The Florida Trademark Trial

PART ONE OF THREE

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An important piece of Seventh-day Adventist history was made this week. Every part of it was written in heaven; and, in the Judgment, men will answer for what took place. Not all were in Florida; some were back at headquarters.

SOME EARLIER HISTORY

The complete story of these lawsuits, from the obtaining of the trademark by the General Conference on November 10, 1981, down to 1997, is nicely presented in easy-to-read language in our 80-page book, *The Story of the Trademark Lawsuits,* 8½ x 11, $7.00 + $1.50 (five for $6.00 each + $3.00). The book is based on over 60 tracts that we published from August 1987 onward, as the ongoing trials progressed, and six trademark tractbooks, containing over 1,700 pages of legal documentation. I would urge you to obtain a copy of the book and carefully read it. In a nice print size, it is easy to understand. You will find all the essential information in it.

Significantly, of all the trials, mistrials, and aborted trials which had occurred earlier, the trademark trial, held this week in Miami, Florida, was the first one involving an independent Adventist church group which actually went into a court trial. Therefore the outcome of this court trial could have wide-spreading ramifications in the future.

Always before, through fear of Vincent Ramik's threats, the church group caved in and agreed never again to call themselves "Seventh-day Adventists" in public. But, in the Perez group, we found men and women of God willing to stand for the right, though the heavens fall.

A major lawsuit, the Hawaiian lawsuit, was won by the General Conference through subtle tactics. In order to obtain a court precedent, the smallest and most out-of-the-way group that church leaders could find was the first to actually be sued by the General Conference.

It was a small group of eleven (11) people who worshiped privately, with no fanfare, public notices, or advertising of any kind, other than a hand painted, weather-beaten wooden sign on the side of their doorway!

As soon as the group learned that it had been sued, two of the members left—reducing the total to nine. Of these, three consisted of John Marik, his wife, and daughter. You cannot get much smaller than that!

Their church was located about as far from mainstream Adventism, as if it had been in Nome, Alaska. It was over on the edge of the Kona Coast, on the northwest corner of the big island of Hawaii.

But destroying this tiny company of sincere Adventists would set a court precedent; so the General Conference, with its mammoth financial resources, sued the little group on April 9, 1987.

Pastor John Marik knew absolutely nothing about law; and, of course; he had no money for an attorney. (He told me he gave up trying, when he learned it would cost $10,000 a month for two years to retain one.) Eventually, Marik wrote me a letter on July 15. Immediately, I spread the story as widely as I could. A new threat to the faithful had developed. The news eventually reached Max Corbett, a Houston attorney who decided to offer his services to Marik, free of charge.

Although Marik knew nothing about law, he had carefully saved every legal paper sent to him. But, illegally, one paper was never sent, and it was a crucial one with a big title: *"Motion on the Judgment for Pleadings or, on the alternative, motion to strike."* That innocent-sounding name covered a carefully laid plot to assure victory for the General Conference. The law office was required, by law, to certify that it had sent a copy of every legal paper in the case to the defendant, John Marik, on behalf of his little group. But no copy of that letter was sent to him.

This legal paper requested the court to skip the trial and proceed immediately to a final sentence by

We are sending this out in a special mailing, but, expect to receive a detailed transcript of this trial. Depending on the amount of significant material which arrives, we hope to provide you with additional material in a tract or small booklet. Watch for publication announcement. This was a significant historical event in the history of Adventism.

Although the trial itself is over, continued prayer is needed; for the final judgment has not been rendered by Judge King.

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the judge—without Marik ever being able to appear in court, to defend his group!

All the more remarkable is the fact that the very General Conference attorneys in charge of these trademark lawsuits routinely handle "religious liberty" cases, to enable Adventists and non-Adventists to "practice their religion under First Amendment protection"!

Unfortunately, Max Corbett was unable to obtain federal clearance to practice law in a Hawaii court until just after the judge had awarded the case to the General Conference. Before he took it, the case was over.

So that case, which ultimately cost the denomination over $6 million in tithe money, never had a court trial.

This was followed by the Kinship Case, which did go to trial and was won by the homosexuals. The judge ruled that "Seventh-day Adventist" could be used by anyone who considered himself to be one, whether or not he was on any official church roll. But, the judge said, the term "Seventh-day Adventist Church" was not included in the court decision.

So this present Florida case is the first trial to come to court, in which "Seventh-day Adventist Church" has been argued in court.

For much, much more of the whole fascinating history, read the book mentioned earlier *(The Story of the Trademark Lawsuits)*.

OUR EARLIER TRACTS PERTAINING TO THE FLORIDA CASE

We have already written seven tract sets pertaining to the Florida case. Three of them dealt with events as it gradually unfolded:

WM–850 FLORIDA TRADEMARK LAWSUIT (p. 4) Jan 99.

WM–872 FLORIDA TRADEMARK LAWSUIT: 1 Mar 99.

WM–922 RECENT EVENTS: FALL 1999 Dec 99.

Another four were written to provide Raphael Perez and his Miami attorney with legal aid background material. This was done, not because the present writer is an attorney (for he is not), but because, with three degrees in theology from Seventh-day Adventist colleges and universities, he would be considered qualified by legal firms and courts to provide such background material pertaining to our church:

WM–866-869 SOLUTIONS TO THE TRADEMARK LAWSUITS, Parts 1-4 March 99.

WM–874 A LETTER TO THE TRADEMARK JUDGE Apr 99.

WM–903-905 TRADEMARK DEPOSITION QUESTIONS, Parts 1-3 Sept 99.

