

**AGAINST
THE GATES
OF HELL**

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Against the Gates of Hell

The Threat to Religious Freedom in America

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Chapter 1: The Coup

The Warning

Shortly after 7:00 A.M. on the third day of January 1979, I drove down broad Colorado Boulevard in the small California city of Pasadena. The sun, which had shown with a dazzling brightness only two days before on the Tournament of Roses parade along the same thoroughfare, had disappeared. In its place had come a brooding grayness, chilling and ominous.

On New Year's Day, there had been lightness and a heart delighting beauty when the ingenious floral displays, followed by the football game in the Rose Bowl near the western end of this California town, had riveted the nation's attention. Now, just forty-eight hours later, the sixty-one floats were jammed together like abandoned automobiles in Victory Park, a few square blocks of greenery where the three-hour parade had ended. The lovely blooms woven into them so cleverly were fading rapidly; their frisky costumed riders who had charmed the throngs along the sidewalks were gone. A few thousand city residents and visitors had come to view them for the last time before the flowers were stripped off and the motorized carcasses driven away.

The mood of the city had changed sharply. Some debris still lay un-swept along the parade route; a dispirit seemed to have descended upon the residents of Pasadena who were on their way to work, coats buttoned against the rising wind. A "party is over" air hung over the community.

In the darkening sky there was a strong hint of a gathering storm that, from time to time, can lash this usually weather — calm, sunny community.

That storm never broke. But another one struck with a suddenness and fury just ninety minutes later that morning. It was far more dangerous, more brutal, and more potentially destructive to our American way of life than any tempest that can come from clashing clouds.

This is the story of what was set in motion that fateful morning. It is the story, at once terrible and inspiring, of a church under siege; terrible because of an infamous attack against the right of God-fearing people to control their own religious organization; inspiring because of how those people, usually gentle and peaceable in the way they conduct their lives, rose in defiance against those who would take from them the guarantee carved into the very foundation stones of our country — freedom of worship.

And yet it is even more. It is also a warning that no religious group in the country can ignore. For Church (and I use that term in its broad meaning) and State are on a collision course, and what happened to one great spiritual organization headquartered in Pasadena can befall others throughout the land.

The Entry

Usually, I am at my desk on the fourth floor of the Hall of Administration of Ambassador College at 8:00 A.M. or earlier. The hall, a four-story glass and granite structure, is on the serenely beautiful campus of the college, a coeducational institution founded in 1947 by the Worldwide Church of God. Just off West Green Street in west Pasadena, it houses the business and administrative offices of the college and Church.

That morning, despite the lowering skies, I felt a new sense of freedom. On my desk at home lay a letter that, I was certain, would cut through a Gordian knot of problems. It had arrived from Tucson, Arizona by special messenger late in the evening of New Year's Day, and was from Herbert W. Armstrong, founder and Pastor General of the Worldwide Church of God. Typewritten by Mr. Armstrong himself, it charted a new future for me. And, much more important, it was intended to put an end, once and for all time, to a charge that, though wildly illogical and even ludicrous, was nonetheless having a divisive effect upon the Church.

I had been associated with Herbert Armstrong and the Church for more than two decades, first as a financial consultant shortly after I began the practice of accountancy, then also as legal adviser. As the years passed, I found myself becoming increasingly involved, at Mr. Armstrong's request — and his urging when I demurred — in the day-to-day operations of the Church.

The religious organization he brought into being had been growing by quantum leaps and Herbert Armstrong flattered me by insisting he needed my help and counsel. As millions around the world have discovered, Armstrong can urge very persuasively. So by mid-1975, I had become an officer and director and found myself in a full-time job of administration, having given up all my other business and professional activities. Twelve-hour days devoted to handling the Church's far-flung, diverse activities were routine, post-midnight telephone calls from all over the country and the world not uncommon.

In 1971, as my own involvement was increasing, a problem that was as sad as it was serious came into the open. Differences arose between Mr. Armstrong and his son, Garner Ted, who was then forty-one years old. Garner Ted, a handsome young man to whom one might apply that much-abused adjective, charismatic, had been associated with the Church in a high capacity and was conducting with considerable success a program called "The World Tomorrow" on about 400 radio and 100 television

Mr. Armstrong loved his son, and loves him still; but disagreements between them were basic. They involved theological and philosophical issues and there had also been questions concerning Garner Ted's personal conduct.

A series of internal arguments, some of which seeped out into the media, followed, culminating in the summer of 1978 when the — elder Armstrong, in a move that caused him great personal anguish, ordered the disfellowship, or excommunication, of his son. In his father's words, Garner Ted had used his authority "totally contrary to the way Christ had led

me." Thus Garner Ted who some considered to be the anointed heir to the Church's leadership, was heir no longer, nor was he connected in any way with the Church.

During this unhappy time, King Lear's words came to me often: "Blow, blow, thou winter wind, 'Thou art not so unkind' as man's ingratitude.... For Garner Ted, having been removed from the Church began attacking it. One of his charges was that his father, then eighty-six, had become close to senile he was describing the elder Armstrong as a kind of Howard Hughes, ill, unable to care for himself — much less the complex affairs of the Church — and totally under the control of a Richelieu — like character named Stanley Rader. Rader and his group, Garner Ted was claiming, were deliberately hiding, his father in a secluded residence down in Tucson, telling him what to do and when to do it. All this, he said, had a sinister purpose: to place that same Stanley Rader in a position of strong authority so that, were the elder Armstrong to die, Rader would be able to move quickly into the seat of power and run the Church and all its work. That, in short, was Garner Ted's thesis. It was, of course, totally absurd.

First, Herbert W. Armstrong, far from being "senile" and thus incapable of thought and action, was a busy, active, and productive man. After recovering from a heart attack in early 1978 he traveled extensively, was writing no less than five books at one time, and had participated in several dozen television programs; hardly signs of mental deterioration! I talked with him daily; he was bursting with plans and ideas that he communicated to me at great length and with his usual force and cogency.

Second, the claim that some dark and devious plot was hatching in the recesses of my mind to assume control of the Church made no sense whatever. Although I was a Church member, my position with Mr. Armstrong was quite like that of a Catholic lawyer working in a community for the Catholic Church or some arm of it, but at the same time standing apart from the ecclesiastical hierarchy.

Despite widespread speculation, fueled by Garner Ted, that I was Herbert Armstrong's "heir apparent," the Pastor General could no more name me as his successor than the spiritual ruler of the Roman Catholic Church could designate the next pope before he dies. A conclave of the College of Cardinals selects the person who will sit upon the throne of Saint Peter. In the Worldwide Church of God, it is God alone who chooses in His own way and in His own time.

Nevertheless, an untruth repeated often enough can convince some people. Garner Ted's arguments, vociferous and frequent, were creating a widening schism among our members. It had become increasingly clear that something had to be done to heal the rift, to prove that Ted Armstrong's accusation was baseless, and thus to remove an impediment to the continued flowering of the Church.

Thus, about three months earlier I had made a suggestion to Mr. Armstrong. I had asked to be relieved of my active, day — today administrative responsibilities and revert to the function I had years before. This was to act as his personal adviser on financial and legal matters, doing what long years of study and experience had equipped me to do.

My management duties would be limited to administering the Church-funded Ambassador International Cultural Foundation, whose activities include the renowned program of recitals and lectures at Ambassador Auditorium, one of the nation's leading centers for the performing arts. I was the proud creator of this and other cultural adjuncts of the Church, and I was eager to spend more time with them, helping them to grow and, by their flowering, to enhance even more the prestige of the Church. I would continue to act as Mr. Armstrong's personal assistant and adviser, particularly in the crucially important overseas projects, and also as legal counsel.

After months of intermittent discussion, Herbert Armstrong had finally agreed to the reorganization, I had telephoned him the day after I received his letter* to express my delight and appreciation. He suggested I make an official announcement of the change in my duties at a ministerial conference that was scheduled for January 15 in Pasadena.

** Four months later, that letter would resurface in a truncated, grossly distorted form on CBS-TV's "60 Minutes" program during an interview session — With, television reporter Mike Wallace. The full story of that episode, and the letter played, is discussed in chapter 13.*

That was why, with a new lightness of spirit, I went off that morning to play tennis instead of going directly to the office. It would be my first game in many months. I could not know it, but it would be some time before I could play again.

On my way to the courts, I passed close to the Hall of Administration. Later, I was to receive a moment-by-moment account of what was happening inside.

At precisely 8:30 A.M., Virginia Kineston, my executive secretary, arrived at her office, which is behind a wide glass partition on the fourth floor, just outside mine. Virginia, a Texan by birth, enrolled in Ambassador College in 1965, where she met and subsequently married a fellow student, John Kineston. John now serves as my executive assistant. Minutes later, other young women, members of her staff who assist her with the complex secretarial functions of the Church and college, were also at their desks.

By 8:45, a steaming mug of coffee before her, she was settling down for her usually busy morning. A light flashed on the multiline call director at the left of her desk. Willis J. Bicket, head of the Church's accounting and data processing center was on the phone.

"Say," he asked Virginia, "what's going on up there?" He had just received a cryptic call from Ellis LaRavia, head of plant maintenance, whose office was down the corridor from the executive suite. Urgency in his voice, Ellis had asked Jack Bicket to come over to the hall at once. Jack's office was in the accounting and data processing building, a quarter of a mile away. "Something funny is going on," Ellis had told him. "There are people in the building here and it looks like they're trying to take over!" Ellis, customarily calm and self-contained, is not easily thrown off balance, but this time he sounded upset.

Virginia was amazed. What in the world was Jack talking about? Who was trying to take over

what? She told him to remain where he was; she knew, of course, that the long, low structure where he was contained many of the Church's and the college's records — all duly and legally reported to the proper authorities — but certainly not open for seizure by persons who were barging in like SS troopers making a midnight raid in Nazi Germany.

Jack promised that no unauthorized persons would gain entry. Virginia went out the door and hurried down the corridor to Ellis's office, about fifty yards away. On the way back, half running, she glanced down the four-foot-high rail of the balcony. The Hall of Administration is a modern, airy structure consisting of an open central core or atrium reaching to the roof. This interior light well is surrounded by balconies running along all four sides, from which one can look down on the main floor. Ellis was there, a burly man at his side.

Virginia called out, her voice echoing through the atrium: "Ellis! Can I see you?" He arrived upstairs, clutching a sheaf of papers and looking agitated. "What does all this mean?" Virginia wanted to know. "What is happening?" Ellis stunned her by repeating what he had told Jack Bicket:

I've just been handed some documents from people who are trying to take over the church."

Throughout religious history, no church has ever been able to avoid internal strife. The Worldwide Church of God was not so naive as to think it could escape its share of dissent, for nothing engages man's deepest emotions so much as religious beliefs. Every schoolchild knows about the schism that developed within the Roman Catholic Church in the ninth century, which, two centuries later, resulted in the separation of the Greek Church from the Roman Communion. And of the great split that occurred in the late fourteenth century, healed forty years later at the Council of Constance; and, of course, of the Protestant Reformation that came about in the 1500s as a result of another division. Large religious bodies, those of lesser size, and those on far smaller scales have had — and probably always will have factional strife.

So we knew of and expected problems with some disgruntled former members. And they came. Some were motivated by sincere, deeply held beliefs, others impelled by less honorable reasons. All, however, were settled as the Church grew.

In recent years, we had known that a few dissenters had been dissatisfied with the way tithes and voluntary contributions, upon which our Church depends for its financial support, were being utilized to spread the gospel of Jesus Christ in our Church. Trouble had been in the air, but few believed it was serious. We knew our house was in order, and we were fully confident of answering all questions satisfactorily and handling all problems.

Nobody expected the state of California to engineer a shocking and lawless takeover move to support the claims of a handful of former members. Nor one conducted with such a mind-boggling disregard of legal procedures and the civil rights of the individuals and the spiritual body against which it was directed.

Later I would learn that the invasion had been planned and conducted like a military coup

d'etat, complete with armed officers instructed to "use all force necessary." The terrifying details were to come to light in the astonishing days and weeks that were to follow.

Suspecting that something highly unusual, if not evil, was about to erupt, Virginia dialed my home telephone. As she did so, she glanced at the glass door and saw two burly men walking down the corridor toward the executive office. My wife, Natalie ("Niki") answered the phone but Virginia now had no time for explanations. "Please ask Mr. Rader to call as soon as he arrives," she told Niki. "It's an emergency." At that moment I was on my way home to shower, dress, and come to the office.

Virginia stood in the doorway as one of the stranger's — in his middle-thirties, six feet tall, with dark wavy hair and a swarthy complexion — came up. Behind him was a black man, taller and heavier.

"What can I do for you?" Virginia asked quietly, though admitted later her heart was racing.

"I've come to take over," the first man said, thrusting a sheaf of papers at her.

"Who are you?" Virginia demanded.

For the first time, the man identified himself. "I'm Rafael Chodos," he said, "acting on behalf of Judge Steven Weisman. He's the receiver and he's now in charge." Chodos is a private attorney with offices in Beverly Hills. Weisman is a retired judge of the Los Angeles Superior Court.

Virginia was not intimidated. "I don't know you from Adam," she said firmly. "And you're not coming in here to take over anything until I talk to the attorney for this Church and the college." She half expected the two men to force their way into the office but they remained outside the door.

The call director on her desk flashed. Virginia called to young Michelle Dean, one of her assistants, to guard the door while she answered. Feisty little Mickey Dean, barely five feet tall and well under 100 pounds, glared at the invaders and they glared back, but they did not move from the entrance. "Go get your camera," said the one called Chodos, "and take a picture of her, for our files in case we have to arrest her." Mickey would not be intimidated. "Take a picture if you want to," she told them, "but you're still not coming in."

I arrived at my home, which is about a half mile from the college, at 9:00 A.M. My wife met me at the door and told me to call Virginia. I could tell at once that Virginia was under considerable emotional stress but controlling herself.

She explained what was happening: "They're trying to take over."

"Who's trying to take over what?"

"They say they're receivers and that they're going to take possession. They're on the other side of the door." Less than a dozen feet from where she was calling, tiny Mickey was standing like Horatius at the Tiber Bridge, holding off the Etruscan army to Protect Rome.

Are they private people or state people?" I asked. She replied "That they seemed to be private lawyers. In that case," I told her, "call Security and have them thrown out."

Lock the door. And keep them out until we find out what this is all about."

That was all Virginia needed to hear. "Fine," she responded. "I'll do just that." And she did. At the door, she told the two men: "Our attorney says that until he has had time to study your papers, you are not allowed in this office." So saying, she shut the door in their faces and turned the bolt.

A moment later my phone rang again. Virginia reported that, for the time being at least, the office was secure.

We had to mobilize our defenses and there was not a moment to lose. I knew that Ralph K. Helge, counsel for the Church as well as a director and its secretary, was in Tucson on Church business. I asked Virginia to call him at once. She reached him by page at the airport, while she was telling him what was occurring, she looked up and saw a local policeman behind the locked door, banging on the glass with his billy club and demanding entrance. Helge said he'd be in Pasadena within the hour to confer with me at my home.

Not even a policeman threatening arrest could make Virginia or her staff of loyal secretaries buckle. "It's my job to protect this office," she told him through the glass. "You're not coming in!"

Meanwhile, I instructed Virginia to call all offices at the college. Every critical entrance and exit must be locked and guarded to prevent anyone from removing records until the papers flaunted by the invaders were studied to determine what they were and if they had been properly and constitutionally executed.

As an attorney, as an American, I have faith in the American, system of justice. If a clearly illegal act was being committed, I felt certain that, in the end, the law would prevail. In the Bill of Rights of the United States Constitution such sacred precepts as due process of law, presumption of innocence, protection from unreasonable search and seizure, and proof beyond a reasonable doubt are clearly set forth.

I began rounding up the Church's lawyers to state our case, called Morton Gerson, a young attorney who had acted in our behalf from time to time, and asked him to obtain the documents the invaders were using as excuse to "take over" the Church and college. He got them from Virginia and brought them to my home; we then drove at once to the office of Allan Browne of the law firm of Ervin, Cohen and Jessup, on Wilshire Boulevard in Beverly Hills. Allan, a classmate of mine at the University of Southern California Law School, is a brilliant attorney with whom the Church consults often on legal matters.

We began poring over the papers. Soon Ralph Helge joined us; en route from Tucson he had received a special message from us which the pilot had delivered to him in midair. After reading the documents, their full meaning became only too plain.

The most dramatic — and the most perilous — confrontation between Church and State in the two centuries of American history had begun.

Chapter 2: A Man Called Armstrong

Boyhood in Iowa

The Church that had been targeted for assault is a small religious body based upon fundamental teachings revealed in both the New and the Old Testament of the Bible.* Founded almost a half-century ago, it has served its people well, involved itself in educational, cultural, and humanitarian projects all over the world and earned respect and admiration wherever its people performed the Church's mission.

From hard beginnings, its scope and influence have extended to dozens of nations in global enterprises that are altogether unique in the history of religious experience.

Nothing in his background or early life hinted at the impact Herbert W. Armstrong would eventually have upon religious thought and action here and abroad. The eldest son of Horace and Eva Armstrong, he was born in the stifling-hot back bedroom of a tiny apartment in Des Moines, Iowa. The day was July 31, the year 1892, his birthplace a small, red-brick apartment house on the corner of East Fourteenth Street and Grand Avenue, long since raised to make way for commercial property.

As the century neared its turn, Iowa's untamed territorial years, could still be recalled by older residents. When Mr. Armstrong was born, the state, carved out of Wisconsin territory, had been a member of the Union only forty-six years. There were still some who were telling saucer-eyed grandchildren stories learned first hand of how the settlers had fought, defeated and massacred the tribe of Black Hawk, chief of the Sac and Fox Indians, in a fierce battle at Wisconsin Heights and chased them to the Bad Axe River where the proud chief and his two sons were taken captive. On his release, Black Hawk had settled on a reservation on the Des Moines River.

* *Appendix A*

Then, as now, Iowa was a grassy prairie state, the heart of the nation's corn belt, with gently rolling tablelands, ice-blue skies that edged into a darker color near the horizon, and space outside its cities, places where a boy can wander and dream. But it was also a land beginning to stir: besides its Indian corn, soybeans, and other crops above the soil, enormous quantities of wealth lay underground-gypsum, cement materials, stone sand, gravel, and coal. These were just being discovered and mined. Des Moines, which only a few decades before had been a government fort and covered-wagon stop on the way to California, was a bustling young city filling up rapidly with newcomers. Already 50,000 persons lived there, and already the city was bursting outward, showing signs of becoming the great metropolis it is today.

Through his paternal great-grandmother, Herbert Armstrong can trace his family lineage back to Edward I of England, known as the English Justinian because of his reputation as a lawgiver,

though his reign was marked by limiting the powers of the church, When William Penn came to the New World in 1682 in search of religious freedom, Armstrong's ancestors, who were devout Quakers, emigrated with him.

The family, which included two other boys and two girls, moved often as the elder Armstrong struggled to support his brood in one occupation after another. Once he owned a flourmill with a partner; it failed. Another year he bought a hardware store with another man. It didn't last long either. For several years, he built one-family homes, lived in them for a while, then sold them at a small profit. Caught up in the spirit of the industrial evolution when factories and industrial towns were springing up, he too sought to make a better mousetrap. Tinkering with furnaces, he invented a new device for circulating air inside them. It was, he thought, the great idea that would make him a fortune.

He went into business to manufacture the devices but the fortune eluded him. Whatever merit the idea possessed, it has been lost to history.

But if Armstrong's restless urges to try new things were not financially successful, they served quite another purpose: they helped develop in young Herbert an abiding curiosity in his expanding world. Watching his father, hearing the excitement in his voice as he talked about new ideas, Herbert too grew up wanting to know the "why" of things. His insatiable curiosity, apparent as early as five years of age, once prompted his father to remark: "That young 'un is always asking so many questions he's sure to be a Philadelphia lawyer when he grows up!"

The Armstrong's were members of the First Friends Church where Herbert regularly attended the Sunday School. His father possessed a deep bass voice of which he was very proud and he sang in the church choir, as well as a church male quartet that was in great demand for functions throughout Des Moines. Young Herbert's job during services was to pump the pipe organ from behind a curtain that concealed him from the congregation. But neither the services, the organ bellows he operated, nor even the hymns of his father's quartet did much to instill religion in the boy. By the age of eighteen he stopped going to church.

In his pre-adolescent and early teen years, Armstrong was like most boys growing up in America. He had a paper route, rising before dawn to toss the morning newspaper before front doors. He delivered orders for local stores. He did yard work. He took on any odd job anybody had to offer to earn a dollar or two. One summer, he was a draftsman for his father's furnace company.

In school, he was hardly the kind of student who would endear himself to a teacher. He rarely cracked a book or completed an assignment and almost never contributed to discussions. When he raised his hand it was only to be permitted to go to the bathroom. Yet, though he sat almost somnolently through the lessons, appearing oblivious to all that was going on about him, his mind was soaking up information like blotting paper. Classroom instructions and the other students' recitations stuck; at exam time he almost invariably scored close to 100 percent, a fact that constantly baffled and exasperated his teachers.

Still, he was drifting, bright but ambitionless, with no life-target in sight.

There are few men and women who cannot look back on a pivotal time that completely altered the course of their lives.

These turning points can be almost anything — an inspiring moment that comforts us when events seem most hopeless; a minor happening that ordinarily would have gone unnoticed but, instead, opens our eyes to astonishing new vistas; a chance meeting with a friend. It could be a line from the Bible we chance upon one day, a stanza of poetry, an encounter with a stranger, a talk with a respected teacher. For me it was a telephone call — a most momentous call I will describe in a following chapter.

For A. J. Cronin, the novelist, the homely yet immensely inspiring piece of advice from a weathered old Scottish farmer gave him hope that pulled him from the crumbling edge of despair. Discouraged, convinced that he was an utter failure in a career for which he felt "preposterously unfitted," Cronin was overwhelmed with the futility of his efforts and decided to cease writing. He bundled up the manuscript on which he was laboring and threw it into a refuse heap on a farm in the Scottish Highlands where he had gone to work. Cronin then went for a walk in the 'drizzling rain and came upon an old farmer, Angus by name, who was digging a patch boggy heath. Cronin told the farmer, who had known of his writing, what he had just done. Angus paused for long moments, then told him: "No doubt you're the one who's right and I'm wrong. My father ditched this bog all his days and never made a pasture. But pasture or no pasture, I canna help but dig. For my father knew and I know that if only you dig long enough, its here a pasture can be made." Cronin listened and stood. He knew that the farmer possessed what he did not Stubbornness to succeed, a resolution to accomplish. In an instant he saw his weakness had triumphed. He retraced his picked up the bundle of manuscript from where he had "it, dried it, and began anew. He would dig, as the farmer dug; he would work whatever the obstacles or the cost. It was his turning point. The book he had discarded, *Hatter's Castle*, later sold five million copies, was translated in twenty-two languages, and altered his life completely,

These are "turning points." Herbert Armstrong had one too, and it changed his life.

When he was sixteen, he got a job as a waiter in a resort hotel in Altoona, a small town only a few miles east of Des Moines. The owner saw something special in the boy and took an interest in him. In the evening, after work, he and young Herbert would sit for long hours on the porch and have lengthy discussions about life, about the great thoughts one could discover in books, about human ambition and creativity. The talks were like flint that penetrated the boy's mind and ignited the spark that had lain dormant. Before the summer ended, the spark had become fire.

From that time on, Armstrong began to believe in himself, to know his worth as a human being, to understand for the first time the potential that lay within him.

"My ambition was aroused," he recalls. "I wanted to become an important somebody."

Years later, when he formulated *The Seven Laws of Success*, one of the best-read booklets published by the Worldwide Church of God as a free educational service in the public interest, he wrote that the crucial initial "law" is to "Fix the right goal." But not just any goal. "One could set a goal in which he had little or no interest, and drift into inaction. The right goal will arouse ambition. Ambition is more than mere desire. It is desire plus incentive — determination — will to achieve the desire. The right goal will be so intensely desired it will excite vigorous and determined effort. It will be the one with incentive."

Ambition had been kindled. But the specific road he would travel was as yet unclear.

Moving Up

That summer in Altoona inspired him to launch into a rigorous program of self-education. After school, he took to spending hours in the city library, steeping himself in philosophical thought, in the lives of great figures throughout the ages, in literature, history, and business administration. He read the works of Plato from *Charmides* through the ten books of the *Republic* and the twelve books of *Laws*; he pored over Aristotle's *Organon*, the six treatises on logic, and the great Greek philosopher's *Metaphysics*, *Physics*, *On the Heavens*, *History of Animals*, *Rhetoric* and *Poetics*; he read the works of the Roman stoic philosopher Epictetus. This absorption of great ideas set down by great minds, begun in his teens, never left him.

The summer after his sophomore year in high school, Armstrong thought he had found his calling — he would become a teacher. Discovering that he could obtain a teaching certificate simply by passing a county examination, he obtained copies of earlier tests and studied the questions. Then he began to cram furiously, reviewing by himself all the material he would be required to teach, and even covering some subjects he had never studied. The exam posed no problem — he passed with a grade high in the 90's.

Then, duly certified, he began looking for someone — and somewhere — to teach. One day, while visiting a cousin who lived on a farm south of Des Moines, he heard of a school that lacked a teacher for the coming year. Quickly he learned the name of the school board head, presented himself as a candidate for the job, and was summoned for an interview before the full board, all of them farmers.

Looking at him, they were more than a little dubious that a seventeen-year-old teacher would be able to handle rawboned eighteen and nineteen-year-old boys, some of whom doubtless would be taller and huskier than he, should disciplinary problems rise, Armstrong however, was untroubled by doubts. "I intend to introduce an athletic program," he told the board confidently. He had training in football, basketball, track, and tennis. Out on the playgrounds, I'll be one of these boys. I know how to get with fellows my own age. There won't be any problems.

Besides, I've been wrestling since I was eleven and if one of them does get smart, I'll have a hammerlock on him before he knows what has happened."

His self-confidence convinced the board members and he was hired for the fall term. Fearing opposition at home, he kept his plans secret. The day school was to start he slipped out of his room at dawn, suitcase in hand, and crept down the stairs. But the elder Armstrong, suspecting from his son's secretive demeanor of the past few days that something was up, had arisen earlier and was standing like a menacing sentry at the foot of the stairs.

"Just where do you think you're going, young man?" his father demanded. Herbert tried to explain but his father, stern-faced, and ordered: "You march right back upstairs and unpack the suitcase. And don't let me hear any more of this tomfoolery about dropping out of high school to become a teacher at your age!"

Chastened, Herbert plodded back to his room and unpacked, his academic career ended before it had begun.

Two more years of school followed and, as graduation day approached, young Armstrong was still fired up with the zeal, instilled in him by his friend the resort owner, to scale some peak in life, though he knew not what or where. One day, while browsing in the public library, he leafed through a book called *Choosing A Vocation*. His eyes caught the section on journalism and advertising. At once he was riveted. He read on and long before, he reached the end was convinced he could be successful in the, advertising business.

His uncle, Frank Armstrong, his father's younger brother, was in fact one of Iowa's leading admen, but until then the field had not entered Herbert Armstrong's mind. Next day, he went to Uncle Frank, told him of his decision, and asked for advice.

In advertising, Frank told him, practical experience was the greatest teacher of all. "No college or university in the country has yet offered a course in this profession that is worth a Nickel," he declared.

Acting upon Uncle Frank's advice, Herbert went to work in the Want-ad department of the *Des Moines Daily Capital* at a starting salary of six dollars a week.

On his first day out, a young man who had been assigned to teach him the techniques accompanied him. Armed with copies of the newspaper and blank forms for want ads, they headed for the rooming house district where, with luck, they would find some clients.

"I'll stop in at a couple of places," said the young man, "just to show you how to do it; then I'll go back to the office and you're on your own."

At the first door, the landlady, instantly spotting a solicitor by the newspaper and want-ad blank in his hand, attempted to shut the door as she snapped, "I don't want to run any ads." The young man quickly put his foot in the door, a traditional trick of door-to-door salesmen, and said: "Do you know Mrs. Jones, who owns a house in the next block? She put her ad in the *Capital* and got more than a dozen calls from people wanting to rent her room. The reason you didn't get results is that you put your ad in the wrong paper."

The landlady was unimpressed and, forcing his foot from the door, she slammed it shut. When

the response was the same at the next house, the young man said brightly to Herbert: "Well that shows you how to do it. Hope you sell a lot of ads. See you at the office." He walked off.

Young Armstrong quickly realized he had been shown how not to do it. Approaching the next house, he hid his newspaper and ad blanks under his coat. "I hope you haven't rented your room yet," he smiled at the opening of the door, "May I see it?" He followed her in, round the second-floor bedroom quickly, and, pulling an ad blank form from under his coat, began writing hurriedly.

"Here, now," she challenged him, "what do you think you're doing? I thought you wanted to rent a room?"

Armstrong spoke rapidly. "This is a lovely room," he told her.

"But you haven't rented it because you are not a professional advertising writer." Before she could ask him to leave, he read a glowing description of the room he had jotted down. The fine, flowing prose convinced her. "Well," she admitted, "I'd certainly want to rent that room instead of those in the ordinary ads," she said. Armstrong sold her three times the usual amount of space. He did equally well at other places he visited and returned to the office that afternoon with a thick handful of orders.

He sold ads in person, by telephone solicitation, and through the mail; evenings he devoted to reading everything he could find about advertising. He subscribed to the trade journals of the profession and read them avidly. He studied the style of prominent advertising writers. He was acting on Uncle Frank's advice to educate himself.

When a competing newspaper offered him a job at a salary increase of two dollars, he went to see Uncle Frank again. With an oblique reference to Herbert's father, Uncle Frank advised the boy to stay where he was.

"I've noticed a tendency in some branches of our family to keep shifting around from one thing to another, never staying long enough to make a success of something. One of the great success lessons you need to learn is persistence — to stay with a thing.

"You wouldn't learn any more about the advertising business over there than you're learning where you are. The only advantage is the two dollars more a week. I think the time has come, for you to pay the two dollars a week to learn the important lesson of staying with a thing."

Armstrong stayed, but a year later, when he felt he was ready, he decided to move on, choosing his next step carefully: a step not so high he would be unable to manage it well, yet high enough to be a measurable advance. Then, with remarkable aplomb, he walked into the offices of the Merchants Trade Journal in Des Moines, an important publication devoted to retail selling, and announced to the managing editor:

"I have decided to join your advertising department. I will report for work in two weeks."

The editor, at first startled, then amused, by Armstrong's brashness, told him there were no openings, pointed to the door and turned back to his work. But Armstrong had come prepared. He spoke quickly and urgently, as he explained that the Journal had no want ads at all, should have

them and that he, Herbert Armstrong, late of the Des Moines Daily Capital, would provide his publication with two full pages of these ads for each issue. The profits, he pointed out, would be significant. By then the editor was listening hard.

"One thing I've learned," Armstrong said, talking easily now, is how to bring in want ads by mail." He explained this had not been done before. Thus, early, young Armstrong had discovered that resourcefulness — "the ability to think a problem or obstacle through, to find a better way" — is a key factor in achieving personal success. It is number five in The Seven Laws, and it worked well for him in his second job.

When the interview ended, Armstrong said: "I'll report for the first Monday morning next month." This time the editor agreed there would be a place for him. Armstrong remained with the Journal for three years. He sold ads and wrote copy. He did "dummying," arranging textual material that had been set into type, and illustrations on blank pages to show how the publication would look before being printed and bound. He traveled around the country interviewing merchants, businessmen, and chamber of commerce representatives in a search for ideas and articles for publication. He conducted surveys that enabled retail stores to improve sales figures by zeroing in on customer likes and dislikes.

Leaving the Journal, he worked for six months for the South Bend, Indiana Chamber of Commerce, and selling memberships in a proposed motor club on commission. He did not make enough money to support himself so he left for Danville, Illinois, hoping to land a job with the chamber of commerce there.

There was no job and Armstrong found himself penniless, with no place to sleep, miles from parents and home.

"I had to think — and think fast," he said. And he did. Remembering the surveys of retail stores he had conducted for the Journal, he went to see the advertising business manager of the local newspaper. He described the surveys, pointing out that they could be offered to advertisers who would use the information to make their ads more responsive to the public.

Armstrong promised that the surveys would double the advertising revenue of the paper. "I'll buy it," the business manager said. Once again, Armstrong had used his rule of success — be resourceful — to create a position for himself.

Since, in this position, his income depended on commissions, Armstrong sought a job that carried the security of a salary. For two months he tried to sell pianos but didn't make a single sale. Uncle Frank again came to the rescue with a temporary position selling advertising space for a special "Bank Building" issue Of The Northwestern Banker, a banking journal distributed in Iowa, Minnesota, Nebraska, and the Dakotas.

Armstrong's genius for selling advertising, coupled with his determination and drive, won for him a permanent account, and he acted as the advertising solicitor of that banking publication for several years. Later he moved to Chicago, where he rented office space in the Advertising Building at 123 West Madison Street, in Chicago's famed Loop section. He was twenty-three

then, a slim, good-looking young man, with black, shining hair slicked back, and pince-nez glasses. His business and personal friendships included prominent bankers, merchants, and businessmen.

During these years, he lived at the old Hotel Del Prado, a four-story frame hotel on the Midway, near the University of Chicago, The building has long been gone, its name given to a skyscraper on the shore of Lake Michigan. Armstrong lived there until Loma Dillon entered his life.

Loma was to become his wife, the mother of his four children and, in one of the most incredible stories in the history of religion to lead him to a discovery that would change his own life and the lives of many millions throughout the world.

Chapter 3: A Faith Is Born

Loma

One cold January day in 1917 Herbert Armstrong journeyed out to a tiny crossroads hamlet thirty miles southeast of Des Moines to visit an aunt who was recovering from a bout with Pneumonia. His mother had written asking him to see how her twin sister, Emma Morrow, was faring. Dutifully, he went. The settlement, called Motor, was too small to be even a dot on any map, then or ever. It consisted of a general store, a church, a cemetery, a one-room schoolhouse, and several houses clumped forlornly together by the roadside as if for company against the loneliness of the prairie. The population numbered about two dozen.

Aunt Emma, who lived on a farm a mile north of the crossroads, was feeling fine. Herbert was chatting with her and another visitor a young third cousin named Bertha, when suddenly a slim girl literally bounded into the "best parlor." She had rich, golden hair, cut short in the fashion of the day, a straight nose, and large, expressive eyes. She was Loma Dillon Bertha's sister and the town's schoolteacher. She literally exuded energy, sparkle, good cheer, the friendly warmth of a sincere outgoing person," Armstrong remembers. They were the words of a young man close to being smitten, and before long he was.

Loma, who was twenty-four and precisely Herbert's age, was the daughter of the general storekeeper. As an early dusk gathered and the parlor lamps were lit, Herbert wondered to himself: "Where could I have been all my life, never to have run across these two cousins before."

He asked the sisters to meet him next day in Des Moines, where he had some accounts to see. Loma, however, came without Bertha, which did not disappoint him. ("I had preferred to meet Loma alone, but I had felt that propriety demanded that I ask both girls.") They had lunch and saw a movie, about which he remembers nothing except that he held a "soft, warm hand") throughout its unreeling. The following morning, Armstrong felt a great need to visit his Aunt Emma again, though her convalescence had been proceeding at a rapid rate. He and Loma spent much of the time together, walking in the deep snow, much to the consternation of his aunt and uncle, who saw them holding hands.

After he had gone, they cautioned Loma against any further involvement with the young man. "You had better let Herbert alone," they told her. "He probably doesn't even go to church anymore. He's probably an atheist."

Some of this was true enough: Herbert Armstrong's visits to church were infrequent and, while he was surely not an atheist, he had been giving far more thought to advancement in the business, world than he had to God.

Herbert returned to Chicago, but not before he had extracted a promise from Loma to correspond. He wrote almost daily and received several letters a week in reply. Although, in the past, he had not considered Iowa "lively" territory for his ads, it had suddenly become positively

sparkling. He went there with increasing, frequency.

"In the spring," Tennyson wrote, "a livelier iris changes on the, burnished dove; In the Spring, a young man's fancy lightly turns, to thoughts of love." It was May time and Herbert Armstrong's thoughts, too, were turning in that special and delightful direction toward which, he candidly admits, they had been rotating all winter long as well. Early in May of 1917, Loma met him again in Des Moines. After an afternoon spent picking wild flowers, they returned to the apartment of his Uncle Frank and his family who lived in the city. Herbert was taking a midnight sleeper for Sioux City and Loma was to remain at his uncle's home for the night.

Shortly before train time, Loma came out into the corridor of the building to say goodnight. "Suddenly, impulsively, she reached her arms around my neck and planted a good earnest kiss on my lips," he recalls.

He admits he was unable to sleep that night for hours. That kiss, he felt, was "real" — "it came on impulse straight from the heart it produced an emotional upheaval he had never known before! "Through the mental daze," he says, "I began to realize this was love.

Next day in Sioux City, his first visit was not to a prospective buyer of advertising but a doctor he knew. Was there, he asked,

Any prohibition against the marriage of third cousins? The physician laughed.

"None whatsoever," he replied. "Third cousins are no cousins as marriage is concerned." A few days later, he was back in Motor. After dinner, he and Loma walked down the road past the old Quaker Church building and, in the quiet of the evening, he told her he was in love with her. Loma hesitated. She was not sure. She was a country girl, living in sophisticated, fast-moving Chicago. Deeply disappointed, Armstrong pleaded with her not to worry about "outer polish." "You are real, Loma," he told her. "You have the real qualities for a good wife and mother of my children. Don't, Worry about the lack of social training and sophistication. I don't "Want it. All I want you to decide is whether you're in love with me.

Over night she decided she was and less than three months later, on July 31, 1917, they were married in a simple ceremony by the pastor of the Oak Park Baptist Church, with only the ministers daughter and a friend of Mr. Armstrong's from the Hotel Del Prado as witnesses. It was Mr., Armstrong's twenty-fifth birthday.

We were married," Armstrong, recalls, "not as so many deluded people are today, 'till divorce do us part,' but 'till death do us part'.

For two years, the family prospered, personally and financially. Two daughters, Beverly and Dorothy, were born — Beverly in 1918, Dorothy two years later. Armstrong became the sales representative for eight other regional bank journals and did well; once he received a \$3,500 commission for an hour's consultation.

But in late 1920, a flash postwar depression struck forcibly and, in a short time, every one of Armstrong's big-space advertisers in the tractor and affiliated industries went into economic failure. Their demise wiped out Armstrong's business and source of income almost overnight.

He obtained part-time work writing ad copy for local stores and, in the summer of 1924, took his family on a grueling eighteen-day automobile trip across country to visit his father in Salem, Oregon. He decided to settle in Portland and became involved in several advertising and merchandising projects that prospered, grossing close to \$1,000 monthly, a substantial amount for those times.

But again came business reverses and, according to Armstrong, "it seemed as if some invisible and mysterious hand was causing the earth to simply swallow up whatever I started. It seemed almost as if I were being softened for a knock-out blow of some kind."

The Armstrong's were left with an income of fifty dollars a month. Loma began to use beans and other low-cost, filling foods at mealtimes. Once, several days before their check was due, they ran out of funds and the gas and electricity were shut off. The outlook was bleak.

"The Toughest Battle"

In the fall of 1926, still buffeted by business reverses wherever he turned, Herbert Armstrong's morale was fast descending to what he called the "sub-basement." In moments of despair, which were deep, dark, and frequent, he felt more strongly than ever as though "some invisible and mysterious hand" were causing the earth to crush any effort he made to pull out of the trough.

Then one day Loma confronted him with a discovery which at first horrified him.

Loma had become friendly with an elderly neighbor of Armstrong's parents in Salem, where Herbert and Loma were frequent visitors. The woman, one Ora Runcorn, was a student of the Bible. Loma, an active Methodist for years, had been a diligent Bible student herself at one time, but her interest had waned; now, however, it had become revitalized through her friendship with Mrs. Runcorn, with whom she spent long afternoons reading and analyzing the Scriptures.

One day, while Herbert Armstrong was in his parents' home planning some way to reestablish his business, Mrs. Runcorn turned to a biblical passage and, without comment, asked Loma to read it aloud. After she finished, Mrs. Runcorn selected a second passage, then a third and a number of others, again with no explanation. Loma read them all.

Finally she said, half questioning, half exclaiming: "Why! Do all these Scriptures say I've been keeping the wrong day as the Sabbath all my life?"

"Well, do they?" Mrs. Runcorn countered. "Don't ask me whether you have been wrong — you shouldn't believe what any person tells you, but only what God tells you through the Bible. What does He tell you there?"

Loma was almost speechless. For the passages in the Bible told her that Saturday, not Sunday, was the true Sabbath. Quickly she rose and rushed next door to share this discovery with her husband. She met a reaction she did not expect.

Herbert Armstrong was plainly shocked. "Have you gone crazy?" he demanded,

"Of course not!" she answered impatiently. "I was never more sure of anything in my life."

Armstrong stared at her, wondering if she had slipped into religious fanaticism. "Loma," he said at last, "this is simply too ridiculous to believe." When she insisted, they argued for a long time, the closest they had come to a serious marital quarrel in their lives. Armstrong, too busy seeking financial stability to give much thought to religion, was nonetheless a traditionalist in his beliefs and was outraged at what he considered a heretical opinion "Loma," he said, "you can't tell me that all these churches have been wrong all these hundreds of years!"

Unable to shake her conviction, mortified that his friends and business colleagues would learn of it, he made a bargain with her. He admitted he knew little about the Bible — "I just never could seem to understand it." But he knew he had an analytical mind, sound expertise in research, and a capacity for lengthy and broad ranging study. Moreover, he thought a little ruefully, he also had time, plenty of it, since the sole advertising account he still retained required only about thirty minutes' work a week.

He would, he told her, make a complete, thoroughgoing study of this question in the Bible and prove to her, citing chapter and verse, that she was mistaken.

So for the first time in his life he launched into an in-depth study of the Scriptures. His quest for information led him from the Bible into textbooks, pamphlets, newspapers, and countless other sources. He was at the Portland Public Library when it opened, remained until closing time and then continued his studies at home.

"I studied the Commentaries," he said. "I studied the Lexicons and Robertson's Grammar of the Greek New Testament. Then I studied history. I delved into encyclopedias — the Britannica, the Americana and several religious encyclopedias. I searched the Jewish Encyclopedia and the Catholic Encyclopedia. I read Gibbon's Decline and Fall of the Roman Empire. I left no stone unturned."

He began at the beginning: with the biblical account of the creation of the world and of man. Reading Genesis slowly, approaching this first book of the Bible as an analyst would, then simultaneously studying tangential scientific findings, he began to question the theory of evolution. This concept that all living things developed by the slow process of change from earlier, simpler forms was by then widely accepted.

But doubts entered Armstrong's mind and, one day, he voiced his growing skepticism to his young sister-in-law, Hertha Dillon the wife of Loma's brother Walter. Hertha, a girl of German extraction who had been indoctrinated with the evolutionary theory at college, was impatient. Sharply, she lashed out at him: "Herbert Armstrong, you are simply ignorant," she said. "One is uneducated and ignorant unless he believes in evolution. All educated people believe it."

That much was true enough; other scientists had enlarged upon the theory, formulated by Charles Darwin some eighty years earlier, and the circle of doubters had narrowed considerably. Still, Armstrong remained unconvinced. He vowed to make a thorough study of evolution, creation, and eventually, "make you eat those words."

Once again, his talent for thorough research led him to read everything he could find on the subject. He read textbooks on biology, paleontology and geology. He studied comparative anatomy, learned about radioactivity and the law of biogenesis, that only life can beget life. In addition to Darwin, he studied the works of Ernst Heinrich Haeckel, a German biologist and philosopher; Herbert Spencer, the English philosopher and Thomas Huxley, the English biologist. Finally, after absorbing and analyzing all that had been written, he came to the realization that evolution was still but a theory — "a faith, not based on proof, though its zealous proponents push it onto the world as if it were proven fact." Though he scoured all the literature, he could find no hard evidence that life could arise from dead matter.

But if evolution could not honestly be reconciled with the first chapter of Genesis, he did find proof of another kind: "I found proof of the existence of the Creator God," he says. "I also found proof that the book called the Holy Bible is, in fact, the very inspired revelation from that all-intelligent, all-knowing God, of the vital, necessary, basic knowledge and instruction, without which man is unable to solve his problems, prevent his evils, or live in peace, happiness, universal prosperity, and abundant well-being here on earth. *

** A complete explanation of how Herbert W. Armstrong disproved the theory of evolution and found proof of the existence of the Creator God is contained in the booklet [Does God Exist?](#)*

Armstrong now undertook a six-month, night-and-day, seven day-a-week study in a "determined effort" to disprove Loma's belief in a seventh-day Sabbath. Candidly he admits he did not have a scholar's unbiased approach to his studies. "I wanted more than anything on earth... to prove that Sunday was the true Christian Sabbath, or Lord's Day," he says. To track down every possible questionable text, he studied Greek so that he could read the originals. But he searched in vain for a refutation of Loma's discovery. There was nothing in the Bible to suggest Sunday was the Sabbath; instead, there were countless references to Saturday as the true day of worship. At long last he became convinced that the Saturday Sabbath was binding on God's people and those who "refused to obey the true God" are thereby "proving they are not His people,"

These discoveries converged into a series of conclusions that, quite literally, staggered Herbert Armstrong.

He had discovered that there is a God and that He exists. He had learned that the theory of organic evolution disintegrated under scientific analysis. He had found proof of the divine inspiration of the Bible, that many of the popular church teachings, such as the observance of Sunday as the Sabbath, were not based upon the Bible but originated in paganism; and, above all else, that most people were obeying false gods and rebelling against the one true Creator.

What had begun simply as an exercise in analysis to Loma wrong had drawn aside a curtain and revealed truth were at once dazzling and devastating. For he looked within self and saw with painful clarity that for all his thirty-four year that he too had been rebelling against God.

The truth, he now saw, lay in perfect obedience to Him. It meant repentance of his sins and "going the way of God, the way of the Bible, living according to every word in the Bible instead of according to the ways of society or the desires of the flesh and of vanity." It meant, in short, a total life-change for Herbert Armstrong, the upwardly striving advertising man.

Facing the gravest crisis of his life, he was a man in deep emotional turmoil. It had become only too plain that "once again,

God had taken me to a licking," he admits. From the age of sixteen, the "turning point" of his life, he had devoted his energies to making a success in the business world, But this kind of success, he now knew, was not what God had in mind for him, for every money making enterprise he started eventually failed. ("As often as I got back on my feet to fight, to start another business or enterprise, another blow of utter and bitter defeat seemed to strike me from behind by an unseen hand.")

The turning point, his resolve to study hard, was real enough, but the study had been intended to lead in a direction that was not to be revealed until his thirty-fourth year.

In an agony of self-abnegation, Mr. Armstrong realized he had been, in his words, "a swell-headed egotistical jackass." In desperation, he threw himself upon God's mercy.

"I said to God that I knew, now, that I was nothing but a burned-out hunk of junk," he said. "My life was worth nothing more to me. I said to God that I knew now I had nothing to offer Him — but if He would forgive me, if He could have any use whatsoever for such a worthless dreg of humanity, that He could have it. It was the toughest battle I ever fought. It was a battle for life.

I lost that battle, as I had been recently losing all battles. I realized Jesus Christ had bought and paid for my life, I gave in. I surrendered unconditionally.

This surrender to God — this repentance — this giving up of the world, of friends and associates — was the most bitter pill I ever swallowed. Yet it was the only medicine in all my life that ever bought a healing. In surrendering to God, in complete repentance, I found unspeakable joy in accepting Jesus Christ as personal Savior."

His new — life began that year. Continuing his studies, he began to sift out real truth a doctrine at a time." Following a study of water baptism in 1927, he was baptized. The biblical injunction against lust of the flesh, he felt, prohibited smoking and he stopped.

In August 1927, the dark specter of tragedy loomed. Loma fell seriously ill with a combination of severe tonsillitis, quinsy, and blood poisoning, resulting from pricking her finger on a rose thorn. The doctor had said she would not live another twenty-four hours, when a neighbor asked permission to bring a couple over to anoint Loma and pray for her healing.

Reluctant at first, Armstrong agreed, and that evening the couple, described by him as "plain people, obviously not of high education yet intelligent appearing," arrived. Then the man anointed Loma with oil from a small vial and began to pray.

"It was different from any prayer I had ever heard," says Mr. Armstrong. "This man actually

dared to talk directly to God and to tell God what He had promised to do. He asked God to heal her completely, from the top of her head to the bottom of her feet."

"You have promised," he said to God, "and you have given us the right to heal by the power of your mighty Holy Spirit. I hold you to that promise."

After the short prayer, the man's wife put her hand on Mrs. Armstrong's shoulder. "You'll sleep soundly tonight," she said and they left.

Armstrong relates that his wife slept until 11:00 A. M. the next day, then "arose and dressed as if she had never been ill."

"She had been healed of everything," he says, "including some Longstanding internal maladjustments." This episode led to a study and belief in divine healing through prayer.

Armstrong kept searching for the "true" church, one that lived by the teachings of the Bible. Because he believed in the Saturday Sabbath, only three churches — the Seventh-Day Adventists, and the Seventh-Day Baptists and the Church of God at Stanberry Missouri — qualified. He eliminated the Seventh-Day Adventists because he believed their precepts were not derived solely from the Bible, and the Seventh Day Baptists because, save for the day of worship, they were similar to other Protestant denominations.

Only the Church of God remained. When he continued his research into the New Testament and found twelve references by Christ to "the Church of God," he was "confused."

The only church he had found that met the test and also bore the "true" name was "this almost unknown little Church of God." But it had a scattered membership of no more than two thousand persons, belonging to local churches of about 100 members. Its leaders were men of little education; even its ministers lacked college degrees.

Could this be the "true Church?" For the next three and a half years he and Loma visited many of its small congregations. Articles based on his findings appeared in *The Bible Advocate*, printed by the Church of God in its Stanberry publishing house. In the summer of 1928, Armstrong delivered his first sermon in a Church of God meeting, held in a country-store building near Jefferson, Oregon.

At the conclusion of his talk, in which he described the Sabbath covenant, one of the members, who had recently moved from Texas, declared he had "heard nearly all of the leading ministers in the Church of God but I have heard this afternoon best sermon I ever heard in my life."

Although he had not yet joined the Church, Armstrong began to meet every week with a group of its members in Oregon City, n miles from Portland, and was soon asked to lead its afternoon study sessions. Many times he could not pay his fare to Oregon City for his family, so he went alone. On several occasions he walked three miles up a steep hill to the church building because he lacked bus fare from downtown Oregon City.

He remembers going to the meeting without return car fare home. "Someone would' happen' to hand me a dollar or two he recalls, "and, strangely, no one ever handed me money on those Sabbaths when I had enough to get back to Portland.

Two more children were born to the Armstrong's, Richard David on October 13, 1928 and Garner Ted, a year and four months later. Both would grow up to aid their father in spreading the message Of the Church of God. But both, in different ways would cause him overwhelming sorrow.

These were lean years. Often the rent was long overdue, the utility bills unpaid and the cupboard bare. Armstrong says the "children were crying with hunger" and "my stomach gnawed with pain."

To provide for his family, Armstrong and a partner developed a facial mask, made from clay — found on a farm in the Cascade Mountains of Skamania County, Washington — that was supposed to have curative powers, especially for acne and eczema. When the stock market crash in October 1929 killed chances of interesting a cosmetic firm in the product, Armstrong took a job selling aluminum cookware. But the income was not sufficient and the family was forced to move back to Salem into his father's home.

In November 1930, members of the Church of God in Oregon decided to organize into an Oregon Conference. Armstrong was asked to hold evangelical meetings for them in a rented church building in Harrisburg.

"By nature, I shrank from the idea," he says. "Yet here were these simple, Bible-loving people, looking to me for leadership. It seemed impossible to refuse, more and more I was being drawn into the ministry by some power greater than I."

He continued to lead the Sabbath services and conduct evangelical campaigns and, in the summer of 1931, was formally ordained by the Oregon Conference of the Church of God. When church funds dwindled and he was laid off until more money was obtained, he took a temporary job as the twenty-five-dollar a week manager of the advertising department of a newspaper in Astoria in the northeastern corner of the state.

The position lasted fifteen months and the family planned to move to Astoria to be with him. Shortly before they left, two year-old Ted, who had been unable to talk because, the family thought, he had fallen on his head from his high chair, became seriously ill with pneumonia. Mrs. Armstrong called Astoria in a panic and asked her husband to return home.

When he arrived, Armstrong knelt beside his son's bed, anointed him, and began to pray, asking for the boy's recover from the illness and restoration of his speech.

Garner Ted's fever left quickly. The next day he uttered a few words and, according to Armstrong, was speaking in whole sentences within three days.

In February 1933, Armstrong was rehired by the Oregon Conference at a salary of three dollars weekly plus produce to be supplied by the members, most of whom were farmers. The family moved back to Salem, where Armstrong once again conducted evangelical meetings.

Many were attended by Pentecostals whose noisy and fervent demonstrations were abhorred by Armstrong. Again, money was tight and when the Conference was unable to pay the seven dollars rental on the house, which they had promised, Loma did their landlady's laundry.

In July Armstrong began a series of evangelistic meetings in the one-room Firbutte country schoolhouse, located in a rural area, eight miles from Eugene, Oregon. He considers this to be the actual start of the Worldwide Church of God.

