the laws coincident with his religious beliefs, contra-

dicts both constitutional tradition and common sense.”

[This is important! **It is of the deepest significance that the General Conference would use the Smith case to defend itself!** The 1990 Smith decision by the U.S. Supreme Court was notorious! This was the Oregon Indian case, which declared that the religious beliefs of individuals and groups had to yield to governmental laws, when they required actions contrary to those religious beliefs! —Yet **the General Conference is using that case to support its position that the religious beliefs of Seventhday Adventists and their churches must yield to governmental laws and court decisions, which would force them to act contrary to their religious practices!**]

“The Smith court, your honor, at page 886 and 887, specifically rejects the defendant’s argument in this case, that you cannot apply the trademark law, since use of the name is central to Mr. Perez’s religious belief . . . What the Smith court held in 1990 was that the court should decide cases on neutral, if the law is neutral and applies to everyone. It should be applied on those terms **without regard to whether the defendant claims that he has some central belief and some practice. Certainly , the use of the name is a practice. It is not a belief.** [The use of the name is a mindless practice, not based on any belief.]

“Later, Bernie reinforced this: The Supreme Court of the case of the city of Bernie, which is a much more recent case [than Smith]; it’s a 1997 [case] . . . [That] Supreme Court case reaffirmed that Smith is the right test, that **you can regulate religious practice.** Use of a trademark, use of name, as a church name, or in advertising, is a religious practice, your honor. Smith [case] in the Supreme Court [said] **you can prohibit a [religious] practice because that’s [in spite of the fact that it is] constitutionally permitted** if it’s a neutral law that applies across the board.”—*General Conference attorney in the March 2000, Florida Trademark Lawsuit.*

Did you read that! “You can prohibit a [religious] practice because that’s constitutionally permitted if it’s a neutral law that applies across the board.” **That was the decision in the Smith case, which the General Conference wants applied to noncompliant Seventh-day Adventists!**

The Smith case will be wonderful help when, after the National Sunday Law is enacted, believers are dragged into court and told: “The U.S. Government can prohibit Sabbathkeeping because it is a neutral law; that is, it applies to everyone in the nation!”

The GC only uses expensive non-Adventist lawyers in preparing and conducting its trademark lawsuits. This is because Adventist attorneys want nothing to do with GC trademark lawsuits against Adventist believers

Jeffery Tew, a non-Adventist attorney defending the GC in the Florida case was quoted in a Florida newspaper: 3

“ ‘This is a simple trademark case,’ said Jeffrey Tew, the attorney for the General Conference. ‘It doesn’t infringe on their ability to practice their religion, but they can’t use the name without permission.’ ” *Palm Beach Post, Wednesday, March 15, 2000, p. 22.*

But how can Adventists practice their religion if they cannot mention their name?

“The suit was filed after the group took out ads in several newspapers, including the *Palm Beach Post*, headlined ‘Earth’s Final Warning.’ Tew described the ads as ‘hate literature,’ for their criticism of Roman Catholics and others who observe the sabbath on Sunday rather than Saturdays.”—*Ibid.*

PERSHES’ CLOSING ARGUMENTS

It was now time for Robert E. Pershes, the attorney representing faithful Adventist believers, to give his closing arguments at the Florida Trial. It is of interest that, in all the years that Pershes had handled court cases, he had never invited his mother to attend one—and she never had.

Yet he asked her to come to this one, and she was present during the crucial, final fourth day of the trial (March 16, 2000).

Outside the courtroom, she said something like this to the Perez group, “My son is totally absorbed in this; he thinks he’s on trial in this case.”

When Pershes arose to speak, he began by summarizing various points. It was obvious that he felt deeply about the matter. Throughout the lengthy trial, the judge generally did not look at the attorneys or witnesses as they spoke. He would instead keep his eye on a courtroom monitor, on which was printed the courtroom testimony, instantly recorded by the court reporter. But when the Standish brothers spoke, the judge watched them both closely and spoke with them. And now, during his final summation, Judge King watched Pershes intently as he gave his closing arguments.

Pershes said that what was at issue here was whether people and groups, not part of the Seventh-day Adventist denomination, had a right to use the name, “Seventh-day Adventist.” —But the Kinship case had already established that they had that right! It had ruled that the name was generic.

(Let me clarify this point: “*Generic*” is applied to a general class, kind, or type of something. The name, “computer,” is generic; anyone can use that name to describe something. The name “Microsoft” is a trade name owned by only one firm.) The Kinship judge, Pershes said, had established that “Seventh-day Adventist” was generic,—and **the Gen-**

4 **eral Conference did not trademark “Seventh-day Adventist Church,” but only “Seventh-day Adventist”—and that had already been adjudged by a federal court to be generic! (An excellent point!) Pershes then mentioned that he and his legal partner were Jews, and that they belonged to an independent reform Jewish church in Miami. He said he was in fear that, if the General Conference won this trademark lawsuit, the main orthodox Jewish denomination would try to use the same tactic to destroy his church.**

Pershes continued: **The Seventh-day Adventist leadership has an ulterior motive. It wants to stifle the free speech rights of these people. If we don’t learn from history, Pershes said, we will have to repeat what happened to persecuted Christians and Jews in past centuries.** Pershes then mentioned William Miller, the Day of Atonement, and 1844. Pershes noted that this was the day that they, the Jews, called on God for help and deliverance. **Pershes said that what the Catholics did in the Dark Ages to the Jews could happen again to both Christians and Jews if the General Conference wins this case.**

He then raised the question as to why the General Conference began by first suing little groups.

Pershes said that the reason was that the General Conference planned to finish off the little independent groups,—and then go after all the bigger ones, until they had gotten rid of them all.

Pershes said that the General Conference is deceiving the people about the reason for these trademark suits, that they are actually giving a bad name to the name, “Seventh-day Adventist,” and that **it is the General Conference which should give up the name;—for they are leading the people into the wrong church!** Judge James King watched Robert Pershes closely as he spoke. When Pershes concluded his statement and sat down, the entire courtroom was totally awed.

THE LANHAM TRADEMARK LAW

In view of the above closing arguments, why did Judge King, in the Florida case, rule that the phrase, “Seventh-day Adventist Church” was a legally protected name, owned by the General Conference?

