

DENVER 6, COLORADO
1333 Adams St.

January 29, 1960

TO: Ministers of the Church of God, 7th Day
L.R.C. and Laymember leaders.

Dear Brethren:

"Behold, happy is the man whom God correcteth...for he maketh sore, and bindeth up ..." Job 5.

It must be constantly in your thoughts--the tragedy and vanity of the Church's present troubles, which are not reducable to a single item, but are very complex. We all do know that life is fast fleeting. Our greatest hope is to not only hear the blessed words of our Lord, "Well done," but that you might hear them too--and as many other souls as can be reached.

Our desire is for Reconciliation

First of all, brethren, we would state that we would like to have the privilege of making our personal apologies--to the entire Church, if necessary--for whatever way in which we may be found to have erred, in the events which have astounded us all in the past year.

Right now, we do not just know what to apologize for specifically, but in such a time as this, possibly the Church's tragedy could be traced to every member and minister in the Church. Somehow, we have all failed God as a body, and we take our share of that spiritual defeat.

If, in the course of events, there could be righteous hearings and examination of all parties involved, we haven't the slightest doubt but what we also will be found in some human errors. Until that time, though, we cannot know what our errors will be, or how they will be measured or judged.

Status as a Minister

First of all, some of you may have heard that my credentials and those of Elder Adams have been jeopardized by an action of the Executive Board, announced on January 6, 1960. However, legal and professional advisers tell us that the action of the Executive Board was invalid (not legal)--and that any civil court would uphold our ministerial rights and status. Not only have our civil rights been denied, but the Board is in conflict with our Church's own constitution and laws. It does not have the legal right to legislate "decrees" against our members.

In other words, Elder Adams and I have the right to continue in our offices as pastor and assistant at the west-side Denver Church; as officers of the Colo. State Board, etc. While we do not covet these positions, perhaps our continuing patience and cases can help to clarify ministerial rights in the Church. It is also held, by legal opinion, that such judicial laws, as the Board just passed, are not valid (1) conflict with other Church laws; (2) not ratified by the Conf.

In regard to the personal cases of Lois and me, we do not want our brethren to feel that we have NOT WANTED, or that we have deliberately avoided, an authentic and proper hearing and questioning long ago, which would have allowed us to have had our defense present--which would have spared our personal cases from being used in connection with, or to cast reflection upon, the Laymen's Research, etc.

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We did wish, and tried, to prevent our cases from becoming of major Church concern, and from being given undue importance. We shall hope that in righteous investigation of the genuine evidence from both sides, that it will prove that what we say here is true--and was our true motive. Until such a time, perhaps some of you cannot know for sure just what to conclude about our motives.

Our open offer

Due to circumstances entirely beyond our control, beginning last December, and up to the present time; because that erroneous stories are still being told to the public membership about our cases, without our agreement or consent; we feel duty-bound to lay certain MAJOR POINTS before you, as well as to make known to you our offer and hope of a fair and equitable approach to reconciliation.

Another point which we feel should be mentioned as a reminder--it is the matter of circulating matters pro and con before the membership in general and the public. The Executive Board seems to be playing up the idea that the LR and ourselves, etc. are not concerned with the welfare of the "weak" the "new lambs" etc. We think that matter should be answered now, as far as Lois and I are concerned:

At no time have Lois and I chosen to circulate Church troubles over the country, promiscuously. Neither do we think that public circulation of protests, accusations, etc. are the first order of business in the Church--but that such ought to be handled through Church lawful order.

We are not responsible, and did not make the decisions as to what should, or should not, be circulated by the L.R.C. We may have voiced our opinions at various times, but the decisions were not ours, and often our opinions had no weight. The "204 Whys" were not composed by us, nor initiated by us; nor did we make the decision to circulate them; the Laymen's Examiners (some of which went to many members) were not decisions of ours, nor did we influence those decisions; nor did we compose the letters, etc., appearing in what they published.

This is not to say whether they were in the right or wrong in L.R.C. decisions. We have our personal opinions about it, and everyone knows that we are in sympathy and supporting them in their objectives and goals. We also believe that many of their activities were as a direct result of the maltreatment they received in December, 1958 at the hands of leaders of the Min. Council and the usurpers of their rights.

In July, Lois and I sent out a letter finally, an open statement, and we still stand behind that statement and its offer of reconciliation. Here is the thing that must be weighed and accepted by every fair-minded person. While the principle that Church internal problems should be resolved with judicial approach; when law and order is bypassed, and when officers of the Church carry personal slander over the country, without benefit of hearings--then the victims certainly have every right (moral) to make a public statement and/or protest.