No money was available for advertising the meetings, so Armstrong borrowed a typewriter and, using carbon paper, typed out thirty notices announcing the meetings and sermon topics for the first ten days. Then, sometimes walking, sometimes driven by a church member, he covered a five-mile area informing people of the meetings. The first night, twenty-seven of the thirty-five seats were filled. Later meetings had capacity crowds, even Standees.

Following a dispute with other ministers of the Oregon Conference over baptism, Armstrong wrote to the Conference, refusing the three-dollar weekly salary. He describes this as a "crucial turning point in the history of the Church of God." He did not leave the Church, he points out, but he rendered himself financially independent of it. "From that time I was dependent, solely on, God."

After six weeks of meetings, more than twenty people, in of meetings, more than twenty people, including ten members of the Oregon Conference, decided to organize a new local Church of God, which they did formally on October 21, 1933. Armstrong was the pastor. In October, Armstrong conducted a fifteen-minute morning devotional program KORE, the local radio station at Eugene. Impressed by the public response, the station manager offered Armstrong a half-hour regular weekend morning program, at a token cost of \$2.50.

As its first action, the newly-organized Church approved the broadcast, the members contributing nickels and dimes to pay the fees. The broadcasts began on the first Sunday in 1934, under the name of "The Radio Church of God."

Since April 1933 Armstrong had been publishing a mimeographed monthly bulletin for the Conference. This bulletin, combined with the radio broadcast and the weekly services, helped spread his message.

"Surely nothing could have started smaller," he says. "Born in adversity in the very depths of the Depression, this Work of God was destined to grow to worldwide power."

Armstrong revived an idea he had cherished since 1927 — and for which he had even drawn up a dummy and written articles to publish a magazine for the general public. Since he could not afford to put out a glossy, slick publication on high-quality paper, he converted the mimeographed bulletin into *The Plain Truth*. The first run, four sheets done by hand on a mimeograph machine, was for 250 copies. By 1973, the more than three million subscribers received a thoroughly professional, illustrated, four-color, fifty-two-page magazine.

The Armstrong's were living in Eugene where he held Sabbath afternoon services in their home every week. On Sabbath mornings, he alternated services between the Jeans school,

twelve miles west of Eugene, and the Alvadore School, fifteen miles northwest of the city.

In May 1935, the three groups merged and bought an unfinished building for \$500 to hold their services. Members of the Church, including Armstrong, plastered and painted inside walls, built and painted benches. One of the members, a carpenter, constructed the pulpit and altar rail.

Their financial position was still precarious. Armstrong had to hitchhike or rely on friends to transport him when he preached away from home. When his suit was threadbare, one of the members took him to Montgomery Ward and bought him a new one for \$19.89. A couple of years later when it, too, showed much wear, contributions were solicited and it was replaced. Loma wore used clothes and even darned silk stockings for herself and her daughters still the work of the Church progressed. In November 1936, Armstrong expanded his radio broadcasts over two other local stations, KXL in Portland and KSLM in Salem, which, with KORE, he called his Oregon Network. Later, it was extended to Seattle, Spokane, Des Moines, San Diego, and Hollywood. The name was changed to "The World Tomorrow." Armstrong could now be heard from one end of the country to another.

The years passed and the Church prospered.

Twelve years after the first broadcast, four giant steps were taken. They all occurred in 1946, which Herbert Armstrong has called "the year of beginnings as an organized national and worldwide work."

In that watershed year, the Church opened its own printing plant so that increased quantities of material for public distribution could be published at less cost; and purchased prime radio time on three powerful stations that broadcast its message throughout the United States, Canada, and Alaska. In that year, too, Armstrong undertook his first baptizing tour, lecturing in halls and auditoriums throughout California and some western States and baptizing converts. Also in 1946, he developed the idea of creating a school — not a seminary to train ministers because he believed that only Jesus Christ chooses His ministers just as He selected His original Apostles — but a liberal-arts institution that would offer biblical and theological courses as part of a broad liberal-arts program. He would call it Ambassador College.

It was a beginning.

Mr. Armstrong moved his headquarters, and his family, to a large, rambling house near the campus and continued an even heavier schedule than before. He spoke over the radio daily, taught at Ambassador, wrote for *The Plain Truth*, traveled, and lectured. Richard David and Garner Ted joined in the work of the

Church and, in 1952 and 1953, Armstrong also ordained the first Ambassador graduates as ministers to assist him. By 1957 his listening audience was estimated at between four and five million persons on every continent, and the circulation of *The Plain Truth* had risen to 175,000 copies.

Chapter 4: Our Paths Cross

The Meeting January 1957, I saw Ambassador College for the driven out from Beverly Hills after receiving a telephone call from an advertising man whose business I had man — from the brink of bankruptcy. "There's someone in Pasadena with a big, big problem," he had said. "Runs a small college of some kind and he wants me to buy him some radio and television time. But he's got financial worries. I told him what you did for me and that you could help him too. He wants to meet you."

Reluctantly, I agreed to go. As a partner in a successful accountancy firm in the Los Angeles area with clients in the communications fields, work was piling up and my time was beginning sharply limited.

I called for an appointment and, on a bright morning, drove to Pasadena Leaving the Freeway, I turned into South Orange Grove Boulevard and searched for Grove Street, and the address I had been given. A moment later I spotted it, turned right and braked to a stop in front of number 363, the college's "main building."

It was a large house of venerable age, which once could have laid claim to elegance, looking rather more like the home of a wealthy businessman than a hall of academe, and indeed it once was. The property (I learned afterward) was built originally in the late nineteenth century by Eldridge M. Fowler, brother of Cyrus Hall McCormick, who invented the reaper and founded the firm that eventually became the International Harvester Company. It was known as the Fowler Estate.

Nearby was another structure, much smaller, the two squatting on two and one-quarter acres of smooth lawn and attractive shrubbery. I walked past the main building to the smaller one where I had been asked to go, This one had started life as a stable, mutated into a garage when cars replaced the horse, and had been converted once again, this time into the business office of the college.

It was here that I saw Herbert W. Armstrong. It was a meeting that would lead to a strong, continuing, and still enduring relationship.

A secretary led me into a sixteen by twenty-foot room tastefully decorated with handsome, traditional furniture, not in the current height of fashion favored by business executives of those years, but solid and dignified. A fine rug covered the broad flooring and drapes were hung over the casement windows. The room gave the appearance of an upstairs bedchamber doing double duty as a home office.

Seated behind the desk, wearing a dark suit, white shirt and neatly knotted striped tie, sat Herbert Armstrong.

He was then sixty-five years old but looked much like he still does today, a small, somewhat portly man with rimless glasses that had gone out of style thirty years before, and white hair that he combed straight back. He greeted me courteously and invited me to sit down.

I felt, at first, that I was in the presence of a kindly, grandfatherly sort of man, but one who was also somewhat reserved and even diffident.

This was soon dispelled as our talk began. Then Herbert Armstrong's warmth and personal magnetism conveyed by his rich baritone voice and beaming smile, was almost palpable.

He leaned toward me and, in his deep, musical voice, said: "I have a problem. Can you help me?"

I have never been easily impressed. But I felt myself strangely drawn to this smiling man. I had met many people, dealt with many types of clients, but I knew almost at once that Herbert Armstrong was a special kind of person.

We got down to business. He told me about the Church and the work of God he was carrying out, but added there was now a threat from Washington that could not only block further growth but even imperil the future of his entire movement. The federal authorities, he explained, were seeking to take away the tax-exempt status held

By the church, and neither his attorneys in Washington nor local council had been able to clear up the matter.

He handed me a thick file. "Please look it over," he said. There is a great deal of information there." He paused — "But we have grown rather rapidly in just a few years and perhaps our paper work has not kept pace with our work for God," he continued "Could you come back tomorrow and tell me what you can do to help us?"

I glanced at the heavy folder and riffled the contents. I'm afraid I smiled a little. That single look told me the file was not the most professional one I'd seen. "Oh," Armstrong said quickly, "of course, I'll pay you for your time." I nodded and he walked with me to the door.

"Would you like to see our college?" he asked me. I agreed and he took me on a brief tour. We walked across to the main building, which consisted of just two stories and an attic. On the floor classrooms had been fashioned from the living room,

Dinning room, the old music room and the servants' quarters; the largest room had been converted into a library, filled floor to ceiling with books. Armstrong explained to me that he taught twelve hours himself, giving four separate theology courses, which met three times weekly. On the second floor I was surprised to see a fully equipped broadcasting studio from which

Herbert Armstrong's voice was beamed out seven days a week on his half-hour programs.

Outside he told me what had already been done and what he envisioned for the future.

The college itself was less than ten years old, having opened its doors on October 8, 1947, and was moving ahead steadily Two years after its first students arrived, enrollment had increased to the point where a student resident facility was needed; And so a handsome twenty-eight-room late Tudor-style structure called Mayfair — he pointed a half block to the north — — — was remodeled to serve as a dormitory. Late in 1950, another piece of property was acquired. It lay to the east across Terrace Drive — again a sweep of his arm — and was, at present a

Camellia nursery. That, Mr. Armstrong said, would one day be a large athletic field, complete with underground parking facilities. Along the surrounding streets would rise a great college, with a vast auditorium, student center, separate buildings for the various departments, residence halls, a fine library, and other structures, all set down on a beautifully landscaped campus. The streets, which were then still opened to traffic, would be closed off so that the institution could be self-contained in its own acreage.

I had worked with builders, had a fairly sound knowledge of architecture, and could visualize how an area could be transformed from concept into reality. Seeing through the eyes of this man, who was earnestly describing a dream — but a dream he knew eventually could come to pass — I was even more impressed than I had been an hour earlier.

Having worked with nonprofit institutions such as churches, colleges, and hospitals, I felt I could be of help. At the same time, my experience had given me a down-to-earth recognition of the difficulties these organizations could face. They could be formidable, though not insurmountable.

I said goodbye to Mr. Armstrong, drove back, and began to study his file.

It was, to put it bluntly, a mess.

I could discern no pattern in the massive number of documents he gave me. Before any solution could be found the files had to be sorted and broken down into other files, with each separate paper analyzed. There would be no quick, easy answer. I put the file back in my briefcase and decided to see Armstrong the next day, to tell him frankly what needed to be done.

He came to the point quickly. "Well, do you have a solution for us?"

My answer was just as forthright, No I haven't. In fact, I don't even know what the problem is yet. But obviously it's one with some history behind it and one that is very important to you. I like what I see here, and I like you. I think I could probably help, but no guarantees until I really dig into the facts and figures."

He brought up the question of a fee for my services. There was surprisingly little discussion and certainly no haggling. The immediate problem of taxes had to be settled, followed at once by tidying up the fiscal disarray. I suggested he set the figure for a monthly retainer, to continue as long as he was happy with my work and he did. I accepted it promptly although I knew the effort involved would be prodigious.

I've worked with Herbert Armstrong ever since. In some ways, It has been almost like a father-son relationship, something I say I never was able to maintain with my real father.

California Bound

"They say, best men are molded out of faults," wrote William Shakespeare in Measure for Measure. Candor permits no other evaluation of my early years than that they were flawed by the usual faults — to which, I must add, I contributed a few original ones—of young People

growing up in a difficult era. But faults, like adolescent fantasies, can be outgrown and, as the poet Ed Waller put it, one can become "stronger by weakness." I know my own earlier imperfections strengthened me because I was able to recognize and profit from them. Whether they me into the "best" man surely is not for me to say; others gauge my performance and accomplishments. Yet, I would be less than honest if I were not enormously proud of what has achieved in the more than two decades I was privileged to serve with Herbert Armstrong, great advances to which I hope I have contributed in no small measure.

I was born in White Plains, a commuter suburb in Westchester County north of New York City, on August 13, 1930. My father, Nathan, was a successful designer and manufacturer of hotel and restaurant fixtures and facilities, a number of which won coveted awards in the field. He had met my mother, Pearl, while on a visit east from his native California. Mother, who lived in Pennsylvania, was visiting friends in Westchester. They were married in 1929 and my father did not return to California until many years later.

With my younger sister, Joan, our family lived in a two-story colonial house on a quiet tree-shaded street. Despite the hard times that afflicted the country, my father's shrewd business sense enabled him to provide extremely well for us all.

And so I wore good clothes, had all the toys and sporting equipment I wanted, went on costly vacations, and always had a generous allowance. My lifestyle was pleasant and undemanding.

It was a good life. Missing from it was a warm, solid relationship with my father. Sadly, the communications gap between us was too wide to be bridged.

My father had many interests which he indulged, sometimes including my mother, Joan, and me, but just as often leaving us out. He loved sports and, in the 1930s, sponsored semiprofessional basketball and football teams. He would hire outstanding coaches, make side bets, and move in sporting circles.

That left my mother alone a great deal and to amuse herself she began to teach me all kinds of things when I was very young. By the time I was three, I could read newspapers and was doing advanced work in music. I was a kind of prodigy, and when I went to elementary school the teachers were somewhat at a loss at first. They didn't know where to place me because my reading skills were far above grade level, about five years advanced. I remember, as a first grade student, being sent to a third grade class to read to the students while the teacher was busy.

Looking back, I could see that my father and I did not understand one another because we saw life through different prisms. Like most parents, he wanted his son to have even more than he did, and to achieve higher goals. His generosity to me, however, was motivated by a quid pro quo, never stated but all too clearly understood: "If I do all these nice things for you, you are supposed to be an obedient son, agree with me in all things, and do things the way I want them done."

My father, moreover, was a strong-willed man with firm, decided opinions, who would never

admit to being wrong, not in his business, certainly not in his home. Since I was the product of a generation that was beginning to ask questions, the result was a continuing confrontation. Restless, unhappy despite the comforts, I made a decision when I was sixteen to remove myself from his orbit. I would leave home for college, I determined, but never again return.

I enrolled in St. Lawrence University, a small but good liberal arts institution in Canton, New York. When I shook hands with my father and kissed my tearful mother in early September of 1946 and left to begin my college career, I knew I would not be back ever again, except for brief, occasional visits.

And I wasn't. *

Two years later, I decided to head out for the West Coast. I planned to attend Stanford University in Palo Alto and, on my way there, stopped off to visit one of my father's boyhood friends who had become a successful motion picture and theatrical producer. He was in his early forties and to me, a young man not quite nineteen, led the most glamorous life conceivable. He was on first-name terms with stars and movie personalities who were, to me, only figures on a movie screen or names in the newspapers and magazines. He knew press agents, musicians and, of course, dozens of the stunningly beautiful girls who flock to the world's film capital in search of elusive stardom.

I was completely dazzled. "Stanford," I said to myself, "may be a great university but this — this is paradise!" The decision to change colleges made itself. I enrolled in the University of California in Los Angeles.

UCLA is a "streetcar" university; there are no residential dormitories, everyone commutes. In that milieu, being a stranger from a strange land, a student all the way from the East Coast, gave me a certain cachet, which helped me make friends.

Since I had not the vaguest notion of what I wanted to do with my life, nor any special field I wanted to pursue, I just took taste portions from the large educational smorgasbord UCLA offered. I searched the college catalogue and signed up for courses that sounded interesting. As a result, I kept bouncing from division to division of the university, winding up with an accumulation of credits in a wide assortment of academic disciplines, ranging from architecture, fine arts and — of all areas — furniture, to French and Latin. Somehow, I acquired more Latin credits than most persons have who teach the subject at the graduate level. To this day, I can read the Odes and Epistles of Quintus Horatius Flaccus — Horace, if you please — in the original, and, if pressed, can quote you lines from Catullus or Ovid, Alas, nobody ever asks. Foreign languages have always had an appeal for me. Recently I translated into English a complex analysis written in French of eighteen chaotic days in the life of King Leopold III of Belgium. In the summer of 1979, in Rabat, I was called upon without chance of preparation to deliver a twenty-minute talk in French to the leaders of that French-speaking Moroccan capital city. I got through it very well, thanks to my constant study of the French language.

Generally, however, I did not work very hard at college. In fact, I rarely went to classes, relying on an ability to assimilate and retain material without much application, to rack up excellent grades. I spent most of my time with the friends I had made in the more glamorous world of show business, attending parties in their mansions, swimming in their pools and, of course, meeting the beautiful girls. I was floating through school on a lovely pink cloud, enjoying myself hugely. I was like a kid in a candy store when it came to the models and starlets. Once, between summer and January, I dated the entire chorus line of a hit show. I had no time for the coeds at the university — that is, until one afternoon in May of my junior year.

** Remy, The Eighteenth Day, The Tragedy of King Leopold III of Belgium (Los Angeles: Gateway Publishers, Inc., 1978).*

I had dropped by the Student Union at the university for coffee. Cup in hand, I headed for a table occupied by only one person, a very pretty dark-haired girl. As I approached, I noticed that she was moving her lips and glancing, from time to time, at a pad in her hand. I surmised that she was trying to memorize something. That was my first glimpse of Niki, my wife of almost thirty years.

I pulled over a chair to her table. "Would it bother you if I sat here?"

"Not at all," she replied, "as a matter of fact, you can help.

Here, ask me these questions."

Niki confided that she was cramming for a test in art history, which she absolutely had to pass or flunk the course. For the next half-hour I quizzed her. But we really were not making much progress.

Finally, I blurted out, "You must be kidding! Are you really going to take that exam? You don't know this material. You've only gotten one out of two correct."

She took it pretty nicely. "I know," she laughed. "I can't seem to keep this stuff in my head. But I'm going to pass. I'll just sit here and cram until exam time." I wished her luck and went on my way. Later I found out she made a C on the exam. Before I left, however, I asked if I might see her again.

"Sure," she said, "call me after the exam." She told me she lived with her parents in Beverly Hills but had her own phone under her name, Natalie Gartenberg. I took her telephone number but I actually did not call her for several months, and then it was to get a blind date for someone I didn't even know.

It's strange, the way we got together again. It happens often in life. One thing, one decision, one accidental encounter may start a chain of events that can influence the rest of a lifetime.

In August, I received a telephone call from my father's friend, Paul, asking for help in finding a date for a young man he knew. "He's all broken up," Paul said. "He's just been divorced and he's feeling pretty low."

"I don't know any college girls," I told Paul. "And even if I did, I wouldn't know where to reach

them now. School is in recess." Paul was persistent, however, so I promised to try, but didn't do much about it for a few weeks.

One morning, the young man called quite early, waking me from a sound sleep. Partly to get rid of him and partly because I was half groggy, I agreed to try to find him a date. Then Nike popped into my mind. I couldn't find my notebook with her telephone number but I remembered that she lived in Beverly Hills and her name began with a "G." I got the telephone book, looked through the "Gs" and found her listing.

I called her, chatted a while, then admitted I had a problem. I explained that I knew a young man — well, didn't exactly know him but someone I knew did know him, and he wanted to meet some nice girls and well, would she?

Suddenly the absurdity of the entire episode struck me. Why am I calling you for him?" I asked. "I haven't even met him . . . Tell you what — why don't you come out with me and get him another girl?"

Niki laughed, agreed, and we arranged a double date. Next night the four of us met for dinner at the Drake Hotel in Los Angeles, then saw a movie at the Egyptian Theatre. Afterwards we parted and neither of us ever saw either of them again.

But I saw Niki, often. I dropped completely out of the other crowd, which I was moving, courted Niki constantly, and five months later, on January 26, 1951, we eloped. We were both twenty years old.

I have never ceased to be amazed at the strange turns life can take. In my own experience, this has been one of the most extraordinary crowd with which I was moving, courted

A New Direction

We were young, we were in love, we were very happy. But when I telegraphed the news to my parents and followed it with a call home, the reception was not only chilly but downright hostile. My father, seething with fury, would not even come to

The phone and mother, totally dominated by him, would not intercede for me. I tried to explain that it was my life, my future, my decision, my happiness that were in the balance, but he would neither listen nor yield, then or later. All he did was send word through my mother that he did not want me to be married, that I was too young for the role of husband and would not even acknowledge that I already had a Wife. He sent no wedding gift of course. Even more disheartening, he cut off my allowance.

We were at long last, totally estranged, and sad to say we remained so even when he moved to Los Angeles much later. We reconciled, though only partially, years afterward, when I had begun to achieve a certain amount of success that gave me status in his eyes. Niki's parents offered to step into the breach and help us until we finished college, but I declined.

"We're grateful, of course, but we will support ourselves," we told them; It was a brave declaration I did not completely feel because neither of us had learned a single marketable skill. Niki

had never worked in her life, nor was I, just six months from graduation, trained for anything that could earn a dollar.

All we would accept from Niki Parents was the continuation of her allowance, although they furnished a lovely apartment for us in the West Los Angeles area, a wedding gift we were hardly in a position to refuse. Niki set out one day to find a job and got one in a few hours, selling candy at Blum's.

She was fired after one day. Later, she found an Office job; this time she did better, lasting several months. She never returned to school to get her degree.

Meanwhile, in the last half of my final year at college, I got the perfect job for a person unprepared to do much of anything.

I became assistant to the president of a company who did nothing.

This interesting situation arose when my father's friend suggested I apply for a position at the only plant of its kind in Los Angeles: a company that manufactured heels for ladies' shoes. The president, I soon learned, hadn't the vaguest idea of the manufacturing process but had a plant manager who did, a bright, aggressive man who had laid down the law to him. "I'll run this plant," he had warned, "but you stay out of the factory. If you as much as set foot inside, I'll leave." Since you could scour Los Angeles, or even the entire country west of St. Louis, and not find another person who knew how to operate a heel — manufacturing company, the president did as he was told.

It was, as you can imagine, somewhat embarrassing for him to come to work each day and have nobody or anything to be president of and only a secretary to answer the occasional telephone calls. So he decided to hire an assistant. That, he felt, would make the office look a little busy. When I applied, I got the job.

It wasn't long before I got restless helping the president with nonexistent functions and began to handle the banking arrangements and other paperwork. Once the president discovered I was able to perform these simple things, he stopped coming into the office completely. Since I was not persona non grata in the plant area, as he was, I wandered through and got along famously with the autocratic manager. In no time I was running the whole operation, learning on the job. Meanwhile, I was completing the few remaining credits required for graduation.

By this time Niki was pregnant with our first child. Although we were doing reasonably well on my pay, which was small but adequate, the absurdity of my so-called job hit me strongly,

Still, what to do? I was unfocused, with no clear notion of what I wanted to do and certainly no burning desire to follow any particular path.

On January 22, 1952, almost a year after we got married, we had our first child, Janis Anne. Becoming a father for the first time has traditionally jolted a man into the awareness of his responsibilities, and it did no less for me. So even though I was not suffering economic distress, thanks to my salary and the luxuries showered on us by Niki's parents — her father was a successful sales manager for a large men's — clothing manufacturer I made a resolve to

establish a direction for my life.

I had noticed that each month a young man came to the office to check over the company's books. I chatted with him one day and accountancy — which I had placed somewhere between animal training and polar exploration so far as a life work was concerned — was suddenly opened to me as a viable profession.

He explained what he did and I listened carefully. Talking to me at about the level of a high school guidance counselor explaining an occupation to a student, he told me that accountancy is the nerve center of almost every business, and that modern companies could not function efficiently, or even at all, without accurate facts and figures provided by an accountant and, much more important, interpreted by him. Warming to his subject, he explained that businesses can succeed or fail depending upon the skill and wisdom of their accountants. Improper or erroneous calculation of operating costs, incorrect forecasting of future trends based on current data, the inability to tell if the records he finds on audit fairly reflect the company's financial health — any of these can cause a business or an institution to founder.

How, I asked, does one become a certified public accountant? If I sounded naive, I was no worse than many college graduates of my day, or any day including the present, who enroll in a college and emerge with a smattering of knowledge but no real notion of the real world and its needs, and how they can equip themselves for it with marketable skills. He described the courses I would need, and added that I would have to pass an examination and serve an internship or apprenticeship before I could become a certified public accountant.

I wanted to know if, in addition to these educational and professional requirements, there were personal qualifications and aptitudes that equipped one for this profession. There were: An accountant, he said, must have a keen analytical mind. Check. He or she should enjoy meeting people and be able to set down thoughts in clear, crisp English. Check again. He or she should be a stickler for accuracy. Another check. He or she must be able to devote long, arduous hours and days to the job. Well, a question here. Never having had to work especially hard at anything, I could not honestly give myself high marks for diligence.

But I was fascinated. "This might be what I want," I told

Niki that evening. She was enthusiastic. I suspect she had been waiting for me to discover myself and would have been equally approving if I had announced an interest in chair — caning or hydroponic farming, as long as I wanted to do it.

So accountancy it would be. Since I had my job organized so that I could come to the office at 7:00 A.m. and leave by 1:00 P.m., I decided to spend the afternoons hunting for a job as a junior accountant. Meanwhile, I would enroll for the summer in a graduate course and, in the fall, continue with the UCLA extension program. I could thus earn some money while completing my education.

I studied hard that summer but it was September before I found the kind of job I was looking for in an office in Beverly Hills. I was interviewed and hired almost immediately by a young man

in his early thirties who was a member of a firm with a burgeoning practice.

"Of course, you have a college degree," he said. "Oh, yes," I replied, truthfully. "You're an accounting major, of course," he continued. "Oh, absolutely," I said. (Well, I thought to myself, I was — for only two months, but he hadn't asked how long.)

"I'll have to get your transcript," he told me. "Oh, absolutely, you'll get it," I assured him, wondering how his eyes would pop at the bizarre mix of courses listed thereupon, not one of which was even remotely concerned with accounting. I never did get the transcript for him and he never asked, but I settled down and worked as hard as I could.

Two years to the day after I began working for him, I was a CPA. I had completed all my courses at night at the UCLA Extension Division, passed the CPA exam, and obtained my license in the minimum period of time permitted by statute. Almost at once I was invited to join the firm as a junior partner but, though grateful for the invitation, I refused. I intended to go into practice for myself, I said. My plan was to join forces with a man I had met, the financial vice-president of one of the companies for which we had worked.

He was about fifty years old, was trained as a CPA, and had always wanted to get into public accounting. He had offered to put up most of the cash to buy a practice, while I contributed a portion and gave him a note for the balance. We shopped the ads and bought two-thirds of a going practice, in partnership with the original owner.

The three of us meshed beautifully. I was the youngest, and perhaps the most energetic. The practice grew rapidly. Soon we had a large staff and three offices, one in Montebello in the East Los Angeles industrial area, another in the Sunset Strip area, and a third at Hollywood and Vine. Later, we consolidated all three in a high-rise building on the west side of town.

Our clients ranged from a large order of Catholic nuns to theatrical and motion picture people and others in advertising and television. We specialized, not merely in the auditing aspects of the profession, but in the engineering solutions to tax and financial problems, finding answers to questions that had eluded others. I was happy with my work, thoroughly enjoyed the challenges which came with assimilating new clientele and new problems and discovering solutions. I became expert in dealing with nonprofit institutions, in working with people of different backgrounds, ideas and ages. Ultimately it was this facility that led to my first contacts with the Worldwide Church of God.

Labor of Love

After I had agreed to work with Herbert Armstrong on the Church's fiscal affairs, I assigned several staff members to organize and collate the mammoth file he had given to me.

Meanwhile, the first priority was to tackle the problem of tax exemption. I decided on a bold plan.

"I think I should go to Washington," I told him one day. "Communicating by mail is tedious and roundabout and phoning no help at all. I plan to fly there and remain until it's adjusted."

Mr. Armstrong agreed enthusiastically and gave me the name of the attorneys representing him in the nation's capital.

In Washington I bypassed his lawyers and, without a prior request for an appointment, I appeared at the office of a Mr. Worley, chief of the Tax Exempt Section. I stressed to his secretary the urgency of the matter, explaining how I had come directly from California without delay, and asked to see Mr. Worley.

Worley was in, and I was ushered in to see him. I apologized for the inconvenience I was causing him, but I stressed how important my matter was both to my client and to his brethren around the world. After we reviewed the matter in general terms, he admitted to a lack of personal knowledge of the case. But because I was there at his office, he expressed his willingness to accommodate me as best he could. He called for the files and for two government lawyers who were familiar with the case.

It soon was apparent to me that much of the problem was caused by a misapprehension on the government's side of the very nature of the organization known then as the Radio Church of God, and of its operations in general. The government had obviously confused Herbert Armstrong with the likes of Sinclair Lewis's Elmer Gantry, or on the other hand, with A. A. Allen, a well-known radio evangelist with whom the government had been at war for some time.

Thus I knew how to solve the problem. I explained in detail what the Radio Church of God was, what it taught, how it promulgated its message, and, indeed, everything relevant and material about the organization and its operations that I had learned from several weeks of intensive study of the facts. The Internal Revenue Service has developed a list of fourteen characteristics that it uses in determining whether an organization qualifies as a church. I simply demonstrated how the Radio Church of God satisfied these requirements.

Within forty-eight hours the matter had been, for all practical purposes, resolved. The government's file was full of an abundance of facts — all easily verifiable — about a well-established church, a church with ministers in attendance around the nation and, in fact, around the world, who were ministering to a flock, congregation by congregation, as that flock increased from year to year through Herbert Armstrong's dynamic leadership. I stressed how the Church had grown from its humble antecedents in Oregon in 1934, and I enumerated as carefully as I could its major doctrines in order to underscore how it could be, distinguished from other groups. Because its tax exemption was also being attacked, I also reviewed the history and de — of Ambassador College, emphasizing the college's curriculum, its full-time faculty and student body, its physical plant, and its overall purpose of recapturing the true values in education and thus instructing young people how to live abundant and happy lives as well as how to earn a living.

I left Washington confident that only a short time would pass before the new letters of exemption would be received by the Church and the College and I reported this forthwith to Herbert Armstrong. The tax exemption for the Church was renewed and I was regarded as

somewhat of a miracle worker, although there was nothing really mysterious in what I had done. I had pulled no political strings — I had none to pull. All I did was unblock the bureaucratic process by going straight to the individual in charge, who quickly understood that the Church was entitled to its exemption.

A small room in the main building was set aside as an office for me, although at the start, I spent only about two or three hours a week there. Almost from the first, a strong affinity existed between Herbert Armstrong and me. He regarded me as someone to whom he could talk frankly and freely about problems of deepest concern and I, in turn, felt increasingly drawn to him. I was, nonetheless, equally candid in my own way. When we first discussed the possibility of my working with him, I told him an adviser had to be forthright and vigorous in giving his advice. "You are not accustomed, I am certain, to being told what you may not want to hear," I recall saying. "I'm equally sure you're not accustomed to being told that what you want to do may be fiscally unsound, unfeasible, or both. But if I am going to be of any use to you, I must be permitted to err on the side of bluntness." He had looked nonplussed but agreed to these ground rules of our relationship, and they have never changed.

At first, as I had done for many of my clients, I took on the role of a private receiver — if I may dare to use the word in light of what was to happen years later. I supervised the installation of a modern bookkeeping system that would enable the organization to know quickly and completely its true financial position. I placed expenditures under rigorous controls. I con — those creditors who were becoming restive to grant extensions, assuring them they would eventually be paid, and they were. As soon as feasible, I made certain that all future bills were paid when due so that faith in the institution's credit worthiness could be built up and maintained. I made sure no unnecessary risks were taken and that the best possible use was made of the Church's assets.

As time went on, Mr. Armstrong called on me to work more and more frequently with him. He summoned me to many consultations and invited me to accompany him on trips. Slowly, our relationship became as personal as it was institutional.

By this time, as so often happens with young men, the dilettantism of college years had vanished and I became charged with motivation. With my accounting practice booming and my association with Armstrong growing firmer and more richly satisfying as I saw the Church come back to fiscal health, I decided to become a lawyer. Looking back, I am somewhat dismayed at the chunk I was biting off. I was the father of three children — Carol Lee had been born in May 1953 and Stephen Paul had come along in April 1955. Where would I find the time?

Still, I knew that a legal background would enable me to serve my clients even more knowledgeably, and so I enrolled in the University of Southern California School of Law. For the next three and one-half years, I was a CPA and law student, attending classes both day and night, whenever they could be fitted into my dizzyingly busy schedule. My motivation never deserted me; nor, I must add, did Niki ever fail to encourage me. Proudly I say that I graduated

first in my class in 1963.

As the number one student from a leading law school, I was somewhat in the position of a star high school quarterback: the offers from scouts came flooding in. Law firms from all over the country invited me to join their staffs, but I never seriously considered any. I was proud, too, to be offered a Sterling Fellowship from Yale University, a prestigious award that carried a high stipend. At first I accepted it and even went to New Haven to search for a house for my family. But almost at the last moment I declined that too, deciding at length that I would continue what I was doing and, at the same time, build up a private law practice.

Niki and I had moved our growing family to Beverly Hills. The time I was devoting to the Church was increasing steadily — indeed, before I realized it, I had become Herbert Armstrong's personal financial adviser as well as business engineer for the institution, consulted with increasing frequency on difficult policy questions that involved the commitment of funds for growth and development.

My work with him had become a labor of love. It was an enormously rewarding feeling to watch the organization — including the college — grow, and to know that I had a role in helping to create what was rising up. By 1969, five streets had been closed off to provide a large campus, new buildings were completed, and the foundation had been laid for the financing of the auditorium.

As for my earnings, let me put that on the record. I was being paid about \$2,000 a month, although my services could then command considerably more. Accountants bill their clients, as attorneys do, at hourly rates; mine was \$75 an hour. At this rate, I could have earned the \$2,000 fee by working less than thirty hours, but where Herbert Armstrong was concerned I just about threw away the clock.

One day in 1969, at a luncheon meeting, Mr. Armstrong turned to me and said: "Can't you give us all your time?"

It was simultaneously stunning and flattering. Quickly he asked what I would need as income. Before we discussed compensation, I told him I could not cut completely loose from my practice at once; my partners and others who depended on me would be left high and dry. He agreed that I must not let that happen. Then, with his smiling yet quiet persistence, he asked me again how much I would require for living expenses.

I muttered something about \$50,000 after taxes to cover the costs of my home, schools for my children, and all the other things. He nodded. "I want all your personal time," he said.

I talked it over with Niki, who was a little apprehensive. She adored Mr. Armstrong but was concerned about our relationship with the Church members. After all, I was not a member but a professional performing a function. Niki and I didn't have the same background as the Church members; we were not motivated by the same set of values. The difference between us, as Shakespeare said, was not, perhaps, "so deep as a well, nor so wide as a church door" — but, as the line from *Romeo and Juliet* continues, "'tis enough, 'twill serve . . ." Could that gulf be

bridged? Would there be acceptance, or would there be animosity?

After lengthy discussions, we could come to no answer, but I felt that I should, nevertheless, accept what was a virtual draft from Armstrong.

And I did.

Before 1969, Church members had known about me as the lawyer and fiscal expert, but I had still been someone in the shadows. Now, suddenly, I was thrust into the limelight. The Church had purchased its own airplane and, from that time on, I began to accompany Mr. Armstrong everywhere on Church business. He began to mention me by name wherever he went; photographs of the two of us visiting heads of state began appearing in the newspapers.

My sole intention was to perform as sound and solid a job of building the institution as I could. I would never become a minister of the Church and, at the time, I never even considered becoming a member. (I did become a member in 1975). But because of my new prominence, there were some who misunderstood why I was there and what my goals were. My political problems within the Church had their beginnings in these first rumblings of discontent, although I had no notion at the time that anything was amiss.

Church membership spurted. By the end of the 1970s, there were 100,000 baptized members and several hundred thousand other dedicated co-workers. Over a span of thirty-five years since its founding, the Church's growth averaged an amazing 30 percent every year, a record that is probably unequalled by any business or institution in any country.

Through its far-flung operations, the Church was serving almost 150 million persons on every continent. To accomplish this, Armstrong and I, with a staff, were logging thousands of miles each year to meet with world leaders, and reaching tens of millions of people through radio and television. The message of the Church was being spread throughout the United States and the world by a variety of adjunct activities through its publications and its International Cultural Foundation. All of these major religious, humanitarian, educational, and cultural projects will be discussed later in this book.

Then, at the point of its greatest growth, after more than twenty foreign countries had presented awards and commendations to Church-supported programs, the state of California mindlessly sent us reeling.

This is how it all began:

Chapter 5: Star Chamber

Late in 1978, several dissident, former Church members trooped into the law offices of Hillel Chodos in Beverly Hills with a list of so-called improprieties they said were occurring within the Church. After hearing them out, Chodos went to see Lawrence R. Tapper, deputy attorney general of the state of California, and recited to him the accusations made by his clients.

Tapper listened. Then without investigating or verifying any of the charges, without notifying Church officials and giving them their Constitutionally guaranteed right to refute or explain them, he set into motion legal machinery for seizure.

The first step was to draw up a complaint based on the false charges. Next, contrary to the courts own rules, a Judge was Telephoned for a hearing for the appointment of a receiver on an ex parte basis.

It is crucial to understand the meaning of this legalistic Latinism. An ex parte order is a legal instrument made by or in the interest of only one party to an action. It is a remedy granted by judges only in instances where urgent action is essential to prevent a gross injustice. Let me cite examples. If a businessman is convinced, and presents satisfactory evidence, that his partner will close out an account or flee with assets of a jointly owned company, he may apply for and receive ex parte relief. If an estranged wife has reason to believe, and can offer proof, that a husband is on the verge of removing their children to another state, a judge may sign such an order.

But in the vast majority of cases, orders that could have serious consequences to one of the parties involved in litigation are granted only after hearings at which all sides — have had a chance, to be heard. Receiverships, especially, are normally ordered only after extensive legal proceedings in which plaintiffs offer compelling need for such action, and defendants are given their day in court. Never can such a hearing take place without four hours' notice to the other party.

The Worldwide Church of God was not given this notice. Tapper and Chodos got the illegal hearing as requested, and a receiver was named—all without notice to the Church. Every step of the way, from complaint to receivership, the Church was kept in the dark about proceedings that involved its independence and its very existence.

It was not until one month afterward that we learned a court reporter had been present at the hearing, conducted on January 2, 1979 in the chambers of Judge Jerry Pacht,* sitting in Department 85 of the Los Angeles Superior Court. According to the reporter's transcript, Tapper attended, accompanied by Hillel Chodos, his brother Rafael, and their associate Hugh John Gibson, attorneys for the six complainants or "relators," as they were called in the complaint. Also present was former Judge Steven Weisman a close personal friend of Hillel Chodos and the petitioners' hand-picked candidate for the receiver's job. Named, as respondents in the suit were several corporations, including the Church, Ambassador College, and the Ambassador

International Cultural Foundation. Also named, as respondents were certain individuals, principally Herbert Armstrong and Stanley Rader.

The transcript is highly revealing. Note, for example, this statement made to the judge almost at the outset by Hillel Chodos:

"Your Honor, I want to interrupt just to state for the record, a copy of the proposed pleadings was furnished to you this morning. The original is in my briefcase. It has not yet been filed [my emphasis], but we are prepared to file it and pay the necessary fee at any moment.

** See appendix B for an illuminating account of how the matter came before Judge Pacht.*

"It is just that we did not want a public filing before coming to see you. I spoke to the clerk this morning and told him we would talk about that."

Judge Pacht responded: "Well, we are going to have to get it filed if I am going to grant you any relief, as I am sure I don't have to tell you, Mr. Chodos."

The proceedings ignored a specific mandate published in the Writs and Receivers Manual of the Los Angeles Superior Court. Rules 205.2 and 303.5 of the manual require that all attorneys who plan to submit ex parte applications must notify either the opposing party or his counsel in advance, so that the other side may appear and be given its chance to have its say. Nothing in the transcript of the proceedings even hints that this was done. To his credit, however, it must be said that Hillel Chodos was at least aware that we should have been informed and said so:

"I recognize that any request for an ex parte receiver, without notice, has to be viewed against a strong presumption that it is an emergency measure to be used with great caution," he told Judge Pacht. "I would suggest to you, however, that at least insofar as pertains to the Worldwide Church of God, Inc., Ambassador College, Inc., and Ambassador International Cultural Foundation, Inc., that the usual principles are not applicable. All of these corporations are organized and exist under California law exclusively for charitable, religious, and educational purposes." Their property, he argued, "rests in the court's custody, subject to the supervision of the court on the application of the attorney general. In effect, there are no private interests."

Chodos was now expounding a strange concept with awesome implications for all religious organizations. Heed closely what he was saying: The court's powers run "to all persons within the court's jurisdiction, and particularly to charitable trusts which are organizing and existing under the State of California [my emphasis]. In fact, this court, as I understand it, is the only court that has complete jurisdiction and supervision over the affairs of these three charitable corporations."

The attorney general agreed with the view that all churches in the state of California are actually "charitable trusts." And, when the session that afternoon ended, Judge Pacht ruled that this was indeed so.

By accepting this concept, all concerned did nothing less than trample upon such

Constitutional rights as due process, the First Amendment guarantee of separation of Church and State and other basic protections for citizens of the United States of America. For if a church, whatever its denomination, is to be construed as a "charitable trust," it cannot own its own property. It is not the master of its own affairs. Its leaders are no more than trustees who serve at the pleasure of the State. Its assets are not its own but become public records. A church is nothing but a ward of the court, each of its actions subject to State scrutiny — which has no limitations — and to its supervision and control.

A church, in short, is no longer independent but subject to the trust laws.

It was a concept as illogical as a scene from Alice in Wonderland. Indeed, attorney Allan Browne, in a memorandum several months later, wrote this little parody:

ALICE: When is a church not a church?

WHITE RABBIT: When it is a charitable trust!

ALICE: When does a church become a charitable trust?

WHITE RABBIT: When the State says so.

ALICE: Things are becoming curiouser and curiouser.

For about half an hour, Tapper, Chodos, and their handpicked candidate for the receiver's job argued the fate of the great and flourishing Worldwide Church of God, with no representative of the Church present to defend itself.

What, indeed, were the complaints? Most were based, not on hard fact and actual knowledge on the part of any of the dissidents, but on the tenuous grounds of "information and belief," legalese for "gossip and rumor." Attached to the complaints were a number of declarations signed by certain relators and attorneys, but none of them in the proper form to constitute evidence in a court of law. The accusations were based almost wholly on hearsay — in some cases double and triple hearsay, meaning that the complainants heard their stories from someone who got them from another party who had been told by — etc.!

In support of these requests to the court, the complaint listed in inflammatory language a number of specific charges, among them that Armstrong, Rader, and others were "siphoning off" Church assets for their "own personal use and benefit"; that this "pilfering" of Church revenues was continuing "on a massive scale"; that during the previous six months the properties of the Church were being liquidated on the same "massive scale"; and that the defendants were even then busily shredding, destroying, and otherwise disposing of records of financial dealings "in an effort to frustrate discovery of their wrongdoing and to obscure the facts."

The attorney general's complaint was divided into four sections. The first sought an accounting of Church funds; the second asked that the directors of the Church be removed and a new board be chosen by vote of the members; the third asked for appointment of a receiver; and the fourth sought injunctive relief to insure cooperation.

Not one of the accusations had any validity whatever. Soon afterward, evidence was offered

to the courts proving them false.*

Nevertheless, on that afternoon in Judge Pacht's chambers, the Worldwide Church of God was dealt a stunning blow. By a stroke of the pen, it was thrown into receivership — perhaps the most drastic remedy known to the law.

The receivership order armed one individual with extraordinary powers. He was not a member of the Church. He knew little, perhaps nothing at all, about its history and traditions. He had no knowledge of its doctrines, global reputation, goals, and diverse activities in all its fields.

** See pages 88-93 for a point-by-point examination and refutation of the charges leveled at the Church and its leaders.*

Yet he came to our Church with full legal authority to do the Following: To take possession and control of the Church, including all its assets, real and personal, tangible and intangible, of every kind and description...

To supervise and monitor all of the business and financial operations and activities of the Church... if he does so determine, he shall have the right to take over management and control of the Church to whatever extent that he, in the sound exercise of his sole discretion, deems necessary.

To hire, employ and retain lawyers, accountants, appraisers, business consultants, computer experts, security guards, secretarial and clerical help, and employees of all sorts to assist him in the discharge of his duties pursuant to this Order; and he is authorized to pay reasonable compensation to all his assistants out of the funds and assets of the Church, subject to the supervision of this Court as hereafter provided.

To take immediate possession of all books and records of the Church, no matter where or in whose possession said records may be found. These records are to include without limitation journals, ledgers, bank statements, vouchers, invoices, logs, memoranda, computer-readable data, and membership lists. These books and records shall be made available for the use of the employees of the Church in the carrying out of all their duties. They shall also be made available to the representatives of the plaintiffs in this action, for use in preparing for the trial in this action.

To supervise and control all the business and financial operations of the Church, including both ordinary day-to-day operations, and extraordinary operations.

Except as is otherwise provided herein with respect to Messrs. Herbert W. Armstrong and Stanley Rader, the Receiver is hereby authorized to suspend or terminate, as he in the sound exercise of his sole discretion determines is necessary, any employee, officer, or agent of the Church (subject to any contractual employment rights the suspended or terminated party may have), and to direct that said employee, officer or agent not be permitted access to any of the

grounds or facilities of the Church from and after the date of such termination or suspension.

Messrs. Armstrong and Rader will be permitted to continue their prior functions as representatives and authorities of the Church unless and until they are, either of them, removed by proper action of the Church pursuant to its By-laws and Articles; or unless they are removed by further order of this Court pursuant to an application on the part of the Receiver. If the Receiver deems it necessary at any time hereafter pending the trial to move the Court to remove either Mr. Armstrong or Mr. Rader or both, the Receiver may file a petition with the Court on notice to the defendants, and the Court will hear the matter and make a determination on that issue...

To employ, to the extent necessary, accountants, auditors, and attorneys to conduct a thorough audit of the financial and business dealings of the Church; and to compensate said professional assistants out of the Church treasury...

To supervise the deposits and disbursements of the funds by the Church in accordance with the terms of this Order... [he] shall have the right, in the sound exercise of his sole discretion and at any time, to take possession and control of the funds of the Church forthwith by notification to the Court and to the defendants, and to deposit them in a special Receiver's account, if he deems it necessary.

It is little wonder that legal scholars, studying the events of that day, were incredulous. Many wrote to us or expressed themselves in print. I quote from just one, written by Jerry Wiley, associate dean of the University of Southern California School of Law in Los Angeles. Writing in *Liberty*,* Professor Wiley said:

What Deputy Attorney General Tapper asked — and got — from the court is mind-boggling to the student of constitutional law: that the judge meet with him, the accusers, and their attorneys before he was required to file any action against the church or even notify the church that an action was filed, and that immediately upon filing the suit, the judge would order a receiver placed in control of all the church's local assets, and, moreover, forbid anyone in the church from managing and disposing of a church asset. The court also retained the power to decide whether what the church proposed to do was religious.

** Liberty, vol. 74, no. 3, May-June 1979. Liberty is published by the Religious Liberty Association of America and the Seventh-Day Adventist Church. The association declares itself "dedicated to the preservation of religious freedom" and advocates "no political or economic theories."*

The deputy attorney general well knew that he was asking the court to commit itself to giving the state what it wanted against the church without the church's even having had opportunity to know that action was pending. Indeed, he was asking an advisory opinion from the court concerning the outcome of a case not yet filed, when the law in his jurisdiction did not provide for advisory opinions. He was asking the court to appoint someone to run the church on the unsubstantiated accusations of six dissident members — some say, "excommunicated"

members. He was asking the state's judicial branch to take over the church before a case was filed, and upon the uncorroborated accusations of the dissidents — all this in spite of state and federal constitutional provisions for strict separation of church and state!

Cleaning House

On the morning of January 3, 1979, the day after the hearing, Judge Steven Weisman, the temporary receiver, and his task force stormed into the Hall of Administration to fulfill their State-approved functions. As I described in the opening chapter, rose petals were not strewn in their path. Virginia Kineston and her small group of brave determined, and baffled young women barricaded themselves inside the executive offices.

The offices were protected by an alarm system; moreover, only a few persons had a key. We had taken the precaution of giving an extra one to the security office but it was locked in a safe. Virginia had telephoned and told an official: "Under no circumstances should that safe be opened and the key taken out."

The hours passed slowly. A silence, chill and forbidding, pervaded the building. Some fifteen miles away I was in a nonstop meeting with a corps of lawyers. From time to time, I would call Virginia, ask what was happening and pass along instructions. At 1:00 P.m., the girls went into the small kitchen adjoining the office and made sandwiches and coffee, then returned to their watchful waiting.

At 3:30, Virginia was on the telephone when she heard a key grating in the lock. She looked up and saw what she later described as a "swarm of people." A security guard had panicked and given the intruders the emergency key.

"Those people," Virginia said afterward, "literally charged into the office. There was that very fat man in the rumpled suit, Hillel Chodos, and his brother, followed by at least a dozen others. The place became an instant madhouse. They began opening doors to offices, peering into the shelves, looking into desk drawers."

Over the bedlam, Virginia called out instructions to the girls: "Keep an eye on each and every one of them! Don't let them rummage through the files. Make sure they don't put anything in their pockets or briefcases. If they want to take something, make them sign for it and take a description of what it is." The men tore through the offices, followed by the girls.

Striding to the phone, Virginia called the photo department. "Get a man here at once to get pictures of what's happening." She called the television studio to send up people to take a visual and sound record too. Then she telephoned me.

Breathlessly she said: "They've broken in. They're taking over the whole office."

Total chaos followed. The men — the Chodos brothers, and others who identified themselves as government agents — ransacked the place. Despite the brave attempt of the secretarial staff, records and files, confidential or no, were rifled, gathered up, and carried off. Many of them are still missing months later, and the state has consistently refused to give any

accounting of what was taken despite repeated requests from the Church.

In the basement garage, some agents pounced on a large box in the back seat of an automobile I use on Church business. They opened it, saw it was filled with files, and gleefully impounded it, satisfied they had captured vital confidential records that I would later try to smuggle out of the building.

The "confidential" papers were records of a legal case tried several years before by Ralph Helge's office; they had nothing whatever to do with the financial operations of the Church. I had asked for the files to check some facts and then sent them downstairs to be returned to Helge's office.

Judge Weisman wasted no time in demonstrating power. He told Hillel Chodos to send Virginia to the personnel office where he had installed himself; he was beginning to clean house and apparently decided to start with my executive secretary.

Virginia went down and saw him for the first time. Weisman, a short, crippled man of medium build, leaned back in his chair. "I guess you probably don't like what I'm doing here," he said.

"Of course I don't like it," Virginia replied.

"Regardless, I have the authority of the state," Weisman said, and with that declared that he was "terminating" her employment. Virginia was aghast. She demanded an explanation and insisted that she would not leave without one. None was forthcoming; Weisman insisted she was "terminated," that she leave at once, and that other firings would follow.

"What about Mr. Armstrong?" Virginia asked, hardly expecting the incredible reply:

"He's out too."

Virginia gasped. "You mean he's fired?"

"Yes, that's right," Weisman answered.

"I see. And what about Mr. Rader?"

Weisman was unflappable. "He's out too," he said.

The Pastor General of the Worldwide Church of God and his chief aide and adviser had been summarily "fired" by a court appointed receiver. Absurdities were piling on absurdities so rapidly the logical mind could not absorb them.

As for her staff and the others in the organization, Weisman said, he would talk to them and "see where their loyalties lay." Virginia, almost literally unable to talk because of her bottled — in fury, left. Upstairs she called me and, finding her voice, told me what had occurred. (Later, on a witness stand, Weisman blandly stated that he had not "fired" Armstrong.)

All Virginia was allowed to take from the building were her personal belongings. I told her to collect them and come down to Allan Browne's office with her husband, John, my executive assistant. They drove to my home to pick up my wife, who had packed a suitcase, knowing I would be in for a long siege.

They arrived at Allan's office shortly after 6:30 and the long, hard task of planning the counterattack was begun. We had to reestablish order from the chaos, prove that the integrity

of the Church leaders was unquestioned, and recover the Church from the control of people who had no legal, much less spiritual, right to be guiding its destiny.

We worked until nearly daybreak marshaling our evidence. We ate when we could: Allan's offices were littered with trays, coffee cups, and empty paper bags. I managed to get about two hours' sleep at a nearby hotel where Niki had booked rooms, then returned for another hard session just after sunup. Earlier, a number of Church members came in to help Virginia and John Kineston search the files, organize and copy them.

Immediately after Virginia informed me of the invasion, I had called Herbert Armstrong in Tucson; thereafter, I telephoned him almost hourly, keeping him abreast of developments. Problems have never upset Mr. Armstrong and he reacted even to this serious threat with serenity, courage, and confidence. Over the years of my close association with this remarkable man, I have noted abundant evidence that he is the embodiment of his own message of hope and trust that the living God will provide man with the wisdom to prevail over obstacles. "No matter how intelligent, alert or resourceful you may be," he has written, "you need God's wisdom and help in solving the constant problems and meeting the recurring obstacles that beset life's path, whether it is in business, a profession, private life or what. The man who has contact with God, who can take these matters — these emergencies — these problems — in the quietness of his private prayer room to the Throne of Grace and seek God's counsel and advice is going to have divine guidance... Wisdom comes from God. "

I am certain that Mr. Armstrong took this grave emergency into the "quietness of his private prayer room to the Throne of Grace," sought God's counsel, and knew that justice and truth would ultimately prevail.

The damage that appointment of a receiver can do to any organization, and most especially a church, cannot be over estimated. It is as though a perfectly respectable individual were falsely arrested on a charge of sexual misconduct. Until the accused can prove his innocence through the laborious machinery of the law, a reputation built up layer by layer over the years has been blackened and virtually destroyed.

Sensational news travels fast and merits black headlines and prime spots on the evening news. If an accusation is made, the vast majority of readers and viewers tend to accept it. In the case of a receivership, moreover, the presumption of guilt created by the court's order is powerful. Few people ask: What is the other side's case? Rather, they infer that if the court has been forced to act, something very serious must be afoot.