The reason is he violate the Lanham Law, which is the primary federal trademark statute of law in the United States. That law prohibits a number of activities, including trademark infringement, trademark dilution, and false advertising. The Act was

enacted on July 5, 1946.

At issue here is the matter of “confusion of identity” The Lanham Act sought to resolve this problem. For example, you cannot start a company, entitled “The Best Coca Cola Company,” because people would mistake it for the other one. It would need to be named “Fizzle Cola,” or something similar which showed it to be different than Coca Cola.

I tried to explain this to every little group of Adventists which the General Conference worked to put out of business, by throwing a lawsuit at them. But they wanted to gain legal permission to use the name “Seventh-day Adventist Church”—and failed every time.

HOW TO WIN A LAWSUIT

I have repeatedly said that in order to win a lawsuit over the phrase, “Seventh-day Adventist,” it must be done in this way: *On your church sign, print your church name (Sunshine, Centerville, etc.) and “Independent” before the contested phrase:*

**Middleburg
Independent Seventh-day Adventist Church
OR
Independent Seventh-day Adventist Church
Middleburg, MO**

Then, below that church sign, place a written disclaimer, like this:

This is an independent Seventh-day Adventist Church, and not affiliated with the General Conference of Seventh-day Adventists, in Silver Spring, MD, or its subsidiaries.

If you also have a sign by the entrance to the building, also place the disclaimer below that also.

For thirty years, I have said that by doing this, you could appeal the case to the Supreme Court and win—because it would be in accord with the Lanham Act.

The problem is that you would be involved in a lawsuit which would last many months, and would cost you quite a bit of money, unless you got a *pro bono* [free] attorney to take your case.

MORE GROUP WORSHIP SUGGESTIONS

Here are several suggestive ideas for your group worship meetings:

(1) **Do not place a sign out front.** If you do not use the words on any group signs, legal papers, or advertising (including church bulletins), you should not legally be able to be sued.

(2) **Do place a sign, and on it write simply, “Seventh-day Adventist Believers Meet Here.”** To legally strengthen it, write something like this:

Independent

New LawsUIT Filed Against Chick McGill

**PART TWO
OF TWO**

Continued from the preceding tract in this series

Seventh-day Adventist Believers Meet Here

(3) In any advertising, either do not include the name in your title or, if you want to identify your religious faith, write something like this:

Published by

Independent Seventh-day Adventists
[address or phone number]

Your independence and your individuality are key factors. The statement of independence (separateness) shows non-confusion; the individuality links you to your First Amendment religious rights.

Immediately beneath your sign, ads, and any public papers (including your worship bulletins), print the disclaimer. It should be the same size as the above title or only slightly smaller.

Not part of, or affiliated with, the General Conference of Seventh-day Adventists, headquartered in Silver Spring, Maryland or any of its subsidiaries.

DOES THE GENERAL CONFERENCE USE TITHE MONEY FOR THESE LAWSUITS?

In April 1989, someone wrote to the General Conference and asked whether tithe money was being used to pay the enormous legal expenses of these trademark lawsuits it was conducting against small, independent groups of believers.

A photocopy of the reply is printed on page 63 of my book, *The Story of the Trademark Lawsuits*. But here it is, typed out:

General Conference of Seventh-day Adventists
April 10, 1989

Mr. _____

(Address)

Dear Brother _____,

Thank you for your recent letters concerning trademarks. Elder Wilson's office asked me to respond.

First, enclosed is a copy of the questions and answers we have released on the question. Perhaps you already have seen it in the January 12 issue of the *Adventist Review*.

Second, you inquired whether tithe is used to pay church litigation. The treasury [treasurer's department] informs me that all litigation is paid from the annual appropriation made at the Annual Council, and that appropriation comes from tithe.

If you have additional questions, please write.

Sincerely,

Robert W. Nixon

Associate General Counsel

That which is not commonly understood is the tithe channel in our denomination. Here it is:

1 - The tithe money placed in the offering plates in the local church is sent to the conference office.

2 - The conference sends a percentage to the union office. It uses the rest to pay ministers, Bible teachers, and church officers.

3 - Tithe Reversion also takes place. I learned when I was in the ministry on the West Coast in 1998 that 10% of the amount sent to the union office is, surprisingly, returned to the conference to use in any way that it wishes. This is called "Tithe Reversion". At the quadrennial session of the Pacific Union Conference in San Francisco that year, which, as a minister, I attended; each one present was given a complete 8½ x 11 collection of financial data. "Tithe Reversion" was a significant part of it.

4 - With the remainder, the union keeps a percentage to pay for all of its staff, and then sends the rest to the General Conference.

5 - A portion of that total is allocated by the Annual Council to the General Conference to pay for everything on which it spends money. This includes all travel expenses, ecumenical contacts with other denominations, and lawsuits.

6 - The remainder (not very large by that time) is sent overseas to help support divisions, unions, and mission stations.

It should be mentioned that the Annual Council reduced the amount allocated to the General Conference in the 1990s. This was done because it was spending so much on trademark lawsuits and a variety of other unnecessary activities.

GC SPENDING MILLIONS IN TITHE MONEY ON THESE LAWSUITS

The following disclosure came out of the 1991 Kinship case:

An attorney conversant with the Kinship trademark lawsuit by the General Conference, and who was present at the the February 1991 Los Angeles hearing, said that the Kingship case already has undergone at least one pre-trial hearing, as well as a massive amount of legal preparations of several thick briefs and exhibits. Legal costs generally run \$125-350 an hour for all work done, including secretarial typing of materials. Each side, he said, could easily, by February 1991, have already spent \$100,000 on the Kinship case.

In addition to \$100,000 on the Kinship case, that knowledgeable attorney said that, the General

6 Conference had already paid out at least \$700,000 on the Marik case. Before long, he added, the General Conference will have spent a million dollars to keep Adventist from calling themselves Adventists.

—And that was 1991! Legal costs escalate more and more every year.

And who was in John Marik's little church on the Kona Coast of Hawaii? Only 11 people would Marik first receive the lawsuit papers. Within a couple months, only three remained: Marik, his wife, and his daughter. The rest had left, fearful of what the General Conference would do to them if they remained. So there you have it: \$700,000 to eliminate three Advent believers. (Later, after being jailed for a time, Marik was so shaken by the whole matter that he left his wife and daughter and ran off with another woman.) Congratulagulations, GC, you do a good job of getting rid of the opposition!