In the following statements, we shall have to refer to the name of Eld. E. A. Straub in relation to events. Elder Straub, for many years, was a regular and welcome guest in our home. It hardly seems to us that any thing, short of a death of a loved one, could have caused us more grief, tears, or unrelenting ache in our hearts than our estrangement with Elder Straub in the past several years. We have just recently received letters from two homes of some of his closest relatives lending their courage and sympathy to us, and expressing their grief and heartbreak at conditions.

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Even though what we say here must be said, and while we feel we have been treated most unChrist-like, as have a good many other people in the Church, we would either one or both give our lives in death--if it would assure the salvation of a soul from eternal loss. Our hearts are broken as we write these words. Surely, in Bible times, it was grievous to our Father over those who erred, even as it is today.

We have received, and continue to receive, letters from a number of brethren, as well as having talked with some, who have personally observed, or had personal unpleasant experience with Elder E.A. Straub, which all points to some unresolved difficulty--and certainly a vast difference of concepts in regard to human rights and dignity, and the matter of social Christian relationships.

Railing Accusation - I Tim. 5:19,20 and chapter 6:3-4.

In the past two weeks, in Lodi, California, Elder E. A. Straub attempted to bring a false accusation against Eld. Leo Merriam, who is pastor of the Lodi Church--for which he had no evidence to even justify the act.

A local Church member mailed a letter to Eld. K. H. Freeman, complaining about Eld. Straub's activities around Lodi. Eld. Leo Merriam, who knew nothing of this member's letter until after it was mailed, had to go and get affidavits in order to protect himself from Eld. Straub's attack. We present this only as a pointed and current illustration of what, in our opinion, is a railing accusation.

Merriams Wanted to "Go through the General Conference files."

In Lodi, California, again within the past ten days, in the presence of a number of witnesses (some of whom have reported to us), Elder Straub openly accused my wife and me of requesting or asking the Executive Board recently to let us "go through" the Gen. Conference files" (to look through them all).

This is a falsehood, and as far from the truth as the Atlantic ocean is from the Pacific--as our original letters and telegram to Eld. E. A. Straub will show, when examined. In our request, this fall, we asked only to see the evidence and the Minutes of our cases--so that we could take our cases on to the Conciliation Committee. This was most necessary for us (a) to determine whether the evidence was authentic or some of it forged; (b) to assure that the Minutes would not be changed or tampered with after we drew up our case for the Con. Committee.

Eld. Straub and the Board must realize that they have been unfair and unjudicial in denying us our self-evident rights--the right of any accused. Otherwise, why would they feel so compelled, or why would Eld. Straub find it necessary to spread an entirely different story--and we think the entire Board may be? Also, this act (denial of evidence) PROVES that the Board has not been willing, up to now, to grant us a proper hearing, where we could see the evidence; that it has never, to this day, prepared charges or notified either Lois or me to appear to answer formal charges or any charges. In view of this denial of access to the evidence, as well as other revealing statements over Straub's signature, it would even be impossible for the Board, at this point, to claim that it has mailed such notification of properly drawn charges.

Note: For that matter, if it were true (which it is not) that we had recently asked to look through "all the Conference files" then why would the Board deny us that since they are the ones who published the statement a year ago that their files were OPEN; they had nothing to hide. This proves the files are not even open to the accused and condemned victims, or their representatives!

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Have the Floyd Merriams Been Invited to Hearings?

We deny that we have either been notified of charges or called to a hearing of any kind; and we believe that we have more than sufficient, documented evidence to prove this.

However, whether we have or have not been; or whether we have (as the Board claims) refused such invitation--such is not the issue of the moment. Rather, the issue is: Will the Floyd Merriams and their accusers, the Executive Board, appear together in a proper and unbiased (fair and equitable to both sides) HEARING?

That the Executive Board members are our accusers cannot possibly be denied, even though they have never drawn or signed formal charges. Their railing accusations contained in the 15-page Letter which they published over their identity, February 22, 1959 constitutes all the proof needed--legal or otherwise.

Church Division?

Inasmuch as it was not within the original desires (to our knowledge) and still is not of the Laymen's Research people, or any others in the Church in general, to see Church division--we offer the following as a means of reconciliation, based on standard procedures, which would also be recognized by civil law.