In just two days we were to reap the first bitter fruits. Headlines throughout the country trumpeted the news that a church was being rocked by a financial scandal so massive, so shocking that the state of California had been forced to step in. And if people missed the headlines, they heard and saw it on television. Camera crews and newsmen descended on the Church in droves.

The name of the Worldwide Church was being blackened before it had been given a chance to say a word in its defense.

The Charges Shredded

There was, of course, a great deal to say. The charges leveled against the Church, Herbert Armstrong, and me by the state of California were specious-cleverly worded and loudly trumpeted to sound meritorious but actually steeped in falsity, inaccuracy, and blatant untruthfulness. It would be useful to consider each of them in detail.

1. The Church has, in the past, refused to make regular and proper accounting of its funds, and continues to do so.

The attorney general's own complaint belies this, for he in — detailed accounts of Church expenses, gleaned from reports prepared by the Church for the years 1975 and 1976.

Actually, outside audits of the financial affairs of the Church and Ambassador College have been made annually since 1956 and, since 1975 the International Cultural Foundation has been audited as well. Arthur Andersen & Co., one of the "big eight" national accounting firms, was retained to conduct the 1978 audit of all three organizations and to verify the earlier audits. There has been no evidence introduced to show or suggest that all audits have not been properly and professionally conducted.

2. Extravagant sums of money have been spent by Armstrong, Rader and other Church officials for foreign travel, lavish gifts, and entertainment.

All these monies were expended in furtherance of what Church leaders and members believe to be its chief mission — establishing religious and charitable programs and spreading the message of the Gospel throughout the world.

In company with other representatives of the Church, Herbert Armstrong and I travel many thousands of miles each year to confer with heads of state and other foreign dignitaries as goodwill ambassadors of the Worldwide Church of God. The members are apprised of these trips, and of other expenses such as gifts, dinners, and receptions that are held for these leaders. Far from "high living," these are legitimate costs incurred while on Church business and are fully reported in bulletins and memoranda to members.

As a letter written to the editor of the Pasadena Star — News of January 22, 1979 states: "Does Judge Title seriously think that the thousands of people who support this Church had no idea that Mr. Armstrong went on these trips, or were ignorant of the system of Church government?" The letter concludes: "If the State attorney of California gets away with this infamy, I would advise descendants of the Pilgrim fathers to once again board the Mayflower and sail for the religious freedom of the Old World." to Church members, these trips are not a

corporate

Thus, operating expense to be minimized but the heart of the Church's work. They are a tool that had been developed for a decade, to the point where the trips are now the Church's most significant avenue for preaching the Gospel. To members of the Church, preaching the Gospel is the primary reason for the Church's very existence, and to cease them would mean, in the eyes of the members, forfeiting the Church's spiritual legitimacy, preaching.

3. Church funds are being diverted by Mr. Armstrong and Rader for their own use.

This charge was aimed solely at me, for no "evidence" was offered linking it to Mr. Armstrong. The attorney general charges that (a) in 1978, I kept the proceeds from the sale of a home in Beverly Hills purchased by the Church in 1971; (b) I then bought another from the Church at a price lower than market value; and (c) a firm in which I was a partner purchased an airplane and subsequently leased it to the Church. It was also charged that my salary was too high.

The answers, point by point:

(a) In 1971, I was asked to buy a house in Beverly Hills that would be suitable to entertain foreign guests visiting California at Herbert Armstrong's invitation. Although the initial financing was arranged by the Church, I bought the house, giving the security in my Holmby Hills home as a down payment, giving the Church a second trust deed for \$145,000, and assuming a first mortgage of \$225,000. Until I became a Church member in 1975, I made all payments on the house. Beginning in 1976, the Church took over these payments, and paid for other expenses as well, since my residence was used to further the goals of the Church. Both the mortgage payments and maintenance payments were reported by me as income and — I paid taxes and tithes on them.

Before this house was sold in 1978, I played host, in furtherance of the work of the Church, to such world-renowned figures as Gideon Hausner, the attorney general of the State of Israel who prosecuted Adolf Eichmann; Dr. Nagendra Singh, a member of the International Court of Justice; Teddy Kollek, the mayor of Jerusalem, and the ambassadors from Jordan to the United States and from Israel to Japan.

(b) The sale of the house, precipitated by Mr. Armstrong's request that we move to Tucson, brought a profit which my wife and I received as owners. This was never kept a secret from anyone. When the Tucson move was deemed unnecessary, I purchased a house in Pasadena, owned by the college, appraised at \$208,000. The purchase price was \$225,000, paid in cash.

(c) The story of the airplane goes back to 1967, when my sole connection with the Church was professional. I was neither an officer, a director, nor member of the Church when Armstrong asked me to facilitate the leasing of a plane, as the Church had been unable to overcome a reluctance on the part of the owners to lease to it. The only way I was able to accomplish this was to form a partnership, which then leased the plane to the Church. I agreed to personally indemnify the other partners should the Church default.

As to my salary (\$200,000 per year), far from being excessive, it is simply a reflection of my earning power plus my value to the Church. Prior to my employment by Herbert Armstrong, I had a successful practice as an attorney and certified public accountant with many important clients.

I now travel more than 200 days a year on Church business and have, I believe, made a significant contribution to its growth and success. The salary, I cannot deny, is extremely good, but it is certainly not excessive in light of the above. What is somewhat ironic is that it is less than half of the amount demanded by the receiver and his associates as compensation by the Church.

4. Church property, including the 1,600-acre former campus of Ambassador College in Big Sandy in northeastern Texas and 50 parcels in Southern California, was being sold at prices far below market value to raise quick cash for the "personal use and benefit of the individual defendants."

The Church owned the vast acreage at Big Sandy, having originally purchased the property for development as a sister institution. In 1977, Mr. Armstrong decided that the Big Sandy campus was no longer serving the purposes for which it had been established. He ordered the academic operations terminated at the close of the spring semester. The campus was costing the Church \$1.8 million annually in maintenance costs, so it was decided, in 1978, to sell the property.

A buyer was found and negotiations were in the final stages of completion to sell it for \$10.6 million. This figure was almost \$4 million above the value placed upon the property by a national appraisal firm. The complaint, however, charged that Big Sandy was worth between \$30 million and \$50 million. Judge Title held in Superior Court that no evidence was produced to substantiate this valuation and, also in court, the attorney general conceded his failure to prove that the property was being sold below its market value. The sale — for \$10.6 million, as originally intended — was later approved by the receiver and the court, but a determined group of Church members from Wisconsin successfully enjoined the sale when they learned that the receiver had requested a federal court in Texas to place the sale proceeds in his own account.

Judge Title also held that no evidence was produced to support charges that any of the other properties to be sold were priced below market value. These sales were made following a decision to reduce the number of college-owned-and-maintained properties for faculty members, a decision that rendered a large number of properties surplus. These were sold at prices exceeding their fair market value, all sales proceeds being deposited into the Church treasury.

5. Representatives of the Church have denied access to its books and records and have indicated they will be destroyed through shredding and other means."

The attorney general was never denied access to our records. He never requested them when he stormed our premises without warning. There is no question that, if he had made such a request, in the same manner as the IRS, it would have been granted. The Church has nothing to hide. All our records, which are our best answer to these charges, are on a computer in a building about a quarter of a mile from administration head, quarters. Herbert Armstrong has not been in this building for many years. I have never set foot in this building; and nobody is hiding anything.

The alleged shredding of documents was discussed earlier. Even Judge Title held that the state had presented no credible evidence that any papers had been destroyed, shredded or removed.

6. The properties, revenues and assets of the Church are being "siphoned off" by Herbert Armstrong and myself on a "massive scale," amounting to several million dollars.

The fact is that the internal accounting system of the Church has scrupulously accounted for every penny received and expended. No "pilfering" or "siphoning" could have taken place without being reflected in the accounting records. Arthur Andersen & Co. was requested specifically, in its audit, to verify the integrity of the internal and external controls in our accounting system and has rendered an unqualified and certified opinion.

7. Mr. Armstrong is a feeble and senile old man.

Outside of the fact, which cannot be denied, that he is eighty-seven years old, this is pure rot. Herbert Armstrong's vigor and steady stream of activity in behalf of the Worldwide Church of God amply refute this charge.

Since July of 1978, he has traveled extensively, both in this country and abroad. He has visited the People's Republic of China, Japan, Morocco, Tunisia, and Israel, as well as making many personal appearances in the United States. He has written five books, two of which, *The Incredible Human Potential* and *Tomorrow... What It Will Be Like*, have already been published, with all royalties going to the Church. He contributes regularly to Church publications and has made more than sixty-half-hour television programs. He personally oversees all copy in Church publications and conducts many meetings with ministers and officials of the Church.

These facts were established by actual court rulings or clear evidence, uncontradicted by the attorney general, which was presented by lawyers for the Church.

But the assault did not stop.

INTERLUDE**Tales More Fearsome Than Fanciful — I**

Sinai Peninsula, 1490 B.C. AP (Ancient Press) — Sinai Deputy Attorney General Lawrence Napper today agreed to discuss the State of Sinai's major lawsuit against the congregation of Israel, charging its leaders, Moses and Aaron and others, with pilfering millions of dollars a year, destroying documents, and failing to give an accounting of funds collected for charitable purposes. The suit demands an accounting of all funds, the replacement of Moses and Aaron with newly elected trustees approved by the state, and a receivership to guarantee the squandering of congregation assets until a complete audit can be made, or until they go broke, whichever occurs first.

In an exclusive news interview, the Sinai Star News learned that these charges are all based on information and belief supplied by several relators who were formerly members of the congregation.

Deputy Attorney General Napper was happy to explain the allegations.

"Yes, we have had an avalanche of complaints from present and former members of the congregation," he confirmed.

"We have witnesses who claim that this Moses actually broke some stone tablets with important information on them right in front of all the people. I have men gathering up the pieces now and we will be putting them together to see what records were being systematically destroyed and crumbled — undoubtedly in order to hide and conceal records of financial transactions that would show Moses and Aaron to be pilfering from the congregation. "

"But aren't the people basically behind Moses?" asked a reporter.

"They appear to be misled into thinking he is a special servant of God replied Napper. "But our position is that he is old and senile. After all, he is more than eighty years old. Probably one of the younger leaders of the congregation is influencing him and has some mysterious power or control over him. This will all be investigated.

You can be absolutely sure that when the facts are told, and the truth comes out, and the evidence we are going to present is seen, the court will rise up in indignation and throw these defendants and their attorneys right out of the tent on their ears."

"But isn't there a problem in suing the congregation, since there is to be a clear separation between the congregation and the state?" asked another reporter.

"We don't see any problem there; that is just a smokescreen," stated Hillel Chomos, a private attorney who brought the charges to the attention of the attorney general and was subsequently appointed as a deputy receiver and later as a special deputy attorney general.

"We are only interested in an accounting of the charitable funds," said Chomos. "People have the constitutional right to be stupid if they wish. But the state has laws regulating stupidity, and these must be obeyed. If people want to give Moses money to light his cigars with, that is their

right. But when it comes to donating gold and silver or precious stones and woods and fabrics that have been dug or grown or otherwise produced here in the Sinai, I think it is obvious that the state has a right to see that such funds are not misused."

Another reporter interjected: "But the people are complaining that you didn't give the required notice before serving the papers and that it was unfair of you to hold a secret hearing before Judge Patch even before you filed the suit. Some are even suggesting that your friendship with the judge looks a little suspicious, and the fact that you waited to file the charges until the first day he was serving on the Writs and Receivers Department of the Sinai Superior Court also contributes to these suspicions."

"There is nothing illegal or wrong with holding an ex parte hearing. Moses and Aaron both know that," snorted Chomos. "They are just trying to cloud the issues."

"The people also claim that their rights are being violated the separation between congregation and state, and so on," added another reporter.

"That is a phony issue," said Chomos. "Everybody knows that this congregation has no rights. They are perpetual wards of the court and the leadership can be replaced at the pleasure of the court at any time because the trustees always serve by permission of the court and under its perpetual supervision."

"What are some of the charges of pilfering based on?" was another question.

"There has been such monumental misuse of money it is really appalling," said Chomos. "This Moses has asked the people for a special collection of gold and silver and brass and cloth and all sorts of things allegedly to build a tabernacle. But we have evidence that he is using some of the precious stones to decorate the ephods of the priests, and to make Aaron a headpiece of gold. They have also reportedly been pouring out precious oil on the heads of the priests. This monumental misuse of charitable funds must be stopped."

"It seems like I remember the receiver complaining about some missing gold, too," mentioned reporter Lloyd.

"Yes, that is just some more evidence of corruption here. We have witnesses who say that Moses ground up a gold calf into powder and threw it into the drinking fountain and the people drank the water. No doubt this is just a trick to smuggle the gold out of the country for their own use later on. That is the only way they could get all that gold past the security guards. I tell you, we are dealing with dangerous people here."

Chomos, growing more and more emphatic, bawled, "Just to illustrate their absolute lack of respect for government authority, let me tell you about the worst thing of all they have done. This is what finally made the receiver quit and caused me to withdraw from the case.

"First they began sending their Offerings to their leader up on Mount Sinai where the state could not get hold of them. Finally, when the money ran dry and we were no longer able to pay the receiver his meager \$150 per hour, he had to quit and look for work elsewhere.

"And to top it all off, they refused to pay me my modest fee of a little over \$100,000 in return

for my public-spirited service in suing them and trying to correct their leader's raw abuses of their finances. Well, I just could no longer associate with such people and so I am withdrawing from the case."

"Does that mean the case will be dropped?" the reporter asked.

"Oh no, absolutely not," chirped Napper. "I and my associates are on the public payroll, so we aren't faced with the kind of problem Mr. Chomos and Mr. Wiseman have run into. We can keep up this litigation till it comes time to retire on a state pension if we have to.

"We have even more ambitious litigation planned if the taxpayers don't get fickle on us. We are preparing a suit against God for His unconscionable extravagance. You know, He didn't have to waste all that color on peacock tails. He didn't have to make so many stars at night. Half as many would easily be enough. Why, there are so many examples of God's extravagance that it will keep us busy from now to the end of the age detailing them all."

The Sinai Star News will keep its readers posted on the wondrous plans our public servants have in mind, as they spare no expense or effort to rid society of evil and corruption.

Chapter 6: Conspiracy

"I Am In Charge"

On Thursday morning, January 4, the day after the break-in, department heads and employees learned for the first time the impact the receivership would have upon their Church and their lives. Summoned to a meeting, they arrived in twos and threes long before 9:30, the hour set for the meeting, and sat quietly, wondering and whispering among themselves about the turmoil that had suddenly erupted in their midst.

The buzzing ceased abruptly when Rafael Chodos* mounted the rostrum and, leaning upon a lectern, introduced himself. He stated that a receiver had been appointed and spelled out for them what that meant. "The law," he said, "is that the receiver owns all the property, assets, and the records of the Worldwide Church of God, Inc., Ambassador College, Inc., and Ambassador International Cultural Foundation, Inc. He is in possession of them. The law gives him the right to do with them as he sees fit for the purpose of preserving them, counting them, and reporting back to the Superior Court of the state of California.

"This order was issued the day before yesterday. He came out here yesterday morning to enforce the order. Some people cooperated with us, some people obstructed us. Until the order is removed, and I'll say unless or until the order is removed, it is in valid force and effect. It is a valid court order, and anybody who defies the order is in contempt of court and upon application of Judge Weisman for citation for contempt can be put in jail for his contempt."

** One of the receiver's first acts was to name Hillel and Rafael Chodos and their associate Hugh Gibson, all three of whom were attorneys for the petitioners, as deputy receivers.*

Involuntary gasps arose from his audience.

Chodos, admitting that "we know zero, except the bad part, about this organization," warned staff members to cooperate with the receiver and his aides. "We're going to need their cooperation, we're going to need their information. We need it and we intend to get it."

He asked them all to hold themselves available for a summons to another meeting that day. "We can call you again to this meet — introduce you to Judge Weisman, the receiver, who is your boss now, who has the power to hire and fire, to dispose of all Church property — I want to emphasize this — as he sees fit in his judgment.

"Some people have not appreciated the extent of the receiver's power. He owns everything. It is his property now (My emphasis.)

Silently, everyone filed out.

One must pause for a moment and reflect. The receiver, a man who had "zero" knowledge of the Church and its wide-ranging work, now had the authority, backed by the state of California, to operate it and do with it what he wished, even to dispose of any or all of its holdings. The

mind reels.

Three hours later, each called by telephone, they gathered again in the auditorium. Promptly at 12:30 P.m., Judge Weisman came down the aisle and mounted the stage. A polio victim since childhood, he walked slowly, aided by a cane. He attempted to smile, but what emerged was a sneer.

"Good afternoon," he began. "I'm a retired Superior Court judge and have been appointed receiver in this proceeding instituted by the attorney general..." He was less than five minutes into his remarks when he made his intentions clear. After saying that he wanted to settle matters and "get out of here," he added:

"Now, keep this in mind, too. That when the judge appointed me the receiver, I am in charge [my italics]. I, for all practical purposes, are [sic] in charge of the financial operations of the organization — of all the organizations. The bank accounts have to be changed, and the checks will go out under my signature. So, I think even if you don't like me, or even if you do, let your pocketbooks speak, because you ain't getting a red cent until I sign them."

Judge Weisman had another surprise for the Church officials.

Beside him on the podium stood a Church official named Wayne C. Cole, who held the important post of director of pastoral administration. Judge Weisman introduced him as the acting chief executive officer. Responding, Cole expressed his gratitude to Weisman and assured him of "one hundred percent total cooperation."

So we now had a receiver and a new executive officer.

How did this new development come about? Why was the head of pastoral administration standing up there at the side of the man who had proclaimed himself "in charge?"

The Putsch That Failed

A conspiracy, brewing for a long time, had come to a head. With dangerous fire ringing us from without we now had to combat fire from within.

On Wednesday, after the receiver had gained entrance to the Church's headquarters, Cole, three ministers, and a layman had flown to Tucson to see Mr. Armstrong. Later, the Pastor General, who was in bed with a high fever, told me they called him after landing and, for some unfathomable reason, asked him to meet them at a motel. He refused but finally agreed to receive the visitors at his home.

For months they had been plotting to relegate Mr. Armstrong to the sidelines — to an honorary but powerless position. They were determined to "liberalize" doctrines of the Church and to keep the Church out of college activities.

To accomplish this, they knew it would be essential to remove me from Mr. Armstrong's side. I had always been his strong "right arm."

Together, Mr. Armstrong and I had crushed every rebellion. First, several rebellions were mounted by various ministers against Ted Armstrong. He was found to be unfit for the ministry

by criteria set forth in I Timothy, but Mr. Armstrong felt that the Work would suffer more at that time by the disfellowshippment of his son. Consequently, it was deemed in the best interest of the Church that the rebellions be crushed and his son, at least for the moment, salvaged.

Later, when his son turned on him, Mr. Armstrong again relied heavily on me to support his efforts to clean up the Church of the unsavory and ungodly elements.

Oddly enough, as I have revealed earlier, I had planned to step out of my executive positions on or about January 15, 1979. However, Wayne Cole and his associates were impatient.

They had learned that several former Church members in New Jersey had consulted with an attorney at the instigation of Ted Armstrong and his son Mark, an Ambassador College dropout. They were acting as cat's — paws in an action designed to bring Ted Armstrong back into the Church.

Subsequently, Cole, Robert Kuhn, and one Jack Martin had consulted with the 'same attorney. In turn, the attorney had referred the matter to Hillel Chodos — the obese Beverly Hills lawyer.

From November on, Chodos, Cole, and his fellow conspirators were biding their time. Their vigil ended when the Honorable Jerry Pacht took the bench in the Department of Writs and Receivers in the Los Angeles Superior Court. The action could not actually begin until January 2, 1979 because prior to that date Judge Pacht was holding court elsewhere.

Having raced to Mr. Armstrong's side, as mentioned above, Cole explained what was happening in Pasadena — facts Mr. Armstrong had already heard from me. But Cole put the invasion in a different light. He told Mr. Armstrong that the attorney general had come in simply for an audit, to conduct an examination of Church finances, and investigate charges that improprieties had been committed by the Church administration. Some individual was needed, Cole explained, to act as liaison between the Church and representatives of the attorney general.

In his recital, Cole omitted one crucial nugget of information — that a receiver had already been named by the court, that he was already inside our headquarters, and that he was even then lifting an axe to depose anyone he pleased.

Mr. Armstrong, who knew all about Judge Weisman, was not fooled: why hadn't they mentioned him? Nonetheless, anxious to buy some time and let out more rope, and to tell the world that the Church's financial health was excellent, he told Cole: "We will cooperate fully with the attorney general, giving him all the help he needs." He rose from bed, sat at his typewriter and tapped out a press release. It read:

I have been shocked beyond measure to learn of the raid on our executive offices in Pasadena this morning initiated from the State of California attorney general's office. I know little of the facts as yet. The Worldwide Church of God and Ambassador College are both upstanding institutions, and we are people of integrity. If any improprieties have existed in either institution, I want them to be known, and I shall make every effort to cooperate with the attorney general's office. We are an institution of 46 years' standing. We have many

departments and branch offices around the world. We employ many hundreds. I have, of necessity, had to entrust responsibilities to various officers under me. I am appointing Mr. C. Wayne Cole as acting chief executive officer under me until this crisis has passed. Mr. Cole is director of Pastoral Administration over our ministry worldwide.

It is important to note that second sentence in Armstrong's statement — that he knew "little of the facts as yet." None of us knew very much at that point. While I had kept him informed all through that long evening, my own information was still sketchy and, with the other attorneys, I was working hard to learn more.

Armed with that press release, Wayne Cole returned to Pasadena and was introduced by Judge Weisman shortly after noon Thursday in Ambassador Auditorium as the acting — operating officer of the Church to serve under him.

While Cole, the receiver and the others were digging in at the Hall of Administration, the other lawyers and I were marshaling evidence that a receiver was not only unneeded and unwanted but an illegal intrusion.

Steven Weisman, we knew, had only a temporary grip on the Church. Judge Pacht's order had stipulated that a hearing must be held on whether the receiver should remain in place pending a trial. Our initial task, then, was to convince a court to reverse the original order putting him there.

We had applied to Superior Court Judge Vernon Foster for an order dissolving the receivership and a session had been scheduled in Department 86 for late Thursday afternoon. When we ARRIVED, the judge found himself unable to break away from an ongoing case, so the matter was postponed until the next after noon.

We were disappointed because we wanted the receivership lifted as quickly as possible; however, the delay turned out to be fortuitous because by that time Mr. Armstrong had had a chance to make a careful review of the situation as it existed to that point.

By Thursday evening, the Pastor General had a firm grasp of the situation. He now understood why Wayne Cole and his supporters had raced down to see him — that their move was nothing less than a Quisling — like attempt to collaborate with the receiver and take over control of the Church that he, as Christ's instrument, had built with such love, dedication and, above all else, guidance from the Lord.

He telephoned me from Tucson and, a touch of anger in his usually quiet tones, said to me:

"Now that I know all the facts I am reversing my decision naming Wayne Cole the acting chief executive officer. I compel you, Ralph Helge, and all loyal Church members to do everything in your power to protect the Church."

His stress on the words "loyal Church members" was not lost on me.

What, specifically, had Mr. Armstrong discovered?

When Wayne Cole learned that I and the other attorneys were working around the clock

mobilizing the legal armamentarium, to reclaim the Church and disprove all charges, he called Mr. Armstrong and asked him to halt our efforts. Mr. Armstrong, said Cole, must permit Hillel Chodos to represent the Church Chodos, the lawyer who was pressing the case for the six dissidents.

It is difficult to use restrained language in characterizing that incredible request. Cole was actually asking the Pastor General to allow the same attorney to represent both the plaintiffs and the defendant in the same lawsuit! It would be literally placing a fox (albeit a strangely obese fox) in the chicken coop.

Moreover, the fact that Wayne Cole was cooperating with the receiver — not the attorney general, as he had been instructed — was most upsetting to Mr. Armstrong. The attorney general was investigating allegations of impropriety; helping him clear the air was not only agreeable to Mr. Armstrong but imperative. But the receiver was another matter entirely. Judge Weisman had grasped the reins of the Church tightly, having declared himself in complete charge of everything. Wayne Cole had stood on the platform beside Judge Weisman at that morning meeting on January 4 and, according to a notarized transcript by a registered professional reporter, assured the receiver of "total cooperation." When one Church official inquired as to the legality of Mr. Cole's role, Weisman replied that "whether or not Mr. Armstrong has the authority, I have delegated him as the chief executive officer." In blunt words, Wayne Cole was the chosen one designated by the receiver, to work under him as chief operating officer.

Cole and his small group of supporters apparently believed that the state was firmly entrenched in the Church and would not be dislodged for years, perhaps long after Mr. Armstrong had passed into history. Then Cole, as acting chief executive officer and a minister as well, would easily and smoothly slide into full control. It did not work out that way. Mr. Armstrong had seen through the stratagem. He told me he would sign an affidavit reversing his decision of the day before and reconfirming the authority of the incumbent administration, including that of Stanley Rader. Wayne Cole, said Mr. Armstrong, would be replaced as director of pastoral administration by Roderick C. Meredith.

The affidavit was signed, notarized, and brought back. On Friday before an overflowing throng of more than two thousand Church officials and members in the auditorium, Roderick Meredith read it.

When Wayne Cole heard that the Pastor General was removing him from leadership because he "had not presented all the facts to me," he began pushing his way toward the stage. His path was blocked by loyal members and he backed away.

By this time, our agony was big news. Wherever we went we had to wade through media people who thrust microphones into our faces. Later that Friday afternoon, when we appeared before Judge Vernon Foster in Los Angeles, the courtroom, which can accommodate about 100 persons, bulged with humanity. Church members, curious spectators, and the ubiquitous press

filled every inch of space, standing in the aisles, craning their necks to peer in from the open doors.

A five-hour session followed. We asked for an order dissolving the receivership which Judge Foster refused to grant. But we won an important victory nonetheless. Judge Foster ruled that the attorney general's men should suspend their investigation until a full-scale hearing could be held on the complex matter. Allan Browne argued forcefully that the putsch had created a financial crisis for the Church.

"Checks are bouncing like crazy," he told Judge Foster; this was the result of the temporary restraining order placed on the Church's financial transactions. "If these checks continue to go bouncing along, this Church is going to be ruined."

Judge Foster, accepting the wisdom of Browne's arguments, thereupon sharply curtailed the receiver's powers, limiting his duties to making certain that all monetary receipts were deposited in the Church's accounts, and that outstanding debts were paid.

For all practical purposes, Judge Weisman was cut down to the role of a custodian. He was no longer the "boss" — not, at least, until a court would hear both sides fully on the following Wednesday.

As for Wayne Cole, the Los Angeles Times, reporting that he "seemed shaken by the auditorium confrontation," said he met afterward with twenty ministers and area coordinators and told them he had doubts about continuing his fight. Cole, the Times wrote, said he might "just walk quietly out of here (the Church's headquarters) and you may never see me again." A few days later, Cole was disfellowshipped, along with three other high-ranking ministers who supported him. One was David Antion, a brother-in-law of Garner Ted Armstrong.

The head of the conspiracy was cut off. There would be no more collusion between the dissidents and collaborators from within the Church. It was a significant victory.

But court battles. still lay ahead.

0 Absalom!

The chasm that developed between Herbert Armstrong and his son Garner Ted is one of the most grievous aspects of this entire confrontation.

Since 1963 Garner Ted had appeared on radio, television, and other public platforms as the voice of the Worldwide Church of God. He had been executive vice-president of the Church, president of Ambassador College and executive editor of *The Plain Truth and Tomorrow's World*. Herbert Armstrong had hoped his son would follow him as head of the Church if it became necessary for him to step down, or when he was summoned by God.

But by 1978 Mr. Armstrong had learned that Garner Ted could never be helpful because the son had turned his back on God. That year a deeply distressed Herbert Armstrong was forced to banish his son.

"I did not want to have to put him out," the anguished father repeated several times in a

bulletin to Church members. But Garner Ted had been an instigator of the plot to destroy the church; he had sought to demean his father and those close to him in an attempt to usurp authority — an authority given Mr. Armstrong not by man, not by any group of men, certainly not by the attorney general, but by God.

A startling parallel to the Garner Ted — Herbert Armstrong 'tragedy — no softer word will do — can be found in the biblical story of King David and his son Absalom. Coveting the king's power, Absalom fomented a rebellion that quickly ended in failure. Few passages in the Bible are more poignant than the grief of David as he mourned the son who had proven faithless but whom he loved still. Told that Absalom had been killed along with all those who had risen against him, David wept: "O my son Absalom, my son, my son Absalom! Would God I had died for thee, O Absalom, my son, my son!" (2 Samuel 18:33.)

The Biblical message is clear: No one has ever succeeded in removing a man from a position in which God has placed him until God Himself was ready to act. For his actions, the father had to send the son away. He loved his son when he banished him from the Church and the love will never cease.

Coming events cast their shadows before. Many years earlier, father and son had clashed over a theological matter. In 1956, a disagreement erupted while they were discussing a biblical passage in Paris. The specific point is irrelevant; what matters is that Garner Ted stubbornly insisted that his view was correct while Mr. Armstrong patiently attempted to convince him of his error. But Ted would not yield. He became hostile and antagonistic, speaking angrily to his father. Mr. Armstrong went to his room, knelt and prayed to the Lord to make his son repent. Then, more deeply upset than he had been in years, he walked the quiet streets of the city trying to puzzle out a solution to what he called "one of the most serious and crucial" crises to strike the Work.

Hours later, there was a soft knock at the door of Mr. Armstrong's hotel room. Ted stood outside, his eyes wet with tears. He admitted he had been wrong, and asked forgiveness. The elder Armstrong, who above all else wanted his son beside him, working and praying with him and helping to spread the message of the Gospel, forgave at once.

Ted was given the opportunity to work on radio and television. But despite a virtually captive audience turned over to him by his father, audience ratings over the years showed that he was stumbling badly. Although the Church spent between \$40 and \$50 million for his broadcasts, other religious broadcasters were drawing greater numbers of listeners and viewers.

The reason is simple. God will not permit anyone to prosper if he is not totally with God. If he is merely pretending to do God's work and to be something he is not, he is doomed to fail.

From 1966 through 1970, rumors concerning misconduct on the part of Garner Ted, coupled with his failure to tend to his duties as a minister and a broadcaster, grew in number and volume. Matters got worse instead of better. After the turn of the decade, the "Garner Ted

problem," as it had become known, began to occupy much of the time, energy, and talent of the Church leadership. Inevitably, too, the members were also affected because Ted was, after all, considered the person responsible for the day-to-day activities of the Work. Furthermore, as the "voice" of the Church on radio and television broadcasts, Garner Ted's profile among members was high.

All during these years, Herbert Armstrong, understandably trying to shield his son, was giving him the benefit of every doubt. Three times he banished his son for transgressions, only to forgive him when Ted pleaded to be allowed to return.

Garner Ted was sent away for the first time in the summer of 1971. "When I knew of my son's sins," the elder Armstrong said later, "I privately put him out of the Church. I told him he had to leave Pasadena, and go to a place away, not attend Church services... I hoped that he would repent, so I did not tell the Church membership."

Ted went to El Paso, Texas, but just before the Feast of Tabernacles in the fall, he telephoned his father, professing complete repentance. Convinced of his sincerity, Mr. Armstrong summoned his son home for a tearful reunion.

But "temporary remorse, with tears, is not necessarily remorse a sorrowing father was to discover. Garner Ted's continued misconduct led to his second disfellowship, again privately. This time Ted left for Colorado. After a few months, he wrote to his father and again pleaded for forgiveness. A gentle and generous father recalled him.

The misconduct did not cease. In February 1972, Mr. Armstrong was forced to disfellowship Ted a third time, but this time with the knowledge of all evangelist-rank ministers at Pasadena. The action, too, became known publicly. Time magazine asked "Garner Ted, Where Are You?"; other newspapers wrote similarly sensational stories. Herbert Armstrong was besieged by newsmen for an explanation. To a Time reporter, he said: "Look up I Timothy, Chapter three, first five or six verses and Titus, Chapter one, verse 6. Time wrote: "Both passages make two points in common: that a bishop or church elder must be faithful to his wife and rule strictly over believing children." To the magazine's request for a more detailed explanation, Mr. Armstrong replied: "The fault was spiritual, not moral."

Mr. Armstrong later told the entire membership that "personal and emotional" problems made it impossible for Ted to carry on his duties as a minister and an executive and that he was being relieved of them until he achieved stability again.

By June that year, Mr. Armstrong felt Ted had "truly repented" Accompanied by several of the ministers, we flew to Colorado to see him. "He put on a good show for us — all were convinced he had repented and we asked him to come back on the job," Armstrong told the membership. Then, as later, all of us were trying to protect Ted Armstrong and his reputation, in order to help him and the Church, covering his sins with Christian love. He was permitted to resume his Church activities and Herbert Armstrong hoped we would now see what he called the real fruits.

But the fruits were bitter harvest.

When Mr. Armstrong suffered a severe heart attack in August 1977, Garner Ted attempted to seize control. "My son assumed authority beyond that delegated to him," the father charged in a letter to the membership in 1978. "Under him, God's Church, the Work and the College had been turned around until it was actually scarcely God's Church any more. Everything was run as a strictly secular and worldly organization."

In April 1978, recovered from his illness, Mr. Armstrong once again resumed leadership of the Church and acted swiftly and decisively. He reversed a decision to move Ambassador College to Big Sandy, Texas, and Ted's appointment of Big Sandy dean, Donald Ward, to replace him (Ted) as Ambassador's president. He took away Garner Ted's executive title and powers, canceled the television show, and announced that Ambassador College would become a training center for ministers.

Accusing Ted of emphasizing secularism at the expense of theology, he wrote to him: "You are defying and fighting against

Jesus Christ, whose chosen servant I am. Ted was ordered to take a leave of absence for the remainder of the year and instructed not to contact the press. However, when Los Angeles Times reporter Bert Mann tracked young Armstrong to a Church camp in Minnesota, Garner Ted told him the Worldwide Church of God was "shot through with fear," and in financial distress because of what he termed lavish spending.

It was the final straw. Garner Ted had now demonstrated his rebellion publicly. He had damaged the Church, his father and the Living God. Furthermore, neither members, ministers, nor employees could reconcile his conduct with the doctrines of the Church as promulgated to the unconverted. and as taught and retaught in congregation by congregation around the world. Morale of the Work was in a sharp decline, and members were leaving. Church attendance, baptisms, the number of prospective members — all were down. Mr. Armstrong finally became convinced that as long as Garner Ted Armstrong was in his position of responsibility and authority, the Work would continue in its tailspin.

The string had run out. Every hope the father had was finally extinguished. In June 1978, with the backing of leading ministers and executives, Armstrong disfellowshipped his son for the fourth and final time, and began to turn the Work around. He has not stopped since.

I know that, like King David, Herbert Armstrong has wept alone and cried out for "Absalom, my son, my son!" But his Absalom had left him with no other choice. He had to be a spiritual father to members of his Church, and that sacred trust had to be placed above the ties of flesh and blood.

As I write this, Garner Ted has formed a church of his own in Tyler, Texas, called the Church of God International. I can only repeat here the warning which the Pastor General has issued to members of the Worldwide Church of God: "The Garner Ted Armstrong Church has now started

a campaign to draw away both whatever sheep and shepherds he can entice to follow him — to follow a man instead of the Living God."

This man, banished by his father from the Church in which he grew up, for "personal and emotional problems," now casts himself in the role of a religious leader.

On that note, we will charitably draw the curtain.

Chapter 7: Fighting the Yoke

Hammer blow

The conspiracy aborted, we were able to concentrate on the task at hand, saving the Church.

On Monday morning, January 8, I came to my office for the first time since the takeover. At the entrance to the building I ran a gauntlet of media people who had been keeping a day and night vigil outside. Trucks filled with electronic gear filled our parking lot; long black cables snaked across our lawn and walks; reporters with microphones, tape recorders, and just old-fashioned pads and pencils were massed near the doors. "The Church," I told them, "will not permit any activities of a government agency that violate our Constitutional rights or duties to our brethren."

Once inside, I discovered, to my amazement, that despite Judge Foster's order, the receiver and his men were still holding the premises. My office had been sealed off. About a dozen armed guards and off duty policemen, hired by Judge Weisman, stood menacingly at the door, forbidding me to enter.

I was outraged. "This is unconstitutional," I told a string of newsmen who had followed me. Ralph Helge, who was with me, added: "In the annals of the Constitution, these are days of infamy. There have been no blacker days in history."

After several hours of discussion with Judge Weisman, who didn't seem to realize that his powers had been sharply curtailed, we all returned in mid afternoon to court, where Judge Foster affirmed the receiver's custodian role. Back at headquarters, a much-chastened Weisman was moved out of my office and into smaller quarters down the hall. I agreed to allow him to place documents from my office under separate lock and key. He could scrutinize them to his heart's content; they were in order, businesslike, and irreproachable.

The drama was heightening, for this was but prologue to the major scene: the hearing on whether or not the receiver should be booted out of our Church or affirmed and a permanent clamp placed on our assets, records, and transactions.

More days were devoted to intense preparation and, on the following Wednesday morning, January 10, the climactic bearing opened before Superior Court Judge Julius M. Title. The moment I saw him, my heart sank. Judge Title, to put it charitably, is not one of California's more astute jurists. Neither was I comforted by Judge Title's remark from the bench that he was a longtime personal friend of Steven Weisman.

Barely had the hearing begun when Judge Title, responding to a motion for dismissal by Allan Browne, ruled that the receivership does not violate any Constitutional right of religious freedom. Newspapers noted that all during the hearings, I held a Bible in my hand. When Judge Title delivered this judgment, I clutched it so tightly my knuckles whitened.

In the three days of hearings that followed, we testified that the takeover was threatening the Church and all of its great works with total destruction. We could not meet our payroll. We

could not borrow a cent for operating expenses. "We are in a crippled condition," Willis John Bicket, Our accounting manager, told the court.

Were we "shredding" important documents? Virginia Kineston, under oath, snapped out a firm denial. "Of course I've used the shredder," she replied to a question by Hillel Chodos. "But to get rid of trivia." Once she shredded some pornographic mail someone had sent to the office. Virginia testified that Weisman had fired her without asking where her loyalties lay, and that the receiver had told her that both Herbert Armstrong and I "were out" too.

In the end, Judge Title found no evidence of specific wrongdoing on the part of any of us and, furthermore, held that the state had not proved its charges of document shredding fraudulent liquidation of Church owned property.

Nonetheless, he ruled that the allegations produced what he termed a "suspicion," and because this suspicion existed he dealt the Church a hammer blow: an unbelievable statement from a Superior Court judge. He ordered Judge Weisman to "take possession and control" of our Church as a temporary receiver, and as such to assume all administrative functions over everything built up over almost fifty years over Ambassador College, over the Ambassador International Cultural Foundation, over the Worldwide Church of God itself.

Weisman was empowered to hire a complete staff to assist him and to discharge any employee who, in his sole view, sought to put roadblocks in the path of his receivership. He could not summarily dismiss Herbert Armstrong or me, but if he felt our ouster was advisable or necessary he could apply to the court for permission to fire us too. Our financial compensation was made subject to Weisman's discretion. The only restriction placed on the power of the receiver was an injunction not to interfere in matters of faith, doctrine, clerical promotion, or other ecclesiastical matters. In all other things, Steven Weisman was, by this new judicial order, truly the "boss."

Judge Title called his decision a "hard and drastic remedy." It was worse. It was a body blow. Browne immediately announced that the order would be appealed in the state as well as federal courts. "In my view," he stated, "this is a total abrogation of the First Amendment. We'll take this to the highest court in the land." I was too stunned and saddened to comment.

For his part, Hillel Chodos was gleeful. "We won today," he announced to all who would listen. "We accomplished what we set out to do."

They had so far.

The Wrecker

The harm inflicted upon the Church by the harsh remedy of receivership was nothing short of catastrophic.

To begin, the very word receivership is equated in the public mind with financial failure. Even an arrest of an individual on a charge of murder can arouse the thought that perhaps he or she may not be guilty. But when the state moves in and takes over without any notice or hearing,

surely something quite dreadful must be going on insolvency, bankruptcy, or worse.

This natural, and wholly wrong, inference was not helped by the extensive media coverage. Most of the information beamed out by television and radio and published in newspapers and newsmagazines was fragmented, the thrust of the stories placing the Church in a most unfavorable light. The coverage reflected the accusatory aspect of the story; rarely were the accounts balanced by the impeccable record of the Church, by its work and primary mission worldwide, and by background material, easily obtained, demonstrating that the charges that resulted in imposition of the receivership were entirely unfounded.

The flawless credit worthiness that the Church had worked years to build, brick by brick, was destroyed in a single afternoon. Judge Weisman was hardly inside our building when he swung the wrecking ball that brought it down. Using the powers granted him under the ex parte order, he instructed the United California Bank, with which the Church had a \$4 million line of credit, to stop payment on all checks that were outstanding.

The effects were swift and terrible. That same day the bank withdrew its credit it cancelled a \$1 million loan that had been promised and, considering the Church's spotless financial record, almost certainly would have been granted. As a final blow, the bank called in an outstanding demand loan it had made to us on our credit line, which totaled \$1.3 million.

Like any other properly run public or private business or institution, including the United States government itself, our Church has income and expenditures. Money is needed to meet current operating expenses and so we borrow. Then, with funds obtained through income, we repay the loans. In these days of complex institutional and corporate financing, not even the largest corporations can operate for one month without credit. Like most, the Church has low income times and high income times; credit is essential to keep us going during lows until we can replenish our accounts during the highs.

We were, at the time, in a traditionally low period. And so the calling of the demand loan and cancellation of the \$1 million new loan, which would have been repaid when the high came along during the Holy days several months hence, created a severe cash flow problem that resulted in unprecedented chaos.

There was some cash in our accounts but not nearly enough to cover all the checks that had to be sent.

Poor families, including widows with young children, who depended on welfare payments for part of their subsistence, were told their checks were worthless. Our teachers, ministers, and many hundreds of other employees were unable to cash their salary checks. The bank refused to honor the checks sent to television and radio stations, publications, and other advertising media. The payments, which had always been made promptly and regularly on leased equipment, on installment loans, and on credit card purchases, were returned. The fees given to musicians, singers, and other artists, and to artist management agencies, for performances at the Ambassador auditorium, were not honored by the bank, to our deep embarrassment.

Because the Church's credit was all but totally destroyed, so too were the personal credit standings of its employees. They were refused loans for all sorts of things from home repair to buying automobiles. , Charge accounts and credit cards were cancelled. The college was unable to obtain even food for the cafeteria unless we paid by cash or certified check and in advance. Even though all bills had been paid fully and promptly over the years, the major credit card companies revoked the cards they had issued to officials.

Like falling dominoes, everything began to topple or become unstuck. The Church had in effect been insuring itself under the workmen's compensation law. Whatever claims might arise would be paid by the institution. This self insured status was now thrown into question. Before long, we heard that the title company, apparently frightened off by the receivership action, had refused to issue a policy covering Ambassador College's former campus in Big Sandy. Then came word that the prospective buyer of the property had backed out of the deal. Thus the Church lost a substantial profit and, worse, was forced to continue maintaining the unused acreage, a \$1.8 million annual burden.

As for our membership, there is not a shred of doubt that had the Church been located primarily in California, it could not have survived. A memorandum prepared by the Emergency Committee for the Defense of Religious Freedom, an ad hoc, voluntary association of lay church members, makes this clear: "The sensational character of the charges and the systematic, well publicized vilification of Church officials by the Attorney General's representatives ' both in and out of court, produced a chilling effect on the membership and a consequent drop in the Church's normal revenues." That it continued to live and to fight back against the assault of the State was due solely to one fact: Although its headquarters were in California, fully 90 percent of its membership lives elsewhere in the other states and in other countries of the world and is therefore beyond the reach of the strangling arms of the California attorney general and the California courts.

These were hurtful enough, yet we had to contend with even more the long, luxurious ride the receiver and his aides took on the gravy train at the Church's expense.

We had been ordered by Judge Title to pay all the costs of the receivership pending trial. Steven Weisman, taking the judge at his word, spent lavishly whatever funds remained in our account. Judge Title had authorized Weisman to hire anyone he needed, including "lawyers, accountants, appraisers, business consultants, computer experts, security guards, secretarial and clerical help and employees of all sorts."

So on January 8, Weisman asked Virginia to transfer \$150,000 in Church funds to his account. She did. A few weeks later, he said lie needed another \$100,000. He got that too.

Where did it all go? Let me note without comment the following from the receiver's own accounting to the court:

Item: In that six week period, Judge Weisman claimed that he put in 313 hours at his appointed task. His fee: \$150 Per hour, he requested \$51,000. Let us do some simple arithmetic. A \$150 hourly fee totes up to \$7,825 per week or are readers ready for this? \$406,900 a year! When Steven Weisman was a Superior Court judge, he earned one tenth of that amount.

Item: Clambering aboard the gravy train, the Chodos brothers and their associates also presented a bill for their "services." Their fees for whatever they did totaled more than \$ 100,000. Hillel Chodos informed the court that he "refrains" from keeping time records but estimated that he had worked more than 300 hours in the diligent pursuit of his mission and asked for compensation at the rate of \$200 per hour, or \$75,000. (I know of few attorneys, even at the nation's most prestigious law firms, who bill their clients at those prices.) Another little exercise in arithmetic will show that this compensation is at the annual rate of over \$450,000, an income earned by rock stars and major corporate executives but hardly by private attorney "deputies" appointed by an attorney general.

Item: The receiver employed not one but two sets of attorneys (one for "ordinary" matters and one for litigation matters), whose combined bills totaled just under \$60,000. These counsel billed their services at rates comparable to those charged by the receiver for himself. One of these also billed time for his daughter, also an attorney. This particular attorney (who, coincidentally, shares professional offices with Judge Weisman), billed over 200 hours over the six week period and submitted a bill for \$31,200, approximately \$5,000 a week or an annual rate of \$250,000 per year.

Item: Guard services for six weeks billed a total of just under \$60,000, or approximately \$ 10,000 per week.

Item: Peat, Marwick & Mitchell, the national auditing firm retained by the receiver, submitted bills totaling \$32,300.

Item: Two "operating officers" retained by the receiver at varying periods submitted bills for, respectively, \$15,100 and \$19,300. The fees billed by one of these totaled \$12,400 for an eleven day period (during which he claimed to have expended 155 hours, or approximately 14 hours per day), which was "discounted" to \$11,160, or approximately \$1,000 per day (an annual rate of something in excess of \$300,000 per year). This individual also included bills for time put in by a relative. The rate billed by the other was \$640 per them or an annual rate of \$160,000 per year.

Both of these operating officers, it should be noted, were for some reason imported to Pasadena from the San Francisco Bay area, and their statements reflected, in addition to handsome fees, healthy sums for air transportation, cab fares, auto rentals, hotels, and meals.

Two weeks went by, weeks in which we worked even longer and harder than before on the case we would present to over-throw the receivership order.

We obtained a short breathing spell by filing a notice of appeal in the state Court of Appeals for an immediate stay of Judge Title's order. It was denied. Then, on the ground that the Church's right of religious freedom under the First Amendment to the Constitution was being violated, we asked for relief in the United States District Court.

Before our case could be heard, the receiver thwarted an effort we made to raise money for our defense. From Tucson, Herbert Armstrong had sent a letter to Church members asking them to send funds directly to Arizona. "Satan," he wrote, "has struck his master blow to destroy God's Church. We must now fight as never before knowing God will fight our battles for us. The State has seized and tied up all our Church funds, so send a special offering to me, personally, for the defense of God's work

The appeal for contributions was processed at the Pasadena headquarters and 60,000 copies were deposited for mailing at the city's post office. Judge Weisman quickly ordered an embargo placed on the letters, throttling our efforts to seek legal redress. He did it quite thoroughly, in fact, withholding not only this mail but all first class letters sent by the Church.

Hillel Chodos, commenting on the action, delivered himself of this gem: "It [mailing of the letters] certainly isn't cooperation.

It has always been our belief that the members of the Church are fine people and law abiding and that they would be eager to see the affairs of the Church brought into proper order and that all rumors that aren't true are finally quashed. We would hope that members will be eager to cooperate. But we can't protect people from their own foolishness."

It was a Catch 22 position for us. Waging legal battle to prove that the rumors were nonsense is costly. But the receiver had full control over the Church's funds, and was certainly not about to release any of them to help us fight him in court. So when our members were asked to support that legal fight to prove, once and for all, that the state's case was threadbare, they were called "foolish."

After the letters were impounded, thousands of these same "foolish" people signed a petition affirming their support of Mr. Armstrong. It was a stirring document:

No other person receiver, referee or otherwise is entitled to determine, supervise or influence how God's tithes are spent.

Any attempt to do so is against God's will.

I fervently believe that God has commissioned Herbert W. Armstrong to spread the gospel of the Kingdom of God where, when, how, through whom, and through what means Mr. Armstrong in his sole and absolute authority determines, and that Mr. Armstrong is accountable only to God for his decisions, both spiritual and temporal.

On January 18, six days after Judge Title's order, we were rebuffed again in the United States District Court when Federal Judge Robert Firth refused to intervene. "There is a very substantial

question on whether the plaintiffs will prevail on the merits of this case," Judge Firth announced in the packed courtroom. He also said: "I just don't have quite the degree of ego to interfere. It is very delicate as to whether we should intrude at all." He didn't, and that was the bad news.

Our attorneys argued that Judge Weisman's embargo on the letters sent to members, which had been upheld by Judge Title, was a violation of Herbert Armstrong's right to communicate with his flock. Judge Firth still could not bring himself to intervene without fuller arguments, and didn't.

We left the courtroom with heavy hearts. Our string was running out....

Despite the setback and other intermittent ones, one light never failed. It emerged from the Church members themselves it is an eternal light and I will tell you about it here. It still brings a lump to my throat.

One of the most thrilling experiences of my life was observing the brethren as they reacted to the assaults of the attorney general and his agents.

In my quarter century of worldwide travel doing God's work, I have met thousands of those brethren. They are almost a race apart, yet consisting of all races and backgrounds and poised for action in every corner of the world. I have repeated, for years, that I have never met one of them that I didn't like. They are a unique breed that has undergone a training process involving years of private study on their own, before even becoming Church members. The Church does not proselytize, so the members feel very firmly that they have been called by God to do His work. By the very nature of their individual training over a long period, and their continual renewal in that training process, they emerge as a highly articulate, sensitive, action oriented group.

That is why, as I said on January 3, that the corrupt agents of the state may do as they will with so called corporate entities. They may use threats, force of arms, imprisonment, and even murder. But God's people doing His work are assured by God's word, the Holy Bible, that they will prevail not only against a puny state government, but also against "the gates of hell." They are promised that despite temporary "successes," all attempts to suppress God's work must fail.

The machinations of the various governments including the state attorney general's office are outlined quite eloquently in Psalm 2. Read carefully; this is a picture of exactly what is happening now to the Church and a clear warning to the corrupt rulers of exactly what will happen in the very near future. The

One who made their feeble minds roars with laughter at their antics. As the state action began to develop against our Church, we have also been learning to laugh.

Psalm 2

1 Why do the heathen rage, and the people imagine a vain thing?

2 The kings of the earth set themselves, and the rulers take counsel together, against the LORD, and against his anointed, saying,

3 Let us break their bands asunder, and cast away their cords from us.

4 He that sitteth in the heavens shall laugh: the Lord shall have them in derision.

5 Then shall he speak unto them in his wrath, and vex them in his sore displeasure.

6 Yet have I set my king upon my holy hill of Zion.

7 I will declare the decree: the LORD hath said unto me, Thou art my Son; this day have I begotten thee.

8 Ask of me, and I shall give thee the heathen for thine inheritance, and the uttermost parts of the earth for thy possession.

9 Thou shalt break them with a rod of iron; thou shalt dash them in pieces like a potter's vessel.

10 Be wise now therefore, O ye kings: be instructed, ye judges of the earth.

11 Serve the LORD with fear, and rejoice with trembling.

12 Kiss the Son, lest he be angry, and ye perish from the way, when his wrath is kindled but a little. Blessed are all they that put their trust in him.

My assistant, John Kineston, was recently reminding me of some of his reactions on January 3, which he described as "the blackest day in my life." He had received an early morning call at his home that he was not to come to work, that the offices had been locked and sealed. So he spent the day on another project, entirely cut off except for a few bits of phone information he acquired. At five o'clock he finally entered the executive office to find armed agents swarming about. One overbearing person was goose stepping throughout the premises hurling guttural Commands. Virginia Kineston, my executive secretary, was gathering her possessions amidst tears of rage. John Kineston then found out that his wife had been fired, the other employees all put on probation. Virginia and John Kineston were ordered to pick up their possessions and get off "the property of the state of California." As they left the building, those bitter beings who had long sought both overtly and covertly to destroy the Church, were now confidently circling the property. The Kinestons then picked up my wife and sped to Beverly Hills. John dropped the others at the law offices and put our overnight bags in our place of exile, a local hotel. Then he raced to the law offices, was ushered into a solemn assemblage of lawyers, all stern faced with one exception; I was laughing heartily. John could not imagine why until he began to listen. I was explaining to our lawyers not only what God would do for us, and what Herbert Armstrong would do, but what those Church brethren from around the world would do. Here were 70,000 people who have been training, and more important, waiting, waiting, for just this time. Now the day of battle had dawned, and they were ready. But the trumpet must sound. They must be informed of the attack.