"To defend its claim [against the Florida church], the General Conference introduced [at the March 2000 trademark court trial] a market researcher who had conducted a \$29,000 poll to find that most Americans identify 'the Seventh-day Adventists' with a church rather than a religion."—*Palm Beach Post, Wednesday, March 15, 2000.*

GC GETTING THE GOVERNMENT TO ELIMINATE OPPOSITION

I am sorry to have to tell you, but this action on the part of the General Conference is very serious. Read this:

"When the leading churches of the United States, uniting upon such points of doctrine as are held by them in common, **shall influence the state to enforce their decrees and to sustain their institutions**, then Protestant America will have formed an image of the Roman Catholic hierarchy, and the infliction of civil penalties upon dissenters will inevitably result."—*Great Controversy, 445.*

We have here a blueprint for the events which will take us into the National Sunday Law; a blueprint for disaster.

Yet our leaders seem to be initiating this! Using the U.S. trademark law as the vehicle for persecutive activity, they are overtly trying to use "the state to enforce their decrees and to sustain their institutions,"

This is terrible! Our leaders are taking us gradually down into an abyss. They are attempting to use the strong arm of the federal government to eradicate humble worshipers whom they consider to be in "competition."

But, in reality, they are opening Pandora's box!

When the Israelites sought the help of Assyria to protect them,—it ultimately led to an invasion by the Assyrians, which destroyed the northern kingdom.

What other denominations in America, do you

know of, that are using the federal courts to eliminate other smaller churches? Our General Conference is leading out in this terrible matter, which will eventually lead to the Final Crisis of the Sunday Law. At that time, the apostates in our church will just slip on over to the Sundaykeeping side, and turn against us!

The next quote sounds like what our General Conference is doing,—but it is describing the Final Crisis!

"By every means at their command they [the fallen churches] will endeavor to suppress the discussion of these vital questions. **The church appeals to the strong arm of civil power**, and, in this work, papists and Protestants unite. As the movement for Sunday enforcement becomes more bold and decided, the law will be invoked against commandment keepers. They will be threatened with fines and imprisonment."—*Great Controversy, 607.*

Chick McGill was thrown into prison for a time because he did not take down his sign quickly enough.

The words of Paul will be literally fulfilled: 'All that will live godly in Christ Jesus shall suffer persecution.' 2 Timothy 3:12. As the defenders of truth refuse to honor the Sunday-sabbath, **some of them will be thrust into prison.**"—*Great Controversy, 609.*

And who will help to lead out in that evil work?—It will be former Adventists! General Conference lawsuits against small groups of believers are now conditioning Laodicean church members to believe it will be right to do such things when the Final Crisis suddenly engulfs everyone.

"As the storm approaches, a large class who have professed faith in the third angel's message, but have not been sanctified through obedience to the truth, abandon their position and join the ranks of the opposition. By uniting with the world and partaking of its spirit, they have come to view matters in nearly the same light; and when the test is brought, they are prepared to choose the easy, popular side. Men of talent and pleasing address, who once rejoiced in the truth, employ their powers to deceive and mislead souls. They become the most bitter enemies of their former brethren. When Sabbathkeepers are brought before the courts to answer for their faith, these apostates are the most efficient agents of Satan to misrepresent and accuse them, and by false reports and insinuations to stir up the rulers against them."—*Great Controversy, 608.*

But God's faithful ones must continue stand for the truth and share it with others!

"The Lord gives a special truth for the people in an emergency. Who dare refuse to publish it? He commands His servants to present the last invitation of mercy to the world. They cannot remain

“We are Seventh-day Adventists. Are we ashamed of our name? We answer, ‘No, no! We are not. It is the name the Lord has given us. It points out the truth that is to be the test of the churches’ (*Letter 110, 1902*). “We are Seventh-day Adventists, and **of this name we are never to be ashamed.** As a people we must take a firm stand for truth and righteousness. Thus we shall glorify God. We are to be delivered from dangers, not ensnared and corrupted by them. That this may be, we must look ever to Jesus, the Author and Finisher of our faith (*Letter 106, 1903*).”—2 *Selected Messages, 384 (also read 1 Testimonies, 223-224)*.

“And the dragon was wroth with the woman, and went to make war with the remnant of her seed, which keep the commandments of God, and have the testimony of Jesus Christ” (*Revelation 12:17*).

“Here is the patience of the saints: here are they that keep the commandments of God, and the faith of Jesus (*Revelation 14:12*). “Blessed are they that do his commandments, that they may have right to the tree of life, and may enter in through the gates into the city” (*Revelation 22:14*).

**“Where two or three are gathered together in My name,
there am I in the midst of them.”**

Matthew 18:20

Seventh-day Adventist Believers Worship Here

**OFFICIAL DECISION, UNITED STATES DISTRICT COURT,
CENTRAL DISTRICT OF CALIFORNIA, CASE NO. CV 87-8113 MRP, OCTOBER 3, 1991**

“The parties stipulated that the basic tenets of the religion practiced by the Seventh-day Adventist Church were established by 1850, and that no formal organizational structure was established until 1860. The name ‘Seventh-day Adventist’ was officially adopted by the Battle Creek Conference in 1860 . . . But the name ‘Seventh-day Adventist’ was clearly in use prior to its adoption at the Battle Creek Conference . . . The Court finds, therefore, that Seventh-day Adventism, the religion, pre-existed the Seventh-day Adventist Church (*p. 13*) . . .

“This Court is persuaded that the term ‘Seventh-day Adventist’ has a dual meaning; it refers not only to the church, but to adherents of the religion of Seventh-day Adventism (*p. 14*) . . .

“There is no term that adequately describes an adherent to the religion of Seventh-day Adventism, other than ‘Seventh-day Adventist’; the only possible alternative would be ‘Adventist,’ and that term is too broad (*p. 14*) . . .

The Court finds that as used by SDA Kinship [as the terms are applied to individuals, not to a church or denomination], the terms ‘Seventh-day Adventist,’ and its acronym ‘SDA’ are generic [they can be used by anyone], and are not entitled to trademark protection (*p. 15*) . . .

“The Court has concluded that SDA Kinship is entitled to use the term ‘Seventh-day Adventist’ because it is the generic name for an adherent of the religion of Seventh-day Adventism (*p. 16*) . . .