WM–923-924 ORIGIN AND ADOPTION OF THE NAME, "SEVENTH-DAY ADVENTIST" Parts 1-2 Dec 99.

"Solutions to the Trademark Lawsuits" was a wide-ranging survey of legal evidence which could be used to defend the faithful in a court of law against the General Conference. We afterward reprinted it in the 1999 book, *Legal Defense against a Trademark Lawsuit, Plus the Notorious Settlement Agreement*.

The first half of this 44-page, 8½ x 11 book provides outstanding legal source material. The last half consists of a reprint of the infamous *Settlement Agreement*, along with a paragraph-by-paragraph analysis of it. This *Settlement Agreement* was, to our knowledge, first presented to the Huntsville (Alabama) group before they caved in. It was later presented to John Marik who, in mortal fear of imprisonment, signed it. And it was presented to Raphael Perez to sign also. All three groups mailed me a photocopy of the one they were sent. Careful examination found the wording of all to be essentially the same. The persecuting spirit of the Dark Ages is in that document, which you can examine for yourself in this book!

In order to settle the bankrupting trademark lawsuit out of court, each group had to agree in writing that they would never again identify themselves as *"Seventh-day Adventists"* in their signs, church bulletins, church ads in newspapers, highway signs, and other advertising. In addition, all books containing the name (a name you will find in the Spirit of Prophecy writings, all denominational periodicals, and many of its books) must be handed over to the General Conference for destruction.

—Oh, you don't believe this could be possible; read the book! Wake up! It's happening in your church.

The other three tract sets, named above, were also sent to Raphael Perez for submission to his attorney and to the court.

The deposition questions were actually used in court on General Conference representatives.

The paper on the origin and adoption of the name was prepared for submission to the court. It established that the name was used by local Adventists in 1858 (and the same year recommended to our people as the name we should use), two full years prior to its adoption by the church, as a whole, and five years before the official formation of the General Conference and the denomination.

THE MARCH 13-16, 2000 COURT TRIAL

In a criminal case, the court session to decide the matter is called a "trial." In a civil case, it is called a "hearing." However, since the word "trial" is better understood by most people, that is the word we will use here.

The General Conference Corporation (the legal paper entity which holds the property of the Gen-

eral Conference, having no other real existence) had sued the Eternal Gospel Church of Seventh-day Adventists (whose pastor was Raphael Perez) because they had the phrase, "Seventh-day Adventist," in their church name. The lawsuit was filed at the Miami federal courthouse on December 2, 1998, and served on Perez the next day.

The Florida trademark court trial began on Monday, March 13, at 9:30 a.m. in the federal district courthouse in Miami. It continued until Thursday morning, March 16, when it ended.

Every day the courtroom was packed (with 50 or 60 people), consisting almost entirely of faithful believers who were praying that the General Conference would lose the case.

The non-Adventist attorney representing the General Conference was a Southern Baptist. The attorneys representing the Perez group were two reform Jews (Robert E. Pershes and Norman Frietland). But Pershes was the attorney who primarily dealt with the case, was the most involved in it, and argued the case during the trial on behalf of the Perez group.

The Judge was James Lawrence King, a Roman Catholic (whether nominally or actively, we do not know).

Seated at the plaintiff's table in front of the courtroom were Jeffrey Tew (a Southern Baptist), Vincent Ramik, and Walter Carson.

Vincent Ramik, a faithful Roman Catholic believer, from his law office in Annandale, Virginia, has been the prime mover in frightening faithful Adventists to give up their God-appointed name and suing those who refused to do so; he is always the head man in every General Conference trademark lawsuit. We have stated, in earlier publications, that the Vatican must be very proud of the good work their son is carrying on in the Adventist denomination. Astoundingly, he is paid a high wage to frighten historic Adventists (the ones that Rome fears the most) into abandoning their faith.

Robert Nixon has been the lead in-house General Conference attorney managing these trademark lawsuits from the beginning. The first General Conference trademark letter which we have in our files was written by him in 1984. He works directly with Ramik, who leads out in the trademark lawsuits.

It was Robert W. Nixon who, on April 10, 1989, replied to a letter of inquiry, in which he stated that all the massive costs of the General Conference string of lawsuits has been paid from the sacred tithe. "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." (You will find a facsimile of that letter in *The Story of the Trademark Lawsuits*.)

Walter Carson is Robert Folkenberg's attorney who cooperated over the years in some of his money-wheeling schemes. In early 1999 when Folkenberg was ousted, Carson was very nearly fired for his part in what had happened. But when he said he was sorry, the General Conference kept him in office.

Seated at the defendant's table were the two Jewish attorneys and Raphael Perez.

PLAINTIFF'S OPENING ARGUMENTS—The trial started with opening arguments. The plaintiff must first present his complaint (reasons for the lawsuit) and the evidence in support of his position. Jeffrey Tew was the attorney pleading the case for the General Conference throughout the trial and doing all its cross-examination of opposing witnesses.

The plaintiff's presentation continued from Monday morning until it rested its case right after lunch on Tuesday, the 14th.

Opening arguments began with, what seemed to be, a lengthy presentation by the General Conference of all the wonderful accomplishments of its two primary witnesses: George Reid, head of the Biblical Research Institute; and Robert Nixon, head of the Office of General Counsel (the current name for the lawyers' department there).

A detective, surveyor, and the Southeastern Conference office secretary were also called as witnesses for the plaintiff (General Conference). Originally, 15 people had been planned to appear as General Conference witnesses; but ultimately, for one reason or another, it was finally narrowed to the above five. Perhaps some of them did not want to take the spiritual risks involved in going on the witness stand against sincere fellow Advent believers.