So I was laughing at the very clear picture that I had of the reactions that would come

automatically, of which the predators had no inkling. They had been infected with false information and were already gnawing on what they thought was carrion.

Now I stopped laughing. The problem lay in informing the worldwide network of God's people. To prevent this, the state pulled out all stops, even audaciously proclaiming, via telegram, to all ministers, that all the money from all the members worldwide must be sent to the ample pockets of Judge Weisman and his two hundred dollar per hour deputy, Hillel Chodos.

When Herbert Armstrong wrote a letter to the Church, the state's Gestapo, in conjunction with collaborating enemy agents within the organization, stopped the mails.

But every oppressive action of the state worked against it. It didn't help their cause when one of its more callow agents threatened an eight months pregnant Church receptionist with a gun when she denied him entry to her office. When this thug, posing as an angel of light saving the Church from the likes of Herbert Armstrong and Stanley Rader, made his threat, Pat Holbrooks thrust her expanded stomach into the doorway and said, "So shoot me!" Thankfully, he barely restrained himself.

I insisted, from the beginning on January 3, that as many Church brethren as possible be urged to attend the meetings in the law offices, and to be in attendance at the various court hearings.

An outstanding example of the kind of man the Church produces appeared at the law offices the very first night of the attack, and throughout the early days of the crisis, and provided much of the direct communication with God's people worldwide. Joe Kitora, a supposedly disabled man from Pittsburgh, in his middle fifties, who has traveled all over the United States visiting the various churches, was able, by staying up often twenty four and more hours at a time, to contact members everywhere with a blow by blow eyewitness view of the events at the law office base where Herbert Armstrong's directions poured in from Tucson.

Interestingly, six months later, Joe Kitora was still working and without pay, as were, ultimately, hundreds and thousands of others. Moved to tears, Mr. Armstrong has said he can never thank these people "of whom the world is not worthy

Thank you, thank you, thank you."

Later, Kitora was assaulted by one of the state's so called relators, "the 300 pound Dave Morgan, who cursed the 140pound man and bashed his head to a bloody pulp over a police car. Another original touch was added when the police emerged on the scene; Morgan hastily backed away from his poundings while screaming accusations against the bloody, dazed Kitora.

These dedicated Church members packed every courtroom, lining up at dawn outside the courts. One couple from New Zealand, Neville and Elaine Morgan, postponed a globe girdling trip to be in attendance at all the sessions. The people alternately roared with laughter and groaned as a snarling individual characterized them as stupid sheep brainwashed into following a mesmerizing cultist leader." He persistently lied about them, their leaders, and their hard

earned beliefs. All the while he claimed to be defending the interests of the Church people and begged the Court, like a seal begging food, for \$100,000 in legal fees from the Church. He didn't get the money!

For the past fifty years Herbert Armstrong has taught, following Christ's example, respect for constituted authority, while recognizing that the Bible also teaches that in these "last days" our government leaders, judges, and bureaucrats would be "unjust" and corrupt. Our once respectful people saw firsthand the ugliness of naked government power. They were astonished, both visibly and audibly, when they heard Judge Firth solemnly state that he could not bother to take the trouble to read the papers in the case. They laughed as the man, supposedly in charge of the case, could not even articulate its basic facts. As he stammered incoherently, Chodos patted him gently to his seat, unctuously purring to the Judge that Mr. Tapper's inarticulate muttering was caused by the fact that he, counselor Chodos, had prepared the "theory" of this case. Apparently Tapper learned slowly; the Los Angeles Times revealed that he ranked close to the bottom in his law school class.

The people sat stunned as the attorney general of the most populous and powerful state in the nation paraded perjured testimony before them, and then turned around to slander the Church's only witnesses as perjurers.

Church employees Virginia and John Kineston and Bill Whitman were accused of shredding, destroying, and removing Church documents and records from Church property. As this perjured testimony was presented, Church members in the courtroom were raging and begging to take the witness stand to expose the tainted testimony and the coarsely unethical accusations by the state's attorneys. These people were, after all, the very ones who had custody of all the records. They knew intimately the absurdity of the charge that the three accused individuals could possibly have taken records stored in sophisticated data banks, and in the IBM 370 computer located in a building that I had never entered, and which Herbert Armstrong had not entered for years. They further knew that what was in the records had nothing to do with the state's charges. They also knew that a cordon of armed guards had surrounded the building day and night since January 3, denying entry to all. Further, the Church itself had its guards guarding the guards. These people who listened in the courtroom skilled, capable, highly trained were actually the ones responsible for all the money, both in its receipt and its expenditure. The attorney general, by his employment of the Big Lie, had lost his case on Day One, when the Church people were informed of the charges in the complaint and heard the nonsense spouted in court.

On one occasion, the attorney general stated in court "we have evidence of records being taken out through the roof in a Cadillac limousine." Headlines trumpeted the blatant lies of a so called "agent" of "the honorable Judge Weisman." According to him, a limousine, heavy with gold bullion, had sped from the basement of the Hall of Administration. The people in all the Church's sensitive positions recognized this as nonsense.

When the Kinestons and Bill Whitman were accused of perjury and burglary, the insiders rushed to their aid. Beside the impossibility of the record destruction and other acts at the time of "the crime," John Kineston was enjoying a hearty meal in the midst of a crowded restaurant with a table full of witnesses, and Bill Whitman was 130 miles away in the presence of another army of witnesses. The press trumpeted a story of two eyewitnesses who testified to the theft of records, but utterly ignored the sheaves of written court declarations affirming and swearing to the contrary. Even the security officer in charge of the attorney general filed a declaration on behalf of Kineston and Whitman. Not one bit of evidence was produced to show that Virginia Kineston had ever shredded a Church document; shreds were produced, but they were not of such documents.

Thus the evidence overwhelmingly reveals that the state used false testimony.

The district attorney's investigator spent two days at Church headquarters, and countless hours investigating the case. The facts were clear and overwhelming in a matter that a criminal attorney called "the most compelling case for perjury I have ever seen." Yet no action has ever been taken beyond the investigation. Could the district attorney be afraid of the attorney general? As one of our most experienced lawyers has stated from the outset, "They will never prosecute for perjury because perjury has become a Constitutional right."

For years, as a trained member of the legal establishment, I encouraged Herbert Armstrong to have faith in our system, and that justice would prevail. Mr. Armstrong consistently resisted my advice. Now I know why and must apologize to him, and to the Church brethren. They knew something I didn't know.

The Big Lie worked in those gullible courts where all were too impressed by the attorney general. They were bending over backwards to be misled.

But the scheme crumbled when used against intelligent and informed individuals who have been raised up at this most crucial time to trumpet God's last message of hope. It's one thing to tell a "Judge" Pacht that we are a bowl of spiders. It's quite another to say it to Church people; they know better.

During the hysteria of the daily headlines last January, a television reporter asked a member of the Church if he was concerned by what happened to his tithes. He said, "Yes, I am concerned.." and then he paused dramatically and continued, "That's why I send all my tithes to Mr. Armstrong."

Another telecaster from CBS, obviously in open sympathy with the Church people, wept in their presence when she saw state officers, armed with axes and automatic weapons, assembled in an assault force by the hundreds to storm and overthrow peaceful people joined together in worship of their God. This reporter was taken off the story she was too sympathetic to the Church.

So I pay tribute, along with Herbert Armstrong, to those who have been called and trained with him to carry Christ's Gospel to this world. They are an incredible international group; they

have been promised, in God's Word, that they will prevail.

Recently I was giving my deposition in the attorney general's office in Los Angeles. With me was a friend whose presence was questioned, When asked very harshly to identify himself, he replied politely that he represented the interests of Ambassador College. The attorney general asked him in what capacity. He calmly replied, "I'm a painter." The ensuing silence was classic.

Corrupt government officials eager to make headlines try to dupe the press. Pliant courts may paint Herbert Armstrong and the Work of the Church and me in any denigrating fashion. But the painters, the farmers, the executives, the scientists, the teachers, and all who comprise the body of this Work know the truth. This is only one reason why the state will not prevail.

INTERLUDE

Tales More Fearsome Than Fanciful — 2

The Fine Art of Appointing Judges in California

The governor leaned back in his executive chair. Suddenly a stabbing pain shot through the big muscle he was sitting on. Leaping to his feet, he whirled about to face his unseen attacker. A little dart tumbled softly from the back of his trousers into the fluffy rug.

"Gray, get in here!" bellowed Jerry. "We've got to do something about Mike. He has been sitting in my chair again while I was back in Washington testifying on the feasibility of build windmills on the hills overlooking all centers of political rhetoric. Only this time he has been playing with my darts. He promised not to do that."

Gray looked around the room. "Oh, oh," he murmured as he paced quickly over to the dartboard on the far wall of the office opposite the desk. "I'm afraid we have more trouble than that. There is a dart already stuck in the board. Mike has discovered how you make judicial appointments and has already made one of his own."

The governor sprinted over. Sure enough, there in one of the slots marked for appeals judges was a dart with the name of a Republican on it.

"I wonder how he managed to hit the board with so little practice," Jerry fumed. "It takes me a long time to get the darts into the open slots on the board. Most of them end lip in the wall. I've even heard some of my appointments described as 'off the wall.' But people who criticize me for being slow in making appointments just don't realize all that is involved the coordination of eye and arm that is necessary.

"And we are supposed to use only the darts that come Packaged from the bar committee with names of qualified judges already on them. My predecessor started that bit of red tape, claiming that judicial appointments should be based on merit, not politics. Now they send over a box of Republican darts and Democratic darts. I just toss them at the empty spots on the appointment board and whoever hits an empty slot is appointed. Of course, I haven't been able

to hit the board very often with a Republican dart! But what does that matter to the people as long as they get good Democrats!

"We have got to get Mike in here and make him agree to leave my darts alone," grumped Jerry. "I'm leaving the state again next week to address the legislature in New Hampshire, and I don't want to come back and find more darts in the board or in my chair. He just wants to be governor and doesn't want to wait his turn. He can sit in my chair and count the paper clips while I'm gone. But he mustn't play with the darts. Call him up and make an agreement on that."

"Just to be on the safe side, governor, shouldn't you try to fill the vacancies before you leave?" advised Gray.

"I'll try," Jerry moaned. "But that board is harder to hit than you think. It will take me all weekend."

As it turned out, the governor was only able to hit seventeen of the thirty five openings on the board before he left, exhausted, for more important business in New Hampshire.

"All in all, I believe the interests of the people of California were admirably served," stated the governor in a news conference upon his return. "After all, the first presidential primary this year is in New Hampshire."

"Pardon me," asked an obviously novice capital reporter. "But how does that fact interest the citizens of California?"

"I can tell that you are new around here," snapped Jerry. "Why, as long as I'm perceived as a presidential contender, I keep getting my name in the headlines. Since I'm governor of California, for the time being anyway, that can't help but be important to our great state and its fine citizens. Why, I may even go to Africa in another week or so to celebrate my birthday, promote the interests of California's citizens, conserve their tax dollars, and bring about world peace. I believe Gray told me the other day that some folks think going to Africa would be the best thing I could do for California."

Chapter 8: Defiant Human Wall

March on Pasadena

Then it began. Nobody knew what triggered it. There was no summons from Herbert Armstrong, none from me, or from any of the Church officials or ministers. Most of the latter were not even in Pasadena; they were attending an ecclesiastical conference in Tucson.

It started with a trickle of Church members on Sunday, January 21, just after the rebuff in the federal court. Soon the trickle became a flood — a massive outpouring of loyal members who converged on Church headquarters from all over California and neighboring states.

By Wednesday, January 24, we were astounded to discover that more than 3,500 men, women and children had come to Pasadena to defend their Church.

They came by car, van, trailer, truck, train, bicycle, and even on foot. There were people in suits and ties and in blue jeans; there were parents with infants in their arms, parents with pre-parents with teenagers. There were young people and men and women deep in their eighties and even older. They came in expensive automobiles and rickety vehicles that lurched and backfired. They came from Fresno and San Francisco, Sacramento and Santa Cruz, San Diego and Salinas and Santa Maria; there were license plates from Arizona, New Mexico, Utah, Nevada, Idaho, and Wyoming, Texas. They were all our people, these faithful, who came because they were determined to save their Church.

In Tucson, some Church leaders and members telephoned Herbert Armstrong. Was he sending out the word to march on Pasadena? Mr. Armstrong was as puzzled as the rest of us. "I told them all I don't know anything about it," he said.

The answer was uncomplicated. Reading what was happening, hearing about it on news programs, the people came of their own accord in a great spontaneous show of faith. As the Los Angeles Herald Examiner put it, they formed a "defiant human wall" to keep the receiver and his henchmen from controlling their Church.

Watching them come, the headquarters staff was at first puzzled; then, realizing the significance of what they were witnessing, many felt the sting of tears behind their eyes; some wept openly at this remarkable spontaneous display of loyalty, courage, and trust.

Soon the large open space on the main floor of the Administration building was filled with the arrivals. Newcomers, greeted warmly by squatters already there, went to the upper floors and bunked down in the offices, the corridors, wherever they could find a little room. Some came with blankets, some with sleeping bags; they carried knapsacks, canvas bags, duffels, cardboard boxes, and suitcases. They had coffee jugs, plastic coolers, picnic hampers filled with food.

Almost at once, huge hand-lettered signs were fashioned and hung outside. One, above the door of the Administration building, read: "You can't destroy God's Church." Another said: "Owned by the Creator God Not the State of California." A third: "Herbert W. Armstrong is God's Apostle." They sat and lounged quietly inside, these faithful, reading Scriptures, talking

among themselves. Children, who had brought schoolbooks, were trying to keep up with their studies under watchful parental eyes.

On Monday morning, January 29, Steven Weisman and his aides came to Church headquarters. The people barred their way. There was no violence or even the hint of it. They simply told the receiver that he could not enter the nerve center of their Church.

Weisman, who had not expected this new development, immediately filed a claim with Judge Title. The judge told our attorneys to warn our people against interfering with the receiver in any way. If the protesting members did not leave voluntarily, Judge Title said, the court would order them removed.

That day I sent a message to the members inside headquarters, asking them to allow Weisman and his aides to enter the building unmolested. Much as we all wanted them out of there, they were — temporarily at least — legally entitled to be there. The court had spoken and, as an attorney and thus an officer of the court, I recognized that the court's order must be obeyed.

All day long the faithful kept arriving. It was a movement that seemed to feed on itself: news of the first arrivals, published in newspapers and witnessed on television, inspired others. They left jobs, shut the doors of their shops, packed — and came.

After the receiver had stalked off, Joseph Tkach, a husky, graying Church minister, and Joseph Kitora, a Church deacon — the same man who had been assaulted earlier — set up a makeshift pulpit near the main doors and, through hastily arranged loudspeakers, began a Church service.

In moments, the entire Administration Building became a huge temple of God.

The sight was as bizarre as it was inspiring. Joe Kitora's opening prayer reverberated through the floors as Church members, many red eyed from lack of sleep, few of them dressed for a religious service, bowed their heads.

"Our Father in Heaven," Joe said, "we thank You for the opportunity to assemble once again to praise Your Holy Name... After the prayer, Joe led the congregation in song:

The Eternal reigneth high above,
He is mighty, He is great;
there between the cherubim He sits;
let the people praise His name.

The voices rose from the blanket-covered marble floor and came down from the upper stories, bounding back from the walls in a mighty wave of sound.

Kitora, a slight man, now retired and a full-time Church volunteer, leaned into the microphone and sang again:

O God, we have heard and our fathers have taught
 The works which of old in their day Thou hast wrought;
 The nations were crushed and expelled by Thy hand,
 Cast out that Thy people might dwell on their land.

The meaning of the words was not lost on the members, who sang with even greater fervor. A sermon by Dean Blackwell, a Texan who is a top-ranking minister, followed. "We're here because of the great oppressors," he told the members. "We're in the process of being evicted out of the properties of God. The situation is a life-and-death struggle for the Church of God." The Church, he said, had known for some time that it would have to suffer persecution, and "we are witnessing this now." There were more songs and a closing prayer by Joe Tkach who, in his strong voice, asked for the blessing, protection, and guidance of God, "our Father who sits at the controls of the universe, the One who is more aware of the circumstances of the crisis we are facing than any mortal."

By that evening, thousands had reached Pasadena. The new arrivals went to the two-story Student Center behind the Hall of Administration and when that was crammed full, the auditorium was next. The oldest there was a sprightly woman in her nineties, the youngest an infant born just one month before. Special rooms were set-aside for mothers to nurse their babies. The food they had brought with them soon ran out so our staff set up facilities. Meals were prepared and served in the kitchen of the Student Center, which has a cafeteria seating more than 500 persons, and the overflow was fed at long tables set up in front of the Administration Building.

Next day, shortly after 8:00 A.M., two sheriff's deputies strode up on either side of Sheridan Atkinson, the chief operations officer for the receiver. The tall glass doors were locked. Behind them, grim faced, stood a wall of people.

The deputies struggled with the doors, rattled them, inserted a key into the lock, twisted it. The key did not work. Inside, the members raised their voices in "Onward Christian Soldiers." The words of the stirring hymn were heard clearly outside in the still morning air.

Atkinson went behind the building to try to gain admission through a rear entrance, but this too was locked. From the inside, youthful Wayne Pyle, a deacon who was guarding the door, calmly told him: "We do not recognize your authority. You'll have to break it down to get in. You've hurt the Church badly. You are trampling on our religious freedoms." Behind him, hundreds of members, noting that the scene of the confrontation had changed, moved en masse behind Pyle and again began singing "Onward Christian Soldiers."

Atkinson, baffled, retreated across Green Street, a few hundred feet off, conferred briefly with the sheriff's deputies, then left in an unmarked car.

Bibles vs. Billy clubs

Moments after Atkinson left, I arrived at the headquarters building and, standing before the

lectern from which services were being conducted, I spoke to our people.

I was deeply moved, as I looked out at them, the mothers holding their infants, the old people and the young. I spoke slowly.

"It is very hard to say how much I appreciate this kind of support for Mr. Armstrong," I told them. "For myself, I will never be able to thank you enough." I paused; a suspicion of a lump had formed in my throat.

I explained that Judge Title, putting great pressure on our attorneys, was commanding Herbert Armstrong and me to order them all out. A deep silence greeted the statement'. Nobody moved.

I paused again as the incomprehensible stonewalling of the judge and the attorney general hit me strongly.

"He [the judge] refused to believe that any of you could possibly have come here of your own volition," I continued. "Never in my life have I witnessed such a lack of comprehension on the part of so many people. We have judges, attorney generals, and lawyers opposing us who do not begin to comprehend for a moment that this is a church, that you people have dedicated yourselves to Jesus Christ, that we are all involved in this work for only one purpose, and this is to get behind Mr. Armstrong, God's Apostle and personal representative at this time to spread the Gospel of Jesus Christ.

"Until now, those words mean nothing to these people. They cannot relate to it. They do not understand the existence of the New Testament, much less what it means to us. Despite access to the press — and they are here again today — and despite every effort I have made to explain to them what we are all about, I don't think we have gotten through to them yet. But we will keep trying. Somehow or other, the opposition believes that I am the puppeteer and that Mr. Armstrong is my puppet and somehow or other all you people are my puppets.

"How many of you believe that for one moment? Did you come here at my request?"

Shouts of "No! No!" rose from the members.

"Did you come here at Mr. Armstrong's request?"

The voices rose again: "No! No!"

"Would you leave if I told you to leave?"

Another chorus of "No! No!"

I explained the belief that had been growing in my mind, a suspicion that the past weeks had hardened into absolute conviction.

"There is a systematic effort being made to denigrate Christ's Apostle," I said.

"There is a systematic effort being made to belittle him.

"There is a systematic effort being made to make him less than we know he is by ascribing to me certain powers over him.

"We must make the press and the court understand that there is only one Apostle in this Church."

Within the next fifteen to twenty minutes, I told them, they would hear from Herbert Armstrong himself. A telephone circuit had been set up between Tucson and Church headquarters, and loudspeakers would carry his voice throughout the entire area where the members were encamped.

Before I stepped down, I wanted to hear once again how they felt about dispersing, to make absolutely certain of their resolve. So again I asked:

"If I tell you to leave now, will you leave?"

This time the roar was deafening. "No! No!"

In the few moments remaining before Mr. Armstrong's address, Ralph Helge, who had been standing at my side, spoke briefly. Ralph gripped the lectern sides and, in a voice that sounded choked and thick, told them of the ordeal we were all undergoing.

"I tell you at night we are working, and at night I cannot sleep because I am so wrathful at the thought of what the courts have come down with. When I walked to this door, I tell you I had to bite my lip to keep from crying."

Minutes later, the voice of the Pastor General, strong and clear, filled the buildings where the members were encamped and sounded throughout the entire northern portion of the campus. It was a brief message but it encapsulated, for everyone who listened, the historical meaning of what was happening in Pasadena.

Like the Apostles Peter and Paul, who were jailed for their beliefs, Herbert Armstrong told us he was ready too. If the members had to suffer persecution by being thrown into prison, the eighty-seven-year-old Pastor General announced that he would lead his follower's into the cells.

"The people of God have always been willing to suffer whatever they have to do for the Living God," he said. "And I tell you, this has drawn us together. We are fighting this battle for all churches, for all religions. We're fighting it for freedom of press and freedom of religion, for freedom of speech and freedom of assembly. All of these things are being now threatened by certain judges, ex-judges, and all I can say is this: What God teaches us through the Bible is that we are to be subject to the powers that be of the government of man. But being subject does not always mean obey. When it comes to a difference between God and man, we are to obey God rather than man. But yet we will be subject to man if they throw us in prison... The Living God is fighting this battle for us, and against forces that are not God's forces. So I go on record as saying that.

"We are a law-abiding people. We are subject to the law. We are patriotic. We are loyal. We love our country. But unfortunately, we're living in a world where there is a great deal of evil. And I tell you, when six men, who are dissidents and who only hate the work of God, and want to destroy it, and who are ex-members of the Church, can come together and allege certain things and bring certain false charges, that is evil.

"It's precisely the same thing as in the days of Jesus Christ when people brought false charges

against Christ. He was on trial for His life before Pontius Pilate. And Pilate said: 'I find no evil in this man...'

"And it's exactly that way today. They have not one shred of evidence. We have done no evil. We are only doing what the Lord Jesus Christ has commissioned us to do. And I say to you by the authority of Jesus Christ we shall go on doing it, no matter what happens.

"And if we have to begin to suffer the persecution of being thrown in prison, I will be the first to be ready to go. If they want to throw eighty-seven-year-old people into prison, if they want to throw women and little children that are there into prison, I think they're ready to go."

And they were.

A white-haired grandmother told a reporter that the prospect of being locked up horrified her but she would go to prison if she must. A woman had come from Palm Springs with her four young children, fully aware of the consequences, yet she came anyway. Martin Anderson, a thirty-two-year-old tree trimmer from the small city of La Verne, squatting in a corner with his wife and three children, admitted the thought of jail was "scary," but he would not leave. "You've got to stand up to the state when it gets a handhold on your Church," he said. And at the rear door, young Wayne Pyle, who had been warned by Atkinson that the members would be in trouble with the court if they kept the receiver out, had responded heatedly: "You're in trouble with the higher court of heaven. You are the Antichrist. You are our enemy. We'll pray for you. We'll pray for God to take care of you. But if you want to haul us away and arrest us, we're willing to go. "

While many hundreds would have gone off to jail without a struggle, others had become angry enough to want a confrontation and be dragged off. Thus, they could dramatize before a shocked and incredulous world what the attorney general and the state of California were doing to people whose only "crime" was a passionate defense of their religious liberties.

Events were moving rapidly toward flashpoint. A headline in the Pasadena Star-News told the ominous story in a few words:

DEPUTIES MASS FOR CHURCH RAID

About a mile away, Brookside Park, the lovely green area in which the Rose Bowl nestled, had been turned into a staging area for several hundred sheriff's deputies and other law enforcement officials. Arriving at dawn, they were clumped in small groups near their police cars, waiting — at an estimated cost to taxpayers of between \$2,000 and \$3,000 an hour.

The men were fully equipped with riot gear. Gas masks and tear gas canisters were strapped to their hips, long nightsticks were slung in their belts, and helmets had been issued to all. They had rifles and they had shotguns. Parked nose to tailpipe in the park was a long line of buses; drawn up close were dozens of police cars. There was no doubt in my mind, nor in the minds of the newsmen covering the story, that the authorities were preparing to make wholesale arrests.

It is interesting to note that on this day the Pasadena police department could not muster enough personnel to mass for the possible assault. Many members of the force, who knew us and were our friends, were suddenly calling in sick; reinforcements had to be summoned from Los Angeles.

What worried me most was the possibility, which grew grimmer and closer by the hour, that a tragedy could explode in Pasadena. Nor was I alone in the fear. Wrote the Star-News in describing the scene at Brookside Park: "It looked much like a gathering point for authorities during the college disturbances of the mid '60s and early '70s."

I felt a cold chill as I read those words. It was nine years before, on a warm May day, that National Guard troops had opened fire on the campus of Kent State University in Kent, Ohio, killing four young people who were protesting American involvement in the Vietnam War. Tensions were mounting here, too, and tempers were becoming frayed. If arrests were ordered, and some resisted, how much would it take for some armed deputy or police officer to lose his head and spark a repetition of the Kent State tragedy?

Paradoxically, a confrontation that would result in mass jail — would have been a public relations disaster for the attorney general. The sight of God-loving men, women, and children being dragged off by armed officers of the law, televised and splashed on front pages, would have horrified the nation. We would have obtained writs of habeas corpus to release the "prisoners," and the subsequent trial would have laid bare the arrogance of the authorities at the same time that it demonstrated the willingness of good people to be jailed if necessary to protect their Church. A country with the traditions of the United States, colonized by people who sought religious as well as political freedom, who have cherished that right for almost four hundred years, would have responded to the outrage with sympathy and indignation.

The scenario, as it would have been played out, would have been to our considerable advantage. I must admit that the idea to let it happen was tempting. However, I rejected it because there was no guarantee that violence could be prevented.

The sun shone brightly as the day wore on but the mood around Pasadena was growing darker and more ugly with each passing hour.

"God Is On His Throne"

That afternoon, a representative of the receiver reached me on the telephone.

"Can't we work out some kind of compromise?" he asked.

Our defiant human wall was solid. But the opposing wall was now showing a fissure. The other side, convinced at last of the firmness of our members' resolve to remain, apparently aware that a pitched battle could only too easily result in a massacre, was backing down.

Smoldering with the injustice of the whole business, I knew nonetheless that it was a time for sound judgment and reasoned calm. Edmund Burke once wrote: "It is not what a lawyer tells me I may do; but what humanity, reason, and justice tell me I ought to do."

I agreed to a meeting.

We met with Weisman, his aides, and representatives of the attorney general. After two hours, we reached an agreement that, for us, was a symbolic victory.

The receiver would no longer be quartered in the Administration Building. No longer would the Church have to submit to the humiliation of an outside presence in its nerve center. Weisman would be permitted to carry on his work, but elsewhere — on Church property but not before our eyes. He would be given a small, windowless room in our old press building, off the campus, on the other side of Foothill Freeway.

The agreement was reported to Judge Title, into whose mind the first faint glimmering of light began to penetrate. No Brandeis or Frankfurter, Judge Title is not noted for his perspicacity or his wisdom. In this case, it had become evident to me; the principles of the law were eluding him. He was, to put it bluntly, stubborn, arrogant, and just plain wrong. Thankfully, he did one thing right. He signed this order.

I hurried to the headquarters building and, with a broad smile and a much lighter heart, I explained to our members that the dagger pointed at all of us was, for the time being, pushed aside.

"No sheriffs or law enforcement people will be coming here to drag you away," I said on the podium.

"We will permit these people for the moment to go about their evil business. But you will be able to watch them, to see that they do not destroy or desecrate Church property. If they smoke or swear or take God's name in vain, we want to know about it. If they are carrying out documents, we want to know about it."

A court order, a legal document allowing the receiver to be on the premises, was in existence, I explained, and this had to be obeyed. There was no choice.

"But," I added, "that does not mean that we are going to let these people destroy our property, which — is God's property, and we are not about to let them carry it off and blame it on somebody else.

"These people are in here for only one purpose. To make money for themselves. You have to understand that. These are people who go around the city and country and maybe the state looking for the job of being a receiver. They have threatened some of our people and have told them that they will liquidate this Church.

"Well, they would probably hope to do so. But God is on His throne, the living God, and it will not be permitted!"

I looked out at the sea of faces. Many jubilantly embraced one another; tears of joy streaming down their cheeks. A large crowd surged around me, shouting, "We won, we won!"

It was a good day. But victory, full and complete, was still a long way off.

Sword of Damocles

Our battle had to continue because the state was not relaxing its grip. California's newly elected attorney general, George Deukmejian, who had been inaugurated six days after the original suit was filed, was given a two-hour briefing by Lawrence Tapper on the progress of the case. From Deukmejian's office came the announcement: "The case will proceed. We don't see any change of direction." His spokesman, Bob Cook, said Deukmejian seemed satisfied that sufficient evidence existed to warrant continuation of the receivership pending investigation and litigation. This despite a plea by William Ivers, a Republican assemblyman from Pasadena, expressing concern about the propriety of the action.

Nevertheless, some good things happened.

First, A. Sheridan Atkinson, the receiver's chief operating officer, was fired by Weisman. Atkinson told Weisman that the new limiting terms of the compromise agreement made him and his staff redundant and Weisman apparently agreed. And, soon after, we saw the last of Steven Weisman himself.

On February 6, we went once again before Judge Title, seeking an injunction against his order permitting Weisman to investigate our records. Even though the receiver was not underfoot any longer, he still had powers of monitoring and control, and we felt that any outside interference was intolerable. At this hearing, Steven Weisman announced he had had enough.

Citing "health problems" as well as "obstruction and harassment," he told Judge Title it would be impossible for him to stay. Weisman lusted not only for the \$450,000 per year, but he wanted power — raw, undiluted power so that he could, in his own words, be "the boss." The judge, somewhat surprised, agreed nonetheless and asked Weisman to remain until February 21, when he, Title, would hear a final accounting and name a successor.

On February 21, Judge Title had a surprise for us. Weisman was not ready with his accounting and received a postponement, but Title announced his intention to dissolve the receivership, thus allowing us to resume control of our finances. That was the good news. At the same time, he said, the examination of the Church's finances by the auditors would continue, under the protection of a comprehensive injunctive order. That, we were to discover, was dreadful news.

Judge Title admitted that he had some question about what the receivership was accomplishing, perhaps the greatest understatement since the proceedings began. On the negative side, it was creating pure havoc; as for positive results, not a shred of evidence had been turned up to bolster charges of siphoning, pilfering, or any wrongdoing whatever. Auditors, working under guidance from the attorney general's office, could handle the same functions without any need for a receiver.

Then, on March 1, Judge Title spelled out how the injunctive order to audit our finances was to be conducted. It was, if possible, even more oppressive than the original receivership.

If one yoke had been lifted, the new one was even tighter. Accepting in large part a form of

order drafted by the attorney general, Judge Title ordered us to give the state's auditors all our records, but in such a manner that we would not know what information was being turned over. Never mind if the records were Church — privileged. Never mind how confidential they were, or if revealing them violated an individual's right of privacy. Our entire computerized database must be laid bare to the scrutiny of the auditors!

We were ordered to make two rooms available to them in our data processing center, where we had to install two copy machines,, each with a computer terminal giving direct on-line access to the entire data base. The Church was further directed to prepare and deliver to the attorney general a complete tape copy of its entire computerized data base in a form that could be used on the attorney general's own computers.

It was unspeakable. A religious institution's every action and transaction would be revealed in fullest detail to outsiders. A church would be wiretapped by computer — the bugging accomplished, not by microphones and listening devices, but computer tapes. The intrusion into our religious, not to mention personal, liberties would be no less heinous than if all our telephones, all our private conferences and consultations would be tape-recorded.

Counsel for the Church promptly appealed. A more moderate protectively phrased form of order proposed by us had been ignored, and our protests at the oppressive nature and the utter lack of the most elementary Constitutional and procedural protection in the order adopted were summarily denied. But the Church's appeal had the effect of automatically staying the mandatory portions of the injunctive order, those requiring us to furnish computer terminals, copy machines, and other devices. This rendered its key provisions ineffectual pending the outcome of the appeal.

On Monday, March 12, a number of motions came on for hearing before Title, including the hearing on Judge Weisman's proposed accounting, which had been deferred. After having disposed of these matters, the court, on its own motion, without notice, hearing, or opportunity to prepare a defense or otherwise be heard, and on the basis of no new evidence save the notice of appeal itself, exploded a bombshell in our midst.

The judge ordered the receivership re-imposed on the Church and its related organizations. David Ray, a Beverly Hills attorney and accountant whom Title had requested ahead of time to be there, was named as the new receiver.

The court acknowledged that defendants had a right to take an appeal and did not "find that taking the appeal in and of itself... was... per se violative of... any order made by the court..." but that its practical effect was to frustrate the court's order permitting the audit.

This, commented the court, "has to make a reasonable mind suspicious that perhaps someone out there doesn't want that audit, for whatever the reason."

In other words, even though one conscientiously believes that one has a Constitutional right not to be audited and resists on that basis, which was enough to make Judge Title suspicious. This one statement, better than anything else, reinforced the implication, which leaped out of

the record, that the action taken by the court was retaliatory in nature and intended to punish the defendants for exercising their right of appeal.

Word of the appointment of a new receiver was heard with alarm by the membership. Once again, as they did less than two months earlier, men, women, and children converged on headquarters in a massive protest demonstration. Once again families poured in from all over, with suitcases, sleeping bags, Bibles, games for the children, sandwiches, and coffee jugs, determined to remain until this new burden was lifted. As before, they stationed themselves inside the building, human barricades against the imposition of the court order they deemed illegal.

They were there for prayer and meditation, and, as in the earlier demonstration, they were prepared to go to jail rather than have their Church taken over by an outsider.

Our attorneys instantly filed an appeal. Pending its outcome, Judge Title required the Church to post a \$1 million bond if we wanted to keep the new receiver away.

On Tuesday evening, just a day after the new order was announced and the new sit-in begun, a new miracle occurred.

Aaron and Kevin Dean conceived the idea of organizing a vast telephone appeal to raise the needed money. With the aid of about a dozen volunteers, they manned the phones on the fourth floor of the Administration Building, calling churches all over the United States and Canada. They asked each one to name three members who would, in turn, call other members in their areas.

The results were little short of incredible.

By next morning, \$200,000 was received in cash, flown and wired in from all over; by afternoon, the total had swelled to \$400,000. By then, the appeal had switched from cash to pledges as surety for the bond. The campaign continued for forty-eight hours, during which the Dean brothers and their aides got virtually no sleep.

On Thursday evening, the phone blitz had brought in pledges well beyond the required sum, and before the week was out, the total had reached \$3.4 million! Many hundreds of members responded, signing affidavits in which they pledged anywhere from \$100 to as much as \$50,000 and higher. The affidavits guaranteed that the signers would come up with cash if it was needed. As collateral for the pledges of \$2,000 and more, the members listed assets ranging from jewelry, bank accounts, and automobiles to their homes and furniture.

In court, we posted the surety-backed bond, which was accepted by Judge Title. After a final service, the members who had come a second time to defend their church left for home, smiles on their faces.

We could afford to smile, too, but not to relax. While we had regained control over our own affairs, our appeals were moving slowly through the courts, which march in slow cadence. The prohibitory portions of the court's injunctions were still in effect. The threat that some outsider

could once again intrude into our midst hung over our heads like a sword of Damocles, and would not be removed until a final decision had been made.

We had been seriously crippled, but thanks to our strength and the remarkable joining of hands by our members, we were still alive and fighting hard to prove that California authorities had no legal right to climb over the high wall separating religion from government. We had some breathing room, but we could not breathe easily — not until the peril to us and all religions in America was ended.

Chapter 9: Spiritual Odyssey

The Message Heard Round the World

And this gospel of the kingdom shall be preached in all the world for a witness to all nations; and then shall the end come. — MATTHEW 24:14

So Jesus, seated upon the Mount of Olives, said to His disciples almost two thousand years ago, as they approached Him privately and asked for signs of His coming. He warned them dread events lay ahead — that nations would rise against each other and famines, pestilence, and earthquakes would ravage the earth. False prophets would deceive multitudes, and because wickedness and sin would flourish in the world, there would be many who would cease to love and to believe.

"But he that shall endure unto the end, the same shall be saved," Jesus said, as He commanded the disciples to go forth into the world to preach the Gospel announcing the coming Kingdom of God.

And that, in all its beautiful simplicity, is the heart of the Church's work. * It is written into the corporate charter, understood by all members, and faithfully followed by its leaders. Everyone in the Church knows deep in his or her soul that preaching the Gospel is the primary reason for our existence.

We come to all nations and all people with an announcement, awesome and transcendent, yet at the same time, pure and uncomplicated:

** The "Work" of the Church is defined as announcing the news of the coming Kingdom of God through all means and media of communications that are available.*

Christ is coming to rule in a Kingdom of God, and His realm will not be some vague interplanetary place but on the same earth upon which He walked and taught two thousand years ago. As surely as the day dawns and the night follows, we inform them, there will be upon this globe a government of God ruled under the laws of God, and those laws will be based upon the Ten Commandments — the love of God and the love of man. His rule will end all poverty, ignorance, sickness, disease, all moral and physical filth, all crime and ugliness. He will end war and to all who accept Him bring a universal prosperity, happiness, and joy.

Ever since 1934, Herbert Armstrong has been sending that great message to the peoples of the world or taking it directly to them in four separate ways: the printed word, radio, television, and the force of personal evangelism.

For the first two decades of its existence, the Church concentrated its attention on the continental United States and, to a lesser extent, on Canada. In the early 1950s, it was time to move into the world arena. From Radio Luxembourg, the message went forth to European countries, but not many people could be reached because officials would only sell time

between 11:00 P.m. and midnight. Efforts to purchase radio and television time in other countries proved fruitless because in Europe, the government controls all media reaching the mass audiences. Limited time was purchased on Radio Ceylon, from which the messages were beamed by short wave to the eastern coast of Africa and into Southeast Asia. Here, too, only a limited response was received. When Mr. Armstrong sought to reach China by buying time on Chiang Kai-shek's station in Taiwan, he got no answer from the authorities.

Personal evangelism was the only answer, so in 1954 Armstrong toured England and Scotland. Even he was astounded by the throngs that jammed the halls, auditoriums and stadiums in which he spoke.

Unlike a business that sets about the formation of branch offices, stores, or plants, churches almost literally create themselves. And so, with the desire of the British people to form a Church plainly evident by their enthusiastic response, one rose in Britain in 1956. Almost at once, it attracted so many members and so much attention that Armstrong decided to establish a second college in the London area. An estate was purchased at Bricket Wood, in Herefordshire, just nineteen miles north of London's Marble Arch. A curriculum was patterned after that of Ambassador College, a faculty recruited, and students enrolled. One by one, as the years went on, offices were opened in Australia, France, Germany, and the Scandinavian countries, after Armstrong had made journeys there and brought to their people the revealed ways of the living Creator God.

In 1966, a new phase was begun. Mr. Armstrong decided the Work had reached the point where the Church must reach out its arms as far as it could in an intensive effort to bring the message of His next Coming to all of humanity.

A traveling evangelism, unprecedented in the history of world religion, was launched. Since that watershed time, Herbert Armstrong has gone to virtually every corner of the planet by many types of conveyance, endured hardships and risked his life many times over to obey the commandment of Jesus Christ. I have been privileged to accompany him on most of these travels and to share in the joys and satisfactions, not to mention the dangers, of this unique globe-girdling effort.

From 1966 to the present we have journeyed almost continuously, interrupted for Mr. Armstrong only by an illness in the summer of 1977. The list of countries we have visited reads like a Baedeker guide: every nation in Europe, the Middle East, northern and southern Africa; through most of Asia, including Japan; to every country in South and Central America. And, in the fall of 1979, I took the commission to the People's Republic of China on three separate visits.

We travel between 200 and 300 days every year. With a small staff we fly aboard a Church-owned jet aircraft because our schedule is so full and demanding that much precious time would be lost and we could rely on seeing fewer persons with commercial transportation. Usually we remain away from one to more than three weeks at a time.

The number of persons aboard can range from about eight to a dozen or more, depending upon the destination. The airplane, a white twin-engine Gulfstream III about half the size of a Boeing 727, carries a crew of four, including a captain and co-pilot and two stewards. In the cabin a small office has been fitted out, where Mr. Armstrong works en route, typing his own speeches and pastor's reports on an electric machine.

From the beginning, Mr. Armstrong received astonishing welcomes from kings and presidents, prime ministers and cabinet members, legislators and educators. These summit and near summit sessions are of overriding importance because, as Mr. Armstrong has stated: "When I get Christ's vital message of the Kingdom of God to the king, president, prime minister, and others high in the government of such nations, I have, in God's sight, gotten His message to that nation or kingdom."

Usually, upon arrival in a country, he has an audience with the government's leader, followed by a series of meetings with other high-ranking officials. Then dinners are arranged, at which he speaks to from 100 to 400 of the nation's most distinguished business, professional, community, and academic leaders. A public-appearance campaign is next on the schedule. Often he will address tens of thousands of persons in vast indoor and outdoor arenas and stadiums.

Mr. Armstrong's method of carrying out the commission is unique. The audiences, whether few or many, are not exhorted to come forth and accept the Lord. There are no pyrotechnics or thunderous declamations. Nobody is warned to fall on the knees and convert at once or face hellfire and damnation. The message is delivered low key, its force arising from the crucial meaning of what is said rather than the manner in which it is delivered.

Along with the announcement, there is a full explanation and a proof that what we say is, in truth, coming to pass. An integral part of the message, too, is moral and ethical education. As Mr. Armstrong put it in October 1974 in Cairo, when he addressed a glittering assemblage of Egyptian citizens (which included four government ministers, many members of the legislature and a number of university presidents):

"What are we? Why are we here? Is there a purpose? Where are we going? What is the way? What is the way to peace? To have happiness? To make life beautiful and worthwhile? What are the true values?" Answers are offered to these basic questions of life from the insights Mr. Armstrong himself has discovered in his lifelong studies and vast experience.

Evangelism is supplemented by introduction of our magazine *The Plain Truth*, circulated widely — and free of charge throughout a community. Subtitled "A Magazine of Understanding," it is one of our major efforts to preach and publish the Gospel to all nations. It always contains on its opening page an inspirational and educational message called "Personal from Herbert W. Armstrong," and includes about ten or twelve other articles and features whose sole aim is to make the truth — God's Word — plain and utterly clear to all people everywhere. * The magazine is already published in five languages: English, French, German,

Dutch, and Spanish.

The talks and written messages are the seeds from which a member church grows. But, like tender shoots, churches, too, need care to become healthy and strong, so we are not content with a single visit. The Apostle Paul, who started his monumental work of preaching Christ's Gospel to the pagan world about A.D. 47, returned several times to various towns during his missionary journeys. We too revisit countries, again and again; to make sure the seedling has become firmly rooted.

Living in such close proximity with Herbert Armstrong for so many months of so many years, listening to him talk about every aspect of the Work, the people we meet, the theology of the Church, discussing the plans for the immediate and distant future, thinking and planning with him, having three meals a day in his company — all this has given me a deeper insight into the mind and spirit of the Apostle of God than any human being who ever lived. If Herbert Armstrong is an ambassador without portfolio, I have functioned as his secretary of state, though similarly uncredentialed.

Although Mr. Armstrong's reputation has preceded him, audiences with world leaders are not quite as easy to arrange as an appointment with the head of an insurance company branch office!

** The first issue of The Plain Truth, which came off the mimeograph machine in 1934 in the depths of the Great Depression, contained this statement by Armstrong: "We live today in the most tenuous hours of earth's history. Today we stand on the very threshold of colossal events that will stagger the mind of mortal man." Those words are even more applicable today than they were then. The message we bring to the nations of the world is that even worse calamities are in store, but that they will be followed by a great new God — world in which there will be peace, joy, abundance, and eternal life for those who have embraced Him.*

Consider, for example, the king of Thailand. He is so highly revered that even his most prominent subjects, when they have been admitted into his presence to give him an offering, must crawl like reptiles to his throne on their stomachs. While most heads of state do not require obeisance to this degree, there are complex and often delicate problems of protocol, agenda, and scheduling to be worked out. Arrangements must be made long in advance with the leaders' key aides. Logistical problems of travel must be resolved — when do we arrive, where do we go, how do we get there, how long do we stay?

As Mr. Armstrong's servant, it has been my responsibility to manage his massive program of meetings, dinners, and rallies in country after country. This I have done for up to ten months of every year since 1960. As his servant, too, I see to it that the meetings go well, that the Church's needs are taken care of, and that the programs we institute are carried out.

In 1960 I made my first trip for the Work to the British Isles to help Mr. Armstrong buy more

property in Bricket Wood, to help the British solicitors in organizing the Br British version on of Ambassador College, to work with the auditors whom Mr. Armstrong had engaged, and to assist in general with management problems. In 1961 I spent a considerable period of time in England in the on-the-job training of the new business manager, Charles F. Hunting. Each year thereafter, I spent time in England, Germany, Switzerland, and other parts of Europe with Mr. Armstrong, resolving various management problems, negotiating new property purchases, analyzing bank financing, establishing banking relationships; and also letting architectural and building contracts while Mr. Armstrong developed the British campus.

As his unofficial secretary of state, I have been present at most of the conferences he has had with world leaders, and gone alone to bring the announcement and carry on adjunct programs when he was elsewhere.

During July and early August 1977, Mr. Armstrong and I traveled to Tokyo, Israel, Liberia, the Ivory Coast, and Ghana. He was not in the best of health during the trip, but I couldn't persuade him to cut it short. On our return to Pasadena, his complaint persisted, and finally on August 17 he did visit a doctor in Tucson while I was aboard a TWA flight to New York on my way to Europe. When I arrived in New York I received an urgent message to call him. I did so, and he urged me to return to his bedside in Tucson to help him; he had been advised that he was seriously ill with congestive heart failure.

I rushed to his side and arrived in Tucson at 3:00 A.M. on the morning of August 18. For three weeks he was indeed in critical condition, but he then began a miraculous recovery. By October he was well on his way to full health, and I was able to leave for almost three months of activities in Tokyo, Europe, and New York — much of the time filling in for Mr. Armstrong.

As a result of our pilgrimages and our efforts to foster and cement world understanding, a number of foreign countries have called on me to function as an "expert adviser" in their dealings with the United States. In 1971 I was asked to be an official adviser to the Japanese delegation, headed by then Prime Minister Eisaku Sato, at the U.S.-Japanese ministerial conference at San Clemente. Late the following summer, I was again an adviser to a Japanese delegation that accompanied Prime Minister Kakuei Tanaka to his summit conference with President Nixon in Hawaii, where the two chiefs reaffirmed the mutual cooperation and security treaty that existed between their governments and announced that the United States and Japan had reached accords under which Japan would buy \$1 billion worth of aircraft, uranium enrichment, and various agricultural products.

Three years later, I advised a Japanese delegation in the Middle East during Israeli-Egyptian negotiations on withdrawal from the banks of the Suez Canal. Problems involving North and South Korea and the American position toward those countries are of vital concern to Japan. Having spoken intimately with leaders of both countries, I was invited to address some forty members of the Japanese Diet at a special breakfast session. Afterward, I was closely questioned by the legislators.

"A ambassador of World Peace"

It may seem surprising that the doors of imperial palaces and official residences are opened wide for a smiling, white-haired man and his aide. Yet there are sound reasons.

In addition to the announcement we bring, our travels abroad have two other great purposes:

First, to establish and develop programs that are meaningful, relevant, and important to each nation we visit and to the people involved, so that they may live fuller and more abundant lives. *And second, to create a better understanding between people to further the cause of world peace.

Herbert Armstrong has become widely recognized and accepted as a man of God, an individual who possesses throughout the world a moral influence capable of moving mountains. National leaders have read about, and often seen for themselves, the throngs surging to hear him and the ovations he has received. They have received, too, reports from around the world of the confidence other leaders have placed in him. They have heard, through their intelligence reports and other means, of his reputation as a "builder of bridges between nations."

High officials have come to trust Mr. Armstrong as few other influential persons could be trusted in this imperfect world, accepting him, in his own phrase, as "an ambassador without port folio for peace." They feel free to discuss their most pressing international and domestic problems with him in intimate detail. I have had the honor of attending many of these conferences and have noted the depth of sincerity with which he has been greeted, the deference paid to him, the close attention given by state heads to his counsel. Time and again, an audience that had been scheduled to last only a few minutes stretched into an hour or more, while important personages cooled their heels in antechambers.

** These programs are discussed more fully in the following chapter.*

Herbert Armstrong has found a certain advantage in his status as unofficial ambassador that no credentialed envoy could enjoy. "In meetings between a government leader and other heads of state," he says, "a great deal may be at stake. They cannot be as free to relax. But in meetings with me they feel more free, and they are often interested in hearing of the problems, opinions, and views of other leaders." Occasionally, too, Mr. Armstrong has been asked to be the bearer of personal messages from one leader to another, messages that could not be sent over usual diplomatic channels.

Few men in world history have garnered so many tributes from so many world leaders. In 1970, Mr. Armstrong was the recipient of a unique honor at the hands of former King Leopold of Belgium. Following the armistice at the end of World War 1, King Albert, appalled at the slaughter that had occurred on a battlefield of his nation, ordered one of the iron cannonballs that remained on the field to be cast into four watch cases. Four fine movements were placed inside them, to be presented to the four men who, he believed, had made the most significant

contributions toward reducing the possibility that those terrible human sacrifices might recur. The King presented one watch to Field Marshal Ferdinand Foch, who headed the Allied supreme command in 1918. The second he gave to General John J. Pershing, commander in chief of the American Expeditionary Force, and the third went to Georges Clemenceau, France's inspiring premier during the dark days of the war. For four decades since that third timepiece had been presented, nobody was believed to be qualified to receive the fourth. King Albert passed it on to his son, Leopold, to watch and wait. In November 1970, Leopold found the man he sought. He presented the fourth watch to Herbert W. Armstrong. In accepting it, Armstrong said, "I feel it was the highest honor the king could have paid anyone. Whatever contribution to world peace I may be making is not through war, but through education, teaching millions worldwide the way to peace."

There have been many other decorations, gifts, and keys to cities. Japan awarded him the Order of the Sacred Treasure, Second Class, one of the highest decorations that can be presented to a non-citizen, in recognition of "the outstanding contribution you have rendered to the cause of friendship and promotion of mutual understanding between the United States and Japan." In November 1977, the Japanese Government conferred on me the Fourth Class Order of the Sacred Treasure.

The prime minister of Lebanon, Takieddine Solh, told Armstrong in 1973: "People like you are like stars guiding navigators who are seeking the paths of true life and humanity."

And that year, too, Dr. Kharni Singh, maharaja of Bikaner and a member of the Indian Parliament, wrote: "Mr. Armstrong... is devoted to the cause of eradicating poverty and of bringing international peace. In this endeavor of his it is the duty of every citizen of the world to give him all the support he deserves."

The Church has the trust of leaders who, because of deep chasms separating them, do not trust one another. We are close friends with King Hussein of Jordan and yet have maintained equally strong ties of friendship with Israel. At one time, during a four-year period, Armstrong and I made about fifty trips to Israel, meeting with prime ministers Golda Meir, Yitzhak Rabin, and Menachem Begin, and with Moshe Dayan, Defense Minister Shimon Peres and dozens of cabinet members, legislators, military men, and leaders of industry and academia.

We met with Egyptian President Anwar Sadat in Alexandria in the summer of 1974, years before the Camp David accord, when he knew that we would fly directly from Cairo to Jerusalem. As President Sadat's special guests, we were the only non-Arabs present while he spoke to members of his cabinet and other distinguished representatives of the Egyptian government and society.

In the Indian subcontinent, we were received by President V. V. Giri and Prime Minister Indira Gandhi. We talked with President Suharto of Indonesia, with President Jomo Kenyatta, the father of independent Kenya, with President William Tolbert of Liberia, with the prime ministers of Mexico, Guatemala, Costa Rica, Panama, Argentina, and Peru. In Japan, we have

met with former Prime Minister Sato and every one of his successors: Tanaka, Takeo Miki, Takeo Fukuda and Masayoshi Ohira. The list is almost literally endless because the journeys to proclaim the message of God must go on.

That message which Herbert Armstrong is proclaiming where ever he goes, that the days of this world are now numbered as biblical prophecies have foretold, is being signaled by a curious sequence of developments. These have occurred — are still occurring — too often and too regularly to be disregarded as mere coincidences.

Mr. Armstrong himself has made note of it. "It seems," he says, "that every time we visit a place, something happens in the country or region that changes it in some significant way." In some cases, these events occur within three weeks, almost to the day.

Let me call attention to these facts, all of them documented.

In late August 1973, Mr. Armstrong and I met in Santiago with President Salvador Allende of Chile, the first Marxist chief of state in the Western Hemisphere to be elected in democratically run elections. After our lengthy conference in the great stone presidential palace, the country's chief of protocol, a worried look on his face, confided to us: "We advise you to leave the country at once before total chaos occurs."

The nation was in ferment; strikes were crippling the economy and demands were rising that Allende halt his efforts to impose a socialistic system upon the nation. We left.

Later, in the same room where we had talked with the president, on a carpet by the same desk in which he had sat, lay the body of the Chilean president, a bullet in the back. He had been murdered by a military junta opposed to his Marxist philosophy in a coup supported by the U.S. Central Intelligence Agency and the then Secretary of State Henry A. Kissinger. As an official of the Worldwide Church, I take no sides except to decry the eruptions of violence which are shredding the fabric of human decency and morality in country after country.