The terms ‘Seventh-day Adventist’ and ‘SDA,’ as used by SDA Kinship, are generic. This finding disposes of all claims by the plaintiff. Therefore judgment shall be entered in favor of the defendant (*p. 18*).”

—*Mariana R. Pfaelzer, United States District Judge, October 23, 1991.*

8 silent, except at the peril of their souls. Christ's ambassadors have nothing to do with consequences. They must perform their duty and leave results with God."—*Great Controversy*, 609-610.

WHY DO THEY KEEP DOING THIS?

In spite of immense financial losses accrued over the last 33 years from these actions, some of our leaders appear to be trying to coerce the consciences and destroy the faith of historic Seventh-day Adventists.

The method used is two-fold:

1 - Require local church members to accede to the new theology pastors which are placed over their local congregations—or be branded as troublemakers and disfellowshipped if they oppose his views. Unless the members involved are wealthy or in the majority, the conference office always backs the local pastor in his intimidation of local members and church board.

2 - When the separated brethren attempt to meet together, in order to strengthen and maintain their Advent faith, the General Conference swings into action. The local pastor informs the conference president that a separate group has been formed, and the conference office in turn contacts the North American Division. The division office contacts the "Religious Liberty" (that is what it is called!) Department of the General Conference, which in turn sends word over to Ramik to stop the group in its tracks.

Ignoring the fact that the small isolated group is keeping to itself, the General Conference has a high-paid Roman Catholic attorney, Vincint Ramik, send the little flock a letter—informing them that they will be sued in a federal court if they do not stop calling themselves "*Seventh-day Adventists.*"

If they want to become Anglicans, Catholics, or Masons, that is all right. Hindus or Buddhists will be all right too. But Adventists, no!

There are men in high places who will answer in the judgment for these things.

Over the years, we have published over 30 tract titles on this subject. In this present study, after a brief review of some past events, we will focus on the unfortunate schemes used by some to win this blatant control over the faith of separated believers—in spite of the fact that such a victory runs counter to U.S. Constitutional safeguards, as well as customary denominational practices.

1 - Denominational safeguards: The First

Amendment of the U.S. Constitution protects religious people from having their faith coerced by the government.

" 'And he had two horns like a lamb.' The lamblike horns indicate youth, innocence, and gentleness, fitly representing the character of the United States when presented to the prophet as 'coming up' in 1798 . . .

"And the Constitution guarantees to the people the right of self-government . . . Freedom of religious faith was also granted, every man being permitted to worship God according to the dictates of his conscience."—*Great Controversy*, 441.

2 - Denominational practices: No other denomination in America is trying to destroy independent splinter groups! There are thousands of Baptist congregations independent of all others, yet the Southern Baptist Board in Nashville does not try to control or destroy them. **There are many different Lutheran denominations, but they get along in peace; they are not trying to coerce or annihilate one another. The same holds true for the other Christian denominations. Ours is less Christian than the Sundaykeepers!** There are not even efforts by the Buddhists and Muslims in America to curtail one another's worship services, or deprive them of their brand of religious faith.

For example, the **Latter-day Saints** are headquartered in Salt Lake City, while the Reorganized Church of LDS operates out of Missouri. They are not fighting each other in the courts.

"In the American Bible Society paper, "*Partners,*" is to be found a list of 63 of the most important Protestant denominations in the world. In this brief listing we find **8 Baptist, 5 Brethren, 4 Church of God** (and 1 Churches of God), **5 Evangelical, 5 Lutheran, 7 Methodist, 2 Pentecostal, 5 Presbyterian Church, 4 Reformed Church,** and **3 Congregational** denominations. —That is 49 of the 63, or **7/9s of the leading churches in America have similar names. Why then can there not legally be several Seventh-day Adventist denominations?** If we would check through books describing each American denomination in detail, we would find a far larger number. If we included independent local congregations (which are their own "denomination"), we would find thousands of them.

But, for some reason, the General Conference is trying to eliminate totally independent local congregations.

Surely, my friends, we are nearing the end!

— Vance Ferrell

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More Food for the Little Flock —

More **WAYMARKS** - from **PILGRIMS REST**

Continued on the next tract

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More Food for the Little Flock —



More **WAYMARKS** - from **PILGRIMS REST**

Continued on the next tract

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More Food for the Little Flock —



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GENERAL CONFERENCE VS. HISTORIC ADVENTISTS: FALL 1996 UPDATE

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~~In spite of immense financial losses accrued over the last nine years from these actions, the General Conference continues trying to coerce the consciences and destroy the faith of historic Seventh-day Adventists.~~

The method used is two-fold:

1—Require local church members to accede to the new theology pastors which are placed over their local congregations—or be branded as troublemakers and disfellowshipped if they oppose his views. Unless the members involved are wealthy or in the majority, the conference office always backs the local pastor in his intimidation of local members and church board.

2—When the separated brethren attempt to meet together, in order to strengthen and maintain their Advent faith, the General Conference swings into action. The local pastor informs the conference president that a separate group has been formed, and the conference office in turn contacts the North American Division. The division office contacts the “Religious Liberty” Department of the General Conference, which in turn sends word over to Ramik to stop the group in its tracks.

Ignoring the fact that the small isolated group is keeping to itself, the General Conference has a high-paid Roman Catholic attorney, Vincint Ramik, send the little flock a letter—informing them that they will be sued in a federal court if they do not stop calling themselves “*Seventh-day Adventists*.”

If they want to become Anglicans, Catholics, or Masons, that is all right. Hindus or Buddhists will be all right too. But Adventists, no!

There are men in high places who will answer in the judgment for these things.

~~Over the years, we have published 26 tract titles on this subject. In this present study, after a brief review of some past events, we will focus on the conniving schemes used by the General Conference to win this blatant control over the faith of separated believers—in spite of the fact that such a victory runs counter to U.S. Constitutional safeguards, as well as customary denominational practices.~~

1—*Denominational safeguards*: The First Amendment of the U.S. Constitution protects religious people from having their faith coerced by the

government.

“‘And he had two horns like a lamb.’ The lamblike horns indicate youth, innocence, and gentleness, fitly representing the character of the United States when presented to the prophet as ‘coming up’ in 1798 . . .