The lauded accomplishments of Reid and Nixon included the schools they have attended; the positions they have held; the professional societies they have belonged to; and the professional papers, articles, and books they have written. On and on it went.

The faithful were surprised at the great extolling of accomplishments.

After Judge King accepted the five witnesses, the General Conference brought in stacks, and stacks, and stacks of documents: 250 in all. Each item was presented and named. This consisted of church papers, periodicals, phone books, and even photographs—all designed to prove that the phrase "Seventh-day Adventist" belonged to the church leaders and not to anyone else.

Historical statements were also included, de-

signed to show conclusively that the name, "Seventh-day Adventist," had never been used prior to the time when the General Conference adopted it.

Photographs of every church in Florida, the Florida Conference office, road signs, and telephone books, all of which had been collected by a detective (former sheriff) for the plaintiff.

Also submitted were the results of a survey taken of a thousand people or so who lived in the State of Virginia. The people were asked something like this: "What do you think of when you hear the name, 'Seventh-day Adventist'?" The results, of course, were favorable to the General Conference position. This favorable response was all the more likely; since there are so many church members and Adventist churches in that area, non-Adventists would tend to be acquainted with them. (There are a large number of our denominational churches in the greater D.C.-Virginia-Maryland area.)

Thus was presented the evidence that the General Conference had sole ownership of the name. But, in it all, there was not one word about the Bible, the Spirit of Prophecy, nor quotations from either one.

Consistently, throughout the trial, the position was taken that the *27 Fundamental Beliefs* and the *Church Manual* was what the denomination was based on,—and ALL it was based on.

Those men well-knew that Ellen White repeatedly said our people must always call themselves "Seventh-day Adventists." So they were careful to exclude the Spirit of Prophecy.

Yet even to state that the *27 Fundamental Beliefs* and the *Church Manual* is what the denomination operates on is ludicrous. The denomination is actually structured on the General Conference Policy Books and the policy books of the divisions, unions, conferences, and subsidiary church entities (hospitals, schools, and publishing houses). The *Church Manual* only affects part of what takes place on the local church level.

When it came time for cross-examination, Perez' attorney, Robert Pershes, questioned these men.

Every time, throughout the entire trial, when General Conference men were asked a hard question, they would look at Vincent Ramik, who would nod his head yes or no. (Ramik was not permitted by the judge to be active in the case, since he does not have a license to practice law in the State of Florida.)

When George Reid was asked about the Spirit of Prophecy statements, he sidestepped the question.

Perez' attorney then brought forth a book authored by P. Gerard Damsteegt (the Andrews University professor who gave such an excellent speech at the General Conference Session against women's ordination), which showed that Seventh-day Baptists were calling us "Seventh-day Adventists" before 1850. Our attorney then brought forth a statement from an edition of *Webster's Dictionary,* prior to the 1860s, which called our people "Seventh-day Adventists." He also produced a document which was a letter from the Seventh-day Baptists in the early 1850s to James White, in which they suggested that we adopt the name "Seventh-day Adventist."

This concerned Judge King. He wanted to know why this information had been kept back and hidden by the General Conference and not disclosed to the court. Reid replied that only the statements of Seventh-day Adventists were used, not those of non-Adventists. Statements by Adventists prior to 1860 were also produced by the Perez attorney. This also upset the judge.

When Robert Nixon was asked why the independents could not use the name, "Seventh-day Adventist," he replied that nowhere in the *27 Fundamental Beliefs* did it say they could do this.

It was at about this time that the lowest point in the entire trial was reached. Perez' attorney, Robert Pershes, wanted to introduce certain statements and was refused permission by Judge King. Pershes then argued with the judge and the situation did not look good! Indeed, all the faithful in the courtroom felt that disaster was nearing.

While this interchange was taking place between Pershes and King, the various attorneys for the General Conference smiled and grimaced at one another. They were thoroughly enjoying it, assured of impending victory. No Christian sympathy for the needs of the independents, but only a rejoicing at the likelihood of victory for dark forces of suppression and persecution.

Under cross-examination, the surveyor (poll taker) admitted he did it because he was hired to do so by the General Conference; that they had decided the phrasing of the question asked of the public; and that he was paid $29,000, to do the job, and $350 an hour to testify in court. The questions showed that it was obvious that the survey results could easily have been slanted, by means of leading questions, errors in tabulation, etc. It was claimed that only 2% of the respondents were Adventists.

Continued on the next tract

The Florida Trademark Trial

PART TWO OF THREE

Continued from the preceding tract in this series

When the secretary at the Southeastern Conference took the stand, she testified that the Southeastern Conference had no records for Raphael Perez anywhere in their files. This was said to establish that Perez had never had any contact with the denomination, and they knew nothing about him; *i.e.*, he was never recognized by them as an "elder," church worker, etc. (The Southeastern Conference is the regional conference for southern Georgia and all of Florida, except the portion west of the Apalachicola River.)

When cross-examined by Perez' attorney, the lady was asked about the fact that, from 1991 through 1999, letters from the Southeastern Conference (headquartered in Altamonte Springs, Florida, close to Orlando) had been sent to "Elder Perez," pastor of his church. It was also shown that, earlier in that decade, the conference had sent Perez tithe envelopes; and, in 1991, they had given him permission to use the phrase "Seventh-day Adventist" in his congregation's name.

The judge was upset that those records had not been brought forth by the General Conference.