The violent upheaval in Chile? It took place just three weeks after we talked with Allende.

In mid-September 1973, we visited Lebanon, our arrival covered extensively by the three Lebanese television stations broadcasting in Arabic, French, and English. After a series of meetings with government ministers and other leaders, we met with President Suleiman Franjeh at his summer palace in Ehden, 7,500 feet in the Lebanese mountains.

Lunch over; we strolled out onto his terrace when suddenly three Israeli jets zoomed overhead, flying at a low altitude in a northeasterly direction. Lebanon is on the eastern end of the Mediterranean, on Israel's northern border. To the northeast lies Syria.

Surprised, I asked the president: "Is this an everyday occurrence?" He replied: "Oh yes, they fly over every day on reconnaissance." There had been three Arab-Israeli wars in the past quarter-century, the last only six years before. The Israelis had known Syrian forces were massing in the Golan Heights to their northeast. What they did not know was when — or if — they would attack. On October 6 of that year, Egypt and Syria struck simultaneously on two fronts, invading territory Israel had occupied since the 1967 war.

This, the famous Yom Kippur War, launched on the Jews' holiest day, occurred two days short of three weeks after we departed from Lebanon.

And so it goes...

We met in Bangkok with Prime Minister Thanom Kittikachorn of Thailand and, not long after, violent student demonstrations forced him from office. Field Marshal Kittikachorn had been in power about twenty-five years, head of one of Asia's oldest and most secure military dictatorships.

Mr. Armstrong paid his first visit to South Africa in June 1976. On June 16, when he arrived back in Johannesburg after a tour of the country's Southwest Africa dependency, the evening newspaper carried black headlines reading: SIX DIE IN RIOTS. Soweto, the area where the black population is sequestered, had erupted. The old order in South Africa was shaken to its foundations by those "flaming nights."

Coincidence? Or Providence? Chance? Or advance warnings to a still — unheeding civilization that the first rumblings of what will be a massive upheaval, not just in individual nations but the world, as we know it, are already being heard?

Candid Views of World Leaders

National leaders not only talk intimately to Herbert Armstrong but also reveal to him their candid views of events and their opinions of other leaders who strut and fret their hour on the world stage.

I still recall with amazement, not unmixed with a deep concern for the ominous state into which the world has become embroiled, the uncanny prediction of President Nguyen Van Thieu of South Vietnam eight months after the cease-fire agreement had finally been approved in Paris, ending — or so we hoped that intolerable war. It was October 1973 and Mr. Armstrong and I were talking with Thieu in his Saigon palace.

"We are not fooled," he told us, deep sadness in his voice. "We know that the North Vietnamese will attack us here when they are ready. That is no secret — the whole world knows that Hanoi makes no secret of maintaining its military pressure against our government. The United States has been fooled and as for us, we have been deserted. But even that is not the worst." He paused. "The Third World War," he continued, "has been going on for a long time, but sadly, neither the Americans nor the other nations recognize what is happening because it is not taking the classic form of an all-out war, as the first two did. You must believe me, though, that it is now in progress. In Europe, it is going to break out, not with the great powers as antagonists, but the smaller nations. These nations are merely proxies for the larger powers, and they too, eventually, must be embroiled.

"Our war here is a war between satellite countries. It is over, yet not over at all. Any day it can break out again. It can break out in Europe, too, any day, between other satellite nations. It can break out in the Middle East, which is the more likely place at this time. It can start there within

a very short time, much sooner than anybody in the United States or Europe thinks."

After the meeting, we left his office and flew home. A few hours later, an old friend, who had been a career officer in the Marine Corps, came to my home for a visit. Having just arrived from the Far East, I had been out of touch with developments. Worriedly, I told him what President Thieu had said about a third war and the Middle East.

He looked at me in astonishment. "You must be pulling my leg," he said. My turn to be astonished. "Why?" I asked.

"That war is going on right now."

Nine hours earlier, the Arabs had launched their attack. Thieu's prediction had been squarely on target.

Secretary of State Henry A. Kissinger was not a universally admired figure, and President Thieu was hardly a member of his fan club. Without mincing words, Thieu told us that in his opinion Kissinger was a "total incompetent," a man who was "completely void of principles and scruples." A harsh indictment, but they came from a man who had known and dealt with Kissinger for a long time. There was more and it was even more severe.

Kissinger, Thieu felt, was primarily interested in Kissinger, and the interests of the United States came second. Essentially, Thieu asserted, the secretary of state did not direct the main focus of his attention on what should have concerned him in the first place, consummating an honorable settlement to protect the freedom of the South Vietnamese people. I quote Mr. Thieu: "We all know here what Mr. Kissinger is. Through his meddling, we have something that is called peace and a settlement but it is neither.

"Nixon, too, simply dropped us," Thieu said. "He and Kissinger decided for their political ends that they would conclude a settlement and make it appear as though something was being accomplished, when in reality there was nothing. They proclaimed piously that the Americans were withdrawing with honor and that the peace that was arranged dealt fairly with both sides. But it was a cruel fraud."

Not long after, North Vietnam attacked and the rest is history: The government in Saigon collapsed after the fall of Hue, the old imperial capital; the South Vietnamese army disintegrated and in the last days of April Hanoi troops occupied Saigon and renamed it Ho Chi Minh City. Thieu fled into exile in Taiwan, a bitter man.

"Kissinger cannot be trusted."

Sato was the first man to tell me that. Sato said more: "He is also incompetent. One reason, and it is of paramount importance, is that he knows virtually nothing about economics. How can you possibly be effective in dealing with foreign affairs without being thoroughly schooled in this science, which deals so basically with man's life and well-being on earth? World affairs have always been vitally affected, if not controlled, by economics, which is concerned with the use of resources to satisfy people's needs. If resources are lacking, as in the case of food shortage or actual famine, whole peoples will migrate from one place to another, in the process

clashing with another civilization. If resources are inadequate for a people's needs, they seek to move outward, and again there are clashes. * Man's problems have always been inextricably involved with economics, which are beyond Mr. Kissinger."

Sato, who resigned in July 1972, after serving almost eight years, longer than any other Japanese prime minister, was convinced that Kissinger had a near-fatal flaw that prevented him from achieving an understanding of the oriental culture. He told me: "The man does not appreciate the importance of form, of what we call face; he doesn't understand the importance of dealing with problems in the Orient in the way that Orientals do. One cannot approach our problems in an occidental manner."

** Sato's words were prophetic. They preceded the energy crisis of the late 1970s, which has, of course, increased international tensions because of the scarcity of a vital resource.*

Sato told me that Kissinger never understood that the earth was round; that one can reach the Orient without going through Europe. The statement, a typical Japanese circumlocution, referred to the fact that the former secretary of state viewed the problems of the Far East through a European prism rather than seeing them freshly, as they looked to the oriental people.

Former Prime Minister Rabin of Israel was yet another world leader who had sharp criticism of Henry Kissinger. In 1975, I visited Mr. Rabin with a Japanese delegation. Our meeting was scheduled for only ten minutes but lasted an hour and ten minutes instead, so intent was the prime minister on discussing the shortcomings of Mr. Kissinger. What he said is revealed for the first time.

Sadat, Mr. Rabin declared, had been ready for face-to-face discussions with Israel long before the heads of both countries were brought together by President Carter. Actually, Mr. Rabin asserted, Kissinger's much-publicized shuttle diplomacy served to keep the two nations apart. Had he leaned in the other direction and pushed hard for direct negotiations instead of channeling all interpretations, objections, and other bits and pieces of diplomatic activity through the filter of the U.S. State Department, a personal meeting would have come about far sooner than it did. Turning to me, Mr. Rabin said: "Sadat wanted to talk. You, Mr. Rader, know that." It was true. The Egyptian president had confided to me that he was a man of peace and had indicated his readiness for a direct meeting.

"Kissinger," Mr. Rabin continued, "was trying to impose a settlement in the Middle East but that could be accomplished only by Middle Eastern people who would talk to one another. Neither the United States nor the Soviet Union nor any combination of powers can make peace come about, at least not a peace that would endure. We can only do that ourselves, in long, earnest talks with one another. And Kissinger never tried to bring that about. I must conclude that his headlined shuttles were calculated to produce only that — headlines that would keep the man's ego inflated."

Once Rabin got started on the subject of Henry Kissinger his anger rose and he found it hard to stop. While he talked, the U.S. Ambassador, Malcolm Toon, who later was named envoy to Russia, was cooling his heels outside.

At one point in our conversation, Rabin, a veteran military man who was a brigade commander in the 1948 war with the Arabs and chief of staff during the 1967 conflict, scoffed at Kissinger's meager knowledge of military science. "The man," Rabin said, deep scorn in his voice, "doesn't even understand a military map." Nor, he added, did he have any but the barest grasp of the science of ballistics, trajectories of missiles, ground-to-ground and ground to — air weaponry — sensitive equipment that can or cannot be effectively monitored — and other sophisticated military hardware. "How," he wondered, "could such a man insist on meddling in the affairs of nations whose survival depends on an adequate defense posture?"

Not all our visits with important personages involve profound discussions of international affairs. I recall, with no little amusement, the encounter my wife had with Prince Mohammed, the younger brother of King Hussein. After a six-day visit in Jordan during which we whirled around the country virtually nonstop, the king suggested we rest for a day at his summer palace at Aqaba on the northern tip of the gulf and close to the Jewish community of Elath. Accompanying us were the prince, Abdullah Salah, the Jordanian ambassador to the United States, and my daughter, Carol, who had just completed her junior year at college and had been invited on the trip by Mr. Armstrong, who knew that we had not seen her in almost a year because of our constant journeying. Late in the afternoon, after water-skiing on the glassy-smooth waters of the gulf with the ambassador and Carol, Prince Mohammed asked if any of us played chess. He looked around expectantly. The rest of us were silent but my wife's eyes gleamed as she announced, "I'll do."

A chessboard was set up and the game began. The guests sat around watching; I leaned forward nervously as the contestants studied the board. I had some idea of what was coming.

The prince won the first encounter and I breathed a little easier. After a few moves in the second game, Prince Mohammed said, somewhat tongue in cheek but still not inconsistent with the pride of an Arabian prince: "After all, I really should not be playing with you." When my wife asked why, the prince replied: "You see, I am the president of the Jordanian Chess Federation".

My wife said nothing. She merely pursed her lips and then proceeded to demolish Mohammed, not only capturing his queen but also giving it back to him. The prince looked astounded and the board was set up a third time. Niki destroyed him again. Mohammed, mouth set in a thin line, stormed out of the room in a state of rage and shattered male ego.

Sighing, I told Niki: "You shouldn't have done that. First, you ought not have said you played the game. Second, if you do play with an Arabian man, you should lose. And third, if you play with an Arabian prince, you certainly should lose."

After a half hour, Mohammed returned and, looking chagrined, asked: "Well, does anybody

else play chess?" He turned to me.

"Well, Your Highness," I said, "I do play, but what my wife failed to tell you was that she plays all the time" I paused just a split second — "with Bobby Fischer." Fischer, of course, is the former world chess champion with whom Niki does play, though he beats her consistently. Prince Mohammed looked sharply at her, and then said softly, "Oh." I went on: "Well, she can't beat Bobby but in the process of losing, she naturally learns." His ego restored, the prince was mollified and the rest of the day went well.

A few weeks later we went to Spain to set up a meeting with young Prince Juan Carlos, who was being groomed to succeed the ill and aging Generalissimo Francisco Franco as chief of state, which he eventually did. During the grooming process, Carlos was watched and tended like a rare camellia; nothing must happen to him and he must blossom perfectly. The man in charge of this prepping operation was an elderly gentleman of royal lineage,

a true aristocrat with elegant manners and impeccable taste. It was this person I was anxious to see to help us arrange a visit with the prince. On the second night after our arrival, a magnificent garden party was held in our honor by the Indian ambassador. Knowing the prince's tutor would be present; I spent the entire evening searching for him but with no luck. The tables were scattered over a wide area, making him difficult to spot. Finally, I gave up.

When we were leaving, I asked Niki: "Where's Carol?" At that moment, our daughter strolled up in the company of a white-haired, white-mustached gentleman. She introduced me to the very man I had been seeking for hours! He and Carol — who is an artist — had been sitting at a table at the far end of the garden all evening long, animatedly discussing art. Entranced by her sprightly, intelligent conversation, he did not circulate among the guests. Thanks to Carol, an appointment with the prince was arranged.

Some of the national leaders we have met, including a number in our own country, were not the most democratic of individuals. Power often creates arrogance. Others, however, have been remarkably humble, gracious, and outgoing in their personal relationships with people. Ranking high as a man of true humanity is King Leopold III of Belgium, who succeeded his father, Albert 1, in 1934. In 1951, Leopold abdicated in favor of his son, Prince Baudouin, who is the present ruler.

Leopold, a king for seventeen years, accustomed all his life to the homage paid to royalty, is nonetheless totally lacking in the imperiousness one would commonly expect of a man with his background. He is a good companion and a good sport.

On one recent occasion I went with Leopold, his wife, and their two daughters, the princesses Esmeralda and Daphne, and a small entourage of personal aides, on an automobile trip to view the giant sequoias of northern California. When Leopold announced he was hungry, we pulled off the road at a roadside hamburger stand. Leopold did not seat himself at a table and expect to be served. He walked to the counter, read the menu, and announced to the attendant that he would have the big burger — nothing on it, please — with coffee. After conferring with the

rest of us, he turned back to the attendant and continued rattling off the orders: "My wife will have the burger and thick shake, then we'll have... The counterman interrupted. "Now wait a minute, buddy," he said, "just give 'em to me one at a time."

Chastened, Leopold stopped and then meekly repeated the order, this time more slowly.

Jack Lemmon, the film star, was so impressed with Leopold during a golf foursome that he confided to me: "Say, that's some king you've got there. If this country ever went monarchy, that's the kind of king I'd like to have."

The "Secret" Everyone Knows

What seemed most upsetting to the California attorney general in the lawsuit against the Church was the cost of these travels.

It could hardly be contended that they were secret journeys; we did not silently slip away under cover of darkness, nor did we wander incognito through world capitals. On the contrary, each trip was reported back to Church members in our four publications: The Plain Truth; The Worldwide News, a newspaper published biweekly and distributed free to members; The Good News, another Church magazine; and The Pastor General's Report, sent weekly to all pastors and ministers. Complete details, profusely illustrated with photographs, are continually made available. Members are kept up to date on all the details of itineraries, events, speeches, meetings, gifts, even hotel accommodations and extra expenses of film and video coverage. A secret? In the mid 1970s we proudly published an oversize, thirty-two-page brochure with full-color illustrations; its purpose was to inform everyone where we went and whom we saw.

The Worldwide News publishes a special supplement called "Forum with Stanley R. Rader," which discusses with complete candor all aspects of the Church. Just about everything is asked in these question-and-answer sessions from the state of Herbert Armstrong's health to the state of our finances, and the responses are very specific and lengthy. Often a forum will go on for several pages of type, five columns to a page of the tabloid-size newspaper.

Thus while members are fully aware of the trips, their meaning and their cost, the state of California is not; those entrusted with enforcing the laws insist on viewing the missionary journeys of Herbert Armstrong and his staff and the money spent on them as the travel expenses of a business firm.

Church members know, as the state should have recognized had it done even minimal homework, that the travels could no more be considered a corporate operating expense than the journeys of Pope John Paul II. In the eyes of the members, to cease such activities would mean no less than forfeiting the Church's spiritual legitimacy, and ceasing to be a viable Church of Jesus Christ as they understand it and want it. For the members, a more paternalistic intrusion could scarcely have been designed than to attack, as the state's lawsuit has done, Herbert Armstrong's personal work to make the world ready for the coming of Christ in power

and glory, as if it were some kind of extravagance cooked up in the executive suite of a corporate enterprise to take advantage of the stockholders! *

* See appendix C.

Chapter 10: Behind the Bamboo Curtain

Finding an entryway

Preaching the Gospel of the coming Kingdom of God to all the world surely could not be accomplished until an effective means could be found to reach one entire fourth of that world, the inhabitants of the People's Republic of China.

The Work made several efforts to bring the message to the diverse Chinese population during the years of its isolation from the rest of the community of nations, begun in 1949 after Chiang Kai-shek had been toppled by the Communists. For a number of years, we broadcast from Taiwan, then called Formosa, where Chiang and his Nationalist forces had taken refuge. Some of our message undoubtedly went through, but we could never be certain of how much.

For a long time, we had been seeking a way to take the commission directly behind the Bamboo Curtain to this vast and populous country whose borders were shut tightly to Westerners. How could we get inside, how allay the dark suspicions of the Chinese leaders toward virtually everyone and everything beyond its boundaries?

Finding an entryway into the wary country was a lengthy and difficult task that took almost a full decade. The story of how it was at last accomplished is, in a capsule, the story of how the Church manages to fulfill its God-directed mission. It involves drama, high-level personages from widely diverse nations, seemingly insurmountable roadblocks, and, above all else, the intervention of Divine Providence.

Our China experience started in India in 1970 at a dinner in Herbert Armstrong's honor at the home of Dr. Nagendra Singh, then the secretary general of the office of President V. V. Giri, and who later became one of the justices of the International Court of Justice at The Hague. As an advocate for world peace through law, Dr. Singh admired Herbert Armstrong and, as the years went on, came to love him even though he himself was a devout Hindu. Later Dr. Singh was to introduce Mr. Armstrong to political and thought leaders in many nations, and even hosted both a lunch and dinner in the Pastor General's honor at The Hague itself.

At Dr. Singh's home that evening, we met the Ethiopian ambassador to India, Getachew Mekasha, who was impressed by Mr. Armstrong and indicated a strong interest in having us visit his country. An invitation followed, a visit was scheduled and in 1973 Mr. Armstrong flew into Addis Ababa.

At that time in world history, Ethiopia was closer to China than perhaps any other country. Chou En-lai, premier of the People's Republic, was deeply indebted to Emperor Haile Selassie, and to Ambassador Mekasha, because when Chou went to Africa a decade before, Ethiopia was the only nation that would allow him to land and refuel. The arrangements had been made by Mekasha. After that incident, Chou showed his gratitude by allowing Mekasha to visit China on a number of occasions. Before long, air routes had been opened up between the two nations.

Having come to one of the few countries with close ties to China was fortunate enough. Yet

there was more to come.

At a dinner in Mr. Armstrong's honor in the Ethiopian capital, we found ourselves seated next to a tall, portly man. As dean of the ambassadorial corps, protocol called for him to be seated at the head table. He was Yu Pei-Wen, ambassador of the People's Republic of China to Ethiopia. He spoke English perfectly and, to cap the series of providential occurrences, had relatives in Los Angeles!

Wen, formerly chief of protocol in the Foreign Office in Peking, had one of the most sensitive posts in the world for the Chinese Republic. The Organization of African Unity, one of the key developments in the history of Pan-Africanism, had been created in 1963 at a summit conference of thirty independent black nations. * For political and economic reasons, China had long been interested in cultivating the friendship of the newly emerging African countries; teams of Chinese experts in various areas were already in a number of countries along the east coast, cultivating friendships, and more were sent around the periphery to the west coast.

We got along famously, chatting alternately about China and Los Angeles. Niki had begun the flow of conversation when she produced a beautifully lacquered cigarette lighter upon which two Chinese characters were inscribed. She had heard, she said, that they were the name of the artist who had done the exquisite finish. Dr. Wen peered at the characters and burst into laughter. They formed a name, he told her, but hardly that of an artist — the name of a well-known French (S. T. Dupont) company which manufactured the lighter. Later Dr. Wen jokingly referred to the incident in his speech as a "capitalistic trick."

The upshot of this meeting? Wen, impressed with Mr. Armstrong's talk and mission, asked me: "Despite the estrangement of our countries, despite the fact your passport says you cannot come to China, will you and Mr. Armstrong be willing to come anyway?"

"Yes," I answered. "Mr. Armstrong goes where God sends him, not where the United States State Department says he can or cannot go. Where a conflict exists, Mr. Armstrong obeys the laws of God, not the laws of man."

"Then," Mr. Wen replied, "I will see that you come to China."

Barriers arose. Wen helped us all he could, but in Peking, Chinese officials, while approving me, balked at inviting Mr. Armstrong. The reason was not hard to find: as a consistent anticommunist writer and preacher he had for years identified communism as being anti-God. He had never differentiated among the various mutations communism had undergone in Russia, Yugoslavia or China; none of the forms was compatible with religion as he saw it. Nor would he alter his views to point out that Chinese communism was less anti-God than the Russian type, a modification, we were told, that would have pleased the officials and resulted in an invitation.

** The OAU was formed to bind the thirty countries into a loose federation for political, economic and defense cooperation. A secretariat was established in Addis Ababa.*

An impasse resulted, but thanks to Wen and our Ethiopian friends, signals came back that the doors were left open, though not widely enough at the time to admit us. Years went by, with our China adventure on the back burner. Then Japanese friends enter the story.

Our relations with the Japanese have been so close that they call themselves Mr. Armstrong's sons and my brothers. I myself am totally immersed in the Japanese culture and spend most of my spare time studying the language. Their leaders, seeking to normalize relations with their huge neighbor, had been traveling frequently to Peking and, while there, planting seeds in our behalf. They were spreading the word that Mr. Armstrong and his close aide were good people working through a good institution to make a good effort to bring about what all nations seek — a better world understanding. And that, certainly not least, we were prepared, even anxious, to put some of our treasure where our heart was, to donate something quite tangible, quite useful, through the Ambassador International Cultural Foundation, to China.

With realization of the true nature of our intentions, the objections slowly dissolved and a journey was in the planning stages for the fall of 1977 when Mr. Armstrong — as previously mentioned — became seriously ill with congestive heart failure. For three weeks his condition was critical, requiring at one time mouth-to-mouth resuscitation and manual heart massage. Nurses were in attendance around the clock, but much of the credit for his recovery should go to his second wife, the former Ramona Martin, who was at his bedside constantly, offering devotion and love. Loma Armstrong had passed away ten years earlier, three months before she and her husband would have celebrated their fiftieth wedding anniversary.

Ramona and Herbert Armstrong had been married about four months when the illness struck. Mrs. Armstrong was thirty-nine, the daughter of a longtime church member. A member herself, she had worked for us for many years. In 1974, she was transferred to my staff and, since I worked so closely with Mr. Armstrong, they became acquainted. They fell in love, and after a long courtship, were married on April 17, 1977. I gave the bride away at the joyous occasion. Since then, the Armstrong's have been living in Tucson, a happy and devoted couple.

When Mr. Armstrong recovered from his illness, plans for the China trip had to be postponed again. The reason: new problems with Garner Ted. The Pastor General had found it necessary to dismiss his son from the Work and felt he should remain in the country to oversee the reorganization of the Church under the laws of God.

Since the China trip was now in the final stages of preparation, Mr. Armstrong and I agreed it should not be postponed. We decided that I would journey there to lay the groundwork for a later visit by him. Since the written word is the most effective instrument for advancing cultural understanding between peoples, I felt that a program of helping the Chinese develop their libraries should be one of our goals in China. Our Japanese friends broached the idea to Chinese officials, who accepted it happily, and my visit was arranged for the summer of 1979. I would tour a number of institutions to obtain a visual picture of the libraries and other fields in which we could work through the Foundation. Our hosts would be the newly created China Society of

Education, the Ministry of Education and the Ministry of Culture.

And so, at long last, the Bamboo Curtain parted for the Church.

Clasping Hands across the Hemisphere

The Chinese people were unfailingly generous and gracious hosts. There was an instant rapport between us, camaraderie clearly evident at the many banquets they hosted for us and which we, in return, gave for them. Whatever suspicions there were years before of our intentions were gone. They liked us. We liked them. It was as simple as that. When people of such divergent backgrounds and political ideologies can feel that way about one another, there is no limit to the good that can be accomplished.

We were guests in the full sense of the word, not permitted to pay for our food, lodgings, ground and internal air transportation. * During our intensive schedule, we visited libraries and universities in Peking, Nanking and Shanghai, among them the famed Peking University, China's Harvard, where the late Chairman Mao Tse-tung's first job was as an assistant librarian. Meetings with their presidents and departmental heads gave us an unparalleled inside look at what they were doing. At the same time, we told them about ourselves, distributing copies of *The Plain Truth* and, in "soft sell," told them about our Work and our commission. We could not offend our hosts, a nation without religion, by delivering our message as we had in other nations. In his own preparation for the visit, Mr. Armstrong was planning to tell their leaders of the coming world government, though not, as he said, "in Christian or Bible-sounding words."

From Shanghai I returned to Tokyo, from where I reported the results of the trip to Mr. Armstrong. After a few days, I returned to China for another two weeks, again engaging in intensive discussions in Peking, Hangchow and Canton. We concluded arrangements for Mr. Armstrong to meet with the premier or party chairman, depending on their availability, for his private plane to land, for a tight schedule of dinners, meetings and receptions, and to bring in a television crew to film a complete documentary of his visit, another first. No foreign organization had ever been permitted to do this before. Not so incidentally, these arrangements were hardly cut and dried procedures, to be had for the asking. Each had to be negotiated with the utmost tact and delicacy through what seemed an endless chain of officials, down to the last detail of where Mr. Armstrong would stay and who would pay the costs. The Chinese, delicately yet quite firmly, again insisted on being the complete host.

** We did the things all tourists, including former President Nixon and Vice-President Walter Mondale, do: visited the Forbidden City in Peking — where we gaped at its temples, palaces and fifty-foot walls — the famous Nanking and Shanghai pagodas and, also in Nanking, the birthplace of Sun Yat-sen, the revolutionary hero who was the first president of the Chinese Republic. The Mao jacket, we learned, is misnamed. Its actual originator was Sun Yat-sen, whose beautiful stone mausoleum outside Nanking is a national shrine.*

During this second visit, I was asked to deliver an address to the faculty and students of the University of Peking, and later at the institution's department of law, a signal honor. Even where differences in the cultures of nations preclude the adaptation of some features of the other's experience, we can nonetheless study that experience profitably to understand better the world community. Thus I traced the rise of the lawyer throughout our evolving history, imparting to my Chinese audience some appreciation of the central role he has played in the nation's growths — a role that has firmly entrenched the lawyer in the social, business, and political fabric of the United States. As one illustration, I pointed out that there have been twenty-three lawyers whose careers took them to the White House.

"The United States," I said, "was founded upon the notion of a 'rule by law.' That the lawyer should figure so prominently is not surprising. As the People's Republic of China has occasion to observe the continuing evolution of the American democracy, you would be well advised to pay particular attention to our legal institutions. The law and the lawyer are as informative as any microcosm of American society."

I also, however, found it necessary to be sharply critical of the legal profession in my country, asserting that many members of the bar are failing to live up to the high ideals expected of them. It was a stance not many lawyers take; after all, I am a member of the bar and it is more customary for attorneys to act as counsel for the defense of their own profession than as prosecuting attorneys. But truth is truth and so I told the Chinese:

Traditionally, the legal profession is a learned profession pursuing a learned art. It is this learning which sets a profession apart from a mere "calling" or "occupation." To perform his many and difficult duties arising from his complex obligations to his profession, to the courts, to his clients, to society at large, and to himself, a lawyer has to be more than a skilled and resourceful craftsman; he must be a learned and cultured man.

The requirements of painstaking and often rigidly supervised preparation for the practice of law, which in some instances go back to pre-Revolutionary times, as well as the almost universal insistence upon searching tests devised to ascertain the intellectual (and moral) qualifications and knowledge of persons desiring to enter the profession of the law, are in some authors' minds proof that the proper practice of law is a matter of high intelligence, vast erudition, sterling character, and an exacting training combining systematic and industrious acquisition as well as disciplined mastery of a large body of intellectual knowledge based on reason and experience.

The failure of members of the bar to live up to the ideal is not astonishing. Yet many in America were shocked when, during the Watergate crisis of the Nixon administration, it was revealed that many of the chief scoundrels were lawyers.

One of the repercussions of the Watergate affair was a renewed interest on the part of our

law schools in teaching courses in legal ethics and professional responsibility. Many states also added examinations in such subjects as a prerequisite to admission to practice law. In fact, one of the conditions placed on those who were disbarred as a result of the purge after Watergate was that they successfully complete such an examination before returning to practice.

It is now widely recognized that many lawyers fail to attain full growth, in terms of the ideal lawyer. Indeed, many of them never glimpse the vision either of what is rightly expected of the legal profession or of them individually. As far as they recognize, their responsibilities begin and end with serving their clients, and for them the law is only a set of mechanical rules, which they attempt to manipulate for the interests of their clients.

Chief Justice Arthur T. Vanderbilt of New Jersey, I told the students, outlined five essential functions of the great lawyer: wise counseling to all persons in the varied crises of their lives; skilled advocacy; the obligation to improve his profession; leadership in molding public opinion; and the unselfish holding of public office.

Education in these five functions is in large measure the responsibility of the individual lawyer, not only while in law school but also through his working years. This, as Chief Justice Vanderbilt puts it, is "practicing law in the grand manner — the only way it is worth practicing."

Returning to Tokyo I learned, to my disappointment and certainly his, which Mr. Armstrong could not shake off a persistent stomach ailment and would be unable to make the trip to China after all. Since all arrangements had been formalized, we decided that I would substitute for him again and, while so doing, pave the way ever more firmly for his eventual arrival by enlarging our friendships and deepening our mutual understanding.

I spent two more hectic weeks in China, highlighted by the first cultural performance sponsored by the Foundation inside that country. On the earlier trips, I had been enormously impressed by the range and quality of the Chinese theatre. The artistry and enthusiasm of the individuals and ensembles was superb, the music haunting, the costumes breathtakingly lovely.

One day, while discussing with the minister of culture the possibility of bringing to the United States some of the fine troupes that have not yet appeared in our country, an idea popped suddenly to mind. Somewhat rashly, without knowing if I were asking something impossible or even wildly absurd, I put the question to him then and there: Could the Foundation sponsor a theatrical event in China, to which we would invite officials of the government, university leaders, members of the faculties and students? It would be a gala benefit performance by the finest artists available, an evening of entertainment presented by us to them.

His face broke into a wide smile. It was, he said, a delightful idea. Yes, indeed, he would approve. We set to work at once, engaging directorial personnel who, in turn, brought together

a troupe of 133 of the finest Chinese singers, dancers, musicians, and actors, many of whom had already traveled all over their country, and also through South America and the United States.

The show was put together — with a rapidity that would make our own producers gape — and performed at Peking's Nationality Palace Theatre before about 1,500 persons who received it with unrestrained enthusiasm. The entire two-hour entertainment filmed by our television crew and available to American audiences is a glittering illustration of international bridge-building by a Church adjunct.

On our last evening in China, I represented Herbert Armstrong as deputy honoree at a banquet in the Great Hall of the People in Peking, remarkable because it brought together seventy-five ambassadors of nations around the globe in one room, all gathered to pay tribute to a man who was seeking nothing for himself but the greatest gift man could give himself — peace on this earth. I glanced around the hall as the dinner progressed and was overwhelmed when I saw how many dignitaries of the world had come together there because they, too, wanted that gift. I saw envoys from Iron Curtain countries, the Third World, the Far and Middle East, and Latin America. At the head table, on my immediate right, was the Cuban ambassador, which was ironic yet also revealing. At precisely that time, the presence of a Soviet brigade in Cuba was confronting President Carter with a potentially explosive international crisis. In the absence of relations between the two countries, Carter was unable to discuss this matter with a diplomatic representative. Yet the Worldwide Church of God, through its representative, was at that moment in close contact with a highly placed Cuban official!

Need I spell out any more clearly the influence, actual and potential, of this God-loving people in helping to bring a measure of sanity to a world rushing headlong into the twilight?

There was still another demonstration during that period of how the Church succeeded in bringing envoys of deeply divided, indeed hostile, nations into one room, where they could talk to one another in a pleasant, friendly atmosphere and, hopefully, establish a rapport. In between our China trips, we hosted a dinner party in Tokyo to which we invited some 200 persons. At the head table sat the ambassadors of Israel, Tunisia, Lebanon, and China. Neither Tunisia nor Lebanon has diplomatic relations with Israel, and Israel has no relations with China! Nevertheless, they were all introduced to one another and registered no objection when we asked if they could be photographed together.

By the end of 1979, with Mr. Armstrong's health significantly improved, the long-postponed visit to China became feasible. Again I worked out a rigorous and wide-ranging schedule of activities and, on December 2, Mr. Armstrong flew to Peking — the first leader of a Christian church to be officially invited to meet with leaders of the People's Republic of China.

For five days and four nights, Armstrong had formal and informal talks with leaders of government and education as part of what he described as his "most important and successful trip."

"Although in a communist and atheist-oriented country I did not use Bible language, I did get over to them the Gospel of the Kingdom of God, announcing the coming one-world government of God," he assured readers of Plain Truth in his Pastor General's Report. He wrote that speaking to the leaders of Communist China is akin to reaching one fourth of all the people on earth, one billion people.

In Peking, Mr. Armstrong spoke for an hour with Tan Zhenlin, vice-chairman of the Standing Committee on the National People's Congress and one of the three top men in the Chinese government today. He gave to Tan, a former close associate of Chairman Mao Tse-tung and Premier Chou En-lai, a prophet's eye view of the coming United Europe, which will touch off the final holocaust of this age on earth and usher in the Kingdom of God.

Mrs. Armstrong, Mrs. Rader and I, as well as some of Herbert Armstrong's "sons" from the Japanese Diet, were along on this trip, which included visits to the "Forbidden City," the Great Wall and the national library. Mr. Armstrong was guest of honor at a dinner given by government and university leaders, and also addressed a banquet attended by many educators and their wives. He was the main speaker at a dinner given by the Ambassador International Cultural Foundation in the Chinese People's Great Hall for the diplomatic corps.

Mr. Armstrong was very open in his discussions with the Chinese people. He told his listeners that they, along with other human beings in the nations of the world, are striving to achieve the Kingdom of God on earth. But whatever path they choose to reach that goal, whether socialism, democracy, or any other form of government, they cannot succeed. For man's law cannot bring to pass what humanity has sought for six thousand years, a great new world. God alone has the power to create His Kingdom here. It will be God who will intervene through Jesus Christ, and Christ will come to rule as King and High Priest.

There was no effort at conversion; there never is in any nation he visits. The missionaries who fanned out across China in the nineteenth century warned people to change their ways of life and accept God or face fateful consequences. Mr. Armstrong uttered not one word that even hinted at proselytizing. He simply told them what lay ahead.

And they listened.

A Chinese employee of the Liberian embassy in Peking told one member of our party: "I have never heard such a message as I heard last night in the Great Hall of the People. There are two ways of life. The way of getting causes all the troubles in the world, and the way of giving is the solution. I wish I could hear more on this subject, and I hope to hear soon that we may have an office of the Ambassador Foundation here. I have never seen such a man as Mr. Armstrong.

We went to China, not as politicians, not as businessmen seeking any kind of quid pro quo, not as salesmen trying to drive a good bargain for our side, but as people of good will, giving and not getting, our hands extended not to take but in friendship. We left some of our treasure and promised we would give more. We also left something else in the soil of China — feelings of trust and admiration for us and what we seek. From these seeds great oaks can grow.

Chapter 11: Ambassadors for Culture

For Service To Man and His World

When it became apparent that God had given Herbert Armstrong grace and favor in the eyes of government leaders, our response was to demonstrate in tangible form the Church's love, concern, and generosity towards the peoples who welcome us into their midst.

In his travels, Mr. Armstrong had become sharply aware of the gigantic problems erupting on the world scene, problems eroding the very foundations on which civilization, as we know it rests. Everywhere he found life's ugly visage: crime that imperils man's safety, inflation that threatens his economic welfare, lowered moral standards that undermine the stability of his family and his government. Worst of all, he found hatreds — deep, abiding hatreds that cause nations to leap at each others' throats and murder each others' people by starvation, torture, and the horrors of war, made more terrible by the misuse of scientific achievement.

Man need not hate, need not rebel, need not hurt himself and his fellows. Man, Mr. Armstrong knew through his visionary insight, had a mind infused with a spirit that was God-given, God-implanted. And that this mind with its divine spirit had a potential — an "incredible human potential," he calls it — to lift himself above baseness, cruelty, and all the other ills that beset the human race.

Out of this religious — philosophical understanding was born the Ambassador International Cultural Foundation, whose guiding principle is wonderfully simple yet far reaching. The Foundation's goal is to initiate and carry forward cultural, educational, and humanitarian projects that can be of specific service to the peoples of this sadly imperfect world. By lending its support mincing no words, I am talking of specific financial aid — to all kinds of humanitarian and cultural causes; the Foundation believes it can create in men and women an awareness of their individual and collective potential for good.

This Foundation is now operating in many parts of the world and expanding continually as the Church itself continues to grow. Its multifaceted projects serve everyone, without respect to race, national origin, or religion, thus slicing through the complexities that divide a world where hatreds,, prejudice, and personal ambitions rule.

This great effort was born out of what appeared at the time to be a failed enterprise. The story of its origin is worth telling.

More than two centuries ago, the poet William Cowper wrote: "God moves in a mysterious way/His wonders to perform." We of the Worldwide Church know this great truth from the experiences of our lives. The things that seem to be coincidences are part of a Grand Design for Good. Evil events are not isolated in the great void of time, committed for random reasons and forgotten, but portents sent to us of still greater evils. Conversely, what appear to be defeats are opportunities, if we would but grasp them, for dazzling successes.

In 1966, Herbert Armstrong began negotiations with a personal representative of King Hussein I to develop Radio Jerusalem into a powerful electronic voice from which we could broadcast our message. The station, on the Jordanian side of the Holy City, had a weak transmitter that could barely beam its sound much beyond its immediate area. But it was situated in the City of God, the city that, in the world of tomorrow, would be the center of God's government. The message of the Gospel, coming from there in English, French, and several other languages would have enormous impact — psychological as well as spiritual.

With the infusion of capital and the help of a major engineering firm, we envisioned a station that would rival our Radio Luxembourg message in power and influence. It was this station the strongest in Europe, that had helped build the Work originally in London because its English-language broadcasts could be clearly heard there. An equally powerful station in the Middle East would be a considerable asset. We signed a ten-year contract with the company that had built Radio Luxembourg, Radio Cairo, and Radio Ceylon, to reconstruct Radio Jerusalem. Hussein was delighted with the pact: he could take it to a bank, discount it, get the cash, and build the great station that we as well as Jordan wanted and needed.

By the late spring of 1967, work had started and the wattage had already been stepped up, although as yet only a prelude to what eventually was to come. Delighted at the rapid progress, Mr. Armstrong suggested we go to the Holy City and make our first broadcast. He knew it was premature; not too many persons would hear his voice. But those who did would be told that Christ's Apostle was speaking from the ancient city where Jesus celebrated the Feast of Passover at the Last Supper and where He was crucified. It would be an electrifying event.

But tensions were rising in the Middle East. By May Israel, deeply concerned over the increasing frequency of raids along the Syrian frontier, had begun to mobilize its forces there; Gamal Abdel Nasser, president of the United Arab Republic, was rattling his sword, placing his armies on alert while accusing Israel of being poised for attack. Conditions worsened daily; on May 18, Nasser banished the United Nations Emergency Force of 3,400 men from the Gaza Strip and the Sinai Peninsula, claiming that full-scale war was now imminent. A few days later, Nasser's troops occupied Sharm el Sheikh, closing the Gulf of Aqaba to Israeli vessels and thereby cutting its sea lifeline.

Still we decided to go. But before we could, enter Jerusalem, the Six-Day War had erupted. Israel launched its attack on June 5 and in less than a week had seized the Jordan's West Bank, the Sinai Peninsula, and the Golan Heights and opened the Gulf of Aqaba to its shipping. Israel also took control of the entire city of Jerusalem, and thus the Hashemite Kingdom of Jordan lost control of its only radio station.

Our efforts to obtain a Jerusalem radio voice came to a standstill, but God was moving in His mysterious way. While we regretted we could no longer work with King Hussein and Jordan on Radio Jerusalem, the loss of our project opened for us a great new way to serve mankind and at the same time demonstrate to the world our true Christian character.

Creation of the AICF was still five years off, but the start was made soon after the end of the Six-Day War. It all began with a series of "coincidences" — but were they really?

Dr. Herman Hoeh, a faculty member of Ambassador College and an amateur archaeologist, was digging in the Jerusalem area in the summer of 1967 with a group of seminarians from Hebrew Union College in Cincinnati. While there he heard of a massive excavation being planned not far from the sacred 160-foot-long Wailing Wall which, with the surrounding holy area, had now fallen into Israeli hands. By digging near the south wall of the Temple Mount, leading Israeli archaeologists hoped to discover other remains of this great shrine of the Jewish people and, perhaps, the ancient city of King David.*

By "coincidence" Dr. Hoeh met Dr. Benjamin Mazar, who was formerly president of Hebrew University in Jerusalem, and several of his colleagues. Dr. Mazar, an archaeologist, almost single-handedly had built the university from small beginnings into a major institution.

Dr. Mazar, in charge of the dig, confided his worries to Dr. Hoeh: It would be the largest undertaking in the history of archaeology but costs would be extraordinarily high. Even though about half the expense would be met by the Israeli government through Hebrew University, Dr. Mazar foresaw difficulty raising the rest.

** David, ruler of Judah and Israel, captured Jerusalem and after building a wall around the ancient stronghold, called it the "City of David." He built himself a great cedarwood palace from which he reigned. (The story is recounted in 2 Samuel.) The dig is hoping to uncover the site.*

Upon his return to California, Dr. Hoeh casually mentioned to Mr. Armstrong and me that perhaps we might like to visit Israel as a stopover en route to Japan, where we had scheduled a series of meetings. He talked briefly about the dig, kindling our interest. Mr. Armstrong was intrigued. Although it meant a good deal of re-jiggering of timetables and a far more circuitous journey than we had planned, he decided to go. Dr. Hoeh came with us.

In Israel, we met Dr. Mazar, who took us to the site of the proposed excavations and explained their purpose.

It was love at first sight. We listened enraptured, envisioning the secrets of the past that could be unlocked near the Temple Mount by the tools of the biblical archaeologists. These archaeologists, discoverers of ancient lands and bygone civilizations, have recovered relics of many towns, cities, and homes buried by the sands of time. We knew, as we stood near the Wall that biblical archaeology, which curiously enough is barely more than a century old, had already unearthed an amazing amount of knowledge about the years when religion itself was born, thereby helping, us to a clearer understanding not only of the people but the Bible itself. If we could actually see the relics of life as it was lived in those years, if we knew more about ancient people's homes, clothing, businesses, professions, educational institutions, their artistic achievements, their manner of worship, if we could understand these and other facets of those ancient days, would we not accept all the more readily and completely the reality, the truths,

the infallibility of the Bible?

On that visit, we discussed the project at luncheon in a private dining room in the Knesset with Dr. Mazar; Dr. Josef Aviram of the university; Gen. Yigal Yadin, who had organized the Israeli army in the 1948 war and had been chief of staff until 1967; Minister of Tourism Moshe Kol and Dr. Hoeh. Mr. Armstrong told the gathering he was most favorably impressed but deferred a final answer until December 1, 1968.

The decision was a firm yes. And so, at an historic meeting in the official residence of Israeli President Zalman Shazar and the other officials, the Church formally entered into joint participation with Hebrew University and the Israeli Archaeological Society as co-sponsor of the great excavation. From that time, each summer, Ambassador College has sent dozens of students to Jerusalem to work on the project. That dig was completed in 1978. Many treasures have been uncovered of our historical and religious past, but some time will pass before the cataloging and publication of all of the finds. Today, we have already begun our sponsorship of a new dig, designed to uncover the city of David.

With the dig acting as trigger, we moved rapidly to direct, active support in other areas. Having remained friendly with the Hashemite kingdom, we shifted our backing from Radio Jerusalem to a number of cultural activities within Jordan, particularly with the university. For our help, both Mr. Armstrong and I were decorated by King Hussein. Soon we had joined forces with the International Cultural Center for Youth, a fine organization founded by Eleanor Roosevelt and Moshe Kol of Israel, which brings Arab and Israeli children together in the West Bank area, helping them to understand one another and to grow up in peace and friendship.

Our new phase seemed to take on a vibrant life of its own. One project led to another, and yet another and another. We became involved with the King Leopold III Foundation, which conducts anthropological expeditions around the world. Working with the universities of Brussels and Antwerp, we joined in sending teams of experts to remote places where they collect data and contribute to our knowledge of the varieties of mankind, the beginnings of the human race, and its slow march toward civilization. We discovered that schools were virtually nonexistent in the mountainous areas of Thailand; we backed a project that equipped mobile classrooms, which would go directly to the villages.

Toward Excellence

By 1974, the sheer number and complexity of these activities made it necessary to form a separate entity, apart from Ambassador College, which would operate them. I suggested to Mr. Armstrong that we create one vast frame into which they could all be placed, and he agreed enthusiastically. And so, in 1975, the Ambassador International Cultural Foundation came into being.

From that time on, all enterprises, the old and the new, were carried out in the name of AICF. The use of the name "Ambassador" was retained because it symbolized the method by which

the Church seeks to fulfill its Work and its primary mission worldwide. As the foundation flourished, we never lost sight of the original two-pronged concept, which underlay all its goals and activities:

That man is a unique being, possessing vast mental, physical and spiritual potentials — the development of which should be aided and encouraged;

That it is the responsibility of all men to attend to and care for the needs of their fellowmen. This is a precept professed by the vast majority of religions of the world — appropriately summed up in three biblical words: "Love thy neighbor."

Herbert Armstrong, busy with Church affairs, turned over the administration of the new foundation to me. Year after year, we continued to step up our sponsorship of projects, which were as varied as the needs of people on every level of society. We aided benefit funds for handicapped children in England and Monaco and a clinic for underprivileged children in Cairo. At the same time, we sponsored oceanographic research in conjunction with the University of Brussels and political research with an institute in Tokyo. We became involved in an education program for mountain people in Nepal, with the Society for Near Eastern Studies in Tokyo, with the University of the Ryukyus' exchange program in Japan, with the World Wildlife Association in Switzerland.

While California's attorney general may not be aware of these humanitarian activities, heads of state and government leaders throughout the world know. They have received widespread recognition in the form of commendations and awards to the Church from Belgium, Sri Lanka, Egypt, India, Israel, Japan, Jordan, Kenya, Kuwait, Lebanon, Monaco, the Netherlands, the Philippines, Thailand, Hong Kong, Iran, Costa Rica, Tanzania, south Africa, Spain, the Bahamas, and Jamaica.

Of all the projects, special words must be reserved for the cultural center that has been created in the heart of the Church itself at Ambassador College. When I look at the glass and emerald-green granite building that houses it, my mind flips back to that afternoon in 1957 when Herbert Armstrong swept his arm in an arc around the infant college and predicted that some day, the most beautiful campus in the country would be built there, and in its midst would stand a great auditorium.

In less than two decades, the vision became hard reality. The Ambassador Auditorium was completed in 1974 and has been acclaimed by architects, performing artists, and critics as one of the finest concert halls in the world. The seven-story building, with its high fluted columns rising out of an artificial pool and bridged walkways to the great bronze doors, serves several functions. It is used by the college for academic forums, assemblies, and classes. It is the college chapel where worship services are held. And it has become a magnificent performing arts center, a showcase for the world's leading artists, which calls full attention to the Church while

strengthening cultural bonds with others.

The auditorium is a rare jewel, "a miniature palace of rare woods and marble," the Hollywood Reporter has called it. In its short life, it has won the allegiance of the greatest stars in the concert world, a world that presents a polite, dignified face to the public but is actually as ruthlessly competitive as any other phase of show business, or of any business.

The main theatre, seating 1,250 persons, is equipped with computerized lighting and the finest in acoustical projection and balance. The lower level contains a lounge, two studio-classrooms, a workshop, and dressing rooms for the actors and artists. Designed by the architects as an international cultural center in consonance with the theme of the AICF, materials and furnishings came from nations around the world. *

When the building was completed, an audience of dignitaries attended the dedication ceremony and the opening event. Facing them as they walked through the great bronze doors was a large interior wall of rose onyx on which were carved the words: "Ambassador Auditorium. Made possible by gifts from the Worldwide Church of God. Dedicated to the honor and glory of THE GREAT GOD."

God was its inspiration and its purpose, said Mr. Armstrong that evening. The hall was a vehicle, he told the guests, to bring to our home city of Pasadena and the entire greater Los Angeles community a continuing stream of the finest talent the world could produce.

It was a bold pledge, but it was kept. For seldom in the history of the performing arts have so many great artists appeared under one roof, season after season. In a remarkably few years, the Ambassador Auditorium has become the finest artistic and cultural center in the West, if not the entire nation.

** The black granite outlining the veranda, walkways, and bridges came from Angola; the green granite exterior walls from Brazil; the vertical feature strips in the interior walls are Burmese teakwood; the two 600-pound Baccarat candelabra in the grand lobby are French; the 30-foot-tall fountain, consisting of five one-ton egrets, was designed by the English sculptor David Wynn; the single-piece wool carpeting in the grand lobby and lower lounge was especially woven in Hong Kong; the soffits, supported by twenty-six quartz columns encircling the auditorium consist of white Italian mosaic tile; the veranda, walkways, and bridges are Norwegian Sandefjord gray granite; the royal purple-and-gold wool carpeting in the main seating area comes from Philadelphia; and the three-ton chandelier in the grand lobby, with its 1,380 crystals, is from West Germany.*

Chapter 12: A Mountain Is Moved

The Jewel Displayed

Prior to its opening, not many in the concert circuit had sanguine expectations for the Ambassador Auditorium's future. It was, in fact, assailed as "Armstrong's Folly," an enterprise headed for disaster. Indeed, the entire project could easily have fulfilled that dire prophecy were it not for the help it received from a source in which Armstrong was placing all his faith for its success.

He knew, as the critics did not, that he had support from someone who could not be resisted.

Early in 1973, while the auditorium was still barely rising out of the ground, Armstrong had said to me: "We're going to have a gem here, a perfect concert hall, so we should have a superlative maestro and an orchestra to inaugurate it. Who shall we get?"

Never having been involved before in a concert series on such a grand scale, I confessed I wasn't exactly certain. While we both loved music and played passably well, neither of us was exactly a musicologist. Nevertheless, we knew enough to realize that great orchestras were booked years in advance and that the two years or less we had was precious short notice. We had to move fast.

So, despite our rather limited acquaintance with the leaders in the concert field, we almost literally barged in on the world's foremost conductor of the world's greatest orchestra, the legendary Herbert von Karajan.

Von Karajan was the Austrian maestro who had been conductor of the Berlin Philharmonic since 1955, after heading the La Scala Opera orchestra in Milan for seven years. A few questions convinced us that he was the man for us, the most renowned musician to inaugurate what we hoped would be the most equally renowned concert hall in the world.

Through mutual friends we made an appointment with him and flew to Karlsruhe, Germany, where he was appearing. A striking-looking man with a leonine countenance, von Karajan warmed toward us at once in our initial talk. We made a date for lunch the following day, our hopes high.

When we met, we stated our case; the interview stands out in my mind as a minor classic.

We told him we wanted to book his orchestra into our new cultural center. Von Karajan cocked his head and pursed his thin lips as he listened.

"Of course," I went on, "the auditorium is not yet completed, but The maestro stared at us, a puzzled look on his lean face.

"Not finished?" he asked.

I fidgeted in my chair. "Well, no," I answered, "not yet, but it will be in a year and a half." Von Karajan, more amazed, repeated: "A year and a half?" I glanced somewhat uneasily at Mr. Armstrong, who was beaming at von Karajan. Totally undisturbed, Mr. Armstrong smiled his benevolent smile and said to him: "You tell us when you can come. The auditorium will be

finished."

Thinking back, I can see how wildly ludicrous it all must have seemed. Here we were in Germany, talking about bringing over a great conductor and a great orchestra to play in an auditorium that wasn't there, and blandly asking him to set a date. Yet so total was Mr. Armstrong's confidence, so potent his persuasiveness, and so appealing the picture we painted of the great cultural center, that von Karajan became convinced. He studied his calendar, trying to shift dates. But when he was available, the orchestra was not, and when the orchestra had time, he did not. Regretfully, he informed us that it would be impossible for him to come.

"Maestro," I asked, "in your opinion, who is second to you in the world as a maestro?"

"There is no question," he replied at once. "Second to me is Giulini."

"Oh," I said, glancing at Mr. Armstrong. "Is that right?" I had never heard of Giulini and neither, I was certain, had Mr. Armstrong.

"Absolutely," Von Karajan was saying. "He is a great artist."

Tentatively, I asked: "And where is he?" Von Karajan told us: "He has just taken up the baton of the Vienna Symphony orchestra. Makes no difference. You get Giulini. He is the greatest maestro in the world, except for me."

We made several telephone calls; learned Giulini was in Paris and flew there. By that time, we had filled in the gaps in our knowledge, learning that Carlo Maria Giulini, then fifty-nine years old, had made his debut as a conductor in 1944 and had won considerable renown in the musical world, especially in Italy and England. In Paris, we called his representative, explained our mission and he agreed to meet with us at the St. Regis, a small but exclusive residential hotel not far from where we were staying.

Almost from the moment we met in the hotel's salon, we knew our search had ended. He was a beautiful man physically, with sweet, sensitive features. And we learned very quickly that he was beautiful within as well. He was a deeply religious man who saw in Herbert Armstrong all that the things of the spirit represent to him; and Mr. Armstrong saw in Giulini all that he wanted to see in the person who would grace the auditorium, which would be a house of God.