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The book, *Great Controversy*, specifically warned God’s people against such tactics as these. We were told that efforts would be made by so-called Christian denominations to use the central (federal) governmental to eliminate those who disagreed with them. We are told that, beginning with

22 Emperor Constantine in the fourth century, Rome did this for centuries.

At first, the papacy coerced the government into doing its bidding. Later the Vatican united with the government—and became a church-state.

What is the difference between a church getting the government to do its bidding to harass, root out, and destroy the faith of Christians; and a church which has become the government?

Not much. The immediate results are about the same.

Such victories as the General Conference has experienced were not the result of prayer or Bible study; they were purchased at the cost of immense outlays of tithe money and the use of questionable tactics. (The use of tithe money to finance the lawsuits against believers was later admitted in a letter by Robert Nixon, a General Conference attorney.)

In the case of the Hawaiian litigation alone, the expenses accruing to the General Conference were massive. They spent over \$700,000 on that one case alone!

A small group of eleven (eleven!) people were worshiping in a small rented building on the Kona Coast of northwest Hawaii (the “big island” in the Hawaiian Island chain). They had never advertised in the local newspapers, radio, or television. They distributed no papers with their name on it. All they did was place a small wooden sign outside the entrance to their building. Passers-by hardly noticed it.

But the local Adventist pastor did; he notified the conference president. The matter would have been dropped. (We are told that that particular conference president had no relish to close down that little, independent church.)

But the General Conference had not long before acquired a new toy to play with: the threat of lawsuit against anyone who tried to call themselves “*Seventh-day Adventist*.”

Neal C. Wilson, the General Conference president, thought it was a good idea for world headquarters to gain control over everything “*Adventist*.” So he had his Catholic friend, Vincent Ramik (with offices in nearby Annondale, Virginia) apply for trademark control over a variety of names, including “*Adventist*” and “*Seventh-day Adventist*.” On November 10, 1981, this was done by Ramik at the U.S. Patent and Trademark Office. The trademark granting exclusive control of the business name, “*Seventh-day Adventist*,” to the General Conference was Reg. No. 1,177,185.

(Yes, it was a *business trademark*; that is the only kind there are! The USPTO does not accept

any other kind. By this act, the General Conference of Seventh-day Adventists had gone on record that it was nothing more than a common business operation. Its stock and trade was selling a religion, and its objective was making money.)

After a suitable waiting period, Wilson contacted conference and union presidents throughout the United States, and asked them to report any instances in which independent Advent believers were calling themselves “*Seventh-day Adventist*.”

Because he had been asked to do so, President Arakaki of the Hawaiian Conference notified the “*Religious Liberty Department*” of the General Conference about the existence of that small group down on the Kona Coast. Ramik was notified.

The pastor of that little church, John Marik, was remarkably naive in the ways of the world and the courts in general. Those nine people (for as soon as the suit was filed, two immediately dropped out) were as lambs bound for the slaughter.

First, read the box at the bottom of page 2, and then let us now consider a few of the tricks used by the General Conference to win these cases:

1 - Ramik frightens most of the victims into submission by the threat of suit. He tells them that he will bring the full power of the federal courts against them. Their savings will be eaten up, and they will lose the case and be jailed if they do not comply.

“When a religion is good, I conceive that it will support itself; and, when it cannot support itself, and God does not take care to support, so that its professors are obliged to call for the help of the civil power, it is a sign, I apprehend, of its being a bad one.”—*Benjamin Franklin, Letter to Dr. Price, October 9, 1780, in The Writings of Benjamin Franklin, Vol. 8, p. 154.*

2 - He does this because he is very much aware of the fact that church leaders do not have a strong case in their favor. As noted earlier, both the First Amendment and Protestant denominational practices negate such a claim.

3 - Therefore Ramik’s method was to win precedents throughout the United States, either by coercing small groups to settle out of court (which is a type of precedent), or to use unsavory methods in court to win the cases.

4 - After a threatening letter was sent to John Marik, the pastor of the small Hawaiian group, a lawsuit was filed, at Ramik’s direction, by non-Adventist attorneys on April 9, 1987. (Not only Ramik had to be paid, but a fleet of attorneys—none of them Adventist—in Hawaii as well. When Corbett came in on the case, he regularly flew to Hawaii from Texas to defend his clients, but Ramik ran up expenses by hiring a Honolulu law firm. The Generous Conference did not mind.) This suit was filed

without ever once sending anyone to speak personally with Marik and his little group. To our knowledge, not one effort was made to help them. The only contacts were threats of dire judgments if they did not agree to relinquish their faith as Adventists.

5 - In the case against Marik, Ramik arranged for a legal paper to be submitted to the federal district court in Honolulu, requesting the rendering of a summary judgment—without a hearing. In this way, neither Marik, his group, nor any attorney representing them, could present any evidence in their favor. The judgment would be based solely on Ramik's claim that only the men in Takoma Park had a right to decide who could call themselves "Seventh-day Adventists." Pretty shrewd thinking. Worldly thinking. Muffle the voices of the faithful. Even the martyrs were permitted to speak before they were burned at the stake.

5 - By law, a copy of this request had to be mailed to John Marik. Copies of all other papers to the court had been sent to him; that one should have arrived in his mailbox also. When such letters were received, John read and then carefully saved them. But that crucial legal paper was never sent to John. More shrewd planning by worldlings.

We know this to be true, because Max Corbett later discovered it. He obtained copies of all papers submitted to the court in 1987, and, in early 1988, found that the crucial paper which summarily and abruptly closed the case—was never sent to Marik. This was illegal, but the court refused to accept his protest; they could not believe that a church would do such a thing.

6 - Because Marik did not object, the request was approved. As a result, the case was closed on December 8, 1987, when the judge handed down a decision—based solely on the one-sided General Conference claims—that the name "*Seventh-day Adventist*" belonged solely to them.

7 - When, a few weeks prior that December 8 meeting in the courtroom, Max Corbett, a faithful Adventist attorney, learned about this tragic case—he hurriedly contacted Marik and offered his services. Corbett attended that December 8 meeting, and surprised everyone by the clarity of his presentation. He said the case should receive a hearing, since fundamental religious liberty issues were involved. But the attorneys representing the General Conference counseled with General Conference men, who were also present, and demanded that no hearing be given to the nine-member group or its new attorney. They were to be condemned without a hearing. This was the demand of the General Conference.