DEFENDANT'S OPENING ARGUMENTS—Right after lunch, on Tuesday afternoon, March 14, the opening statement for the defense began.

The charge had been made, by the General Conference attorney, that the Perez group—and all like him—were just a bunch of split-offs from the mother church, who were no-account people who had no right to use the name, "Seventh-day Adventist."

So now, in his opening statement, the Jewish attorney (Robert Pershes) said the General Conference was not conducting itself properly in carrying on this suit, that God gave Ellen White as a prophet to the Adventist people, and that she gave the instruction that they must ever call themselves "Seventh-day Adventists."

At this, a totally unplanned soft "amen" went up from everyone in the audience. The judge immediately paused and said that, if this was going to continue, he would empty the courtroom of spectators. From then on, silence reigned in the audience; but a point had inadvertently been made. The audience was filled with independent Seventh-day Adventists. Throughout the four-day trial many frequently bowed their heads in prayer.

There is a reason why Perez' main attorney spoke in this manner. He is a reform Jew and belongs to a congregation which is itself a split-off of a larger Jewish orthodox church.

He and another Jew are partners in their law office; and, although both are technically retained by Perez, Pershes is the primary attorney in the case. He has been extremely earnest about this matter. In fact, he has made the case his own, fully believing that, if the Perez group loses their case,—eventually the Orthodox Jewish Church may later use it, as a precedent, to eliminate his own independent Jewish congregation!

It had been earlier suggested that the first witness for the defense should be Raphael Perez, but Pershes wisely said it was best to hold him back till later. The remark was made that it was better to let the full force of the opposition wear itself out on the first witness. This turned out to be a wise decision.

The first witness to be presented for the defense was Clark Floyd. He is an attorney and minister who lives in North Carolina.

But, when he took the stand, the attorney for the General Conference asked him a lengthy series of grueling questions about his so-called "qualifications" to be a witness.

He had attended one of our colleges, but only for one year. That meant nothing. He was a minister, but had never been ordained. Not so good. He was an attorney, but had no degree in theology, history, etc. Obviously, less than worthless, according to Attorney Tew.

Jeffrey Tew then told the judge Floyd must be disqualified because he did not have the "proper qualifications." The judge accepted that objection, and Clark Floyd stepped down from the witness chair.

Deeply hurt, he walked out into an anteroom, where the other potential witnesses were waiting.

The next one in line was Colin Standish, and Floyd told him the terrible news: It was very likely that Standish and all the other witnesses for the defense would also be rejected.

When Colin walked into the courtroom to take his seat in the witness chair, he looked terrible. Despair was written all over his face. He later commented that he felt worse than he had ever felt in his life. Colin well-knew how extremely important this trial was, and he sent up a silent prayer to God. All over the courtroom the faithful were also silently praying.

The utter stupidity of this farce is quite evident. Clark Floyd was very much qualified to speak on

behalf of the independent movement. So was Colin Standish. Standish had been a high-ranking Adventist worker for decades. He had been president of two Adventist colleges (one of which was Columbia Union College), prior to becoming president and founder of Weimar Institute in California and Hartland Institute in Virginia.

Truly, in our courts today justice is frequently fallen in the streets.

The General Conference attorney grilled him mercilessly. Colin had no doctorate in theology; in fact, he had no degree in theology of any kind. No degree in church history. He belonged to no learned theological or historical society. He had received no awards for research.

It was obvious that Colin would be the second witness to be eliminated, and plaintiff attorneys smiled their approval of the proceedings.

Then something happened. And it marked the turning point in the trial. From this time forward the judge began to wake up to what was actually taking place!

The faithful, whose prayers had ascended in the courtroom since Monday morning, and the praying faithful elsewhere in the nation and the world—were about to begin seeing more favorable results.

Just as the angel had wrought with Cyrus for a time in Daniel 10:13, so the mind of the judge was about to begin seeing things in a new light.

It may have been God's plan to let the General Conference fully exhibit its objective of totally stifling the opportunity of the little company to defend itself in court—and, when this had been sufficiently revealed, He brought relief.

"Fear not, little flock, it is the Father's good pleasure to give you the kingdom." And to help you in this life also.

At one point, as the attorney continued his attack on the supposed "qualifications" of Colin, the fact emerged that Colin had co-authored 32 books on issues in Adventism.

The attorney eventually turned to the judge and demanded that Colin also be rejected as a "qualified witness." On top of everything else, the attorney said, Colin was a foreigner (an Australian) and "not acquainted with American laws." (In final summation at the close of the trial, we will learn that this same attorney stated that both Colin and his brother, Russell, "had never lived in America"!) Colin had been in America 26 years, and 16 years at Hartland.

But the judge had become thoughtful and replied that he considered all those many writings to be a favorable qualification, and that he would like to hear what Colin had to say and he was accepting him as an "expert witness." It is a rule of law that an expert witness may give his opinion as part of his testimony.

So Colin was now a witness. Pershes began asking him questions; and Colin, with his wide-ranging background and knowledge, began to speak.

Judge King watched Colin intently and listened closely to what he had to say. Soon, Judge King asked the attorneys to be quiet,—and he began asking Colin questions!

They talked together for quite a length of time. It is estimated as from 3 to 4:30 p.m. Colin spoke on a wide range of issues and topics, both historical and religious, pertaining to this case. Old and New Testament events were noted. The matter of religious liberty and the right to freedom of speech was brought up. The *Church Manual* and Ellen White's statements were discussed.

The judge was learning something! Indeed, the judge was learning a lot! One would think he had never taken time to read all the written documents submitted to him earlier by the defense.