Still, the opening minutes of our conversation were a virtual replay of the von Karajan interview. When we explained what we wanted, Giulini too thought we were a couple of crazy people! Who would book an orchestra to play in a nonexistent hall? When he voiced his misgivings, Armstrong assured him:

"Believe me, the building will be finished."

"What about the acoustics," Giulini insisted. Understandably, he was concerned about being the first conductor to play in an untested hall that just might turn out to be an acoustical disaster.

"They will be perfect," said Mr. Armstrong, smiling benevolently at the maestro.

"But how do you know?"

"I don't know. But they will be perfect."

Giulini asked no more questions. He agreed to come.

The evening of April 7, 1974, was one of the most brilliant in the memories of concert-goers in the West, if not the entire nation. The auditorium was ready, and it was perfect, though only three days before it stood in a wasteland of dirt and stones. By opening night, after tireless work by gardeners, the landscaping had been completed.

Maestro Giulini could scarcely believe it; he called it a miracle, and in a very real sense it was. Because Mr. Armstrong's faith was perfect, the building was completed and it was right. Everything came together with faultless precision, as he had known all along.

In Matthew 17:20 we find this great passage: "If ye have faith as a grain of mustard seed, ye shall say unto this mountain, Remove hence to yonder place; and it shall remove

"Armstrong's Folly" became the wonder of the concert world because God had so willed it; Mr. Armstrong had an abiding belief that the mountain would be moved. I

There is always resistance when one seeks to undertake a new, grander but untried effort. Resistance came from the Los Angeles Philharmonic Association,* which, understandably enough, was not anxious for a competitor so close by. The association has a concert series and a civic light opera season, among other offerings. In an effort to make the auditorium a reconciler and not a divider, I had gone to the association with an unusual offer. If its officials would, at no cost to them, help us with our series, we would contribute \$250,000 a year to their organization. The new series, I proposed, would be co-sponsored, with the billing: "The Los Angeles Philharmonic Association and Ambassador College present..." Even though we offered to pay for the artists and everything else connected with the series, the association not only refused our offer but tried to convince us to abandon our idea. Argued one executive: "There is too much music, too much culture already in the community." Ernest Fleishmann, the association's executive director suggested patronizingly: "If you must go into the music business, why don't you stick to youth orchestras?" I bridled. As the interview continued, more unkind things were said about our proposed series. Originally, when I went into the meeting, I had planned on a maximum of twenty performances. But at each putdown, I mentally raised the number of events by five.

** Resistance came from yet another area. When the 1975 series was announced, a rabbi, noted for his radical stance on issues, charged that the Church and the foundation were launching a grave assault on Judaism! In radio broadcasts and newspaper interviews, he urged a Jewish boycott of the series. His reasoning, as I gather it, was as follows: Jewish parents attending the concerts with their children would see a lovely campus, have their cars parked by polite, well-groomed Ambassador College students, sit in a splendid hall and view all around them other well-spoken, well-dressed students. On the way home, the parents would turn to each other and ask: "Why can't our kids be more like that? Maybe we ought to send them to Ambassador*

College." Then, of course, they would be converted. The situation may sound funny but it was serious.

When I left, I counted the insults, multiplied — and wound up with sixty-five events.

But where would I get them? As a tyro in the field, I plunged in where more experienced persons would not tread. Instead of asking managers, who would have refused out of hand by citing clogged schedules, I telephoned many of the artists themselves and explained what we were trying to do. I got some instant acceptances. The stars instructed their managers to conclude arrangements. I plunged on, not knowing it couldn't be done but knowing it had to be done to fulfill the commitment Mr. Armstrong had made from the stage.

Within eight weeks, I had contractual agreements with sixty-five of the world's greatest artists. Multicolored brochures were enough at the time to convince me to call Israel for help to counteract any adverse influence. A former Israeli consul general came to Los Angeles and spent some time in the Jewish community refuting everything the rabbi was saying. Being made ready for the printers and machinery started for the sale of subscriptions and individual tickets. That first series presented Luciano Pavarotti, Joan Sutherland, Yehudi Menuhin, Valery and Galina Panov, Marilyn Horne, Shirley Verrett, and the Berlin Philharmonic Octet. Among the many others was Vladimir Horowitz, who came to the West Coast for the first time in a quarter of a century to highlight our first season. Concert-hall managers in California had besieged the great Horowitz to appear, offering him great sums and virtually anything he wished, but he had refused them all.

Some months earlier, the other legendary virtuoso, Arthur Rubinstein had played from our stage. And thereby hangs a story.

Neither Mr. Armstrong nor I had ever met the great pianist before. Eager to bring him to our hall, we had made him an offer: His concert would be free to the public, and in return the foundation would contribute \$100,000 to the State of Israel. On a cold night, just after Christmas of 1974, Mr. Rubinstein, Mr. Armstrong, and I met for dinner at the Regency Hotel in New York.

The evening began unpromisingly. The pianist was then eighty-seven years old and our Pastor General eighty-two. Both men, though sweet and benevolent, are also dynamic personalities with a great deal to say. Thus each has a tendency to dominate a conversation. Both, too, are excellent raconteurs, eager to spin their tales. Finally, each is somewhat hard of hearing. Given these characteristics, a situation existed in which neither man listened too hard while the other was talking, and hence neither was especially responsive to the other.

A coolness settled over the table. Interrupting a short silence, Mr. Armstrong told Mr. Rubinstein that if he came he would be given the opportunity to play not only in the most beautiful auditorium in the world but on one of America's two finest pianos, both of which the college owned.

That Rubinstein heard.

Looking up, he asked Mr. Armstrong sternly: "Sir, are you a professional?" Mr. Armstrong, beaming said: "No, I'm not, but you are and you will agree after you have had a chance to play them." He explained they were Steinways, carefully selected by him and purchased in Hamburg.

Now Rubinstein became distinctly annoyed. "Sir," he said, "I don't like that kind of talk from nonprofessionals." Mr. Armstrong said he understood, but once again repeated his assertion.

With the pianist continuing to bristle, I felt it wise to change the subject. "Would you like some champagne?" I asked them. Mr. Rubinstein brusquely declined but Mr. Armstrong accepted. When the waiter began pouring Dom Perignon, Rubinstein noticed the bottle and said, "I'll have some, thank you." To me he said: "That is all I drink; I was afraid you might order something else." That broke the ice somewhat and for the rest of the evening the conversation became less strained.

Mr. Rubinstein agreed to perform. A couple of days before his concert, I met him in front of the auditorium and escorted him inside. While he was enormously impressed with the grounds, the building and the foyer, the moment he stepped through the doors into the theatre — catastrophe! "This is terrible!" he exclaimed. Startled, I asked what he meant. "The carpeting, the upholstery. It's too plush. The sound will be absorbed. It will never do! Oh, I should never have come.... How could you have good music with this!"

"Maestro," I reassured him, "I know what you think, but please believe me. The acoustics are absolutely perfect. Please don't worry about it." I followed him down the aisle toward the stage, trying to calm him but his agitation grew as he progressed. I could see he didn't believe a word.

"Let me see the pianos," he grumbled and stormed up to the stage.

He ran his Fingers over the keys and the miracle happened.

He played chords on one piano, and then literally ran to the other. For many minutes he scurried between them, playing on each, his face mirroring wonderment and pleasure. He was like a child in a candy store, going from one delight to the other and unable to make up his mind which to choose. Finally he said to me: "It's never happened in my whole life. Never have I heard two finer pianos!"

Finally he selected one and insisted on using it at a benefit performance he was giving with the Los Angeles Philharmonic the following Tuesday, much to the chagrin of the association, as Ambassador would have to receive credit for use of the instrument. But Rubinstein was adamant: if he could not have the piano, he would not play. The association, of course, agreed and the piano was shipped.

Rubinstein's concert at Ambassador the day afterward was a brilliant musical evening that will be remembered for years to come.

Afterward, Rubinstein wanted to purchase one of the pianos. Mr. Armstrong held out his arms to the maestro and told him: "The piano is not for sale. But we will place a plaque upon it,

honoring it with your illustrious name. And any time you wish to use it, whatever the place, we will ship it to you."

That piano stands in our concert hall, bearing the name of one of the great artists in the history of music. And it goes whenever and wherever Arthur Rubinstein calls for it.

As Mr. Armstrong had intended, the artists who have appeared at the concert hall have reflected the highest expression of the human spirit. Listing them is — a roll-call of greatness: We have had Mstislav Rostropovich, the legendary Russian cellist; opera stars Beverly Sills, Robert Merrill, Regine Crespin, and Pavarotti, who has returned again and again; the Norman Luboff Choir; classical guitarist Andre Segovia; violinist Vladimir Ashkenazy; stars of the American Ballet, the New York City Ballet, the Dance Theatre of Harlem, Royal Ballet of Flanders, Los Angeles Ballet, and the Royal Winnipeg Ballet; pianists Jose Iturbi, Andre Watts and Lazar Berman; mime Marcel Marceau.

We have had the Tokyo Symphony, Chamber Music Society of Lincoln Center, the Philadelphia Orchestra with Eugene Ormandy, the Guarneri String Quartet, the Utah Symphony, a pop" series featuring Count Basie and his orchestra, former D'Oyly Carte performers in an evening of Gilbert and Sullivan, the musical spoof artist P. D. Q. Bach, and the New England Conservatory Ragtime Ensemble. We have had lectures by Abba Eban, Israel's former foreign minister; former C.I.A. Director William Colby, baseball great Hank Aaron, astronaut Scott Carpenter.

The late Bing Crosby, as well as Gene Kelly, Bob Hope, and Pearl Bailey have appeared in television specials produced from our stage. The National Theatre of the Deaf has given full-scale opera presentations. The incomparable Los Angeles Chamber orchestra has become our resident musical ensemble.

The Printed Word

The glorious triumphs of our concert series enabled us to explore still another avenue to bring to public attention Herbert Armstrong's vision of the human potential. I knew there were many persons throughout the world who did not hear our radio and television programs, read our literature, or attend the Ambassador Auditorium performances, and I felt compelled to offer them the same cultural and intellectual experiences.

Armstrong agreed. As a former magazine man, he would be turning once more to the printed word. By the end of the 1970s he had established two new important ventures: Quest magazine, and Everest House, a general interest book publishing company.

Quest, initially called Human Potential, was begun first in 1975 as an international journal of excellence that would be entertaining and instructive, and at the same time inspire by presentation of feats of creativity, imagination, daring, and accomplishment. It would never settle for second best but would search out people, both famous and obscure, whose achievements — advanced the human spirit. It would be the perfect complement to the concert series, another voice celebrating areas where mankind's spiritual resources find

expression in out-of-the-ordinary courage and commitment.

Robert Shnayerson, one of the most respected names in magazine publishing, was appointed editor. Shnayerson, formerly of Time, Life and Harper's, had become "tired of journalistic myopia" and preferred "to let other editors drag readers through cesspools of mediocrity."

Quest explores man's limits on the most remote frontiers of the human potential — from tiny molecules to vast galaxies. It is devoted to the finer achievements of man and offers a fresh look at the human condition. The magazine regularly features adventures in human conquest like epic rescues, solo voyages, business comebacks, and human stories behind great inventions. Embodying the very best literary characteristics in the modern world, Quest ranges all the way from panoramic articles on international themes to the individual case of the simple stonecutter. Readers who are constantly inundated with a daily diet of downbeat, cynical, and doomsday news from the normal channels in the media sorely need this source of positive inspiration.

Its first issue, published in 1977, described how eleven young men and women climbed to the top of Mount Everest in the Himalayas, the highest mountain peak in the world. Subsequently' it explored the unceasing Quest of a physician for a cancer cure, famed Henry Moore's secret of longevity, tennis star Virginia Wade's battle against self-defeatism, and the beautiful story of an eighty-three-year-old lady who resumed her career as a blues singer after a fifty-year hiatus and wowed them in New York City night clubs.

In late 1977, with Quest enjoying a superior reputation both among its peers and its worldwide audience, the AICF made plans to enter the book market with the founding of Everest House Publishers, a general trade house to be headed by another top-notch professional, Lewis W. Gillenson, as president and editor in chief.

Gillenson had formerly been the president of Thomas Y. Crowell Company for five years; vice-president and editorial director of Grosset & Dunlap, where he began its original adult book publishing program; and vice-president and editor of Esquire Books. He had also served as the top editor of Coronet, Cosmopolitan, and as senior editor-writer of Look magazine.

In November 1977, Everest House made its debut on the New York publishing scene, sharing spacious quarters with Quest. The top executives had been recruited from other leading publishers.

Everest House's first list of twenty-three titles, scheduled for publication that fall, included *The Terrors of Justice*, an account of the Watergate tragedy by Maurice H. Stans, former secretary of commerce and treasurer of the Committee to Re-elect the President; *Who Was Jack Ruby?*, an investigative report by Washington reporter Seth Kantor; and *Color in Plants and Flowers*, which won a New York Academy of Sciences award.

Subject matter has varied greatly since that initial list, with outstanding titles such as *The Solar Age Resource Book* and the language series by Charles Berlitz; books on sports, art, money management, and popular psychology, as well as several first novels among the offerings.

The 1980 list included *The American Encyclopedia of Soccer*, the definitive reference work on the American soccer scene; *Barbara Cartland: Crusader in Pink*, a biography of the prolific and immensely popular writer of romance fiction; *My Savage Muse*, a biography of Edgar Allan Poe, "as he might have written it," by Bernhardt J. Hurwood; *Danse Macabre*, the first nonfiction work of Stephen King, best-selling author of *Carrie*; and *Living Jewish*, by Michael Asheri, which in two years has earned its place as a classic backlist title — an inventive explanation of the meaning of traditional Judaism. *They Call Me Assassin* by Jack Tatum, a hard-hitting football player, was the smash sports book of the 1980 season.

Everest House continues to stress quality and originality in its fiction and nonfiction. Its only criterion, says Gillenson, is excellence.

Chapter 13: The Plain Truth About "Sixty Minutes"

Mike Comes Calling

On April 15, 1979, some 35 million viewers of the CBS-TV "Sixty Minutes" show were seduced into believing they would be given a firsthand peek into alleged corrupt goings-on in the world of religion. "God and Mammon" was the title of the show, and host Mike Wallace, in sonorous and doleful voice, promised a "tale of backbiting and power struggle, of fat expense accounts and disinheritance." Instead, the audience got a thoroughly distorted picture, slickly tailored to fit the preconceived line that Wallace, his producers, and staff had concocted.

What is not generally known is that the fifteen-minute segment, which also included interviews with Garner Ted Armstrong and Hillel Chodos, was culled from four and one-half hours of discussion during which, unhappily for Mike, his thesis was thoroughly demolished. Cut from the show as seen on TV were the real facts, freely offered, which would weaken or destroy the point he wanted to make. Of even greater import — the tape on which he based many of his questions was not only illegally obtained but also represented as one document two letters written on separate occasions.

In order to understand the "plain truth" about "Sixty Minutes," we should go back to our first involvement with its representatives. In October 1977, I received a telephone call from one Norman Gorin, who identified himself as an executive producer for the show. Gorin said that Garner Ted Armstrong's immorality had come to his attention and he planned to do an episode about it. When I queried him about how these matters had come to his "attention," his replies convinced me that his information came from people who were feeding him lies and gross distortions about the Church.

Consequently, I told Mr. Gorin that neither I nor any responsible member of the Church would give him an interview. Verbally, and later in writing, I informed him that most of his information was untrue, warned that use of it on his program would be construed as evidence of malice and, if it was aired, we would institute suit immediately.

The main thrust of that projected program would have been an "expose" of Garner Ted, who would be centerpiece of a story about alleged unsavory activities within the Church. It was clear that the proposed segment would in no way reflect the truth of what the Church was seeking to accomplish; moreover, I felt it essential to protect the Work by protecting Garner Ted from public exposure.

Gorin seemed to drop the matter until the California attorney general put the Church on the front pages of the newspapers again. A little more than a year later, I received another message from Gorin. I didn't reply because I felt his attitude and information were still the same.

In mid-January, Wallace himself telephoned. He was staying at the Beverly Hills Hotel, en route to Thailand, and wanted to discuss a possible show. I told him I still wasn't interested and that Mr. Armstrong would never be interviewed. Mr. Armstrong believed Time Magazine had

distorted his views in 1972 and intended never to grant another interview. Wallace pleaded that I, at least, see him for a short time. I finally agreed and met him that evening at La Scala, a restaurant in Los Angeles. I had already put in a full day in court, followed by hours of consultation with our lawyers.

At dinner, Wallace told me the focus of the program. The story, as he now saw it, had shifted from emphasis on Garner Ted to an exploration of the Constitutional issue of separation of Church and State. As a responsible member of the press, he expressed himself as deeply concerned about violations of the First Amendment. He led me to believe he felt we had a mutual interest in judicial and other Constitutional guarantees; he promised a balanced presentation.

On that basis, I agreed to the program. "Mr. Armstrong will never see you," I told him, "but I'll be very happy to go before your cameras in any setting. I have nothing to hide, never have. You can ask me any questions, and as long as it doesn't reflect upon anyone else, I'm going to give you straight answers."

That was the way I had been treating the press all along, often astonishing them with frank statements. For example, a few days earlier one of the reporters had asked me, "You live in a million dollar home, don't you?"

"No, not at all." I said. "It was a two-million-dollar home, actually, the finest dwelling in Beverly Hills. I take umbrage when you say just a fine home." I told the reporter that when Walter Annenberg returned after serving as U.S. ambassador to Great Britain, he wanted to buy my home. He offered me \$1.2 million and was surprised when I turned it down. I wasn't embarrassed by the question and answered it fully.

I told Wallace that he could film me in my office, in the auditorium, on campus, at a press conference, or wherever he chose. However, I stipulated that the program could not be televised until the entire interview had been completed and a written release obtained.

"I have nothing whatever to hide," I repeated, but said quite frankly: "I have to tell you I'm not convinced you are a completely responsible member of the press. I've talked to many media people and they feel as I do. You impress me as a journalist whose primary aim is to entertain rather than inform the public."

When the interview was over, I said I would know whether he was really serious about presenting a balanced picture. Allan Browne had joined us for dinner and I insisted he be present during the filming.

Wallace agreed to the rules. I soon discovered he had never wanted Herbert Armstrong and actually was training his guns on me, but wasn't about to present it that way. I agreed because I realized he would be doing the story with or without me anyway, and it was to our advantage to get into his hands the information that would tell our side of the story. Mr. Armstrong, of course, was totally convinced that Wallace lacked integrity and was far worse than most legitimate journalists working in print or even television.

On February 7, 1979, my office was transformed into a television studio and the interview with Wallace began. It was about six weeks after the start of our problems with the attorney general and proved just about the only bright moment of those dismal days. For the first three and a half hours, the redoubtable Mike floundered from one disastrous point to another.

Each time he asked a question he thought might prove embarrassing to me, he got an answer, but not one he apparently expected. He made the mistake of trying to trip me up on my own documents, an absurdity considering that I had been living with them night and day and he had barely done his homework on any of them. I discovered as the interview progressed that Mike Wallace's vaunted reputation as a sharp interviewer who can pinion a subject with a quick feint and a thrust to the heart was vastly overrated. He is neither bright nor fast enough in his thinking to match wits with persons trained to pick up nuances and spot in a moment of time every flaw in a presentation. We may say, charitably, that that sort of thing is not his field of expertise; he is an entertainer, not a brilliant legal cross-examiner.

In the introduction to his television show, Wallace promised the story of a Church "whose one hundred thousand members each year contribute eighty million dollars.

"And that is more money than is collected by Billy Graham and Oral Roberts combined," he said. "It is the story of Herbert W. Armstrong, founder of the Worldwide Church of God; of his son, Garner Ted, once thought of as heir apparent, who has now been cast out of the Church by his father, and of an unlikely Church figure, an accountant, lawyer, and businessman, chief adviser to Herbert W. Armstrong, Stanley Rader. Finally, it is the story of how the state of California is now trying to hold the Worldwide Church of God accountable for all the tax-exempt money that pours into its Pasadena headquarters. The California attorney general wants the Church to open its books so they can find out if Herbert Armstrong and Stanley Rader have been siphoning off Church money for their personal use."

The show proceeded. But 35 million persons in the television audience saw and heard a sharply edited, doctored-up version of the interview that had taken place. A number of my statements, central to the understanding of vital points, were eliminated completely. (One recalls with a shudder the eighteen-and-one-half-minute gap in the Watergate tapes!) The facts about the actions of the attorney general, his reasons for the takeover and the aims of the receiver and his aides were explained. None of this was aired. Other explanations were shortened or spliced into footage out of context to create a picture of the Church that was contorted out of all resemblance to reality.

Bits and pieces from the lengthy interview, covering Church holdings, expense accounts, and charges by dissidents were excised and reassembled cleverly to advance the "Sixty Minutes" portrayal of Church leaders as greedy and corrupt and the Church itself split by dissension.

To illustrate how this was done and to reveal — perhaps for the first time — the technique employed by this popular program in presenting material, I have gone back to the original interview to show the reader what actually was said in key passages. What follows

demonstrates all too plainly that the version seen and heard by 35 million persons that Sunday bore little resemblance to what had actually taken place in my office in February. *

What 35 Million People Were Not Allowed to Hear

WALLACE: Mr. Rader, why is the Worldwide Church of God apparently in such turmoil right now?

RADER: Well, I don't really feel that the Church itself is in turmoil. I think that the state of California has brought an unjustified legal action against the Church that has caused us some difficulty.

** I had taken the precaution of having the interview taped by our own personnel. The text has been edited solely for clarity and elimination of repetitive speech patterns.*

WALLACE: Why would the state of California be interested in causing trouble, if you will, for the Worldwide Church of God — you do good work?

RADER: Of course we do. And that's what makes their action so unconscionable. But, you must look at the composite picture at this time. You not only have the state of California acting through the deputy attorney general but you have a small group of dissenters who would like to change the government of the Church from a hierarchal system to something like a congregational system. Then you have some people such as the plaintiff's lawyer and others who would like to be receiver who are in it strictly to make money.

WALLACE: The receiver is in it to make money?

RADER: The whole receivership business is a money-making business. They are the vultures of the economic world.

WALLACE: Wait a second. About whom are you speaking specifically?

RADER: I'm talking about the receiver.

WALLACE: Judge Steven Weisman, who just resigned...

RADER: Judge Steven Weisman, who just resigned as receiver, was what we considered from a Church standpoint as an abomination. But besides that, he was an economic vulture. He came in here and the first thing he did is he took \$150,000 of our tithes and put it into his own pocketbook.

WALLACE: Well, that was at the rate of \$150 an hour, I believe.

RADER: That's right.

WALLACE: He was appointed by the court; he didn't just come in of his own free will and accord.

RADER: No, but he was hand picked.

WALLACE: By?

RADER: By plaintiffs counsel.

WALLACE: And when you say plaintiff's counsel, you mean the deputy attorney general, Mr. Tapper, and Hillel Chodos, who was deputized as an attorney general.

BROWNE: Right.

RADER: Well, Mr. Tapper would have had to approve Mr. Weisman as the receiver. Mr. Chodos, on the other hand, undoubtedly picked him deliberately out of all the other possible receivers.

WALLACE: Ah! Weisman, for the purpose of?

RADER: Perhaps helping Mr. Weisman. Mr. Weisman is a retired judge, had never had a receivership before, had been seeking work of this kind for some time in the community.

WALLACE: Are you suggesting that Tapper, Chodos, Weisman, are in cahoots, if you will, to milk the Worldwide Church of God for their own benefit?

RADER: I am more than suggesting, I'm stating it emphatically so no one can misunderstand it.

WALLACE: That this is a money-making operation for Chodos, Tapper, Weisman?

RADER: Not Tapper. Tapper is a deputy attorney general, he has his own problems that he's going to have to account for. Chodos is in it for the money as was the receiver. And the dissident group, I think we will find out, is a small group, a very small group of Church members.

WALLACE: Well, now some people who are not in the so-called dissidents group, who are also disenchanted, say, "Why don't we simply open up our books? We have nothing to hide."

RADER: I say that. And I certainly am not a dissident. I've opened up the books of this organization eight separate times to the Internal Revenue Service, eight separate times, and received a complete bill of health. And they start with the same basic question "Are you a Church and are you continuing to operate exclusively for the purposes for which you were established The last time the IRS was here, they stayed eighteen months looking over everything.

WALLACE: And you got a clean bill of health?

RADER: A clean bill of health.

WALLACE: So you are satisfied that there are no financial improprieties involved.

RADER: None. It's a red herring. A total red herring. And everyone who has been responsible for bringing those false allegations will rue the day that they did.

In his questioning, Wallace referred to charges that Herbert Armstrong was old, almost senile, hinting that was the reason he would not be interviewed.

WALLACE: One hears that today at the age of eighty-seven, almost eighty-seven, that he is not as completely in charge of his faculties as he was, say, ten or fifteen or twenty or twenty-five years ago?

RADER: Totally untrue. The man is in total command of all of his faculties. He writes today more prolifically and more powerfully than at any other stage of his life. He has produced more radio programs in the last seven months than his son had done in a two-year period immediately preceding it. He is making radio programs; he has written two complete books, one which will be published this month, one which hopefully will be published by May and three others which will be published in the fall. All of this at the age of eighty-six, going on eighty-seven. He's traveled to Israel, he has traveled to Florida, he has traveled to Texas; he speaks once or twice a week.

WALLACE: Will he sit down and talk to us?

RADER: No, Mike, as nice a guy as you are, Mr. Armstrong has a very definite feeling about any representative of the press. I don't think it would be good for me to repeat everything he says but he doesn't exactly like them.

WALLACE: I gather that he has an attitude somewhat akin to Richard Nixon's.

RADER: Much worse, much worse.

WALLACE: Why?

RADER: Because he has studied the press longer than Richard Nixon.

WALLACE: And distrusts the press.

RADER: He distrusts their motives, he also questions their ability and their sincerity.

WALLACE: Do you?

RADER: I... let's put it this way: My experience is beginning to be much as his has been for some fifty, sixty years. But, I'm still willing to give the press an opportunity to prove itself as really a fourth estate.

WALLACE: Well, then why, if you have this much confidence in Herbert Armstrong, and Herbert Armstrong despises and distrusts the press, why are you sitting down with me?

RADER: Because, as I said, I am a slow learner and Mr. Armstrong gives me a chance to make mistakes because he feels I like everyone else must build character. The only way I can build character is by making mistakes.

WALLACE: So, in effect, you will not let the American public have the opportunity for an interview.

RADER: He won't.

Wallace sought to "prove that the Church is tyrannical and a "cult" — that we throw people out without a hearing.

WALLACE: Herbert Armstrong, in effect, has the right to do with the Church what he wants.

RADER: You bet your life. You bet your life because he is responsible and accountable to God.

WALLACE: Therefore that makes it a cult.

RADER: Not at all. Mr. Armstrong is accountable to God as all of us individual members are.

WALLACE: But a cult is led by one man. There aren't by-laws, there aren't rules, there aren't boards, there aren't...

RADER: Mike, Mike, I'm surprised at you. You are a very informed man. You're a very cultured man. Would you say that of the pope? I don't think so.

WALLACE: But there are bishops and there are cardinals...

RADER: Ask them the last time they opposed the pope?

WALLACE: But they elected the pope. The pope did not elect himself.

RADER: Fine, fine, But who elected the first pope?

WALLACE: Who elected Herbert Armstrong?

RADER: Mr. Armstrong has served as Christ's apostle for forty-six years. By the constant approval of his members, day by day, week by week, year by year, he has proved that he is the

only person worthy of that office. And there is no person within this Church who would ever for a moment think otherwise.

WALLACE: He is self-appointed, and he makes the rules.

RADER: The foundation of all of our knowledge, secular as well as spiritual, is found in the Bible, which we consider to be the written, inspired Word of God. If it isn't there, we don't follow it. If it is there, we do it.

WALLACE: Why are some people afraid of you, Stanley Rader?

RADER: I don't know, Mike. My wife says I have a very beautiful smile and don't use it enough. Maybe I'm always asked to speak about very serious things. And maybe I appear to be a little bit harder than I am. But the brethren, I've found, Mike, like me very much.

WALLACE: In talking to the dissidents who brought the suit against the Church, I find they are people who have been members of the Church for a long time. They say that there is a huge power struggle going on in the Church between, on the one hand, Stanley Rader and the people who are his allies, and on the other hand, Garner Ted Armstrong and people who are his allies. They are simply people who feel that the Church has lost its way, and it spends too much money for things of no consequence, for things that are unworthy.

RADER: Well, you've got many questions there. First of all, the Church spends its money in accordance with God's will and purpose of propagating the Gospel of Jesus Christ as a witness unto all nations, according to Matthew 24:14. Whatever we do is done for that purpose.

There were many questions concerning expenses, with Wallace charging amounts spent were "incredible" and "money was being thrown around." I informed Wallace emphatically that all monies spent were to propagate the message of the Living Christ. Church members, I said, were kept fully advised about our expenditures and the amounts did not surprise or embarrass me.

WALLACE: Who is Professor Osamu Gotoh?

RADER: Gotoh, Gotoh, G-O-T-O-H.

WALLACE: Who is he?

RADER: Acronym for Go To Heaven. He's a very interesting man. At one time he taught Japanese here. He later became a baptized member of the Church and by 1968 had been hand-picked by Mr. Armstrong to ultimately head the entire Japanese effort that we would undertake sometimes in the future.

WALLACE: He is a professor where?

RADER: At Ambassador College.

WALLACE: He used to drive a cab, I am told, in Tokyo.

RADER: He might have in 1945 or '46 when he was about twenty-one, twenty-two years old, but I wouldn't hold that against him. I know some very fine people who served in cafeterias. I've had to watch the fraternity boys while they danced.

WALLACE: Let me run down some expenses for Professor Osamu Gotoh: July 1st '76, April 30, 1977 — travel and lodging expense, July, \$9,000; August, \$38,000; September, \$25,000; October, a mere \$4,000; \$12,000 in November; \$30,000 in December; \$23,000 in January; \$14,000 in February; \$13,000 March; \$12,000 April. Thousands of dollars. That's just travel and lodging. Public relations expenses totaled during that time, \$174,000. Monthly credit card expense, \$358,000 total during that time.

RADER: That must have been a slow period.

WALLACE: Tokyo AICF allocation, that's for the foundation, \$50,000. Grand total in the ten-month period, for Professor Osamu Gotoh — \$415,000, for what?

RADER: What year was that?

WALLACE: 1976 to '77. July to April.

RADER: Probably a slow year, Mike. I could probably show you years where he spent more than that. See, he was in charge of Mr. Armstrong's entire overseas evangelistic effort. He arranged everything.

WALLACE: In Japan?

RADER: No. Worldwide.

WALLACE: \$415,000 in ten months is an incredible sum.

RADER: Mike, Mike, you're making it sound incredible. You know better. This is the very type of thing you talked about before. What do you think it cost Billy Graham to go around the world on his evangelistic efforts? Why don't you ask Billy, "Billy, what does it cost you to go to Manila?" We went there first, you know. We had 25,000 people there every night for three nights. What do you think it cost to get 25,000 people into that stadium? It cost money for public relations, it cost money for advertising. It cost money to rent the place, it cost money for the entertainment, it cost money for the banquets, it cost money to get people there. You know that, you know that as well as I do.

WALLACE: Are you suggesting that he, Herbert Armstrong, held this kind of meeting, revival meeting, that Billy Graham...

RADER: Exactly. I mentioned Manila because we were the first.

WALLACE: The meeting was held in Manila, over how many nights?

RADER: Three nights.

WALLACE: At a cost of.

RADER: Oh, I don't know, I'm just saying that's the type of thing that Mr. Gotoh did for us. We had those campaigns around the world. That's what Mr. Gotoh did. Then he picked up the tabs for all of it.

WALLACE: He picked up the tabs for all of what?

RADER: For all of those expenses. Everything from ground transportation to hall rental. Airplane fares for himself and other people, gifts, you name it, he did it.

WALLACE: So you were well satisfied with the work that Professor Gotoh did?

RADER: I was well satisfied. Mr. Armstrong, more importantly, was well satisfied. Mr. Armstrong said repeatedly that he is, has been, a very valuable member of the team.

WALLACE: Who is Dr. Singh?

RADER: Dr. Nagendra Singh is a member of the International Court of Justice at The Hague. Prior to that time he was the secretary general to the president of India. He is a member of one of the leading families of India.

WALLACE: Dr. Singh is an important man to you people?

RADER: Dr. Singh is an important man to the world. He's a man who stands for peace and he embraces all of mankind. He is a very transcendent man.

WALLACE: Why would Gotoh pay for Dr. Singh, \$8,000 TWA, a trip from Amsterdam to Tokyo and back?

RADER: Dr. Singh appeared in Tokyo on behalf of Mr. Armstrong. He also appeared in Nairobi on behalf of Mr. Armstrong. He appeared several times in New York on behalf of Mr. Armstrong

WALLACE: This is simply Amsterdam, Tokyo, Amsterdam.

RADER: Yes.

WALLACE: \$8,000.

RADER: Amsterdam is where he was based, at The Hague. The airport for The Hague is Amsterdam. He went from Amsterdam to Tokyo to appear on Mr. Armstrong's behalf on the platform, introducing Mr. Armstrong, then he returned. He went with his wife back and forth. Two round. trip tickets, first class. He's a member of the International Court of Justice at The Hague.

WALLACE: Ambassador Mugo?

RADER: Ambassador Mugo at the time was ambassador from Kenya to Paris. He was helpful to us in working with, not only the black nations in black Africa, but also because he was ambassador from Nairobi to Paris. He also covered the Vatican and he covered Yugoslavia and Italy. And he was very instrumental in helping us to meet other emissaries from those black African nations.

WALLACE: Ambassador Mugo expense — Regency Hotel, September 1, 1975, \$5,393.

RADER: We pay for ...

WALLACE: Just a moment. Gotoh, TWA, again for Mugo, \$19,000 to TWA, August 20, 1975.

RADER: That's for Mugo and his family, a large family, with four children. They were invited by Mr. Armstrong to visit the United States, to visit Ambassador College and to make appearances with us in various places in the United States, helping us in our efforts to extend a helping hand to the black African nations.

WALLACE: December '75 — Gotoh's hotel bill in Switzerland on American Express — \$6,324.

RADER: I don't know what you mean. Should it be \$8,000, \$12,000 or \$2,000? It doesn't mean anything.

WALLACE: It's an expensive bill is all I'm suggesting.

RADER: Mr. Gotoh has very good taste and Mr. Gotoh was an ambassador to the rest of the world from the Church.

WALLACE: American Express — Gotoh — December 24, 1975. Hilgie's in Paris, \$2,237.

RADER: Mr. Gotoh was Japanese. If you know the Japanese customs of doing business, you would find that the Japanese like to bear gifts and this was one of the things we could never break Mr. Gotoh of doing. He didn't buy expensive gifts, he bought many small gifts. He liked to go into an office, whether it be an office of a minister of the government or president, with

something. Sometimes he would give a pen. Sometimes he'd give a scarf. This was his way of making himself a little bit more acceptable.

WALLACE: Diner's Club — Rader — February 25. One, two, three, four, five, six, seven, eight, nine, ten bills paid on behalf of Rader to the Hilton Hotel in Jerusalem that come to something over \$ 10, 000 on one day.

RADER: We had very, very large banquets there. All you'd have to do is call any one of your friends in Israel and they'll let you know that we entertained all the dignitaries of the state. We would take the leading members of the government, academia, industry, and the people and we'd bring them all together. Mr. Armstrong would speak and we'd have a chance to get out our announcement.

The following colloquy developed when Wallace questioned a \$12,000 expenditure by Armstrong for six crystal pillar griffins of Steuben crystal, earmarked "gifts."

RADER: Did you know, Mike, that Dwight Eisenhower was president of the United States for eight years and every time he visited a head of state, he gave a piece of Steuben? Did you know that?

WALLACE: Are you suggesting that Herbert Armstrong is a head of state?

RADER: Exactly.

WALLACE: And you're his secretary of state?

RADER: You've got it. By God, you've got it, Mike. That's the whole key. And it only took you an hour and a half to get there. That's the whole key. This is a state and we are representatives of God and I am Mr. Armstrong's secretary of state.

WALLACE: And who elected Herbert Armstrong?

RADER: Mr. Armstrong had the great commission devolve upon him forty-six years ago.

WALLACE: And he runs, in effect, a dictatorship?

RADER: Yes. But it is a benevolent dictatorship. And he has the respect, the admiration, and the love of the people.

WALLACE The people who tithe, and tithe again, and then third tithe, and special offerings...

RADER: They love him, Mike. They love him and there's no man or combination of men that will ever destroy that love, that respect, or that admiration. Never. It will never happen.

One of the lighter moments, in the interview came when Wallace, apparently too vain to wear his eyeglasses while on camera, had difficulty understanding one of our financial papers, confusing fiscal with calendar year. I began to chide him.

RADER: Mike, you're not reading it. Mike, come on. You've got to read the top. My goodness. You don't want to make me cross examine you on national television. This is for a twelve-month period or a fiscal year. So through December 31 we already had spent \$258,000.

WALLACE: If it's a fiscal year, conceivably, one should perhaps say so.

RADER: You can see it right there. Mike, put your glasses on. 1977 to 1978 Budget, July 1 through June 30th. This is as of December 31. We've already spent \$270,000 in half a year.

Wallace began to delve into salaries and expense accounts in an attempt to shock and embarrass me. He did not succeed. I even upped his figures a little! I also told him pointedly that all of these expenses were known to the members. Much of my explanation was never heard on the air.

WALLACE: How much does Herbert W. Armstrong make?

RADER: He doesn't make as much as I do. You should ask how much I make. I don't like to tell you things about Mr. Armstrong. Ask me what I make, and I make more than he does.

WALLACE: You make \$200,000 a year.

RADER: \$200,000 plus.

WALLACE: Plus?

RADER: My entire employee benefit package will bring me closer to \$300,000.

WALLACE: \$300,000!

RADER: Closer to three than to two.

WALLACE: And he.

RADER: Makes less.

WALLACE: \$200,000?

RADER: That's right.

WALLACE: Expenses?

RADER: Just those expenses which are part and parcel of his overseas mission.

WALLACE: On those expenses? Everything else comes out of the \$200,000?

RADER: He pays for his own. He pays his own way through the world.

WALLACE: He does. I have here a copy, February 7, 1978, subject — Herbert Armstrong, medical. From Edward Bodo to Henry Cornwall. Mr. Armstrong's medical expenses.

RADER: We're self-insured.

WALLACE: \$6,000

RADER: Mike, I have to explain that because you're just going to go down a bad trail and I'll have to ask you to put your glasses on. We don't have medical insurance. We're self-insured. So for the first time in forty-six years, Mr. Armstrong became ill and we paid his medical bills, just as we'll pay them for anybody else under our self-insurance program.

WALLACE: Here are checks given to Mrs. Armstrong, \$20,000.

RADER: They were probably for the expenses for what became a paramedical unit.

WALLACE: Medical reimbursement requested by Mr. Raderno receipts — \$ 3,112.

RADER: Remember, Mike, Mr. Armstrong became ill in August of 1977. He would not go to a hospital. He refused. He had round the — clock medical attention — three nurses around the clock while he was in his critical stage. After he recovered from that it was cut down. But we did have to turn his home into a paramedical facility.

WALLACE: So these are all medical expenses?

RADER: Medical expenses.

WALLACE: Aren't they extraordinary for Herbert Armstrong?

RADER: They are extraordinary in the sense that this is the first time Mr. Armstrong has ever called upon the institution to honor its self-insurance program.

WALLACE: Other expenses he takes care of?

RADER: Yes, unless they are expenses of carrying out institutional activities in which...

WALLACE: Pasadena Pet Hospital — \$25. Pet Corral Dog Food — \$12. Pet Corral White Rocks — \$.93. T.V. Guide — thirty-one cents. Book for Mr. Armstrong — \$ 2.39. Handcocks fabrics \$2.33. Ben Monte Market — \$33.41. Grand Champion Feed Store — \$26 and \$21. Levis — \$25.00.

Groceries, hardware, cigarette lighter connector plug — \$1. Molding, shelves, wood, jalousies, frames, pool cleaning, Lifetime Book, Just Pants, The Spot Shop — \$2,565.72. These are non medical expenses for the household of Herbert Armstrong during 1977.

RADER: What you don't understand is those items are then picked up on our books and records and charged to his accounts receivable and then he reimburses it. [Emphasis added.] We have a very fine system of accounting. The mere fact that you have all those items indicates that we have a fine system. If we didn't have that system, we'd have some kind of system that other institutions have where you wouldn't be able to treat that kind of deal. This information is accumulated. It is charged to his accounts receivable. At the end of the year he pays it.

Wallace returned to a discussion of my salary and benefits, claiming that I was a "rich man."

WALLACE: I would say with a \$200,000 a year salary, a \$100,000 a year expense account and a consultant fee of \$100,000 a year after retirement according to your contract which runs to the year 2003, you're a rich man.

RADER: That makes me well paid, doesn't necessarily make me rich. You can't count the money in my pocket, Mike.

WALLACE: I can't count the money in your pocket. I can count, however, the amount of profit you made on the sale of your house on Loma Vista.

Here, he questioned who made the mortgage payments on Loma Vista, sold at a profit to me of \$1.2 million, trying to prove that Church funds were being used. He also seemed concerned that I was not paying my share of taxes. I answered frankly but, as we will see later, may not have convinced him.

WALLACE: Mr. Rader, you say that you paid totally for that house in which you realized a profit of \$1,200,000. I have here your executive expense report from January 1, 1977 to December 31, 1977, which says, house payment, \$28,000. Apparently somebody was paying \$2,406 a month on your behalf.

RADER: There's nothing inconsistent in that. You asked me a few moments ago whether my salary under my contract was \$200,000. I said yes, plus employment benefit packages. As a convenience to me, the Church, when I was traveling, and I was traveling up to three hundred days a year, made those payments on my behalf. That is additional compensation as part of my package provided for by my contract. They issue a 1099 form at the end of the year along with a W-2 pick it up on my tax return, and I told you if you took those payments plus my \$200,000 a year, it comes closer to \$300,000 than \$200,000.

WALLACE: Why don't you have a \$300,000 salary?

RADER: I do.

WALLACE: Do you pay taxes on a \$300,000 salary?

RADER: I just told you that. A total of \$200,000 comes on the W-2 form and the balance of it comes on a 1099 form and I pay tax on it. If I were a minister, those payments over and above my \$200,000 would not have been taxable to me. They would have still been for my benefit, but they would not have been taxable. This is part of my employment benefit package. I pay tax on the whole thing. It is what this organization has determined I am worth. They paid it to me or on my behalf. Therefore I paid for my house. I pay for everything else I own.

WALLACE: Is there some place in your employment contract that says you are entitled to that?

RADER: Yes, of course. In paragraph 3.3 and paragraph 3.2. Both points.

WALLACE: Paragraph 3.2 and 3: "Expenses. Church shall pay for all expenses incurred by or on behalf of Rader in performing as chief adviser, including but not limited to all travel, lodging, entertainment, and meal expenses. So that all out-of-pocket expenses incurred by Rader in the performance of his duties as chief adviser shall be promptly reimbursed."

RADER: My home, in other words

WALLACE: And then 3.3, his fringe benefits: vacations, sick leaves, employee group insurance and other fringe benefits. It says nothing about paying for your home, though.

RADER: The fringe benefits include the same benefits for me as I told you exist for the ministers — exactly the same.

WALLACE: In other words, the ministers can sell their house at a profit?

RADER: Those who own their own homes.

WALLACE: How many of them do?

RADER: Many. And those who own their own homes can receive benefit payments for the maintenance of the home and they won't even be taxable on those payments. If they should sell their home, the home naturally belongs to them. This is very open and shut. It's a very simple, basic thing.

WALLACE: Why would this payment not appear as salary but as executive expense report — House Payment, \$28,000?

RADER: That's exactly what it is. It's executive expense report. It's not salary. It's not subject to withholding tax, per se, but the laws of the land require it to be reported on a 1099 form.

WALLACE: Oh, then you don't pay a tax on it?

RADER: I pay it. I pay it on my income tax return because it's reported to me as earnings other than wages on what's called Form 1099.

WALLACE: I just want to understand something. Do you pay an income tax?

RADER: Yes.

WALLACE: On \$300,000 a year?

RADER: Closer to \$300,000 than any other number you could pick.

WALLACE: Including the house payment?

RADER: Exactly.

WALLACE: Who pays those taxes for you?

RADER: I do. I do.

After more than four hours, I walked angrily out of my office, abruptly terminating the interview, when Wallace introduced what he said was a tape of a conversation Herbert Armstrong had with a third, unidentified party.

I did not object to the substance of what he was presenting I had already made all of it public myself, both in court and in the Worldwide News. But I was appalled at the unauthorized and illegal taping of Herbert Armstrong. The offense was magnified, I felt, because two tapes made at different times were spliced to appear as one!

As he played the tape, I caught the discrepancy. Part of it was excerpted from a seven-page letter written by Armstrong to me. The other half, I surmised from the contents, must have been taped some months earlier.

Wallace led into this discussion by asking if I knew I had been the bete noire of Armstrong in early January. He quoted what he said was a letter from Armstrong and, when I denounced it as a "fabrication," proceeded to play the tape.

Only a very small portion of what I actually told Mike Wallace was broadcast. Here is the complete exchange: WALLACE: There's no doubt in your mind that that's Mr. Herbert W. Armstrong?

RADER: There's no doubt in my mind that the second half of the tape was his reading of a letter which I referred to in court. It was addressed to me as a result of an exchange of letters that I had with him beginning in October, when I had asked him to relieve me of these administrative responsibilities. I said if he wanted to, although it wasn't true, he could use my health as a

reason. In December, as a matter of fact, as a prelude to this, taking my suggestion, he wrote to the entirety of the Church and told them that I was thinking of resigning because of poor health. But you don't have the whole tape there's — a seven-page letter. *

** The letter is reprinted in its entirety in Appendix D. Refuting the Wallace charge that Mr. Rader was the "bete noire" of Mr. Armstrong, the letter includes the Pastor General's statement that "I do want you and need you to continue as my personal assistant and adviser."*

WALLACE: We have the whole tape.

RADER: Now that tape was illegally acquired. It must have been recorded by Wayne Cole.

WALLACE: You said that you did not believe that Herbert W. Armstrong would have said those things about Stanley Rader.

RADER: No, that's not...

WALLACE: Now you admit...

RADER: That's not what I had...

WALLACE: That's what you said, Mr. Rader.

RADER: Oh no. Oh no.

WALLACE: And now you acknowledge that is his voice.

RADER: I didn't say that. Those are two parts of two different tapes at two different times. The first part of that tape might have been five or six months old. You stated, Mr. Wallace, you stated...

WALLACE: Stated what?

RADER:... right here that, would I believe that just a few weeks ago I was Herbert Armstrong's bete noire? The second half of that tape does not suggest that. The first half of that tape does. Now I say you've acquired this by illegal means. I intend to have my attorneys today not only sue you if you use this, but I mean this now. I want you to go to the district attorney today. Let him know that Wayne Cole improperly recorded this. I'll defend Mr. Armstrong and the Church on that basis. This is obviously something that was recorded by Cole. Remember, Cole went there as part of the conspiracy on December the 28th. I have a copy of the...

WALLACE: I must say that you've had your attorney here during this entire interview, and you're addressing him, Allan Browne, at this moment.

RADER: At this point, I want it known that you have been given a tape illegally acquired in violation of the California wiretapping laws, and perhaps some federal laws as well. I'm not sure of that. I'm sure the party that Mr. Armstrong — , was talking to was the party that addressed the letter to him on December 28th, which Mr. Armstrong alludes to in part in the actual letter, which I have a copy of, and which I've been willing to produce in court, and which I read to the entirety of the Church a couple of days after I received it. But that's no secret.

WALLACE: Mr. Rader, you know what I'd like to know is why all of this backbiting and fighting and money and power and trouble? Why all this storm and brine in the Worldwide Church of God? What kind of people are you? Are you for God? Are you for, are you for, are you a godly man?

RADER: I am, and Mr. Armstrong is. I'm wondering about you, Mike? I'm wondering about you.

WALLACE: Why?

RADER: Because you have used a piece of a tape that's a fractured tape. You know it was illegally acquired. I find it reprehensible and unconscionable. And if there is anything I can do to see to it that you do not have access to that kind of material ever again, I shall do so. So I want you to know that. Whether I don't know whether...

WALLACE: You've made that clear.

RADER: No, no. Not just for me. You have used a tape, and I have to tell Mr. Armstrong now, his contempt has always been real. But on a scale of zero to 100 you've now come close to 98. You have played that tape in front of other people here. It's a fractured tape.

WALLACE: The only other people here are our staff and your attorney.

RADER: That's not privileged, not privileged. I feel that a great injustice has been done to the spiritual leader of this Church. I'd like everyone's name, including these staff people. and Gorin as well. If necessary, I'll go to court and get an injunction on the whole bit, just on the basis of that tape because the head, the spiritual head of this Church...

WALLACE: Why does that tape worry you so?

RADER: It worries me only in one respect, that a person coming here as a supposedly responsible member of the press, representing a responsible entity such as CBS, knowing he has a tape illegally acquired, would use it in front of other people. That, to me, is reprehensible, Mike. If I had known that, I'd have never let you step foot on this property.

WALLACE: You mean, you mean?

RADER: The contents mean nothing. It's the fact that you have received it illegally. I warned you that some of the papers you have on the floor were stolen from this office by Ted Armstrong. I told you that. And I told you we'd already told the deputy attorney general, as well as the receiver, that he's on notice about those papers. When you asked me about other papers, which were mine, I said they weren't stolen from me. They were probably taken from this office. This violates Mr. Armstrong's rights of privacy, his human dignity. And you have been a party to it and you should be punished for it.

WALLACE: What about the substance?

RADER: I told you that I would be very happy to give you a copy of the seven-page letter that he wrote to me...

WALLACE: No, the substance of that tape?

RADER: That tape is not a complete tape. There is a seven-page letter. I'll go to any court in any land and prove to you that the tape is not a complete record. I've already made the letter public to the entirety of the Church and it's been printed.

WALLACE: The tape is nothing more than what I read to you beforehand, and you said it's impossible...

RADER: There were two tapes.

WALLACE: I say the tape is nothing more than what I read to you ahead of time. And you said at that time it couldn't possibly be Herbert Armstrong.

RADER: I think you'd better scrap everything because now you're on my list. You announce somebody, I have to go at. And I'll have to stand every bit of our resources to get you because you have violated Mr. Armstrong. You have set the spiritual head of this Work up, you have violated every one of his rights of privacy by taking that illegal tape. You violated. You're the receiver of something that's improper. You've exposed it to these people here. And if it's the last thing we do, we're going to make you pay for it. Now I hope you print that on the air., It's not running now.

WALLACE: We're going to have to get it from.

RADER: Get it.

WALLACE:... for we want to get you saying that.

RADER: That's very important. I mean, to me, it's despicable. The contents, no. I'll make them public. Today I'll give the whole press the story. I'll also give them the whole seven page letter

and then let them compare what you have played with the seven page letter. But my seven-page letter is a letter from Mr. Herbert Armstrong. That was acquired illegally. And you're using it, and you have involved these people — very despicable.

CBS STAFF MAN: We don't know who else has heard that tape.

RADER: Many other people have heard that tape. That's my entire point. This becomes major. It's not minor. And I've got to go public with it. To protect Mr. Armstrong, I must go public. I mean, his letter to me has been published already. But what you have done, you have a tape recording which you have no right to have. You should have destroyed it as a responsible journalist; you should have destroyed it. You shared it with people here. That was despicable as anything I could think of. Mr. Armstrong will write a letter immediately about it to the entirety of the brethren. So the ball will start rolling as of today. It's got to.

WALLACE: And will he disavow what he says in it?

RADER: There are major Constitutional issues involved here, and they border on the criminal. You have definitely violated criminal or penal codes of the State of California. There's no question about it. You're not privileged for having that tape. Now we've all heard it. I think it's a very serious thing. What he says in the second half of that tape was read — he was reading something to somebody over the phone. And I have the entirety of the letter. I'm not embarrassed about the letter, but the letter has to be read in the context of three letters from me that predated it, plus his letter to the brethren four weeks before, acting on one of my letters.

The Sham of "Investigative Reporting" By this time I'm afraid I had little Christian charity left in me for Wallace, so I terminated the interview and went to a waiting press conference. Wallace, however, had something else on his mind. When the program was shown on the air, he concluded it with the statement that I was being investigated by the Internal Revenue Service for criminal tax evasion.

There is no doubt that he intended this to bolster the thrust of his television segment — that there is some merit to the charges made against the Church, Herbert Armstrong, and myself. As I have already pointed out to the members, Wallace's intent throughout this whole affair was revealed by what he left out here too.

For although he brought up the investigation, he failed to disclose that I had voluntarily given the IRS complete access to my financial records, as well as the Church's financial records about me. Neither did he report that the investigation had been going on for two and a half months and that no improprieties or wrongdoing had been found. Again, he did not reveal the "source" of his information. I have no doubt in my mind that the "source" also was responsible for (a) the surreptitious and unlawful recording of Mr. Armstrong's telephone conversations; — (b) the

instigation and initiation of the attorney general's baseless lawsuit; and (c) initiation of the Internal Revenue Service investigation itself.