The judge felt legally helpless. He said the request for closure had been accepted, and not earlier opposed by Marik's group, therefore it stood.

All he could do was render a judgment.

8 - What was that judgment? It was one which was written by the General Conference with its Catholic attorney. Such a combination could come up with a remarkable set of paragraphs: Everything owned by the nine Adventists which contained the words "Seventh-day Adventist," had to be turned over to the General Conference within a few days, so those writings could be destroyed. This, of course, would include a number of Spirit of Prophecy books, all their *Adventist Reviews* and other church papers, and many Adventist books and related written materials.

Church leaders approved that wording, knowing full well that those nine people would lose many of their precious books and papers.

How can we be so sure that the General Conference knew the wording of the judgment? Because they together with their attorneys wrote it. It is commonplace for the winning side to write the decision. Comparing the April 9, 1987 complaint paper by the General Conference which started the suit, with the judgment handed down on December 8, 1988, we find that the wording is essentially identical.

Compare the two for yourself:

"f. That Defendants, and each of them, deliver up to Plaintiff for destruction all labels, signs, prints, advertising materials and other literature in the possession of the Defendants, any and all agents thereof, or any of them, or under the Defendants' control, bearing the term 'SEVENTH-DAY ADVENTIST' and all plates, molds, matrices and other means of making the same."—*Complaint for federal trademark and service mark infringement, etc.* legal paper dated April 9, 1987, pp. 16-17, submitted by the General Conference and its attorneys to the Federal District Court in Hawaii.

"Defendants are hereby ordered: (a) to deliver up to Plaintiff for destruction all labels, signs, prints, and advertising materials, literature, packages, wrappers and other materials in the possession or custody of the Defendants, or any of them, or under their control, bearing the term 'SEVENTH-DAY ADVENTIST', or any term that is confusingly similar to 'SEVENTH-DAY ADVENTIST', or is a simulation, reproduction, counterfeit, copy, colorable imitation, abbreviation (including without limitation, the abbreviation 'SDA' and any colorable imitation of 'SDA'), or other designation thereof, and all plates, molds, matrices and other means of making the same."—"*Judgment and Permanent Injunction*," a federal district court order, issued on December 8, 1987.

Comparing the two, above, you will note that about the only difference is that the General Conference made the judgment more encompassing in its ironclad nature than the original complaint had been. Neither the non-Adventist attorneys, nor the

24 judge would have thought of adding “SDA” to prohibited literature which must be destroyed.

Talk about “proscribed writings”! How much more Catholic could this pogrom get! Do you realize that even personal letters written to or from the nine were destined to be eradicated—if the court order was obeyed.

Elsewhere on both the complaint and judgment, the method of destruction was explained in some detail: Federal agents would obtain the forbidden writings and give them to the General Conference men—so they could “destroy” them! Why are those leaders afraid of writings which name the name, “Seventh-day Adventist”?

Perhaps by this point, a reader might feel that we are overdoing this matter or being melodramatic. My friend, this matter is real and serious. Those nine people were only worshiping God alone in quietness.

Someday you may be worshiping God alone . . . and they will come for you.

Then you will say, “Vance, I understand now what you meant!”

9 - Entirely on the basis of an legal paper, submitted fraudulently to the court, the General Conference obtained a judgment intended to destroy the faith of some simple, hardworking, Spirit-of-Prophecy believing folk. Those General Conference men had carried this case on for seven months, and the case before that (in Huntsville) for many months more—yet their consciences were so hardened from such a long period of resisting the warnings of the Holy Spirit not to go ahead with this thing—that they actually rejoiced afterward! They had “won” something! Foolish men; they had lost far more than they won. Will any of them be saved? I do not know. Only time will tell.

10 - Intent on averting this travesty of justice, ten days later on December 18, Max Corbett presented to the court a 24-page legal paper, outlining the wrongs being done, along with the violations of the Constitution inherent in that judgment.

The General Conference and its attorneys should have relented. They still had the opportunity to do so (as was later stated by a judge in Honolulu),—but they adamantly refused to give the Marik group their day in court.

11 - The little nine-member group in that Kona Coast church prepared and submitted a written statement to the court that they could not relinquish their faith, and, if necessary, they would go to prison.

More Food for the Little Flock —

This caused Max Corbett even deeper concern. He prepared and submitted to the court a 50-page research paper on February 12, followed by a 10-page paper on February 29. These three papers provided a wealth of insight into the matter, but the General Conference refused to relent.

Read *Testimonies to Ministers*; she calls it the “rule or ruin spirit.”

x - In the face of a willingness by the little group to suffer and die for their faith, at the hands of Adventist church leaders, did the General Conference back off a little? Did they hesitate? Not a bit; smelling blood, they pressed forward with even more vigor than before: They demanded that the obstinate believers be jailed!

On January 28, the General Conference and their attorneys submitted a paper to the court, requesting that it delay no longer. The paper said the group had defied the court order, and they ought to be forced to do so, as well as be punished.

By the end of January, the court had enough evidence that the little group was in the right and they were willing to suffer for their faith—and the court hesitated to enforce the December 8 decision.

Aware of this, the General Conference demanded that the criminals be punished!

The crime of the nine believers was that they refused to relinquish their faith by publicly renouncing their identity with the beliefs of historic Seventh-day Adventists.

The evil of church leaders was that they were willing to crush and destroy any who got in their way. They were not passively willing in this regard; they actively tried to carry it out!

x - Because Hawaii is on the fringes of the nation, it does not have as many federal district judges allotted to it, so they frequently rotate on cases. At a February 22, 1988 hearing, a new judge presided. He heard both sides and was astonished at the religious liberty violations raised by Max Corbett. Yet the case was officially closed, and he felt powerless to change it.

What was obviously needed was a new court case, in which the defense could be heard!

Turning to the attorneys representing the General Conference—and the General Conference men who were also there,—Judge Russell E. Smith told them that, in the interest of fairness and justice, they should request a second lower court hearing to fully air this matter. The judge then added, “If you [the General Conference] pursue this victory, it is going to be pyrrhic.” As you know, he was referring to Pyrrhus’ hollow victory early in the third century B.C., when his Greek forces lost so many men in

Continued on the next tract

defeating the Romans, that he later lost the kingdom and was totally defeated in the battle that followed. His had been a Pyrrhic victory.