When Judge King finished interviewing Colin, he turned to the court and startled everyone in the room.

Judge King said something like this:

"This is a spiritual matter, and I am only qualified to judge civil matters. I am going to ask that you get together and try to work this out between yourselves."

The judge then paraphrased 1 Corinthians 6:1 ("Dare any of you, having a matter against another, go to law before the unjust, and not before saints?"), and then said, "Dr. Stanish probably could give you the reference"; which Colin immediately gave.

Then he concluded with words such as these:

"I have to leave now, but I am asking you to settle this among yourselves. I will let you stay right here in the court after I leave, and you can talk this out together. You can stay here till 8:30 a.m., tomorrow morning, if you wish. I will not know what you discussed and will not ask about it later. But, when I come in tomorrow morning, I would be happy to learn that the case had been settled out of court, and we did not have to proceed with it."

This brought a gasp from the General Conference attorneys. Only recently they had been smiling among themselves at how well they were fooling the judge and stifling efforts, by the faithful, to defend themselves in court. Now the tables had mysteriously been turned.

This recalls to mind a startling incident which occurred twelve years earlier, on February 22, 1988, in Honolulu. As we mentioned earlier, the Hawaiian trademark lawsuit had been decided against the little group in December, without ever having gone to trial.

Attorney Max Corbett came onto the scene of action in January and began filing a blizzard of legal papers—after the case was over.

This brought a flurry of papers from the other side; for Ramik and his Honolulu attorneys—all of them non-Adventist—were only glad for the extra tens of thousands of dollars it brought them. (Corbett was never paid anything for his services.)

Then, on February 22, a new judge arrived on the scene and Corbett explained the matter to him. Realizing what was being done to the innocent, according to the court record, these were the words of the judge:

"Now, I am going to do something that I have never done before, and that perhaps is unusual. The plaintiff has won a victory in court. But I am not sure that if you pursue this victory it isn't going to be a pyrrhic one . . The plaintiff is a conference of a religious group which has certain beliefs which are reasonably unique. The defendant is likewise a religious group which has very similar, if not identical, beliefs. And we have here a struggle between those two religious groups.

"I think that it is unfortunate that this litigation took the turn that it did and . . that a default judgment was entered."

The judge then asked the plaintiff to settle the matter with the defendant, or at least let the matter be heard in a court of law.

"I think it is unfortunate when we pit two [religious] faiths, that are so similar, against each other in a [government] courtroom. I think that this is a thing that's much better handled in the spirit of religion than it is in the spirit of controversy."

That judge, although he could not reverse the default judgment established two months earlier, also awoke to the insidious nature of what the General Conference was trying to do—bankrupt and blot out a small group which dared to refuse submission to its supremacy.

Even worldly judges are incensed when they discover the tricks that the General Conference is capable of.

There was another awakening a little over three years later, on February 26, 1991, in Los Angeles. From 10 a.m., when it started, the judge had gone along with the General Conference version throughout most of the first day of the Kinship trial. But then at 5:30 p.m., she awoke to what was happening.

Judge Mariana Pfaiezer suddenly told everyone that she realized that a trademark was not the issue here, but the First Amendment right to free speech and fair use. She then instructed both sides to prepare briefs dealing with that topic, and submit them to the court by March 27.

After receiving the briefs, Judge Pfaiezer issued her judgment on October 7, 1991. She ruled in favor of Kinship, according them right to free speech in the use of the name—for both their organization and themselves personally.

So once again, on Monday, March 13, 2000, a judge woke up to what was happening. Having given this plea for joint reconciliation, Judge James King left the courtroom. It was about 4;30 on Tuesday afternoon.

The audience, which was large, went to a waiting room and overflowed out in the hallway of the federal building. Perhaps nothing like this may have been seen before in that place. People all over the hallway, kneeling in prayer, pleading with God that the General Conference brethren would be willing to reconcile and stop persecuting them.

After the judge changed to his street clothes, he stepped out into the hallway so he could walk down it to the elevator.

Startled, he just stood there and listened for a time, then passed on and left the building. He had something to think about.

For a little time, each side met in its own huddle on opposite ends of the courtroom, to consider what to do next. In the group of the faithful, two of them noticed that a man from other side had slipped over, sat down, and was carefully listening to everything they said.

Then the leaders of both sides met and agreed that four people representing each side should go into the judge's chamber, sit down and converse together. (Not, of course, because the General Conference personnel may have wanted to do this, but the judge had told them to; they knew better than to leave without going through the motions of a reconciliatory meeting.)

Inside the conference room gathered eight men, hurriedly selected. They pulled chairs around in something of a circle and sat down.

Representing the General Conference was Robert Nixon, George Reid, Walter Carson, and Vincent Ramik.

Representing the faithful were Raphael Perez, Colin and Russell Standish, and Andrew Roman. (Roman is on Perez' board and a teacher at their Orlando academy.)

As the praying continued outside, the men prepared to talk. Someone suggested that a prayer should be offered first; so Pastor Perez suggested that Roman, his associate, give it.

The young man knelt down and pled with God that the matter might be resolved right there and then. I am told by one who was present that it was a

very moving prayer.

Unfortunately, as soon as the men were seated again, it was discovered that the four from the General Conference were in no mood for reconciliation. In fact, they flatly rejected the idea. Although they dismissed it as preposterous, they agreed to freely discuss other matters.

Now this came about as a divine providence; for it resulted in information which we might not otherwise have obtained at this time.