In this respect, I am reminded that commencing in 1974, the Church, Herbert Armstrong, and I were hounded and harassed for several years by the U.S. Customs Service in our travels spreading God's work. Customs was seeking evidence linking the Church and its leaders to the smuggling of drugs, gold, and diamonds. When we sought to ascertain, through the Freedom of Information Act, the identities of the people making these baseless accusations against us, we were told that even that law did not permit the disclosure of those "sources." Even after we demonstrated that the charges were false, the government still refused to tell us who had unjustly subjected us to several years of harassment. Indeed, it is not unlikely that the same "source" — one or more dissident Church members out to destroy the Church for their own gain — is responsible both for our harassment by the Customs Service and for the instant wholesale state intrusion and Internal Revenue Service examination.

What lessons should we learn from these experiences? I believe that basically there are three. First, as the Watergate episode also teaches, government officials are capable of monstrous abuses of power, in the course of which they use government agencies as instruments to oppress those who do not share their beliefs and biases. "Enemy lists" whose members are without just cause subject to "investigation" by the IRS and other agencies, office break-ins, and wiretaps are not figments of the imagination; they are, until political and religious freedom are restored in this country, the price which you, Herbert Armstrong, I, and others may be paying for doing God's Work. Although we must fight against such oppression, we must bear it with pride while we carry out His Will.

Second, government officials and agencies, in attempts to make names for themselves, procure larger budget appropriations, and gain other political objectives, frequently act precipitously on the specious claims of irresponsible or vindictive persons, without any independent investigation or corroboration of those claims. To facilitate these attempts, however, the politicians keep the identities of the real accusers secret, lest the innocent victim confront them and, in doing so, expose the politicians as the charlatans they are.

Finally, in their own inimitable way, the media frequently are, intentionally or unwittingly, the primary instruments of oppression. Their cry of "freedom of the press" is, in reality, but a subterfuge for the right to slant public opinion in favor of the media's own personal and political prejudices through sensationalism and biased reporting.

So-called "investigative reporting" only too often is a misnomer for the most blatant form of yellow journalism. The "investigator" usually starts with his conclusion (that is, the view he wishes the public to hold) and carefully builds up to it through selective investigation (again, frequently from "undisclosed sources"), selective and/or incorrect quotation, and subtly placed innuendo. The masquerade of most "investigative reporting" as news is therefore a sham.

Wallace illustrated this only too clearly in his "God and Mammon" segment.

One final word: Wallace took the title of his telecast from Matthew 6:24. I commend to him another passage from the same gospel:

"Every idle word that men shall speak, they shall give account thereof in the day of judgment." (Matthew 12:36.)

Chapter 14: God and the State

Sounding Alarms

The California attorney general has launched a major assault on First Amendment freedoms by actually claiming that all assets of churches are public property and all monies they collect are held in public trust subject to government review and supervision.

If he is permitted to succeed in his actions, no records of churches will be exempt from his examination, and no church will be safe from governmental intrusion and interference. And one of the foundational precepts of American freedom — the separation of church and state and individual religious liberty will be ended.

— Herbert W. Armstrong

The struggle for man's right to worship free of direction or interference from government is as old as the history of the human race,

Throughout the centuries mankind's reach for freedom of religion has remained beyond his grasp, like a tantalizing will-o'-the-wisp. In some eras and some nations, man has come close to his goal, allowed a measure of independence of thought, conscience, and faith. But in other times and places, there have been black chapters when worship was dictated and persecutions of those who challenged the laws swift and terrible. In the long sweep of history, there has never been a time when this sacred right to reverence enveloped the whole earth. Eradicated in one part of the globe, the evil has always broken out in another.

The malfeasance that cannot be crushed has now erupted in the United States of America, ironically, the only country whose unique achievement and distinction at its founding was to create an unbridgeable chasm between Church and State. Fourteen years after the Constitution was ratified, Thomas Jefferson thundered this defense of what was written in Philadelphia and became the supreme law of the land:

Believing with you that religion is a matter which lies solely between man and his God, that he owes account to none other for his faith or his worship, that the legislative powers of government reach actions only, and not opinions, I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should 'make no law respecting an establishment of religion, or prohibiting the free exercise thereof,' thus building a wall of separation between church and state." [Emphasis added.]

Now, almost two hundred years later, the wall is being assaulted. There is grave risk that it might shatter, and that church state relations may be drastically and basically changed soon, perhaps even in this decade.

An increasing number of religious leaders and observers of the current scene are becoming alarmed at what they see. The National Conference of Catholic Bishops, held in the fall of 1979,

devoted much of its meeting to the subject. "In the last ten years," Father Charles Whelan, S.J., professor of law at Fordham University in New York, told the conference, "many events have occurred that give us just cause for concern about the current attitude and future disposition of the state and federal government toward the American churches."

Citing the increased intrusion of government bureaucrats into the activities of religious organizations, the Rev. Dean M. Kelley of the National Council of Churches said to United Press International religion writer David E. Anderson in October 1979: "It is the unfolding of the bureaucratic propensity to rationalize, to control, to regularize. They [the bureaucrats] are totally unaware of the First Amendment."

** Ansel Phelps Stokes, Church and State in the United States, Vol. 1, p. 335 (Jefferson to Danbury Baptists of Connecticut, 1802).*

Never was that more true than in the receivership imposed upon the Worldwide Church of God. Note these chilling, words from Dr. J. Gordon Melton, director of the Institute for the Study of American Religion in Evanston, Illinois:

"Unchallenged, this action by the State of California will extend government's authority into the private life of every church and religious organization, with blatant disregard for the Constitution, and will say that a government lawyer has the right to decide how a church can extend its mission, spread its message, obtain and spend its money. How far is it from there, one wonders, to a government that has the right and duty to determine what a church's message should be, or should not be?"

A number of organizations unaffiliated with the Church have filed friend-of-the-court briefs detailing support of the Church and warning of the dire consequences implicit in the actions of the attorney general.

The American Civil Liberties Union of Southern California has come to our help. After the decision was made to file the amicus curiae brief, Professor John Hutchinson of Claremont Theology School and a member of the ACLU's church and state committee asserted: "You cannot separate the raising of money with the proclamation of a religious message. In this case, our conclusion is that the attorney general is in violation of the law and his violation of law is a grave precedent for all of us."

Americans United for Church and State Fund, Inc., a nonprofit organization based in Washington, D.C., whose goal is to maintain and advance civil and religious liberties through enforcement of the rights and privileges granted by the First and Fourteenth Amendments, made this strong statement to the Superior Court in its application for leave to file an amicus curiae brief:

Americans United Fund believes this to be a most serious intrusion of the state into church affairs regardless of the nature of any allegations made against church officials, particularly in light of the fact that such allegations have not yet been proven.

American United Fund further believes that the action of the State of California is so destructive of the doctrine of separation of church and state as to require immediate remedial relief. It further believes that even if any of the allegations made are true there are more appropriate remedies available to the state which would be less violative of the religion clause of the Constitution and which would preserve the autonomy and freedom of the church. Americans United Fund believes further that to permit the action of the State of California to be left undisturbed would be to countenance a type of action which could later be used against other church groups in a manner ultimately destructive of the Constitutional mandate of nongovernmental interference with religion. Americans United Fund in its brief will contend that the state must prove by clear and convincing evidence that the actions of the church are violative of a compelling state interest and that the appointment of a receiver is the least intrusive alternative available as a condition precedent to the appointment of a receiver to possess the property of the church and to exercise control over church affairs.

Add to this the warning of Associate Dean Jerry Wiley of the University of Southern California School of Law, published in *Liberty*, a bimonthly that calls itself "a magazine of religious freedom":

No, it may not have been your church this time. But tomorrow it may be. For unless all who cherish freedom speak up on behalf of a church whose doctrines and practices they may not respect or hold, their church to some degree is more likely to be next. *

From all quarters, the tocsins are sounding.

Flight to Freedom

The early years of Christianity were scarred by the Crusades and the Spanish Inquisition. In the same Dark Ages, religious battles raged throughout Europe. The soil of the Old World was drenched with the blood of millions of martyrs. In 1536, William

** Jerry Wiley, "A Constitutional Outrage," Liberty, May-June 1979, p. 9.*

Tyndale, the English reformer and humanist, was condemned for heresy and executed for daring to translate the Scriptures into everyday English. Church leaders had feared spiritual anarchy if every man had his own Bible. The Church-State scheme of things was not working well.

In quest of religious liberty and freedom of worship, men and women began to leave the persecutions of the Old World for the challenges of the New in the hope that they might be free to practice their own faith in their own way.

The Founding Fathers clearly perceived that the religiopolitical scheme of joint sovereignty had not fortified human rights or freedom of conscience in the nations of Europe. Church and State had mixed like oil and water. Some other system simply had to be found.

But it would be wrong to think that these abuses, injustices and outrages were confined solely to England and the continent of Europe.,, Many in the thirteen colonies were adamantly opposed to this "new order of things" forming in the minds of thinking men throughout New England and the other American colonies. Indeed a heavy "loyalist" element was present right up to 1776 and even beyond.

Soon the very religious intolerance which our forefathers fled from Europe to escape was plaguing the American colonies. It wasn't long before nine of the original thirteen passed laws that established what they called "correct" religions and levied taxes to support them. A law emerged on the statute books of Virginia in 1610 requiring Sunday attendance at church under penalty of death for persistent violation. Fines were assessed against those who rejected the doctrine of infant baptism. Other laws were enacted in Virginia forbidding travel on Sunday.

In 1647 Massachusetts enacted a law banning Catholic priests from within its boundaries. First offenders were to be imprisoned or exiled; and, believe it or not, second offenders risked the death penalty. Quakers faced the same fate in Massachusetts. Other American colonies also had their religious laws.

Nor did these laws conveniently disappear from state statute books when the Constitution of the United States was finally ratified. Notice this statement in the American State Papers on Freedom of Religion:

When the Union was formed and a constitutional government was ordained on the basis of total separation of church and state, there were certain religious jealousies and prejudices which prevailed in various sections of the country and which could not be overcome without jeopardizing the ratification of the Constitution and the set-up of the Federal Government.

As a consequence, the various States were permitted to retain upon their statute books religious laws which were diametrically opposed to the fundamental principles of religious liberty and human rights as set forth in the Federal Constitution. These un-American laws and religious tests have remained upon some State statute books to plague American citizens and courts until this present time. [Emphasis added.]

It is axiomatic that all Americans owe the Founding Fathers a great debt for our vast religious freedoms. Each one contributed to these liberties something a little different from the other. However, the third president of the United States, Thomas Jefferson, was a real champion of religious freedom. In addition to writing the statute for religious freedom in Virginia, Jefferson was a philosophical "father figure" to the Bill of Rights. His ardor for religious liberty was an unquenchable fire. He pressed hard for both freedom of worship and freedom from the oppressions of a State church. The final clause of the bill he wrote served warning that any future legislation that either repealed or constricted the law would "be an infringement of natural right." The heart, root, and core of his bill for religious freedom in Virginia is found in Section II:

We the General Assembly of Virginia do enact that no man shall be compelled to frequent or support any religious worship, place or ministry whatsoever, nor shall be enforced, restrained, molested or burdened in his body or goods, or shall otherwise suffer, on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in no wise diminish, enlarge, or effect their civil capacities.

Jefferson's Statute of Virginia for Religious Freedom was the philosophical progenitor of the religious portions of the later Bill of Rights. Religion was not only to be tolerated, but a man's personal religious beliefs and practices were to be protected by law.

In his sunset years, Jefferson indicated that his battles for religious freedom were perhaps the bitterest of his life. We owe a great deal to this man and to his presidential successor, James Madison. It was Madison who pushed Jefferson's bill through the Virginia State Legislature.

Madison, our fourth president, excelled in biblical courses as a graduate student at Princeton, especially in Hebrew language studies. He continued his theological studies throughout his life. He was first and foremost an advocate of freedom of worship. He wrote the first rough manuscript of the article on religious freedom of the state Constitution of Virginia. It said:

That religion or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence: and therefore, that all men should enjoy the fullest toleration in the exercise of religion, according to the dictates of conscience, unpunished and unrestrained by the magistrate, unless under colour of religion, any man disturb the peace, the happiness, or safety of Society. And that it is the mutual duty of all to practice Christian forbearance, love and charity towards each other.*

But the capstone of President Madison's contribution to religious freedom has to be the inclusion of the First Amendment in the Constitution. It appeared on the opening page of this book, but it cannot be repeated too often: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

Previous to its inclusion, the fear that the Constitution had not provided sufficient guarantees for religious liberty was enunciated by a host of early American patriots.

* *The Journal of the Virginia Convention, 1776.*

Writing from Paris on December 20, 1787, Thomas Jefferson expressed his concern to James Madison: "I will now add what I do not like. First, the omission of a bill of rights providing clearly and without the aid of sophisms for freedom of religion..." * As he had done before, Madison was instrumental in giving Jefferson's views (which he shared) the force of law.

As Norman Cousins so aptly put it:

The founders of this nation came here to get out of the clutches of state-sponsored religions that perpetrated all sorts of injustices and outrages against which the citizenry had no recourse under the law. When the Founding Fathers spoke about freedom of religion, they were thinking of the need to separate religion from political authority. Freedom of religion was intended to protect the individual in his right to believe or not to believe, to affiliate or not to affiliate, to worship in a church or to worship at all. Freedom of choice was what the First Amendment was all about.

But the struggle did not end with the inclusion of the Bill of Rights in the Constitution. Old ideas die hard. Enormous pressures were put on Congress and government officials to formulate this or that religious law. Petitions and protests came from every sector of the country. It would not be easy for the fledgling nation to maintain religious liberty.

Very soon several of the state legislatures began to pass religious legislation. Liberty would now have to be found at the Bar. The courts would have to defend our Constitutional guarantees of religious freedom.

Courts do not change constitutions, but they do interpret them in order to apply the principle to specific disputes involving human rights and privileges. In general, the higher courts of the land, usually presided over by judges of keen intellect, judicial minds, and long experience in dealing with human rights, have upheld the federal principles of religious liberty in rendering their decisions.

** Papers of James Madison, vol. 8, Manuscript Division, Library of Congress. Saturday Review, January 6, 1979.*

Although the states have tended to lag behind the nation in their expressions of Constitutional religious freedom, due credit must be given to those, which have guaranteed freedom of worship in their constitutions. Ironically, sometimes a state legislature may even pass laws in contravention of its own constitution. California is a case in point. Article 1, Section four of California's constitution states:

The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be guaranteed in this State [emphasis added]; and no person shall be rendered incompetent to be a witness or juror on account of his opinions on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace and safety of this State.

The language is clear, precise, and unambiguous. Freedom of religion is "forever guaranteed" in the State of California. Protection is rock-solid.

But is it?

The "Charitable Trust" Ploy

With his contention that all churches are "charitable trusts," the attorney general made an end run around this clear enunciation of our guarantees. This concept, discussed briefly in chapter 5, deserves amplification, and not only because of the severe wounds it has inflicted on — our Church. The harsh truth is that no religious organization in the United States can rest easily if the precedent set by this amazing redefinition of a church spreads across the land.

Nimble sidestepping all the Constitutional guarantees, the attorney general dipped into the law regulating California nonprofit corporations and emerged with Corporation Code Section 9505, headed "Supervision of Attorney General Where Property Held in Trust." The section reads as follows:

A non-profit corporation which holds property subject to any public or charitable trust is subject at all times to examination by the Attorney General, on behalf of the State, to ascertain the condition of its affairs and to what extent, if at all, it may fail to comply with trusts which it has assumed or may depart from the general purposes for which it is formed. In case of any such failure or departure the Attorney General shall institute, in the name of the State, the proceedings necessary to correct the noncompliance or departure.

What does this piece of legal fiction mean according to the claims of the attorney general? Consider: that a church is no longer the owner of its property or the master of its own affairs; that its members neither own nor control it; that the assets of a church are public assets, its records public records, and the general public is the beneficiary of the Church assets; that since there are no private interests involved, there are no private rights either—hence, no Constitutional rights.

In short, that a church's property rests in the custody of the court, and its leaders are merely trustees who serve at the state's pleasure and are allowed to manage on a day-to-day basis. As Hillel Chodos told Judge Title at the January 10, 1979 hearing on whether or not the receiver should remain: "It's [the Church is] Your Honor's charge. You are the guardian and this Church is your ward." Tapper, the deputy attorney general, added: "The institution itself and all of those who run the institution are standing in a position of trust, the property being truly owned, not by the institution or individuals, but rather the people of California..."

Since a church is not a church but a charitable trust, the logic goes, the leaders may be removed and replaced at will since they are merely "trustees," serving at the will of the state. So Chodos told the court: "... what we are saying is that there are presently trustees that have been allowed to manage the charitable fund on a day-to-day basis.... We believe that essentially those trustees serve at the Court's pleasure and may be replaced with a more trustworthy trustee."

The attorney general's authority includes the power to force the restructuring of any church organization of which he disapproves or which he considers to be too "autocratic." In his view, hierarchically organized churches are effectively prohibited in California.

The state complains that the church in this case is run by one man, its patriarch and leader, Herbert W. Armstrong, and it insists that this be changed.

"It is our understanding," Tapper told the court, "that for many years these institutions have been run rather autocratically. California law provides that there should be opportunities for meetings of the members of a nonprofit organization; and that there should, in connection with these meetings, be opportunities for members to express their will through selecting the people who head the institution. I'm not aware that any of this has occurred in this case.... And the prayer [of the complaint]... has asked that, at some appropriate time, procedures... which will be totally court supervised... [will] put the institution back on more traditional footing..."

By this reasoning, the authority of his holiness the pope, any archbishop, the patriarch of the Greek Orthodox Church, or the hierarchical head of any other similarly organized church may be challenged, disapproved, and set-aside by the State.

Nor does the attorney general need proof or evidence against a church. A simple accusation will do. Claimed Chodos: "If there is the slightest hint or suspicion of wrongdoing, let alone proof positive or proof by a preponderance, it is the Court's duty to see to it there is a worthy trustee installed, that an investigation is made, that the facts are exposed."

Thus the attorney general is not obliged to investigate before acting. If someone accuses church leaders, or if he merely suspects them, the attorney general may move in. Such things as verification, evidence, facts — these are for later, if at all. First come seizure, dispossession, and control.

The term "wrongdoing," in most people's minds, is associated with larceny, embezzlement, criminal fraud, and similar conduct. The attorney general's use of the term, however, is a good deal more elastic, since wrongdoing, in his definition, means paying salaries that he thinks are too high, spending more money on travel than he believes ought to be spent, dealing with companies of which he doesn't approve, contracting for sales of property without his permission, and the like.

"There are various types of misuses," Tapper said. "We all think of diversion of assets as out-and-out theft. But... in trust law there are far higher obligations owed by the people who are in control of properties than they would owe if it was just their own property... So you can get into sophisticated diversions through self-dealing, for example. If one were a fiduciary of this institution and were engaging his own firms and paying his own money that might be a case of self-dealing... There are excesses that can occur in terms of salaries and other financial remunerations...."

Under this line of reasoning, the state is authorized to intrude into the private affairs of every church and make any decision it pleases in any area of its activities. The state, for example, may

decide how the church spends its money, how much it may pay its ministers, how often those ministers can travel, and where and what sort of accommodations they may stay in or live in. By the attorney general's logic, he might legitimately inquire whether Michelangelo had been the low bidder for the ceiling of the Sistine Chapel, or if the guilds of Florence could have found a less expensive sculptor than Lorenzo Ghiberti to create the bronze doors for the baptistery!

When Tapper told the court that "we will be looking to see that the assets... are being properly used for the purposes of these institutions," he was saying no less than that the state may also decide how the Church carries out its mission. Judge Title, agreeing, pointed to the amounts expended for overseas travel and gifts in pursuit of its primary aim of spreading the Gospel throughout the world, and stated: "These are questions which are open to, I think, some arguments and will have to be examined at the time of trial." The "gifts" referred to are presented to foreign heads of state and other dignitaries.

The state's power even extends to ecclesiastical matters. The court's order of January 19, 1979, gave to the receiver complete authority over the college and foundation in this respect also, the only limitation pertaining to the Church itself. In this latter respect, the court reserved to itself the right to determine what was and was not an ecclesiastical matter.

Furthermore, the court issued a grim warning of how it would deal with any claim that some matters, such as tithing records, welfare payments, ministers' salaries, or similar clerical disbursements were ecclesiastical in character:

"If... I have one or two petitions come into this court with arguments made that the financial records involve ecclesiastical matters, let me assure you that I will consider that evidence of bad faith Judge Title stated. [Emphasis added.]

According to the attorney general, a church, being a public trust, has no private rights to be protected and therefore no basis for resisting the "protective" intervention of the court or the attorney general. Since its leaders, as "trustees," have no interest either and may, in any event, be removed by the court at will, they have no standing or basis either for resisting on behalf of the church or defending its interest. They may even be in violation of their trust if they spend church funds to obtain counsel, since a church is not entitled to counsel other than the court itself or, perhaps, such counsel as might be appointed by a court appointed receiver. Note these arguments by Chodos:

... the charitable fund is the... subject matter of this proceeding. It isn't a party in the usual sense. It is in Your Honor's Safekeeping. It has no interest to protect against the Court. The Church as a charitable trust has no interest to protect here [Emphasis added.]

It is Your Honor's responsibility to do whatever needs to be done to preserve it... and protect the assets and records, and no one has any basis to resist that intervention.

What I'm suggesting is this Church doesn't need a lawyer to help this Court protect its assets. [Emphasis added.]

I don't think the Church has a single interest that needs counsel before Your Honor. In my view, the Church ought to welcome the supervision of the court. [Emphasis added.]

While on the one hand the state contends that the Church's members must, by law, elect the Church's leaders, the state on the other hand insists they are without right or power to say how their contributions shall be spent and have no standing to intervene or otherwise question any action taken by the attorney general. The charitable-trust theory bars them from any interest or rights in or to the subject of the trust, which they have created! Thus:

Under the law, once people donate money to a charitable organization, they no longer have standing to direct how it is to be used. It must be used in accordance with the laws of the State of California. And under those laws, although the property is held by the charitable organization, it is held for the benefit of the public at large.

Judge Title clearly agrees. When counsel for the Church argued that six dissident former members of the Church should not, through the state or otherwise, be permitted to overrule the wishes of the 100,000 faithful members in good standing, the court admonished him: "Their wishes are immaterial, counsel."

How sturdy is this foundation stone on which the attorney general's entire case rests?

A rereading of Corporation Code Section 9505, under which he acted, will reveal that it does not deal with charitable trusts but rather nonprofit corporations that hold property subject to public or charitable trust.

There are ninety-four words in the section. Read them beginning to end, back to front, or from the middle either way. You will not find the word "church." You will not find the words "religious organization."

The attorney general had to discover a way to squeeze a church, somehow or other, into that section of the law. Obviously, it was not enough to find that a religious organization may hold some property that is subject to a trust. To accomplish his aim of placing a church under the canopy of that law, he performed a disappearing act worthy of a Houdini: he simply took a church and made it vanish. It reappeared, no longer a church, but — by the attorney general's definition — as a charitable trust.

But the argument fails because California's legislature obviously never intended that the charitable-trust concept be applied in any such sweeping fashion to churches, since it did not merely omit mention of churches or religious organizations in Section 9505, undoubtedly assuming that no one would be foolish enough to import so shocking a concept into this section by implication. In the comprehensive law it did enact with respect to charitable trusts, the "Uniform Supervision Of Trustees For Charitable Purposes Act," the legislature expressed itself

specifically on the point.

This law sets up a regulatory and supervisory scheme for charitable trusts, which makes them liable to periodical examination by the attorney general, and requires them to register and file regular detailed reports. If churches were viewed as charitable trusts by the legislature, and were liable to examination or under an obligation to account, the legislature surely would have included them in the embrace of this act.

But it did not.

Instead, the legislature specifically excepted all churches and religious organizations from all of the provisions of the act and, consequently, from any obligation to account, or from any liability to examination by the attorney general or any other state official. * Clearly the legislature had in mind the constitutional sanctions and understood quite well that separation of Church and State meant just exactly that.

Furthermore, the charitable-trust concept, while it has received mention from the courts in connection with churches, has been applied only in specific and very limited situations, as, for example, an aid to determining the most appropriate distribution of the property of a church that was voluntarily dissolving. It has never before been held or even suggested that the charitable trust doctrine could be invoked to uphold or justify the sweeping invasion of church affairs successfully accomplished by the attorney general and countenanced by the trial court in this case.

In the words of Dr. Melton: "The attempt to redefine the Worldwide Church of God as a 'public trust' and its property as 'in a sense public' is the most flagrant attack on the freedom of religious institutions in this country in many years... The effect of the actions of [deputy attorney general] Tapper has been to place all churches under state control and put strict limits on how they can spend their money and acquire and dispose of property."

Had the attorney general waited until January 1, 1980, his action probably would not have gotten off the ground. Even the Honorable Jerry Pacht would have been unable to help his good friend Hillel Chodos. And thereby hangs another odd aspect of this very odd story.

For Section 9505 no longer exists, having been wiped off the statute books by the California legislature. The new law is vaguely similar to the old one — but there is one crucial difference: it uses the words "reasonable cause." This means that government officials now cannot move against an institution merely on information and belief (legalese for gossip and rumor) that something illegal was going on, as they could under Section 9505, but only if a reasonable cause for their intervention exists. In the minds of constitutional lawyers, "reasonable cause" means "probable cause"; thus the attorney general would have had to go through a legal process very close to the requirements under criminal law, which do not permit an individual to be arrested on the basis of rumor alone. Legally, since the action was taken under the old law, the suit continues. Although the new legislation puts more teeth into procedural aspects, which offer a

greater degree of protection to churches, it is no less in contravention of the First Amendment; and as such its constitutionality will be fought just as vigorously.

** Government Code Section 12583.*

INTERLUDE

Tales More Fearsome Than fanciful — 3

The Attorney General Who Wanted to Be King

Once upon a time in the golden land of California, an election was held. A gentleman called Duke promised all the voters of the realm that he would uphold law and order and be tougher on criminals than the lady who was running against him for attorney general. The people believed him. He was elected.

He opened the door of the attorney general's office and looked inside. Little gray mice skittered about playing tag around the chairs neatly arranged in front of a big brown desk. One occasionally ran up the grandfather clock in the corner, and ran down again when it struck one. Spiders busied themselves weaving webs in the windows. Piles of dusty legal papers covered the tables.

It was a very quiet, sleepy, dreamy place. Apparently the attorney general had almost nothing to do. Evelle, the previous attorney general, was able to spend most of the year campaigning for governor.

On the top of the big brown desk, Duke noticed a lot of figures scrawled by fingers in the thick layer of dust. "Oh yes, these must be Evelle's figures," thought Duke. "He must have been figuring up his pensions and seeing how nicely a governor's pension would round everything out.

"I do hope he can get along without that one," Duke mused, as he pulled the big leather chair back from the big brown desk and sat down. It was very comfortable. The big padded arms seemed to just reach out and pull him into the soft upholstery.

He eased his big feet up onto the top of the big brown desk. Slowly he leaned back, pondering what it would be like as attorney general. It was very quiet. He folded his hands over his stomach and closed his eyes. He dozed off into dreamland.

Soon he was aware of being in the castle. Royal paper-shufflers were coming and going. The valet was fastening the royal robes about him. Duke wiped some dust from the royal crown, perched it atop his royal locks, and strode down the hall. The crown clattered to the floor. "Got to get that thing fixed... it never stays up there where it belongs," he muttered, as the valet scurried to pick it up and carry it along behind.

The royal deputies were meeting down the hall trying to figure out how to get more control

over the churches. They were also trying to figure out what was leaving banana peelings all over the place. Some observers had gotten the idea that the king was running a royal monkey farm on the side, and this distressed them. Even "C" students, as all the deputies were, knew that such rumors were embarrassing to the king.

The king entered and the meeting was called to order. First the deputies explained to the king about the trouble they were having ruling over the people ever since the U.S. Constitution was adopted. No one bowed down to them anymore. People didn't jump when they said to jump. In fact, the people didn't even call them by the royal titles they liked.

Hundreds of years ago the king had been in charge of everything in the realm. He established churches to keep the people under his control and tell them what to think and what to do.

Anybody who disagreed with the king and wanted to worship God some other way than that approved by the king was often tortured, beaten, whipped, and put in jail. Sometimes the king even had people killed if their religion was different from the one he established.

The king appointed a Lord High Commissioner — to supervise and watch over the churches to make sure they did exactly as the king wanted and paid their taxes on time into the king's treasury.

But when the United States was established as a nation some two hundred years ago, there was to be no king anymore. And the greatest men of the nation realized that there could be no real freedom and liberty if the government were allowed to regulate religion or establish churches or prohibit people from freely worshipping God as they chose.

Some of the people of the realm who did not like God or churches were angry because the government could not tax the churches. They did not think it was fair for churches not to pay taxes, especially since the government could not tell them what to teach. After all, the king seemed to have a hand in regulating almost all other activities in the realm.

If the king could tell the churches what to teach, that would be different. Then he could use them to convince the people to support all the wonderful plans he and his deputies had for them. Then the churches would serve some good purpose, and maybe it wouldn't be that bad if they didn't pay taxes. But, to let them teach what they pleased was too much. Only the king has enough wisdom to tell people what they should believe. Or so people who fancy themselves to be kings seem to think!

Lord Abbot spoke up. He was appointed keeper of the charitable trusts and felt that the churches should be called charitable trusts so he could regulate them. His speech was very eloquent, and greatly pleased the king.

"We can no longer permit the churches to set their own beliefs and spend people's money without supervision of His Benevolent Majesty's deputies. After all, they claim the Lord in heaven directs them. But we all know that is mere superstition and nonsense. They are really bamboozling all the people and stealing their money, my Sire. And that is something only the

government, under Your Highness, has the right to do. We must find a way to regulate these churches."

The other deputies clapped loudly and jumped to their feet. Shouts of "Bravo! Bravo!" echoed through the hall. The deputies, even though they were "C" students, knew that if some big new projects like this could be started they could hire more deputies. They could ask the royal treasury to give them more of the people's money and how to increase their control over the people's lives.

Little Lord Lawrence spoke up and informed the king that they had already begun to sue one of the churches. If they could win more control over this church, then the other churches would have to do what they said, too.

"Tell me about it," said Duke.

"Well," began Lawrence, which seemed to be the standard way to begin any story among "C" students, "we found that there was a small church in the realm called the Church of God that was rather unpopular. Its beliefs were different from most of the other churches. We thought maybe the other churches wouldn't notice or wouldn't mind if we raided them. The leader is very old and living out in the desert. Some of the younger leaders wanted to set themselves over the church and change its teachings to be more like other churches. We thought that this was the ideal church to pick on first so we could begin our plan to regulate and supervise and control all the churches and begin using all that church money for the good of the people, Sire.

"A chubby barrister named Chomos agreed to be the holy light bearer in this action on behalf of the king. He has come up with the idea of putting the church into receivership — meaning that we could set somebody up to take over all the church's money, property and records.

"Then we could go through the records and try to find something wrong so we could get rid of the church leaders and have an excuse to regulate all churches more closely. And by having our friend controlling the money, he could pay all the expenses out of the church treasury."

"But wouldn't the members of the church object?" asked Duke.

"We have them all figured out as dumb sheep," lisped Lawrence as he stuffed another bite of banana into his cheek. "They won't give us any trouble. In fact, they will probably think we are there to help them. That would be a good story to tell. We'll tell them that all we want to do is straighten things up and make things right. After all, if they can't trust their government to do that, whom can they trust?"

"Truer words were never said through falser teeth," exclaimed Duke ecstatically. "But how are you going to get the court to permit or authorize such an action?"

"We've already got that problem solved, Your Highness. We went to a judge named Patch down at the courthouse and met with him privately in his chambers.

"First we sneaked in and glued together the pages in his law books, so he would have to ask us what his powers were, what he could do and what he could not do. As he looked over our moving papers, we made sure to keep them moving so he could not really tell what we had in

mind. I told him that the church was selling property below its value and ripping of` the membership.

"We made the whole affair seem like a bowl of spiders to him," Lawrence continued. "Just for insurance, Mr. Chomos deftly reached over and slid His Honor's wig down over his eyes while I leaned my elbow on the scales of justice.

"Mr. Chomos also swore that no damage would be done to the church when we raided it, installed ex-Judge Bounty as the receiver, confiscated the records, and paid everyone \$150 per hour from church funds. The judge said that sounded reasonable, but that he hoped he didn't have to explain why.

"Judge Patch eventually saw the need for some swift action, but he said we would have to file the case before he would make an official ruling.

"We told him that we had intended to file the case as soon as we found a judge who would rule the way we wanted. So, Mr. Chomos went right out to the judge's table and prepared the case and the court order. We filed the case and got the judge to sign the order. He handed the whole bowl of spiders over to ex-Judge Bounty, the receiver."

"Wait a minute," mumbled Duke, his eyes fluttering slightly and rolling up into his head. "I admit it has been quite a while since I was in law school. But aren't you supposed to file the case FIRST and then see a judge when your case comes up?"

"Ordinarily that is the way it is done, Sire," admitted Lord Lawrence. "But you are taking a chance to do it that way. You might get the wrong judge — one who knew the law and remembered that the Constitution, with the Bill of Rights, is the highest law of the land."

"This way justice is greatly speeded up and the outcome is easier to predict," chimed in Chomos, who had come in and was sitting on the table. "Since this case is unusual anyway, we thought it would be better to just make up a new set of rules as we went along."

Lord Lawrence took another bite of banana and exclaimed proudly that he had already fixed things up with the media by accusing the church leaders of pilfering millions of dollars, selling church property below its value, and destroying records.

"Isn't it unusual to make all those charges BEFORE beginning the investigation?" asked Duke.

"That is the beauty of this case, Sire," exclaimed Chomos. "We are sailing in new legal waters unsullied by anybody for two hundred years. Just trust us, and everything will work out all right."

With that assurance, Duke was able to meet the reporters and assure them that he was satisfied his deputies were acting in the best interests of the people.

As the sun slowly rowed its way up into the heavens through the wispy mist over the campus on January 3, all the king's horses and all the king's men assembled for the great raid. About midmorning they came galloping up to the Hall of Administration and surrounded it.

"Don't anybody fall into the moat," advised Lord Lawrence as he nibbled another banana.

They gently jostled the ex-judge receiver, as he had fallen asleep in the saddle on the way

over.

As the deputies ran round and round the building, one finally hollered, "Over here! Over here! I found the door! The door is over here!"

"Give that man a banana!" exclaimed Lord Lawrence gleefully.

The posse barged into the Administration Building hollering "You're captured! You're captured." to bewildered secretaries.

"You'd better do as we say," growled a deputy, shoving a banana into his pocket so it looked like a

gun. Ex Judge Bounty, declared that he was taking over, as hobbled along, balancing the bowl of spiders from Judge Patch on the top of his head. He let everyone know that he had been appointed as receiver, and that this church was what he was going to receive. He demanded to be let into the executive offices. After several hours of bawling and threatening, someone showed him how to open the door.

Once inside, the deputies lost no time in setting up camp and in scouting around. They had heard there was gold in the vault. But where was the vault? Where were the records? Where was the great hoard of cash and all the other stuff that was supposed to be hidden there? They ripped open drawers and file cabinets, spilling papers everywhere.

"Aha, what's this?" blurted Lawrence. "Whatever it is, it has got me. Let me go!" Lawrence had accidentally got his necktie caught in the paper shredder and it had pulled him in up to the chin. He promptly assigned a deputy to spend the rest of the pasting his tie back together.

"I want that shredder taken as evidence," ordered Lawrence.

"Evidence of what?" asked an investigator, who had been assigned to carry the sack of bananas.

"It is called maintaining an attractive nuisance, I think — you know, something dangerous that neighborhood kids might stumble into," was the reply. "Wake me up if you find any gold," yawned ex-Judge Bounty as he curled up on top of a desk. Cartons and boxes of records were bundled up and trundled off for the chief to examine downtown. It seems that he likes to read, but is too cheap to buy magazines. He gets a kick out of reading private memos and personnel information. The next day, ex-Judge Bounty and Lord Lawrence, "the

Lip," assembled the workers together and told them if they didn't welcome the posse, they would all be fired. Apparently they were hoping for a big party. "With lots of bananas," added Lawrence.

The church people thought, "This isn't right. Perhaps they have the wrong address. The zoo is a few miles to the west

The people knew that a terrible mistake had been made. And they didn't like having to clean up all the banana peelings. So they went to court to have Receiver Bounty find some other place for his naps.

Judge Little presided. His wig also seemed to slip down over first one eye and the other. At first he told the church people he didn't know anything about any Constitutions and didn't want to argue about that. This made Lawrence and Chomos very happy.

The Church people tried to tell the court that the Constitution gave them rights and that the posse had no business camping in their buildings and taking over their money and threatening to fire them. But Chomos got up and said forcefully, "The church has no rights. Your Honor. That was what they called the judge, though it was difficult to figure out why.

The barrister went on to say that English common law for centuries had recognized that the king had the right to appoint a commissioner over the churches to collect revenue and run things so the king would be happy.

The church people tried to tell the judge that this was not medieval England. But when the judge saw Lord Lawrence and Barrister Chomos and their armor and banana-bearers and horsemen, he said it looked like old England to him and said the law would stand. The king had the right to take over the church if he wanted and to look through all the records and handle all the money and even fire the leaders of the church and set up new ones.

Another strange part of all this was that the judge seemed to know exactly what he was going to say and do and how he was going to rule even before the proceedings got underway. That was how he kept things moving through his court quickly. When asked why he only listened to one side before issuing his orders, he said, "It is much less confusing that way. And anyway, the king certainly wouldn't do anything wrong." He also remembered that Judge Patch had given his friend Judge Bounty the bowl of spiders. And that was enough evidence for him.

Judge Bounty lost no time in taking over. He rode right down to the bank and opened an account for himself and took the church's money. When the bank saw the ragtag army, it panicked and also took some more of the church's money. Then many of the church's checks could not be cashed. Some of the poor widows could not get their support money. Some of the ministers couldn't cash their paychecks. The church's bills could not be paid and many people were very unhappy. But Judge Bounty went back to the offices and took another nap.

He also hired a private army to guard the vaults, rest rooms and anything else that looked like it might be the place where gold or records were stored. The judge spent so much time taking naps that he had to hire someone else to run the church for him. He found such a man in Azel Sheridan, who reportedly just came back from the last Crusade in the Holy Land, beating back the heather from Mount Moriah and looking for the silver chalice and holy grail and all of that. "Yes," thought Judge Bounty, "he is just the right man."

The church people did not like the king's men taking over their church. They knew that this was not ancient England, regardless of what Judge Bounty and Duke's men thought. And obviously the Constitution and Bill of Rights must have been

Passed after Judge Little had graduated, because he hadn't seemed to have heard of it. It was a time for action!

One morning very early, before Judge Bounty got out of bed, the church people all went into the Hall of Administration and locked the doors. When Azel Sheridan got there, he couldn't get in. Surprised, he exclaimed, "they can't do this to ME!" It seemed that he always spelled that word with capital letters. For two more days the church people sang and had meetings and kept the doors locked. By this time, Azel and Bounty had called for the Army. But they were afraid to break in and arrest the people because there were TV cameras there and they didn't want everyone all over the nation to see what they were up to. After all, most people had heard of the Constitution and would immediately see that something funny was going on.

Finally Judge Bounty began to wave the white flag and agreed to move out of the headquarters building. The people were very happy about this. They were even happier a few weeks later when the judge started to notice he was feeling ill and would not be able to keep up his grueling schedule of three naps a day in his office. Some of the people wondered if it was the spiders that were making the judge ill. They had never heard of anyone eating spiders before. Why couldn't the judge eat bananas like Lord Lawrence and his men?

After Judge Bounty quit, Lord Lawrence went to court to try to get Judge Little to let him run things, and look around in all the church's books and records. The judge thought that would be a good idea. But Lawrence looked pale when the judge said he thought he should pay for this amusement. The judge said it was only fair. "After all, it costs money to go to the movies too, you know, and those who are having the fun should pay the bill." Still, the judge and Lord Lawrence could not be persuaded that they needed a newer set of law books — ones which had the Constitution and Bill of Rights. So the church appealed the judge's order and this made him very angry. He probably knew that the higher judges would have

The newer law books and would know about the Bill of Rights and the Constitution. But, for now, Lord Lawrence and all his playmates have to play at their own house. Judge Bounty has to take his naps at his own house. And the king's castle has been very quiet lately, except for an occasional grunt as somebody slips on another banana peel.

We wonder how this story is going to end. Will Duke wake up? Was this only a bad dream? Does he really know what kind of games his deputies are playing? Is he really running a monkey farm after all?

Does he really want to be king, ruling churches through a king's commissioner as under old English common law? Or does he just want to be governor? Will the churches wake up and see that the bureaucrats are trying to establish control over religion and do away with the Bill of Rights? Or will we all end up in a "Big Brother Society" as serfs and peons bowing down to the royal bureaucrats?

Chapter 15: Will the Wall Come Tumbling Down?

From the Highest Bench

Reviewing the language of recent decisions by the United States Supreme Court, it can hardly be doubted that the state of California has thudded a battering ram against the wall separating Church and State.

These rulings emphasize that government is not only forbidden to intrude into religious organizations, but that it cannot engage in activity that even threatens an entanglement in church affairs or religious matters.

Recently the Court ruled,* that government subsidies to help pay salaries of parochial school teachers were unconstitutional because such arrangements would permit state officials to examine religious school records and decide which expenses were religious and which were secular. The Court's opinion, delivered by Chief Justice Warren Burger, stated that this "post audit power to inspect and evaluate a church-related school's financial records" would result in "an intimate and continuing relationship between church and state."

Ordinarily, the Court stated, arguments on political issues are "normal and healthy" signs of our democratic system of government. However, political division "along religious lines" is quite different. This, the Court wrote, "was one of the principal evils against which the First Amendment was intended to protect. The political divisiveness of such conflict is a threat to the normal political process. To have States or communities divide on the issues presented by state aid to parochial schools would tend to confuse and obscure other issues of great urgency." Thus the Court neither confused nor obscured the issue in this landmark ruling. The decision went on:

We have an expanding array of vexing issues, local and national, domestic and international, to debate and divide on. It conflicts with our whole history and tradition to permit questions of the Religion Clauses to assume such importance in our legislatures and in our elections that they could divert attention from the myriad issues and problems which confront every level of government. The highways of church and state relationships are not likely to be one-way streets, and the Constitution's authors sought to protect religious worship from the pervasive power of government. The history of many countries attests to the hazards of religion intruding into the political arena or of political power intruding into the legitimate and free exercise of religious belief. [Emphasis added.]

* *Lemon v. Kurtzman*, 403 U.S. 602. A similar statute was reviewed and rejected in *New York v. Cathedral Academy*, 43 U.S. 125. In this latter case the Court observed that this sort of detailed inquiry would of itself constitute a significant encroachment on Constitutional protections.

In 1947, the Court had also driven this point home in language that could hardly be misunderstood: "Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organization or groups and vice versa. In the words of Jefferson, the clause against the establishment of religion by law was intended to erect 'a wall of separation between church and state.'"^{*}

In another decision handed down as recently as March, 1979, the Supreme Court again reaffirmed and reemphasized this prohibition in holding that the National Labor Relations Board could have no jurisdiction over Catholic parochial schools, since so to construe the statute would necessarily bring it into conflict with the First Amendment. Here is what the Court says:

Rather, we make a narrow inquiry whether the exercise of the Board's jurisdiction presents a significant risk that the First Amendment will be infringed.... The resolution of such charges by the Board [of unfair labor practices] in many instances will necessarily involve inquiry into the good faith of the position asserted by the clergy-administrators and its relationship to the schools' religious mission. It is not only the conclusions that may be reached by the Board which may infringe on rights guaranteed by the religion clauses but the very process of inquiry leading to findings and conclusions.^{**} [Emphasis added.]

This right is so important that it is protected not only against actual infringement, but against the very risk of infringement.

I do not intend or claim to treat the massive subject of church-state relations exhaustively.^{***} There are four other rulings by the Supreme Court, made in different eras of our history, that should be cited here:

...Christianity is not established by law, and the genius of our institutions requires that the Church and the State should be kept separate... The State confesses its incompetency to judge spiritual matters between men or between man and his maker... spiritual matters are exclusively in the hands of the teachers of religion. -Melvin v. Easley, 52 N.C. 356 (1860)

^{*} *Evenon v. Board of Education*, 330 U.S. 1, 15-16.

^{**} *NLRB v. The Catholic Bishop of Chicago*, March 21, 1979, Case No. 77-152, at page 12 of the opinion.

^{***} *The reader who desires further and far more complete discussions can find them in many books, notably Church State and Freedom and God, Caesar, and the Constitution, both by Leo Pfeffer (Beacon Press, Boston). Pfeffer, who teaches political science at Long Island University, has argued numerous church-state cases before the Supreme Court.*

The law knows no heresy, and is committed to the support of no dogma, the establishment of no sect.

-Watson v. Jones, 13 Wall 50 U.S. 679 (1872)

The First Amendment to the Constitution... was intended to allow everyone under the jurisdiction of the United States to entertain such notions respecting his relations to his maker and the duties they impose as may be approved by his judgment and conscience, and to exhibit his sentiments in such form of worship as he may think proper, not injurious to the rights of others, and to prohibit legislation for support of any religious tenets, or the modes of worship of any sect.

-Davis v. Beason, 133 U.S. 33 (1890)

We cannot have it both ways. Religious teaching cannot be a private affair when the state seeks to impose regulations which infringe on it indirectly, and a public affair when it comes to taxing citizens of one faith to aid another, or those of no faith at all. If these principles seem harsh in prohibiting aid to Catholic education, it must not be forgotten that it is the same Constitution that alone assures Catholics the right to maintain these schools... -Pierce v. Society of Sisters, 268 U.S. 510 (1925)

Nothing in the language of any of the Supreme Court cases says that rights so important and so fundamental in character are dependent upon the niceties of form or technical procedure.

Nowhere is there the slightest suggestion that a church may be simply characterized as a charitable trust and thereafter be invaded, taken over, and examined at will, or that First Amendment rights are forfeited if a church or church group chooses to incorporate rather than to operate as a mere voluntary association.

At the working, trial-court level, these bedrock principles are sometimes obscured in the press of routine business. That, of course, is why we have appellate courts. What is regrettable for our system of justice is that such outrage, humiliation, damage, and hardship should have been visited upon a religious institution while in the very process of defending and vindicating its rights and its innocence.

Why We Were Targeted

Why did the state of California go adventuring against the Worldwide Church of God? And why at this time in history? It would be illuminating to explore the reasons.

There can be little doubt that the horror in Jonestown, the religious colony in Guyana that was transformed into a death cult late in November of 1978, was a precipitating factor. The People's Temple, it will be recalled, had been based in California before its leader, the Reverend Jim Jones, took his followers to the 27,000-acre jungle plantation to establish his remote new world. The California attorney general, along with the U.S. State Department and the Federal

Bureau of Investigation, was smarting under growing attacks, and charges that the mass ritual suicides of some 900 men, women, and children could have been prevented. Critics pointed out that Jones's practices in his San Francisco temple had become increasingly bizarre, foreshadowing the horror that was to come. The Jonestown event, moreover, occurred as Americans were seeing their children join such religious groups as the "Moonies" and the Hare Krishnas, organizations whose doctrines and activities were beyond the understanding of most people.

The attorney general sought to capitalize on the rising fears that these events had fomented. Aware that the Worldwide Church of God was not well understood, believing that we too would be classed in the minds of Americans as a "cult," he apparently thought that public sentiment would not be aroused very strongly if he acted against us.

This leads quite logically into a second rationale for the coup. As a minority denomination, we have frequently been confused over the years with the many hundreds of other religious groups in the country to which we bear little if any resemblance. The attorney general apparently had classed us with those that utilize radio and television to raise money.

The fact is that we never solicit funds from the public. The general public does not know this and apparently the attorney general didn't know it either. I am not saying that those who ask for contributions are wrong: that is their modus operandi, their feeling, and their commitment toward what they are doing. However, they are being sharply criticized for their actions, and the attorney general lumped us with them.

The Garner Ted situation was another contributing element. Because it was highly sensationalized in the media, the attorney general and those with whom he was willing to work got the impression that we were a divided Church, and that if they landed on our doorstep there would be no unified resistance whatever. They were unaware that the dissenters, though vocal, were actually few in number. They believed — so very erroneously, it turned out — that a large group of members was just waiting for "the old man" to be thrown out, with me and the so-called "palace guard," and for the others to be installed in our place.

Finally, a personal one-way vendetta cannot be discounted. The Los Angeles Times has pointed out that Tapper, the deputy attorney general who led the assault on the Church, was in the "bowels" of my class at law school in which I graduated first. It is understandable, and quite human, that anyone in the "bowels" of anything can be envious of those who achieve higher distinction. But if envy has so distorted the soul of Lawrence Tapper that he would seek to bring down a Church of God to give himself a measure of solace, I pray for his soul.

The Common Peril

A legitimate question arises: What about individual wrongdoing? What can be done, should be done, if a high officer in a church is actually appropriating funds for his own use?

At the threshold, it is well to observe that Constitutional protections are not without their price. If we were simply to discard any guarantee which, while protecting the innocent and the worthy, at the same time sheltered wrongdoing and shielded the guilty from justice, we would very quickly be without any guarantees whatever. All we need to do is reflect on the number of criminals who have "taken the Fifth," or how many defendants, obviously guilty of the most revolting crimes, have been turned loose because some technical infraction of Fourth or Fifth Amendment guarantees invalidated a confession or resulted in the exclusion of competent evidence because it was obtained in the course of an illegal search or seizure. So the fact that a sexton or minister might occasionally steal or embezzle or defraud is no justification for tearing up the First Amendment.

On the other hand, the fact that the First Amendment exists does not by any means imply or require that such conduct must be protected or condoned. Indeed, wrongdoing should be pursued, investigated, prosecuted, and, if conviction follows, punished, and nothing in the First Amendment or the cases suggest otherwise. No member of the Worldwide Church of God (those accused not excepted) has ever even hinted that wrongdoing in that Church or any other church is clothed by the First Amendment with immunity from prosecution.

It is important, however, to make a very important distinction: Crimes are committed not by institutions (including churches) but by individuals. If individual wrongdoing has been committed, then the individuals responsible should be investigated, and if there is evidence that they have committed crimes, whether embezzlement, fraud, theft, or whatever, they should be prosecuted.

Furthermore, the state does not need the powers it claimed to have under Section 9505 in order to investigate and pursue wrongdoing. It already possesses the means necessary to deal with such conduct, as well as the tools by which to develop evidence of such wrongdoing if it exists.

All the state has to do is to convene a grand jury and subpoena witnesses, records and other competent evidence, under accepted rules of procedure and subject to recognized safeguards accorded in such proceedings with respect to privileged matters and Constitutional rights. There is no reason whatever why this could not have been done in the present case, and there has been no justifiable explanation offered as to why it was not done. The conclusion appears inescapable: that the attorney general simply did not have any credible evidence of specific wrongdoing and therefore determined to embark on what is classically known as a fishing expedition.

The enormity of what was done here is perhaps brought into somewhat better focus if one but asks: What if this had been Stanford University, whose principal officer was accused of stealing or pilfering? Or a major bank? Can one imagine that the attorney general, instead of investigating and prosecuting the individual officer, would attempt to throw the university or the bank into receivership?

A prosecutor would normally seek the cooperation of the employees and officers of the organizations. He would investigate, build a case against the individuals, and prosecute them.

Even so, we frequently read of embezzlements that go unpunished simply because the bank or university or other institution, as a matter of policy, does not wish to undergo the notoriety and public embarrassment of having one of its officers prosecuted, or to incur the risk of possibly being sued for damages at some later date, should the accused be acquitted.

One need only apply these same principles to a church in order to bring the picture back into normal focus and perspective. This perspective is reinforced when we recall that religious institutions, unlike commercial ones, are protected by the First Amendment.

In the mind of the detached observer, another line of thought that flows naturally from this situation frequently runs as follows: If there has been no wrongdoing, and the Church's finances are in order, why is it fighting so hard to prevent an audit? Does it have something to hide? What is it attempting to cover up?

This is a natural, but dangerous, line of reasoning and one that the state has actively encouraged in our case. There are several answers to these questions.

First, there are many things that people do not hesitate to do on a voluntary basis (that is, when it is their option to do it or not to do it), but which they resist when someone applies force, wrongfully and against their will. For example, many people voluntarily contribute to the Community Chest, the Red Cross, and other good works. They would undoubtedly, however, refuse or resist if someone attempted to force them to do so at the point of a gun. By the same token, an individual might make available personal financial information, which he was under no obligation to disclose, on a voluntary basis, but resist such disclosure if someone attempted to extract it from him by putting his arm in a hammerlock.

There is a more subtle danger involved in this process also, particularly in the case of individual rights. If one yields and acquiesces in the demand, even though illegal or unconstitutional, he may later be held to have waived his rights and his protection by the very act of cooperating.

So at the outset, the Church and the individuals in this case were presented with a cruel dilemma. They had been publicly accused by the state, in the most gross and intemperate terms, of wholesale theft. These charges were endlessly repeated in the public press and ultimately became imbedded in the public consciousness to the extent that the very mention of the Church or the individuals involved evoked an assumption of their guilt. Yet there was no evidence to support these charges, and the evidence to establish their innocence lay in the impeccable financial records that they had kept and maintained. Nevertheless the state had wrongfully and illegally seized those records and was systematically poring over them, exposing and extracting information of every kind and description, including matters having nothing to

do with financial data and which, by every settled law and standard, were entitled to absolute protection, such as lawyer-client correspondence, priest-penitent communications, membership lists, tithing records, and so on.