What the judge meant was that very many more such victories as their win over the nine innocent believers in Hawaii—and they would be ruined. And, with the passing of time, so it has proven to be. More on this later.

x - On May 9, 1988 at a hearing in the Honolulu a different judge presided and, at the urgent demand of the General Conference, three days later (May 12) a \$500-a-day fine against the little group, and a warrant for the arrest of their pastor, John Marik, was issued.

But everything was placed on hold, because Max Corbett filed an appeal.

x - Almost exactly a year later, on May 1, 1989, an Appeals Court hearing met in San Francisco to hear the Marik case. By that time the fine against the nine totalled \$182,000. After hearing the attorneys representing both sides, the court went into deliberation. Several months later, their decision was handed down: The case was remanded to the lower court for retrial, since the defendants had not been heard, but (improperly) the fine and the arrest warrant were not removed.

x - Marik had been in hiding all those months in Southern California. But some helpful Adventists revealed where he was.

On Friday morning, December 16, 1989 at 9:15 a.m. (PDT), federal marshalls entered the home in Yucca Valley, where John Marik had been staying.

On that day of infamy in Seventh-day Adventist church history, he was handcuffed and taken to a Los Angeles prison.

Fortunately, his parents were able to get him out on bail several days later. (They mortgaged their home to get the money.)

x - All the while, the General Conference, through its string of non-Adventist attorneys, was trying to devise ways to post-pone that second hearing in Honolulu. They feared the outcome and tried one obstructionist tactic after another.

Item: When Corbett tried to insure that the second trial would include more than two brief letters Marik had earlier written to the court, they blocked it so vigorously that the lower court denied Corbett's request. This meant that the second Hawaii trial would be stifled almost as much as the first one had. Muzzle the truth and stamp it out, was the objective to be gained. This was the method used in the Dark Ages.

The only points presented in Marik's two letters were the generic factor, and the likelihood of confusion of identities. But there were other defenses which were applicable. And the General Conference feared to have them brought forward.

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With such attitudes as they now exhibit, those high-ranking churchmen never would have accepted the Sabbath in the first place.

We will not take time here to discuss Corbett's request for a multi-district panel review, and the General Conference method for sidestepping it.

x - In September 1988, we had published tract which revealed that it was possible for the trademark itself to be cancelled (Cancelling a Trademark [WM-203-204]). Willam Perry, a faithful Adventist living in Pennsylvania decided to do just that. He and Virginia Stocker pooled their funds and filed a petition to the patent and Trademark office to remove that General Conference trademark (U.S. Patent and Trademark Office Trial & Appeal Board, Cse Nos. 17,554 & 18,038).

x - Now we turn our attention to the Kinship case. As you may know, *Seventh-day Adventist Kinship International* is an organization of professed Seventh-day Adventists who twist the Scripture, claim that God approves of their conduct, have no interest in stopping their practices, and try to recruit new members from Adventist college campuses.

Kinship does not pretend to be in agreement with the beliefs of historic Adventism. It is not interested in reforming homosexuals. It is not a group meeting quietly together; it extensively advertises. It would be the largest group sued to date. It is not a worship group, but a fun and party group.

By this time, we had sent out thousands of tracts on this matter which had been widely shared with church members. Feeling a backlash of criticism from Adventists, because of their shameful waste of money to persecute faithful believers, the General Conference thought Kinship might be a group they could sue, while still retaining the popular support of the laity. It seemed like a good idea: use a suit against the homosexuals to set a court precedent and, at the same time, help vindicate all their trademark suits in the eyes of Advent believers.

But Kinship was also closely connected to powerful liberal and gay organizations. It could easily get all the money it needed to fight the suit. They had the ACLU and a variety of gay coalitions on their side.

x - As soon as that suit was filed, the General Conference had Ramik request that the Trademark Board petition be tabled until the final decision in a new case, the Kinship case, in southern California, was handed down. The Trademark Board assented to that request.

x - Corbett realized that the General Conference's next step would be to request a tabling of the Marik rehearing. He tried to avoid it, but without success. The Hawaii case was tabled

26 on August 2, 1990 until March 1, 1991. It was later tabled again, awaiting the Kinship outcome.

x - The Kinship hearing (Case No. CV 87-8113 MRP) was set for February 26, 1991 in the Los Angeles federal building. It extended through two days of presentations, testimony, and questioning.

A crucial point occurred at 5:30 p.m. on the afternoon of the first day. Judge Mariana R. Pfaeizer noted that First Amendment issues (freedom of speech, assembly, press and/or freedom of religion) might be involved, and asked that both sides present post-hearing briefs dealing with such issues. The briefs were to be presented to the court by March 27.

x - On October 7, the judge's decision was handed down. The important part was that anyone who has been a Seventh-day Adventist—can continue to say he is one, even though he is no longer a member of the denomination.

But the judge specifically said that she was not ruling on the term, "Seventh-day Adventist Church;" only on "Seventh-day Adventist."

This ruling, of course, only applied to the southwestern federal district, but it would have great weight in any other federal court in the land. Because of it, church leaders knew they had lost the battle over the term, "Seventh-day Adventist," but they might still be able to control "Seventh-day Adventist Church."

This means you might get into trouble if you put a sign in front of your meeting house, which says "Shady Grove Seventh-day Adventist Church," but if you wrote on it, "Shady Grove Seventh-day Adventists," you would be in a different category. You are not calling yourself a church—but a group of Adventists.

To insure that you have a stronger case, you would do well to add the word "Independent" to the title.