Colin Standish said that if the church leaders would get rid of their Celebration churches, kick out their New Theology teachers, and make some other changes, the problem would disappear by itself. Everyone would return to the main church body.

His suggestion was ignored. Instead, Vincent Ramik told the faithful the way to solve the problem was for them to change their name to "Sabbatarian Adventists." Their response was that Ellen White told us we must always call ourselves "Seventh-day Adventists." Ramik, of course, as a faithful Roman Catholic did not care too much for that comment.

Raphael Perez replied that they were willing to negotiate anything else, but not "Seventh-day Adventist." He said they were willing to add disclaimers, saying they were not part of the General Conference, to their signs, ads, and everything else. They were willing to do anything they could do, but they could not give up their God-given name.

The response from the General Conference representatives was that, under no condition, could they concede to such a position. Robert Nixon added, "I have no authority in this matter, to make such concessions. I have to report back to a committee in Silver Spring."

Then the faithful asked this: "Let's be realistic. What are the chances that you will ever accept us as able to use the name 'Seventh-day Adventist'?"

The reply was "Never, no chance. It will never be an option."

Then a question was asked about the Adventist Reform Movement (also known as the German Reform Church).

You should know that many of us have wondered about this ever since the trademark lawsuits began. It was an intriguing fact that the General Conference always sued tiny groups and never went after the two oldest split-offs: the Adventist Reform Movement (in each of its two re-split-offs) and the Davidian Seventh-day Adventists (in its six or more major splinters). The Adventist Reform Church had called itself "Seventh-day Adventist" in America since the 1930s, and the Davidian Seventh-day Adventists since 1941. Both of these predated the General Conference acquirement of the trademark on November 10, 1981.

So the intriguing question was this: Would the General Conference eventually try to destroy those two older split-offs, after it had finished annihilating the newer ones?

(Keep in mind the tantalizing fact that the organization known as Seventh-day Adventist Kinship was founded several months before the November 1981 trademark permit;—yet it had also been sued. In April 1981, I published a tract about Kinship newsletter articles dated in 1980. That organization had been operating for over a year before the November 1981 trademark was obtained.)

In this conversation, it appears that an answer was given.

When asked about the Reform Church, the reply was immediate and strong, and worded something like this: "They have been in violation; they are illegal, and should be stopped from doing this." The reply revealed the General Conference objective was, at the cost of many more millions in tithe money, to sweep the field of all opposition. And their lawyers, which normally tried "religious liberty" cases, were the ones in charge of getting the job done.

Robert Nixon was asked, "Don't you believe that religious liberty will some day be taken away?" He simply shrugged his shoulders as if he was not sure that might ever happen. "Don't you realize that what you are doing could help start it in America?" No response.

The conversation continued on a little longer. But the General Conference representatives were increasingly rude; and, before long, they just got up and walked out. There was no joint closing prayer.

Why bother to pray when you want to destroy people's faith? Prayer just doesn't seem appropriate at such times.

I tell you, I would fear to be a General Conference staff member. Those men had, because of the positions they held, been forced to so repeatedly compromised their faith that they could laugh at success when they thought they might crush more faithful believers.

The meeting had lasted about two-and-a-half hours (from about 4:30 till 7:00 p.m.)

—So what did we learn from that late Monday conversation by the eight men?

• The General Conference has no intention of

Continued on the next tract

The Florida Trademark Trial

PART THREE OF THREE

Continued from the preceding tract in this series

WM 943

ever relenting in its objective to demand sole ownership of the name, "Seventh-day Adventist." It refuses to even share it with any Advent believers who, because they refused to relinquish their beliefs, have left, or been disfellowshipped.

• After it wins this case, the General Conference intends to go after every other group, including the larger ones which call themselves "Seventh-day Adventist."

In addition to this, we learned earlier in the trial that the General Conference has apparently abandoned both the Bible and Spirit of Prophecy as the basis of its authority! This is, to say the least, an astounding thought! Instead, it relies solely on man-made statements in support of its claims.

I am sorry to have to tell you, but this is exactly what degenerated the early church into the apostasy of Revelation 13 and 17,—and produced the persecution and horrors of the Dark Ages. Read *Great Controversy,* chapter 3.

The next morning, Colin's twin brother, Russell, was called in as the next witness. The General Conference lawyer started in on him. How many degrees did Russell Standish have? Oh, they were in medicine, and not in history or theology. And not even a member of any historical or theological research society!

Yet Russell had co-authored 32 books, with his brother, on topics concerning Adventism and the Seventh-day Adventist Church and people.

The attorney demanded that he too be excluded from the list of defense witnesses, especially since he was a foreigner and "did not know U.S. laws." (How many of us who have lived here all our lives know technical U.S. trademark laws?)

But the judge said he appreciated the fact that Russell Standish had co-authored those books, and he wanted to hear what he had to say.

The attorney objected strenuously. "Why are you letting an Australian, who doesn't even know our laws, take the witness stand?"

Judge King overruled him.

As you know, the twins look very much alike. So it was like seeing his newfound friend once again. Judge King personally questioned Russell at some length, and let him speak freely about a variety of topics.

Russell discussed the history of the trademark law and the effort of the denomination to persecute innocent little groups with the trademark lawsuits.

Explaining to Judge King that he needed to judge whether this law was just, Russell discussed statements by Ellen White and the Bible. He also spoke about the *27 Fundamental Beliefs* and the *Church Manual.*

The next witness brought in was a young man, David Zic, from Toronto, Canada. He was in charge of archives for one of the two branches of the Seventh-day Adventist Reform Church (the Virginia group).