If the Board still contends that we have avoided being examined or questioned under fair and honest conditions, here, as an open witness to all of you, is proof that we will meet, and are willing to have all of our activities, letters, etc. be examined in our presence, and to offer ourselves to be questioned--providing that the Executive Board, our accusers, will conform to proper Church procedures and recognize our judicial rights--which are common to all American concepts.

If the Executive Board is willing for such terms, and to unlock the evidence which they are claiming to hold against us, and with which they are seeming to blackmail our reputation--if they will amend such activities and meet us under fair and square conditions--then they can Prove to the Church that they do not want division either. The hearing should be open to any ministers and laymen who might wish to hear it.

We believe that when the Conference elected a Conciliation Committee, that it has authority over the judicial matters, especially wherein the executive Board are also under question as our undeniable accusers. We have been and still are willing for this Con. Committee to negotiate the conditions in detail for holding hearings in line with American and Biblical concepts of proper hearings or Church trial--the only kind that would be recognized by civil law, if necessary.

We also would require that the Conciliation Committee should act on a neutral and independent basis in such negotiations; that they be free from control or intimidation of the Board, and from being prejudiced by the Board. We believe they are competent enough and fair enough to provide both sides their judicial rights to have these conflicts heard before a proper and qualified hearing.

We believe the following steps are in order:

- 1 - That the first hearing should be to determine whether the Executive Board has used proper procedure in our two cases in the past year or more--to establish whether the Board did or did not follow the Church's laws, etc.

Whether we have violated the Church's laws, or committed any crime, is not and could not be the first issue now; we are not officers of the Conference; we are accused members. If we were thought to be guilty, the first issue is:

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"How did the Church's Conference officers handle the cases?"

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We believe that this is a first point to be established, inasmuch as the informal accusations of the Board seem to imply that we have been disrespectful of the Church's regulations. If it is found that the Executive Board has not handled our cases with respect for the Church's regulations, it would be pertinent to what would ensue in other charges, etc.

- 2 - After this judicial point is settled, parties on either side should be free to prepare more personal charges which they feel qualified to do, with supporting evidence and that such be again handled in line with the Church's regulations and judicial procedures.
- 3 - In all instances, we shall require the right to have an unbiased jury; to have our accusers identified and cross-examined; to have our defense and witnesses present; and to be free to file cross-charges, if desired, and to have the accused face them.

Is Church Division Being Attempted? (As a means to circumvent judicial order?)

In his statements, in Lodi, California, Elder E. A. Straub reportedly has stated to the effect (before reporting witnesses) that the Executive Board was going to "clean house" (beginning with Adams and me) -- then any other ministers out of line, in their opinions, and then they would get to the laymen.

Brethren, if it would be judicially possible for such men (who are only members of the Church themselves) to remove other ministers and members of the Church, or to excommunicate them, wouldn't it be natural for these victims to seek common fellowship together? But who would be splitting the Church? The answer is undeniable.

However, it will not be so easy to remove ministers and members. Legally, neither we ministers nor the members can be deprived of our Church without "due process of law." Therefore, let it be known that, in the eyes of the civil law (and our own Church law) we are in good standing as members of the Church--and within our right to protest, and finally to disavow Conference officers, who have sought to deprive us of certain inalienable rights, under the laws of the Church and of the United States of America. Thank God! for the rights established within our country.

God help us all toward that better day when judging and condemning can be replaced by love and humble consideration one for another. We appeal, beg and plead that the responsible leaders of the Church (ministers and laymen) shall see that justice is realized on all sides; and surely all can see that, if not, that I, Floyd Merriam, have every constitutional right to take other steps to stop the continuing tirade and slander of my family around the country.

With Christian love and concern,

Eld. Floyd Merriam & Lois Merriam

NOTE: I am having a special report of some length prepared, covering various matters, which will be ready for mailing in a few more days--to ministers and lay members who may request it. Be sure to let me know if you want a copy. F. M.

LATE NEWS: Word has just been received that Eld. H. Otto, pastor of Detroit, Mich. church, has received a warning notice. Several other ministers, no doubt, also are receiving warning of the "decree." GOOD NEWS: In the past, brethren have felt compelled to leave the Church, unable to stand on their rights. Brethren are now joined hands until the Church of God has returned to her once glorious and holy heritage--to effect true unity everywhere, under Christian democracy. Members, who sign the "Statement of Protest" are within their rights; and are not subject to illegal decrees and simple tyranny. Take Courage. God will see us through. III John 9-11; and I Cor. 15:57,58.