The General Conference originally claimed to own the terms, "Adventist," "SDA," and "Seventh-day Adventist." But first the "SDA" was dropped, and then "Adventist" was dropped. But they have tenaciously declared their ownership of anyone who is a SEVENTH-DAY Adventist. Following the Kinship decision, they have lost "Seventh-day Adventist," but may still have control over "Seventh-day Adventist Church."

x - On February 8, 1990, Robert Nixon, one of the General Conference attorneys working on the trademark suits, wrote that Ramik had not been a Roman Catholic since he was in college, over 25 years earlier. Here is the letter:

"You may also wish to know that our trademark counsel, Mr. Vincent Ramik, who is often described as a Roman Catholic by independent publications, is a Presbyterian. Mr. Ramik was raised in a Ro-

man Catholic family but abandoned those beliefs as a college student. After marriage, he and his wife joined a Presbyterian church, of which they have been members now for a quarter century."—*Robert W. Nixon, Associate General Counsel to the General Conference, in letter dated February 8, 1990, paragraph 4.*

Here are the facts, as stated in the *Adventist Review* in 1981—only eleven years before:

" . . Vincent L. Ramik, senior partner of Diller, Ramik & Wight, Ltd., a lawyer who practices patent, trademark, and copyright law in Washington, D.C. . . Ramik, a Roman Catholic, spent more than 300 hours researching 1,000 relevant cases [in regard to the E.G. White plagiarism issue for the General Conference]."—*Statement about the religion of Vincent L. Ramik, in "Ellen White's Use of Sources" in Adventist Review, September 17, 1981, p. 1, paragraph 1, 3.*

"Ramik: Mrs. White moved me [as I read in her writings]! In all candor, she moved me. I am a Roman Catholic; but, Catholic, Protestant, whatever—she moved me . .

"Quite honestly, I think I've left this task [of analyzing E.G. White writings] with more than I've put into it. And it's simply her messages. It's simply what you receive from reading something. It makes you believe a little more firmly in things you may have believed a little less in the past. I'm not a religious person. I am not a practicing Roman Catholic. I was born one; but my wife happens to be a Protestant. I guess you could say we are an 'ecumenical' family!"—*Vincent L. Ramik, quoted in an interview with three General Conference Officers, in "There Simply Is No Case" in Adventist Review, September 17, 1981, p. 4, paragraph 18, 22.*

In 1981, Ramik said he was a Roman Catholic. Our church leaders had reason to believe him, and they said he was a Roman Catholic. In 1990, the General Conference said Ramik had not been a Roman Catholic since 1965.

++ [[Doc's for above - see WM276, p 4]]

x - Corbett then appealed the Hawaii case to the Supreme Court. On February 20, 1990, they refused to hear it, but did state that the daily fines and contempt charge should be cancelled.

In response to a Motion to Vacate Contempt Order by Corbett, Judge Harild Fong, of the Hawaii Federal District Court, officially rescinded the contempt order against John Marik and his nine-member church on April 11, 1990.

x - After four years of waging a war of threats and litigation against Adventist groups in various localities, and under a growing cloud of suspicion and criticism over its admitted use of the sacred title to pay the Catholic and non-Adventist lawyers, the General Conference in the spring of 1990 said

it would no longer pay those expenses out of the tithe. Too many church members had sent in complaints.

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Instead, they would henceforth have to use other funds—and the only two available would be the In-gathering Fund and the Foreign Mission Fund.

This is a church-wide scandal. Our earlier church leaders would tremble if they knew what these men today are doing.

x - In the late fall of 1991, John Marik capitulated. The Hawaiian rehearing had not yet occurred, and he was no longer an immediate threat of imprisonment. But during the months which passed, his resolve had weakened. So he finally consented to sign a Settlement Agreement, which gave church leaders all the precedents they wanted out of the Hawaiian case. This ended that case. The little church had been betrayed. Marik left his faithful wife and went off with another woman.



More Food for the Little Flock —



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“We are Seventh-day Adventists. Are we ashamed of our name? We answer, ‘No, no! We are not. It is the name the Lord has given us. It points out the truth that is to be the test of the churches’ (*Letter 110, 1902*). **“We are Seventh-day Adventists, and of this name we are never to be ashamed.** As a people we must take a firm stand for truth and righteousness. Thus we shall glorify God. We are to be delivered from dangers, not ensnared and corrupted by them. That this may be, we must look ever to Jesus, the Author and Finisher of our faith (*Letter 106, 1903*).”—2 *Selected Messages, 384.*

“And the dragon was wroth with the woman, and went to make war with the remnant of her seed, which keep the commandments of God, and have the testimony of Jesus Christ” (*Revelation 12:17*).

“Here is the patience of the saints: here are they that keep the commandments of God, and the faith of Jesus (*Revelation 14:12*). “Blessed are they that do his commandments, that they may have right to the tree of life, and may enter in through the gates into the city” (*Revelation 22:14*).

**“Where two or three are gathered together in My name,
there am I in the midst of them.”**

Matthew 18:20

Seventh-day Adventist Believers Worship Here

**OFFICIAL DECISION, UNITED STATES DISTRICT COURT,
CENTRAL DISTRICT OF CALIFORNIA, CASE NO. CV 87-8113 MRP, OCTOBER 3, 1991**

“The parties stipulated that the basic tenets of the religion practiced by the Seventh-day Adventist Church were established by 1850, and that no formal organizational structure was established until 1860. The name ‘Seventh-day Adventist’ was officially adopted by the Battle Creek Conference in 1860 . . . But the name ‘Seventh-day Adventist’ was clearly in use prior to its adoption at the Battle Creek Conference . . . The Court finds, therefore, that Seventh-day Adventism, the religion, pre-existed the Seventh-day Adventist Church (*p. 13*) . . .

“This Court is persuaded that the term ‘Seventh-day Adventist’ has a dual meaning; it refers not only to the church, but to adherents of the religion of Seventh-day Adventism (*p. 14*) . . .

“There is no term that adequately describes an adherent to the religion of Seventh-day Adventism, other than ‘Seventh-day Adventist’; the only possible alternative would be ‘Adventist,’ and that term is too broad (*p. 14*) . . .

The Court finds that as used by SDA Kinship [as the terms are applied to individuals, not to a church or denomination], the terms ‘Seventh-day Adventist,’ and its acronym ‘SDA’ are generic [they can be used by anyone], and are not entitled to trademark protection (*p. 15*) . . .

“The Court has concluded that SDA Kinship is entitled to use the term ‘Seventh-day Adventist’ because it is the generic name for an adherent of the religion of Seventh-day Adventism (*p. 16*) . . .

The terms ‘Seventh-day Adventist’ and ‘SDA,’ as used by SDA Kinship, are generic. This finding disposes of all claims by the plaintiff. Therefore judgment shall be entered in favor of the defendant (*p. 18*).”

—*Mariana R. Pfaelzer, United States District Judge, October 23, 1991.*



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