First, he gave the history of his organization and how they had used the name, "Seventh-day Adventist," in their church name in the United States since the 1930s. Zic also discussed how other organizations and church groups had used the name.

The General Conference attorney then cross-examined him and cast aspersion on his church. Several times, in ridicule, the attorney said, "You only have 700 members in the U.S., and we have 10 million!"

The attorney picked up one volume from the McMillan *Encyclopedia of World Religions* and turned to the article, which he said was about "Seventh-day Adventists," and said, "See, you're church is not in here!"

Attorney Tew told the judge that the testimony of this man should be discounted, since he did not represent a well-known or well-established organization.

Then Tew handed the book to Zic who was used to examining books. Zic looked at it for a few moments, then said something like this, "Yes, that is right; we're not in it,—but neither is the Seventh-day Adventist Church! This encyclopedia article only talks about "Adventism," and not even the Seventh-day Baptists are mentioned in it!"

The next witness was John Nicolici. He took the witness stand because he had earlier been an officer in the Adventist Reform Church. (Actually, many years ago, he had separated from them because of the ongoing apostate practices of their leaders.)

John produced evidence that phone books in Sacramento, California, have for years listed both mainline and offshoot churches as "Seventh-day Adventist." He said that there is no confusion in name. All the Adventists in the area know which denomination is which; and, he added, as soon as a person walks into one of the churches, he can immediately tell the difference.

In his cross-examination, the General Confer-

ence attorney tried to discount John's evidence. "Did you check the phone books in this city . . in this city? . . what about this city? . . this state? . . that state?"

One could sense that the General Conference attorneys were afraid of John. They knew he could tell a lot about them, so they very quickly said they had no more questions.

When John arose, he said, "But I wanted to tell a lot more!"

The next witness was John Grosboll. He told about his magazine and how many copies he mails out each month.

But, on cross-examination, the General Conference attorney asked him for the name of his organization, and John said, "Steps to Life." Although they also have a local church, named the "Prairie Meadow Seventh-day Adventist Church," the lawyer made a big issue of the fact that John's organization did not have "Seventh-day Adventist" in the name. Obviously, the attorney said, it is not necessary to have "Seventh-day Adventist" in the organizational names of independent groups!

When John stepped down from the witness chair, he looked very sad. He had done his very best, and he surely had. Yet, through no fault of his, it appeared that the opposing attorney had made a good point.

—Yet it was not a good point, and this fact was not brought out in the trial.

The truth is that subsidiary organizations of the Seventh-day Adventist denomination, itself, rarely have "Seventh-day Adventist" in their titles either! (For more on this, see our tract, *The Seventh-day Adventist Non-Identity Factor,* which will be mailed out with this tract set or soon after.)

Actually, Steps to Life is a missionary outreach, and could be compared to a denominational missionary project like the Voice of Prophecy. Yet the Voice of Prophecy does not have "Seventh-day Adventist" in its name. Nor do any of our other missionary or evangelistic entities. Not one.

The phrase, "Seventh-day Adventist," is used on our church signs; and Steps used that name on its church.

Unfortunately, this point was not recognized at the Florida trial. (Fortunately, the data is in our tract, *The Seventh-day Adventist Non-Identity Factor.* This will be the hands of Judge King within a few days, so he will have it before him prior to making his final decision in this case. Keep praying.)

In more ways than one, the case for the General Conference is founded on fraudulent claims.

The next person to take the witness chair was Raphael Perez. As pastor of the church being sued, he is an important figure in the lawsuit.

Raphael Perez discussed his background and how he started his church. He mentioned letters and correspondence from the Southeastern Conference which called him "Elder" and referred to his church title as "Seventh-day Adventist."

So the cross-examination began. In contrast with the other witnesses, the General Conference attorneys spoke to Perez with more respect. It is believed that the General Conference men made a policy decision to treat him courteously.

They were beginning to get a little worried. Twice, during the course of the trial, Judge King said that the phrase, "Seventh-day Adventist," is a religion; whereas the General Conference maintains it refers exclusively to a single denomination. The judge also said something like this: "I know many of these people have strong convictions."

But now, in view of the fact that the judge was said to be Roman Catholic, it was time for the General Conference to spring their bombshell.

Perez was asked something like this, "Now about your newspaper ad, you say that the Catholic Church is a whore!" "And that other churches which keep Sunday are daughters of a whore!"

Perez replied, very humbly and respectfully, that this was what had been written. He was nervous. But then the lawyer drummed home this terrible thing Perez had published in the newspaper ads.

Although the lawyer may not have known it, the book of Revelation and the content of *Great Controversy* was what he was discussing.

So Raphael, who was well-acquainted with both books, had some words in reply.

Perez said those ads came from the book of Revelation in the Bible. He said the quotations were taken out of Roman Catholic books. The rest were all Bible quotations and statements from the book, *Great Controversy,* which had been sold in Seventh-day Adventist Church bookstores, for over a century, and is still being sold today. Perez said that only minor parts of the ad had been written by the Perez group.

He then said something like this:

"We're not saying what's in that ad; that's what God says. Where is there a lack of love in the person who has concern for the souls of others, and tells them the truth? It is those who are not loving, who hide the truth and do not tell the people. Our problem is not with the pope but with his teachings. John Paul II could be saved, but he would have to leave the seat of Satan in order to do it."

All was very quiet in the courtroom.

The trial was slated to begin at 10:30 on Thursday morning, but it started about 15 minutes late. This was the last day of the Florida Trademark Trial.

Purshes entered a motion to dismiss the lawsuit, but Judge King rejected the request.

It was now time for closing arguments. Judge King had ruled that each side could have 45 minutes. Attorney Tew asked that he might have 30 mintues, plus 15 minutes for rebuttal after Pershes had spoken. This was granted.

PLAINTIFF'S CLOSING ARGUMENTS—On behalf of the General Conference, Attorney Tew mentioned the 250 documents it had submitted and the results of the survey; he also related incidentals, all intended to establish that the phrase belonged to the denomination and no one else. (Ignored was the fact that independents, both individuals and groups, had used the name for decades before the filing of the trademark; and others had used it even before the General Conference was established in 1863. Ignored was the fact that the denomination hardly uses the name anywhere anymore, except on the front of its churches.)

The fact that Grosboll's organization did not have "Seventh-day Adventist" in the title showed the independents did not need to use the name. (Ignored was the fact that Adventist entities do exactly the same thing.)

It was suggested that the defense was relying heavily on two Australians "who didn't know our laws," "who have never lived in the United States." (Ignored was the fact that Russell has visited here many times in past years; and Colin has lived in America for over a quarter century—the past 26 years, including 16 as president of Hartland Institute.)

It was then mentioned that a strong legal precedent, supporting the General Conference claim that it should control the name, was to be found in the case of the State of Oregon vs. Smith. (Those among the faithful in the courtroom, who were knowledgeable on this matter, were utterly shocked at this statement. That court case is notorious for its attack on the religious liberty rights of individual Americans.)

DEFENDANT'S CLOSING ARGUMENTS—It was now time for Robert E. Pershes, the attorney representing the faithful, to give his closing arguments.

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 fourth day of the trial. 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 spoke.

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 already established that they had that right! It 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 General 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 trade-

mark 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.

PLAINTIFF'S REBUTTAL—It was now time for Attorney Tew's 15-minute rebuttal. He immediately set to work to undo the effects of Pershes words on the court. But, apparently, there was some confusion in his testimony; for, at one point, Ramik had to write something on a paper, walk up, and hand it to Tew who read it. What the note said, we do not know. This was the only time throughout the trial that Ramik did this.

JUDGE KING'S CLOSING REMARKS—The judge announced that both sides had 15 days in which to hand to the court any other documents they wished to submit.

The court should already have copies of our books on this subject, but we are in the process of checking on this. We will also send our newest tract, *The Seventh-day Adventist Non-identity Factor*, showing that the denomination tries to avoid using the name. We may send other materials also.

The Standish brothers plan to send to the court a copy of all their pertinent books.

Judge King also stated that it would require between two and six months before he would issue a judgment in this case.

This entire report was based on eye witness accounts. We cannot guarantee that we have exact quotations here or that the order of events is totally sequential.

However, we are in the process of obtaining a complete transcript of the trial and plan to reprint the crucial portions as soon as we can. If there are only a few sections of importance, we will quote them in a tract or two; if a lot, we will place them in a booklet.

There is no doubt that the Florida Trademark Trial was a historic occasion for Seventh-day Adventists.

In the hallway, between trial sessions, Robert Nixon was asked how he could sleep at night. He replied that he generally could, but sometimes it was a little difficult.

At another time, he was asked how he could be part of these attempts to destroy the religious liberty of Adventists. He did not have much to say in reply.

When he was asked outside about the statement in *Upward Look*, p. 315, he said it would have to be interpreted in a contemporary way.

It was of interest that the Mr. Zic, the Reform Church representative, told someone that when he went back home, he was going to get his church to start a defense fund; because, if the General Conference won the Florida case, it would not be long before his church would be sued.

Back in 1989, Max Corbett pled with leaders of both branches of the Reform Church, to please send an *amicus curiae* brief to the San Francisco courthouse, in preparation for the Hawaii case appeals trial. Both refused to do this, apparently thinking the General Conference would not dare sue them, since their use of the name predated the issuance of the trademark.

Now, at last, one of the two branches realizes that, before long, they will face the same crisis we have been struggling with for years.

Keep praying! The judge has not made his final decision yet. *—vf*

For further information on this important topic:

Florida Trademark Trial Packet, which includes *this tract set*, plus Florida trial photos and news clips.

The Florida Trademark Trial Booklet, which includes all 25 tracts about the March 13-16, 2000 trial *(April 2000, 100 pp. 8½x11, $7.50 each + $2.00 p&h).*

The Story of the Trademark Lawsuits, which covers the whole story of the General Conference trademark lawsuits, prior to the Florida lawsuit, and nicely summarizes the key points. The appendix includes a chronology, sources, summary of legal principles, and 29 key documents *(1999, 80 pp., 8½ x 11, $7.50 + $1.50 / 2 for $6.50 each + $2.00 p&h)***.**

The Florida Trademark Trial Transcript This is the complete official transcript of the Florida trademark trial. It has 494 pages, plus 6 pages in front, including a table of contents (which we added). If you cannot afford this, you will find our Analysis of the Florida Trademark Trial Transcript [WM–946-954], included in the above booklet, covers it very well. Complete transcript: 494 pp., $35.00 each + $5.00 p&h.

Legal Defense against a Trademark Lawsuit, plus the Notorious Settlement Agreement Part One is a collection of legal points; and Part Two is the Settlement Agreement which you will be required to sign, in order to settle the case out of court. The stipulations are astounding. 1999, 8½ x 11, 44 pp., $4.00 each + $1.50 p&h / 5 for $3.50 each + $2.00 p&h.

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