The Church, which had voluntarily cooperated with the IRS on repeated occasions in the past and had, as a consequence, thoroughly satisfied the federal government that its financial housekeeping was in perfect order and demonstrated that it had no need or wish to conceal, was confronted with an entirely different situation in dealing with the state of California. The attorney general, who would have received the same cooperation had he proceeded in the same manner as the IRS, instead chose to assume an adversary stance: he put a gun to the Church's head and forcibly seized its property and records. Having been forced by the state into a litigation posture, the Church had no choice but to play by those rules, since, by failing to do so, it risked the waiver of its own rights and risked having its conduct construed as an admission that the state's action was legitimate, that it had a right to do what it was doing. In other words, the Church was damned if it did and damned if it did not.

The gross unfairness of this situation is demonstrated by the fact that the Church's books were in exemplary shape, its accounting system was exceptionally modern and up to date, and its internal and external controls were comprehensive and thoroughly professional. Furthermore, the foundation filed detailed financial reports annually with the attorney general, which are a matter of public record, and the college and Church both filed annual information documents with the Franchise Tax Board. A substantial amount of information was regularly disclosed, as a matter of course, and of record publicly.

As pointed out above, the attorney general, if he had honestly wished only to uncover evidence of individual wrongdoing and either to establish its existence to his satisfaction or rule it out, could easily have sought the voluntary cooperation of other Church officials or, failing to obtain this, have convened a grand jury to compel the production of evidence.

So the bottom-line answer to the all-important question is: No! Neither the Church nor the individuals had or has anything to hide, nor have they ever attempted to hide it. On the other hand, they do have a great deal of importance to protect: their names, their reputations, their integrity, and the integrity of their Church, its very livelihood and well being, all of which have been severely damaged by the attorney general's unwarranted assault.

Americans are known for their sense of sportsmanship and fair play. Thus, knowing the facts of this case, fair-minded men and women can only be deeply offended by the suggestion that the defendants' legal resistance to unprovoked and unwarranted attack is itself evidence that they have something to hide. They must also reflect thoughtfully on the fact that rights of individual privacy don't mean very much if public branding is to be the inevitable consequence of their assertion.

It should also be borne in mind that despite the state's tactics, the Church and its officials,

without waiving their basic rights, have formally made available to the attorney general the audited statements for the Church, college, and foundation during the years mentioned in the complaint and have, furthermore, formally offered, on a consensual and voluntary basis, to make available to the attorney general the results of the audited examination currently being carried out by Arthur Andersen & Co., when it is completed.

The specific allegations which the attorney general urged on Judge Pacht and which, according to the record, persuaded him to act in the first instance, proved to be untrue. Not only did the attorney general not have evidence to support them, but one of his informants states that on the morning of the same day one of his deputies was affirmatively advised that the principal allegations were unsupported and untrue.

The dark charges of shredding, destruction, and carrying off of records have evaporated for lack of any credible proof and in the further light of testimony by the receiver's own auditors that the Church's computer operation is "one of the most modern on the West Coast."

No evidence has been produced to demonstrate that Messrs. Armstrong, Rader, or Helge have "siphoned" or "pilfered" anything. A highly respected national accounting firm* retained by the receiver spent a month and a half auditing the financial records of the Church, the college, and the foundation and, through the date of its withdrawal, was unable to offer any support to the state's charges.

It is also apparent that even if evidence of individual wrongdoing had existed, the state's law enforcement agencies possessed ample means to pursue, uncover, and prosecute individual wrongdoing without the necessity for attacking the Church, throwing it into receivership, isolating its members, seizing its property and records, destroying its credit and financial standing, and blackening its reputation.

But if none of this was necessary to correct wrongdoing, what then was the attorney general really seeking to achieve by the spectacular coup d'etat he mounted in order to seize possession of the Worldwide Church of God?

The answer is that he, the attorney general, is attempting to establish the state's right to regulate religion in the state of California!

Just as the Public Utilities Commission regulates utilities, the Coastal Commission regulates the use of property in the coastal zone, the Interstate Commerce Commission regulates the transportation industry, the attorney general seeks to review and determine what property churches may or may not sell and for what prices, what contracts they may and may not enter into and with whom, what properties they may or may not remove from the state of California. According to him, such property belongs to the people of California, even though it may have been contributed by people from all over the world.

* *Peat, Marwick & Mitchell.*

This is what emerges from the frightening concepts articulated by the state's representatives in this case, consistently and repeatedly, as emanating from the charitable-trust concept.

We have here more than a mere "risk" of infringement of First Amendment rights. We have the ultimate abridgement and destruction of them. It is not the "camel's nose" under the tent; it is the camel's total occupation of the tent and the dispossession of its inhabitants.

This is the true significance of the charitable-trust concept.

"Protection" was the ultimate justification urged by the attorney general for the appointment of a receiver: "protection and preservation of the Church's assets." Viewing the devastation wrought by this "protective" invasion, one might be moved to speculate on what additional damage the state's representatives could have done even had they not been so benevolently motivated.

The founders of this republic were moved to erect the First Amendment's protective barriers simply because their memories were long, and they clearly realized what can result from the iron grip of the State's "protective" embrace.

If history teaches anything, it is the bloody lesson that in religious wars and struggles, more death, suffering, and persecution are meted out under the claim of "protection" than almost any other guise.

When Tomas de Torquemada was applying the thumbscrew and breaking bodies on the rack in the service of the Spanish Inquisition, he was not wreaking vengeance on these hapless souls or torturing them because he hated them. He was attempting to protect them from their own error and wickedness, and to save them for their ultimate salvation. When Queen Mary I ("Bloody Mary") brought fire and destruction on England's Protestants, she did so under the same soiled banner of protection as, in like manner, did Oliver Cromwell a hundred years later in his equally bloody suppression of the Catholics in Ireland and England.

To the extent that these lessons of history are lost, it will be necessary, as George Santayana observed, to repeat them. Perhaps the spectacle that has been acted out in California in recent months will serve to jog men's memories and reawaken their vigilance in this respect. If so, then the damage that has been done there may not be altogether in vain.

The "protection" exercised in this case, consistent with historical example, has been wielded with a cynicism bordering on the vengeful, and its net effect has been to damage and destroy. Warren Abbott, a senior assistant attorney general, was asked by a reporter for the Los Angeles Times whether all of this "protection" didn't come at a rather high price for the Worldwide Church of God, suggesting that by the time the Church had paid the staggering bill for such protection, there might be few if any assets worth protecting. Abbott admitted that this was a possibility. But if that happened, he added, it would be the Church's fault for resisting, not the attorney general's.

These attitudes and consequences are not exceptional; they are typical. They are the inevitable results that occur when Church and State become entangled, as history demonstrates, if we would but heed it.

Ultimately, of course, the State cannot prevail, but only because this particular Church refused to roll over and play dead. It resisted and will continue to resist, but this is something it can do only because the Church's leadership has the overwhelming support of its members, and the major part of this constituency lies outside the state of California.* Were it a small church or one wholly within the state, it would by this time have succumbed to the onslaught, and hardly a ripple would be left to mar the surface and mark the point where the victim went under. This lesson should not be lost in recalling this case.

The state struck in a manner that was calculated to knock out the victim and kill its resistance before it could mount a defense or establish its innocence. Under ordinary circumstances, the victim would never have had the opportunity to do so.

Unless intelligent and reasonable men recall these things and determine to prevent their repetition, they will occur again, for this is the very nature of the State. This is why the Constitutional protection was originally needed.

Nearly two hundred years later, the need for these guarantees is more urgent than ever. The wall must stand. If it cracks and shatters, subjecting a small church to State-dictated control and limitation, the state of California will be free to proceed against other churches, synagogues, and religious institutions of all kinds.

And then?

Once the dike cracks in California, the flood will engulf all of America. The guarantees of the religion clauses of the First Amendment will float away in the torrent.

* See appendix E.

Epilogue

IT WAS late afternoon in the desert city. I had been up since dawn despite a late arrival the night before. Beyond the desert, the jagged mountains shimmered in the heat. The mercury had soared into the high nineties for another in a series of scorching days.

Shortly after 5:00 P.M., I drove along the mesquite-bordered roads to Herbert Armstrong's home on the outskirts of Tucson. On that day, September 27, 1979, my Pastor General ordained me as an evangelist of the Worldwide Church of God.

It was perhaps the most momentous day of my life. Riding home after the ceremony, I looked at the saguaros towering over the dry landscape. Those spectacular cacti, whose waxy white blossoms are the state flowers of Arizona, have always awed me by their raw beauty, but on that early evening they held a new meaning. I asked the driver of my car to stop and I looked with moist eyes at a giant specimen close to the road. For the first time, I noticed that its arms stretched heavenward.

I realized as I looked that I had come full circle in my own life.

When my association with Herbert Armstrong had begun twenty-two years earlier, I never intended to embrace the religious philosophy and the system of ideals and values for which the Church stood. Becoming a member, believing in the doctrines, were not conditions of my being an aide to Mr. Armstrong, and never were throughout all our years together. Had I been told that I would be called on to do more than respect the beliefs of Herbert Armstrong and the members of the Church, it would have been impossible for me to begin, much less continue, my association. What professional man of any integrity would agree to represent anyone or any organization on condition that he or she become a member of a particular congregation?

Time passed.

By 1975, I had come a long way toward conversion. Working day in and day out with Mr. Armstrong — preaching the gospel as he did to leaders of this world and to people of other lands, other faiths, and other races, I had been pondering the question of my own baptism. Mr. Armstrong never directly pushed me in this direction, but it was a subject we did not hesitate to talk about. Doctrine — as well as Church affairs, such as problems in the ministry — was a topic we discussed at every opportunity.

Earlier, I had thought that I would never be baptized because I felt I did not measure up to the apparent spirituality of others. But by then I had reached the point where I did not want to be baptized because I saw too much hypocrisy in some elements of the hierarchy and too much of this world in the Church. Mr. Armstrong pointed out the error of my analysis: baptism is something between God and the individual; it has nothing to do with others. I finally saw how right he was and, in March 1975, in Hong Kong, he baptized me himself.

Typically, there had been no sudden spiritual awakening in me; I underwent no miraculous born-again experience in a single moment of time. It was a realization, a conviction reached by

slow stages, that I wanted a place in the world over which Jesus was coming to rule.

There were times during this period of dawning awareness when I drew back, also not untypical. Some who feel as I did counsel with a Church minister to ask questions, unburden themselves of their doubts, and make certain in their own souls that they wish to make the commitment. I had the great good fortune to counsel with the Pastor General himself.

That is the way things work in the Worldwide Church of God. Just as there are no warnings to join, no badgering, no efforts at conversion, neither can one remove the impediments to belief by oneself. The choice is not ours to make. No man and no woman can see the truth unless he or she is called by the Father and drawn to Him. The Bible says it plainly and in almost those words: "No man can come to me, except the Father which hath sent me draw him: and I will raise him up at the last day." (John 6:44.)

Membership brought me a new inner peace. My position with Herbert Armstrong and the Church continued on a personal and professional basis, but not on an ecclesiastical level.

So it went until that September day in 1979.

I had returned to this country from China and gone directly to Tucson. I had not seen Mr. Armstrong in two months. On Wednesday, he told me he had arrived at a major decision. I could best serve the Church and the Living God, he said, from within the ranks of the ordained rather than from the outside. As a man ordained, I would be one with the body of the Church, working for its greater good. The inspiration, he said, had come from God during the time I was away, and he had prayed for the successful conclusion of our legal problems and an end to the vicious assaults on our integrity.

It was a vote of confidence in me, cast by Mr. Armstrong in the strongest way he could. He was, in effect, telling the attorney general and other critics that despite the charges leveled against me, despite the flood of vilification poured out by a small but vocal band of dissidents, he wanted to label me in quite another way, as a committed servant of God.

The special area in which I will henceforth work will not change, but now ecclesiastical responsibilities have been added to secular, professional ones. I am no longer a lawyer acting as a lawyer, but an ecclesiastical person dealing with legal problems. I am no longer a financial man working on financial problems but an ecclesiastical person dealing with the financial matters that concern my Church.

Thus, while my primary functions will not change, I will now be advising Mr. Armstrong and traveling to the nations of the world in the service of the Work, not as a member of the congregation but as a person with an ecclesiastical rank one step below Mr. Armstrong's own. The Church hierarchy consists of the Apostle, the evangelists, of whom there were about fifteen at the time of my ordination; pastors, preacher elders, local elders, and deacons and deaconesses.

Ordination was a simple rite. In the presence of his wife, Ramona, and two other witnesses he

placed one hand on my forehead, another on my shoulder, and prayed for several minutes, asking God to help me and guide me in the great Work ahead. Afterward, he also elevated to evangelist rank Ellis La-Ravia and Joseph Tkach, both ministers who had played prominent roles in the sit-in that barred the receiver from entering our headquarters. Young Kevin Dean was ordained a minister; his brother Aaron, who was not present that day, was ordained the following week.

Although the ceremony lasted a short time, I could borrow the historic phrase from another Armstrong, the astronaut Neil, who was the first man to walk upon the moon: the ordination was one small step in terms of time, but a giant one in my life.

I am aware that Mr. Armstrong's action in elevating me to evangelist may give fuel to those who ascribe certain motives to me. So be it. There will always be those who, for whatever reason, will find evil lurking anywhere. I will point no fingers, make no accusations. The course of true religion never runs smoothly and enemies will arise along its path. I offer them compassion and the hope that whatever is boiling in their breasts will simmer and cool, and that they will ultimately see, with their eyes and with their hearts, that the sole "ambition" we in the Church have is to perform, fully and completely, ardently and reverently, the Work we have been commanded to do.

To those persons, friendly and unfriendly, who may still harbor the notion that one Stanley Rader seeks to be named successor to Herbert Armstrong, let me speak plainly.

Before that eventful September day, I had a disability that effectively barred me from consideration: I was not a member of the Church hierarchy. Now that disability has been removed. It may be that God wished it that way. However, this must be underscored at the close of this book as it was in the opening pages:

The Pastor General will probably be able to complete the great Work he began, and there will be no more need for a "successor." Jesus himself will be here. But if it isn't God's will that Herbert Armstrong finish the Work, then God will bring forward a person who will. It is crucial to understand that Mr. Armstrong makes no choices and surely I make none either.

God alone chooses.

No appointment of a "successor" will ever be made in the Worldwide Church of God. There is never a "president-elect," as in the American Bar Association and other organizations! We have a Church and we have a mission.

That is all we know and all we need to know. If ever the time comes when a leader must be selected, God will send a signal and a leader will be found.

I will dwell no longer upon my own position in the Church. I can only add that Herbert Armstrong is the direct servant of the Living God, and I serve Herbert Armstrong.

If I have "ambitions," their outer limits are to help this man whom I honor and admire so profoundly and respectfully, to fulfill the Great Commission.

The one issue of overriding importance is to keep the Church alive. It has been wounded but it has not expired — not now, not ever. It is battling back with all the strength it can muster against a state that has decided it wants to go where the mighty minds of the founders of the republic decided it cannot and must not step.

In the brief time since the invasion of our Church, the conscience of the country has been stirred. More and more religious leaders are expressing condemnation of the attorney general's actions, and are urging all who cherish freedom to speak up in our behalf, whether they agree with our doctrines or not.

The stakes are enormous for all religions. As for the Church, we will not be cowed, we will never be destroyed.

We will prevail, because we are on the side of God and He is on ours.

Appendices:**Appendix A: The Church and its Doctrines**

THE Worldwide Church of God is a Christian church whose doctrines are based on a literal interpretation of the Old and New Testaments.

Church leaders believe that the prime duty of the modern Christian Church is to preach actively the Gospel of the Kingdom of God throughout the world. Herbert W. Armstrong, its president and Pastor General, and also president and chancellor of Ambassador College, is believed to be Jesus Christ's appointed Apostle on earth.

Basic doctrines of the Church include belief in the Virgin Birth of Jesus Christ; that He lived a sinless life; that He was crucified and rose thereafter, and that the sins of those who repent are remitted through His blood; that salvation may be obtained only through His name; that He is the one and only Messiah and that His second return is imminent.

The Church's internal organization is hierarchical rather than congregational, comparable to that of the Roman Catholic, Greek Orthodox and Russian Orthodox churches. Authority proceeds from the top down in temporal as well as ecclesiastical matters. Herbert Armstrong appoints the members of the board of directors and is the temporal and pastoral head of Church affairs. His position and authority are comparable to those of his holiness, the pope; the board of directors is the equivalent of the papal curia.

Other doctrines and practices include the following:

Sabbath — Saturday, the seventh day of the week, is celebrated as the Sabbath.

Holy Days — Members of the Church of God also observe Passover, the Day of Atonement, the Pentecost, the Feast of Trumpets, and the Feast of Tabernacles — holy days of the Old Testament also kept by persons of the Judaic faith.

Tithing — Members voluntarily tithe and make other contributions from time to time. No appeals for funds are made to the general public, which may receive any of its more than 250 publications on subjects ranging from biblical doctrines to evolution to economic and political problems free.

Dietary Laws — Members follow the dietary laws of the Old Testament, which forbid the eating of pork and shellfish. **Baptism** — Water baptism by immersion is required for membership. Children are not baptized.

Medicine — Mr. Armstrong believes in divine healing through prayer. However, surgery to "repair," such as the setting of a broken leg, and cleansing of wounds, is permitted. A doctor is available at Ambassador College for those "who do not understand or have faith in divine healing through prayer."

The Church is not activist nor militant about any social or political issue, but through its continued teaching over radio and television, and in its magazines and special booklets, offers practical solutions to the problems faced in day-to-day living.

Appendix B

ALL RECEIVERSHIP orders in the Los Angeles Court are issued out of the two Writs and Receivers departments, Nos. 85 and 86. Cases are assigned to one department or the other on a mathematical basis, even-numbered cases going to one department, odd-numbered cases to the other. However, a case number is not assigned until the complaint is actually filed. Furthermore, the judges sitting in these departments are specially assigned on an annual basis, commencing the first of each year. Judge Pacht is a member of California's Commission on Judicial Performance. Hillel Chodos is a fellow member of the same commission. Judge Pacht was assigned to Department 85 commencing January 1, 1979; concurrently Judge Vernon Foster was assigned to Department 86. Pacht's predecessor in Department 85 was Judge Charles Phillips. The 2nd of January, therefore, was Pacht's first day in office in that department.

Had the action been filed prior to year's end, a different judge would certainly have heard it. Had the action even been filed before ex parte relief was sought, in the manner required by the court rules, there was only a 50 percent chance that it would have been assigned to Department 85.

The facts therefore suggest that Chodos, not wishing to leave anything to chance, engaged in a bit of astute shopping. He deferred acting until January 2. According to a declaration filed by him, he telephoned Department 85 that morning and was put directly through to Judge Pacht by the clerk. Chodos advised the Judge that he intended to seek ex parte relief that afternoon. Pacht suggested he send his proposed complaint in that morning, and Chodos accordingly had it delivered by messenger for the court's perusal in advance.

By thus approaching the court before actual filing, Chodos eliminated any chance that the case might, on the luck of the draw, be assigned to Department 86. It is evident from the facts that Chodos and the attorney general were afforded courtesies that are not available to other lawyers.

Appendix C

FOLLOWING ARE samplings of lengthy accounts of our travels, I previously printed in various Church publications. The dispatches, each of which has been sharply abbreviated, illustrate the diversity of places visited, dignitaries met, scope of our activities, and the quality of the receptions.

Back from Jerusalem

Herbert W. Armstrong returned to his Tucson, Ariz., home Dec. 21 following what be termed six "busy and eventful days" in Jerusalem.

Mr. Armstrong kept to a quick pace of activities that included meetings with Israeli President Itzhak Navon, Prime Minister Menachem Begin, and Foreign Minister Moshe Dayan.

Numerous special luncheons, dinners, and banquets were given in honor of Mr. Armstrong, who was in Jerusalem to celebrate the 10th anniversary of the Work's relationship with Hebrew University and the Israeli Archaeological Society.

On Dec. 17 Jerusalem Mayor Teddy Kollek arranged for a special inauguration of the city's new downtown park, the Liberty Bell Park, to honor Mr. Armstrong for his role in making the facility possible.

A stone sculpture bearing Mr. Armstrong's name was unveiled at the entrance to the park.

The same day, Mr. Armstrong was honored by having a large paved court named the "Herbert W. Armstrong Square" at the entrance to the International Cultural Center for Youth (ICCY) building.

-Worldwide
News, January 1,1979

Back from Rome

Herbert W. Armstrong returned here April 29 after what Stanley R. Rader, vice-president for financial affairs and planning for the Work, described as a "very successful trip" that included the observance of the Passover and the Days of Unleavened Bread in Israel, followed by a visit to Rome.

In Israel, Mr. Armstrong met with Mayor Teddy Kollek of Jerusalem and others active in Israeli public life, Mr. Rader said. Mr. Armstrong then visited Rome, which is now receiving world attention because of the Communist Party's expected entry into the Italian government in Italy's June elections.

-Worldwide News, May 10,1976

In Kingston, Jamaica

Today I am in Jamaica, and in a few days Mr. Armstrong will be speaking to thousands in the National Arena, as he has in other places throughout the world. Jamaica is a developing country, and its leaders have been striving to eliminate the inequality that has led to class division and strife and has prevented the development of the Jamaican people, both before and after Jamaica became independent from Great Britain. Already we have met with the governor general and the minister of education to discuss plans for a lasting and important project to be carried on in cooperation between the Ministry of Education and the Ambassador International Cultural Foundation-a project that we hope will play a substantial role in helping the people of

Jamaica to achieve the transformation of its educational system that is so essential for Jamaica's development into a modern society in this technological age.

-Stanley R. Rader
The Plain Truth, January, 1976

From Nairobi, Kenya

We were received by President Kenyatta at the State House in what was truly one of the most memorable meetings we have ever had with a Head of State.

The President asked Mr. Armstrong about his work-his Mission, which he had heard so much about-his efforts on behalf of world peace and the activities now being carried on by the Foundation.

Mr. Armstrong asked me to explain the work of the Foundation in its many activities throughout the world, and the President was duly impressed by these concrete evidences of humanitarian concern for others and a definite manifestation of a willingness to help others to help themselves. We expressed our interest in establishing a permanent relationship with the people of Kenya in a project that would be meaningful both for the people and for us.

After leaving the President's office, he introduced us to the Attorney General, having previously introduced us to the Minister of State. Earlier, we spent thirty minutes with the Minister of Defense.

On Wednesday, Mr. Armstrong was the guest speaker again at a regularly scheduled meeting of the Lion's Club of Nairobi. Later that afternoon Professor Gotoh and I met with about four hundred people at the Kenyatta Conference Center where Mr. Armstrong will speak next week on the 6th, 7th and 8th of June, and we screened Mr. Armstrong's film ("Ambassador for World Peace"), which highlighted his successful appearances last year in Manila.

Last week we were in The Hague and we had tremendous success there. Dr. Singh invited people to a luncheon and dinner to meet Mr. Armstrong and to introduce the work of the Foundation. At the luncheon we had various members of the World Court, as well as Ambassadors from Tanzania, Nigeria and India.

In the evening Dr. Singh really managed to introduce us to the elite of the Hague. The Ambassadors of the following nations were present: Japan, Tanzania, Egypt, Kuwait, Pakistan, India, Poland, Czechoslovakia, Morocco, Bulgaria, Romania, El Salvador, Belgium, Canada. There were also six representatives from the United States Embassy and six from the Russian Embassy, as well as other members of the International Court of Justice, including its president, His Excellency, Justice Lachs.

Tomorrow evening Mr. Armstrong will be introduced in Nairobi to the political, academic, social and industrial elite at a dinner hosted by Ambassador and Mrs. Mugo, a nephew and

niece of President Kenyatta. There will be many Ministers and Vice Ministers in attendance, as well as permanent Secretaries.

-Stanley R. Rader
The Bulletin, June 3, 1975

From Johannesburg, South Africa

Herbert W. Armstrong addressed the Turnhalle, the constitutional conference of Namibia (South-West Africa), March 14 in Windhoek, the capital city, and a week later, on March 21, spoke before the parliament of the newly independent Transkei in Umtata, its capital city.

Mr. Armstrong is the first "non-South-Wester" to have been invited to speak to the Turnhalle conference.

-Worldwide
News, March 28,1977

En Route from Tokyo to Hong Kong

We have on board one of my "Japanese sons"-4 high member of the Japanese Diet, with his very charming wife and two of their three sons.

Last Sabbath we had a dinner in the private dining room connecting with the Fontainebleau Restaurant atop the Imperial Hotel with the Ambassador of Israel and his wife and other members of the Israeli Embassy and their wives, making it a total of 12 at the dinner. There immediately followed a Sabbath afternoon service attended by some 200 Plain Truth readers.

Last night was the big night of the visit to Tokyo-a most important banquet with about 150 in attendance, including several high in the Japanese government, with 13 ambassadors from as many countries. Most of my "Japanese sons"-all members of the Japanese Diet-were present. I was guest of honor and main speaker. I did get over to them the good news announcement of the Kingdom of God.

-Pastor's Report, July 21,1977

Visiting England

Herbert W. Armstrong spoke to 1,000 brethren in the gymnasium of the former Ambassador College campus at Bricket Wood, England, May 28.

-Worldwide News, June 6,1977

Return from Asia and Africa

Herbert W. Armstrong returned here Aug. 8 from an around-the-world trip that included stops in Japan, Hong Kong and Israel and was highlighted by a two-night evangelistic campaign in Liberia.

After his departure from Hong Kong Mr. Armstrong flew aboard the G-II to Jerusalem, where he was honored at a luncheon by Jerusalem Mayor Teddy Kollek.

From Israel Mr. Armstrong flew to Abidjan, Ivory Coast, which served as a regional base of operations for trips to two adjoining West African countries, Liberia and Ghana.

We were met by the mayor of Monrovia, capital of Liberia. He took us in his car to see the president, and we spent 40 minutes with him.

Mr. Armstrong said the mayor also held a luncheon in his honor.

The next night we had a public meeting in an auditorium which seated 2,400.

-Worldwide News, August 15, 1977

From the Bahamas

Herbert W. Armstrong completed a "successful" week's stay in this capital city of the Bahama Islands that included meetings with the governor-general, prime minister and other notables and culminated in a three-night personal-appearance campaign Feb. 20 to 22.

The meetings, held in the Crown Ballroom of Loews Paradise Island Hotel, were emceed the first two nights by Osamu Gotoh, director of overseas campaigns, and the third night by Kingsley Mather, preaching elder responsible for the church here.

Stanley Rader, vice president for financial affairs and planning, spoke briefly after Mr. Armstrong's sermon the first night and then "spoke eight to 10 minutes" on Saturday night, again following the close of Mr. Armstrong's sermon.

Mr. Armstrong and Mr. Rader arrived in Nassau Sunday, Feb. 15. Mr. Armstrong arrived in Nassau from London, where he had spent several days in conferences with Frank Brown (regional director of the Work in the British Isles) and others at Bricket Wood.

-Worldwide News, March 1, 1976

From Cape Town, South Africa

Herbert W. Armstrong wound up his third week in South Africa with a visit with Prime Minister B. John Vorster in his office in the country's legislative capital on part of an agenda that so far has included Plain Truth lectures in three cities and speeches before civic clubs, as well as Holy Day services on Pentecost, June 6, for 800 brethren from all over South Africa.

The prime minister and Mr. Armstrong had planned to talk only 10 minutes, but the meeting lasted a half hour.

Stanley Rader, the Work's vice president for financial affairs, who is with Mr. Armstrong on his latest overseas trip, was also at the meeting with the prime minister. Mr. Armstrong flew to Windhoek, South-West Africa, for a luncheon in his honor that had been arranged by the South Africa Foundation for the leaders of the "constitutional community" of South-West Africa, a southern-African territory governed by South Africa.

The leaders of each racial group and ethnic group [of South-West Africa] are trying to hammer out a constitution in much the same way the Americans had to hammer out one years before. Mr. Rader in an impromptu speech pointed out the similarities between the constitutional committee in South-West Africa and our own founding fathers in America 20 years before.

-Worldwide News, June 21, 1976

From Bombay, India

In the past three days I have addressed a banquet attended by Junior Chamber of Commerce members and wives, with about 600 present, a "Giant Club" group of 450, a Rotary Club luncheon, and a "Lions International" group of 300-close to 1,500 leading citizens of this metropolis altogether.

I was here about a month ago when I addressed a similar number of groups composed of leading citizens in political, industrial, judicial, professional and commercial fields.

I am telling them that world peace is coming.

-The Plain Truth, 1975

Above the Sahara Desert

I am seven miles high over the Sahara Desert flying to Nairobi, Kenya, for the next big campaign. We expect a large and very successful campaign there. All Black Africa is now opening to us. Europe is now opening to my personal public appearances. The satellite states of eastern Europe, under Communist control, are opening. This new dimension, carrying Christ's true Gospel Message in all the world as a witness to all nations, is speeding up. It is an absolute miraculous intervention from God!

Time did run out on us in South Vietnam and Cambodia. We were making splendid headway toward a really BIG campaign in Saigon. Already I had held a testimonial dinner in Saigon attended by about a hundred of the very top people in government, education, business and industry. I had made a very friendly personal acquaintance with President Thieu. We were planning a huge campaign of successive nights with upwards of 25,000 or more in attendance in the university stadium. But the big offensive of the North Vietnamese got underway, and it became dangerous to chance assembling so huge a crowd in one place-it might have attracted bombing.

On the day before taking off for this present trip, I spoke to approximately 2,000 people-brethren and ministers-in the San Francisco/Oakland area. At the Hague, Holland, on Wednesday (May 21), Judge Nagendra Singh from India, Judge of the World Court of International Justice, hosted a luncheon in my honor. And that night I spoke at a banquet of upwards of 300 of the most distinguished people in that area-World Court justices and wives, ambassadors from many nations and wives, local dignitaries in government, education and industry. Actually it was one of the most distinguished-appearing groups I have ever seen. A similar meeting will be held in Paris in October.

-Pastor's Report, May 26, 1975

Bombay, India

I have returned to Bombay to speak this afternoon to 4,000 delegates attending a Lion's Club District Convention. Last February 26, I spoke here in Bombay to a group of 400 at a Lions Club banquet.

Yesterday afternoon I spoke to a group of nearly 300 Plain Truth readers from this part of India.

-Herbert W. Armstrong
Pastor's Letter, April 27, 1957

En Route to Tokyo

This letter is extremely important. I am writing as I fly 550 miles per hour more than seven miles over the ocean, having just left California's West Coast en route to Tokyo and other Far East capitals, ending at Manila for the very first of the new public appearances before large mass audiences in many nations around the world. Due to war threats in Saigon, the first public appearance was moved to Manila-Saigon next month.

For forty years there was no way open to us by which we might get this vital in-time message to the great nations of the world-China, India, Russia, Indonesia, Japan, Bangladesh (just to mention the six largest nations on earth, not including the United States). Now the doors are opening.

Already they have opened in Japan, India, Indonesia, Bangladesh, Thailand, Nepal, Iran, Ethiopia, Kenya, Egypt, Lebanon, Israel, Korea, Costa Rica, and the South American nations. I have an invitation through the Chinese Ambassador to Ethiopia (who is the former Chief of Protocol in Peking) to visit Mao Tse-tung and Chou En-lai in Peking. The Russian Ambassador to Nepal is working on a meeting in Moscow with Mr. Leonid Brezhnev. Doors have started to open in Holland, Germany, and France for meetings with their heads-of-state.

I am now continuing this letter in Tokyo. Last night I was the guest of honor at a dinner hosted

by the eight Japanese congressmen who flew with us in our plane for two weeks, beginning in India, and whom we then left at Cairo. They said the Prime Minister of Egypt expressed exuberance over my meeting with him, and that President Sadat is now eagerly looking forward to a meeting with me.

-Herbert W. Armstrong
Pastor's Letter, Feb. 11, 1974

From Bangkok

I am writing from Bangkok Tuesday morning, May 21, after closing the Manila campaign Sunday night with a receptive, upper and middle-class adult audience that packed the huge 24,000-seat Coliseum, with only some of the peripheral outer rafter seats unfilled. For three successive nights, these large crowds heard three successive sermons on the soon-coming Kingdom of God to restore peace on earth! The first night there were some empty seats scattered here and there. The second night the main auditorium portion of the huge Coliseum appeared almost packed, and solidly packed the final Sunday night.

On arrival at the airport I was met by Dr. Angeles, the Executive Vice-President of Angeles University.

On the first Saturday I spoke to some 600 people. On Sunday, for a noon luncheon, I was guest speaker before a group of more than 200—a combined luncheon of the Knights of Columbus and Daughters of Isabella.

On Tuesday, Angeles University conferred on me the honorary degree of Doctor of Humanities. Wednesday I was guest of honor at the Kiwanis Club luncheon and at 5 p.m. we arrived at the University of the East, largest in the Philippines. Friday we met with President Marcos.

-Herbert W. Armstrong
Pastor's Letter, May 2, 1974

Appendix D

THE FOLLOWING is the complete text of the letter sent by Herbert Armstrong to Stanley Rader, from which the second half of the tape played by Mike Wallace was taken. In the letter, Mr. Armstrong reaffirms his total support of Mr. Rader.

"Dear Stan: I regret exceedingly having triggered the violent emotional outburst (that is putting it mildly) over the telephone last evening. Our personal relations together through the years have been too pleasant, stimulating and rewarding, and based on mutual esteem, loyalty and trust, to let anything come between us. I'll certainly do my best to prevent any such outburst in the future.

I had been considerably distraught by things brought to my attention, or I should not have spoken so emphatically to Virginia. As I said on the phone, I am deeply sorry. Things have been brought to my attention that seriously threaten the very life of God's Church and Work. I feel I must now candidly bring it to you. If ever I needed your help, Stan, it is now. You have been a faithful help to me in the Work that no one else could have contributed. Ted has been playing overtime on the rift between himself and you. I told you last spring that I felt I could come more effectively to your defense after I got the Church turned around and had built back my own credibility. I did accomplish that and sincerely, Stan, I'm sure that feelings that may have been aroused against your integrity, honor and loyalty have not disappeared, and I will continue to defend your good name as do you mine. But from a number of coordinators and field ministers as well as from Pasadena, I have learned that definitely the following situation does now exist, which could prove fatal to the Work unless cleared before the ministers' conference.

I have the following report from the Office of Pastoral Administration: 'Quite frankly, Mr. Armstrong, a very large number of members and ministers see only two choices for the future.' The words themselves, you see, were not emphatic enough. 'These two choices are Ted and Stan. Though many, most, actually, don't want to leave you and follow Ted, they see the only alternative as following Stan, and they'd rather see Ted lead the Church than Stan.'

'To reinforce this attitude in the minds of our people, Stan is doing everything he can to present himself as next in line under you to run the Work in a purely physical way. It is common knowledge that Stan did not allow very much time to pass after Ted's departure from his office before he, Stan, moved in. That office is part of the executive suite. It is seen as a symbol — the place for the man next to you in authority. Stan uses the underground Eara1e, and he uses your private elevator. It is a very common belief that very few, if any, people can get to you [this is the irony of error] to talk to you privately without going through Stan. Mr. Armstrong, I could go on and on, but why? My point is that Stan and his prominent position in the Work is causing many people to stumble. This causes offense. God's Word says that we who are converted and have a godly love for our fellowman will suffer even wrongly, unjustly [last words underscored, which I agree]. The apostle Peter said: "What reward is it when you suffer for things deserved?" But one is humble, is like a little child. He is willing and ready to suffer wrong rather than give unnecessary cause for offense and stumbling to others.'

"Stan, I know you have done these things to help and serve the Work and to help me. I love you as a son, as you well know. I have accepted such things as moving into Ted's former office as trying to most efficiently serve the Work.

"But actually, the letter quoted above is mild compared to things I've heard from other sources. Certainly none of it is any reflection on your integrity. [Mr. Armstrong's emphasis.] I don't hear any more reflections against your good character. But I do hear that people believe you are pushing your way in to take over.

"But no matter how false, God says we should avoid even the appearance of wrong and avoid

causing little ones to stumble. Even though I do not feel as if I were over 45 years of age, people do look at that 86-plus figure. And most people do feel that anyone past 60 is old, and past 70 is sure to die any moment.

"I know and you know that I will go on living as long as God needs and wants me to live. But the little ones out there seem unable to see that. I know, Stan, that this is the general attitude in view of the ministry, and brethren, generally, around the country. I have been assured of it from coordinators and ministers from widely scattered areas. And, although I think we have cleared any false charges against your personal integrity, they do look on you as an attorney, familiar with finance and business, and not as a shepherd over God's flock.

"So what I propose is this, that we go back to the status as it was prior to Ted's departure, that you resign from administrative responsibilities in the Church and the college, but continue as vice president, executive vice president for the foundation, as my personal assistant and adviser, as our auditor, CPA and legal counsel, and of course, perhaps most important of all, continue with me in the great commission overseas. It might even look better for the Church to pay you an annual retainer for legal counsel, financial adviser, etc., subject to additional billing where warranted, and the foundation to pay you also a salary or fee, as you think best. I do want you and need you to continue as my personal assistant and adviser, especially in projects such as our overseas work and marketing of my books.

"Stan, I believe this will remove the last remaining serious threat to the Work of the great commission. I know that if we do what Christ leaves for us to do, and as I know He has led me in the above, the living Christ will preserve His Church and Work, will bless you and me and all in the Church and lead us to gloriously finish the great commission.

"With deepest love in Jesus' name."

Appendix E

TRIGGERED by media coverage of California's attempted "takeover," and by my volatile encounter with Mike Wallace on nationwide television, a flood of letters streamed into Church headquarters from all over the world. More than 15,000 — many from nonmembers — arrived in the first week alone. Because of limited staff, the Church has not been able to answer or even sort them. Addressed to Herbert Armstrong, they expressed support and confidence that the Church would win the fight. Following are excerpts from a tiny, random sampling:

I am shocked in a nation which boasts of human rights and freedom of religion, that the Courts would allow some former members to persuade them to take our Church away from us. If they don't like the Church, they can leave but they have no right to take the Church from those of us who do like it.

Christ said, "A prophet is not without honor, safe in his own country and in his own House." Matt. 73;57, Mark 6:4 and John 4:44. While Mr. Armstrong is honored as an Ambassador of

peace in nations around the world, in his own country he is sued for taking that message to those countries.

I have been a member of the Worldwide Church of God for 15 years. I have respected Mr. Armstrong for his wisdom in always choosing high quality in anything representing God's work. He has always given God credit for the growth of this work and us [Church members] credit for our part.

Of course we Church members know how the money was being spent. It was reported in our Church magazines and in letters from Mr. Armstrong.

Mrs. James R. Kale
Pasadena

If the attorney general has jurisdiction over Armstrong's Church, then he has it over mine, a Presbyterian Church; and any time a member disagrees about how money is spent, all he has to do is go to the attorney general's office and have the unlimited power to interfere, even though it destroys the church in the process.

How a church's money is spent is up to the governing body of the church, who are stewards for God and are answerable to Him.

How can some judge — who is not sensitive to the church body, has no idea of the church's theology and wasn't ordained for that responsibility — be a responsible steward of God's resources?

Whether or not these people were misusing money in the judge's opinion is not the point — the point is freedom of religion is gone from California if the state can appoint a judge or anyone else to tell the church what it should do and how it should spend its money.

Money is given to God, not the state or the attorney general and it's given to be used for His purposes, not the state's to be administered as a public trust. Maybe the state thinks churches sent too much money overseas, or spend too much on a sanctuary and the money should go to those living in the poor sections or to some other "worthwhile" project. But the money wasn't given to the public or the attorney general, or even the judge, it was given to God as an act of worship, to be administered through His church.

I thought we had a first amendment that guaranteed freedom of religion. Perhaps I was mistaken.

A. Virginia Munn
Alhambra, Ca.

I am so grateful God has allowed your life to be a blessing to so many — and has blessed you with the enthusiasm and motivation to be such a spiritual example to us, especially in these last

few months when the Church needed a strong leader. May God continue to strengthen your heart and mind, giving you eagle wings to rise high above the trials that are hitting the Church.

I count on God's word that all things work together for good for those who love and obey Him. In deep respect and love, in Jesus' name,

Alice Baker

Our prayers are with you now as never before. Every second you must realize there are thousands of prayers reaching our Great God on your and Mr. Rader's behalf.

There are no words to express the love we have for this work and for you. We never think twice about your honesty because you are in command under Christ. We are loyal to you because you have remained loyal to Christ. If people would only realize that this Work is the only honest good thing surviving today. Remember, we love and are behind you 100 percent.

Hilda

Most people don't believe like the Worldwide Church of God but surely we all can appreciate the threat and great danger that such tactics used by our government against any denomination could lead to in the future if any district attorney in any state can walk into any church in our land, fire its leaders, appoint whom he wants to take charge, take their records, release damaging unproved information to the press and which the press either doesn't report at all or buries on page 15 if the church is proven innocent.

The church's reputation is already damaged beyond repair because most people never do get to hear the true outcome. I say it is time to forget religious prejudice and start worrying about the communist — like tactics used.

I'm a great believer in getting on with my own religion and letting the other fellow get on with his. After all, isn't that what our Constitution is all about — freedom?

Mrs. Charlotte Farley
Dunlap, Tennessee

Be assured, Mr. Armstrong, and your devoted and dedicated assistant, Mr. Rader, though the whole world falsely accuse you and besmirch your good names, I and my friends in the Leeds Church will never believe anything but good can come from you. Our loving Father will never forsake his chosen Apostle nor his Church. We shall keep praying earnestly while we wait to hear justice has been done.

Imogene King
West Yorkshire, England

I'm not a member of the Church but have been a co-worker for a number of years and have listened to the programs, read the Plain Truth and received the booklets much longer.

Concerning your "lavish spending" — a ridiculous and typical accusation — I was and still am proud of the way the money has been used because it's all part of getting the Gospel through. I'll continue sending my tithes and more when possible.

A devoted follower

I feel that you are first and foremost a remarkable servant of God and I pray that God will bring you through this great trial. Stand tall against the forces of adversity. Christ is with you as you perform his work daily. Know that you are loved and have the backing of millions of people who are praying for you.

Wayne Reyles

We are behind you all the way and pray daily for you, Mr. Rader, Mr. Meredith and Mr. Luker and the Work of God. We wish that each of us could tell the judges in California that you have the right to spend the money we send you in any way that you feel is necessary to get the Work of God done. You are responsible to no one but God as to how you spend it — not to those of us who send it or to the judges of this land.

Keep fighting and encourage Mr. Rader to do the same.

In Christian love,
Glen A. Akins

I'm glad you care enough about all of us to explain what is going on. You truly are a loving father to us all and we do appreciate all you do for us. We are all praying for your health during the crisis now and we hope it will be over soon. I'm quite sure God will win and be victorious and I pray all of us will draw closer to Him and each other in this test and trial.

Please remember we love you and are praying for you always.

In Christian love,
Mrs. Al Kacurek

We are behind you. Hang in there! I know you are God's chosen apostle. I will continue to pray for you and the work for I know God is still on the throne. We will prevail! My love to you in Jesus' name.

Marion B. Hart
Warrensville Heights, Ohio

I, for one, will follow Mr. Herbert W. Armstrong and God's true Church here on this earth, wherever its headquarters may be, and under whatever name it may be called.

I am not baptized yet but will be just as soon as possible. I have the privilege of attending Sabbath services every week and I feel I must start tithing now that I am making my own money.

We are all behind Mr. Armstrong 100%. He is our leader and I, for one, will follow him. We are all working and praying for the Church and Mr. Armstrong.

Florence L. Spencer
Gold Hill, Oregon

Truly these are trying times but true Christians were promised that by the very words of Jesus, "They have persecuted me, they will persecute you also."

We have sent in our offering to Tucson as I know all of God's true children are doing. We are fasting and praying and know that all this is for our own good even though it is hard to see now. God is making his Church ready.

With all you men full of faith leading us we shall overcome and all of us together hear "Well done, you good and faithful servant."

With deep Christian love in Jesus' name.

Oliver and Hope Brecto
Eugene, Oregon

I would just like to say that we are 100 percent behind you as God's chosen Apostle. Please continue in this great work. We are always praying for you.

We would like to add a few words of encouragement to your most able and willing assistant, Stanley Rader. We realize you are the one chosen by God to assist his Apostle. Please continue to fight. There is a crown of righteousness for you right next to Mr. Armstrong's own.

We thank God for you also as you have done wonders in the courts defending the integrity and good name of God's Church and His Apostle.

Michael and Beverly Case
Kingston, Jamaica
West Indies

You are God's apostle — the human head of God's one and only true Church of today, the Worldwide Church of God. I am fully behind you, supporting you and backing you.

May God continue to bless you and your work.

A member in Australia

I was so pleased to find you on my TV screen and front page of my newspaper. I need no longer wonder whatever became of the boy I knew a long time ago. White Plains in 1946 and 1947 must be light years away from your today life. I, however, admit to sentimental mind trips back there quite often.

I feel certain you will survive this assault on your sense of justice done because of your brilliant use of the laws of our land. My best wishes go to you from across the years past.

(The above letter was sent to me by Ruth K. Kaplan, a friend whom I had not seen in more than thirty years.)

Appendix F

Please Note: The page numbers below this point will no longer match. HWALibrary.com decided not to convert the remaining part of this book to searchable text. We may at some later day. The page numbers will go from 200 of this current page to 310. The remaining PDF pages are from the original book.

IN THE
Supreme Court of the United States

October Term, 1979
No. 79-1348

WORLDWIDE CHURCH OF GOD, INC., ET AL.,
PETITIONERS,
vs.
STATE OF CALIFORNIA, ET AL.,
RESPONDENTS.

**On Petition for a Writ of Certiorari to the Court of Appeal of the
State of California, Second Appellate District, Division Three**

Brief of

NATIONAL COUNCIL OF CHURCHES OF CHRIST IN THE
U.S.A.

SYNAGOGUE COUNCIL OF AMERICA

BAPTIST JOINT COMMITTEE ON PUBLIC AFFAIRS

LUTHERAN CHURCH IN AMERICA

ASSOCIATION OF EVANGELICAL LUTHERAN CHURCHES

BOARD OF CHURCH AND SOCIETY, THE UNITED METH-
ODIST CHURCH

WILLIAM P. THOMPSON, STATED CLERK OF THE GEN-
ERAL ASSEMBLY OF THE UNITED PRESBYTERIAN
CHURCH IN THE U.S.A.

NATIONAL ASSOCIATION OF EVANGELICALS

NORTHERN CALIFORNIA ECUMENICAL COUNCIL

As Amici Curiae in Support of Granting Certiorari

INTRODUCTION.

This brief is respectfully submitted in behalf of the following church and synagogue associations.¹

National Council of Churches of Christ in the U.S.A.

Synagogue Council of America

Baptist Joint Committee on Public Affairs

Lutheran Church in America

Association of Evangelical Lutheran Churches

Board of Church and Society, The United Methodist Church

William P. Thompson, Stated Clerk of the General Assembly of the

United Presbyterian Church in the U.S.A.

National Association of Evangelicals

Norther California Ecumenical Council

The aggregate constituency represented by these associations totals in excess of 80 million Americans. The constituents differ among themselves as to the appropriate or most appropriate way to worship or express reverence to God. The ecclesiastical structures of the associations differ: some are hierarchical, some congregational. Their legal structures differ too: some are unincorporated, some are incorporated under religious corporations laws, some are corporations sole, and some, like the Worldwide Church of God, are organized under general corporation statutes.

What unites them in the submission of the brief is a conviction that when the technicalities of statutes designed to regulate ordinary corporate activities are used and abused as instrumentalities to destroy a religious association which may be in governmental disfavor at a particular time, the result is a threat to the security of all religions. A religion favored today may be disfavored tomorrow, and no religion is secure unless all are secure.

Religious freedom is the precious heritage of all. Because they feel that the actions of the Attorney General of California threaten that heritage and their own security, the associations joining in this brief respectfully submit it to this Court.

STATEMENT OF THE CASE.

Basically, the substance of the unfortunate litigation is this. The Attorney General of California, acting for the state, has declared that churches and religious organizations are public, charitable trusts accountable to the state and consequently, that:

1. All church or synagogue property is deemed to be public property, rather than being owned by the church or synagogue or its members, and is therefore subject to supervision, regulation and control by the state;

¹ Descriptions and statements of interest in respect of these organizations appear in the attached motion for leave to file brief amici curiae, to which the Court's attention is respectfully invited.

2. All church or synagogue records are public records and are subject to audit and review by the state, whether or not there is reasonable ground for its action;

3. The state may, with or without cause, compel a church or synagogue to account for all of its income and expenditures so that the state may determine if its funds are being used for proper religious purposes;

4. Church or synagogue officials are public trustees who serve as agents of the state and may be removed and replaced by the state at will;

5. The state has the authority to require the reorganization of internal church structures from hierarchical to congregational form;

6. The state may appoint a receiver to take possession of all church or synagogue property and records and supervise operations until the litigation is finally determined, no matter how long that may take; and

7. The state may conduct ongoing investigation as a means of accomplishing all or any of the foregoing objectives.

Basically, the Attorney General claims an inherent common law power (originating in England long before the first amendment became part of our Constitution), reinforced by statute, to supervise, manage and control a church or synagogue on the theory that it is a ward of the state and that its affairs and operation are subject to unlimited and continuing control by the state acting through its Attorney General.

Pursuant to the foregoing doctrine, the Attorney General, upon the relation of six dissident members, filed this lawsuit against the Worldwide Church of God, its principal leaders, and other defendants seeking to compel an accounting by having the Court order the Church to submit to an examination, audit and general investigation of its affairs.

The lawsuit sought to invoke the state's judicial system in order to force disclosure not only of all the assets of the church, but of its activities and operations in the carrying out of its sacred mission. Moreover, in addition to its inquisition, the lawsuit sought to remove and replace the Church leaders and trustees and to restructure the Church organization. The ancillary remedies of receivership and injunction were asked in aid of these objectives.

A receiver (not baptized in the Church) was appointed *ex parte* and placed in complete charge of the Church for approximately seven weeks, following which the receivership was suspended by the posting of a stay bond upon the Church's appeal.

Subsequently, the Attorney General turned to civil discovery as a means of enforcing his examination and secured a series of sweeping orders from the Court directed against the Church and its principal officers. Among the orders issued pursuant to the Attorney General's demands, for example, was one compelling Herbert Armstrong, the 87-year-old founder and patriarch of the Church, to appear for interrogation and to bring with him every scrap of paper he had accumulated over the many years that he had led the Church.

These defendants, by their petition to this Court, seek review of these orders.

QUESTION PRESENTED.

The question dealt with in the brief is whether the action of the state through its Attorney General, as has been set forth, can be reconciled with the mandate of the first amendment forbidding laws respecting an establishment of religion or prohibiting its free exercise.

SUMMARY OF ARGUMENT.

This case presents a startling and, we believe, unprecedented situation in the history of church-state relations under a constitution that forbids the establishment and secures the free exercise of religion. The state-authorized actions of the Attorney General are predicated on the assumption that a thriving, completely solvent church with an enviable credit rating, enjoying the full support of the overwhelming majority of its membership, can be taken over and managed by state officials as if it were a failing business corporation unable to meet its debts or pay its workers.

The action challenged herein, sanctioned by California's courts, violates the first amendment's ban on laws respecting an establishment of religion in that it constitutes impermissible state participation in religious affairs, its purpose and primary effect are the inhibition of religion, and its action results in excessive government entanglement with religion.

The action of the State violates the free exercise clause of the amendment in that the State has not established, nor can it establish, the existence of an interest sufficiently compelling to justify infringement upon the congregants' right to the free exercise of their religion in determining how and by whom their affairs shall be governed and their voluntary contributions expended.

ARGUMENT.**I.****THE ACTION OF THE STATE OF CALIFORNIA THROUGH ITS ATTORNEY GENERAL VIOLATES THE ESTABLISHMENT CLAUSE OF THE FIRST AMENDMENT.****A. Introduction.**

Recently, in *National Labor Relations Board v. Catholic Bishop of Chicago*, 440 U.S. 490 (1979), the Court said (at page 504):

The church-teacher relationship in a church-operated school differs from the employment relationship in a public or other non-religious school. We see no escape from conflicts flowing from the Board's exercise of jurisdiction over teachers in church-operated schools and the consequent serious First Amendment questions that would follow.

Although this quotation was dictum in the decision, we quote it to indicate that just as an undoubtedly legitimate governmental interest in

labor relations must yield to the higher commands of the first amendment's religion clauses, so too must its asserted interest in protecting the assets of a non-profit corporation.

Unlike the situation in cases involving business corporations or charitable organizations, governmental intrusion into the affairs of churches affect grave constitutional concerns in respect to the integrity of religious institutions and the underlying concept of the establishment and free exercise clauses. Nothing in the first amendment or elsewhere in the Constitution forbids a state from operating a business, or even a school so long as it is not a religious school; our public school systems are predicated on that assumption. Should, however, this Court sanction operation of a church by a public official, it certainly could operate a parochial school, a result which is clearly contradictory to the principle set forth in our quotation from *Catholic Bishop*, and certainly could not be reconciled with the principles of constitutional law emanating from *Pierce v. Society of Sisters*, 268 U.S. 510 (1925).

B. The Meaning of the Establishment Clause.

1. The Everson Test.

In *Everson v. Board of Education*, 330 U.S. 1, 15 (1947), and later cases,² the Court defined the establishment clause in the following language:

The "establishment of religion" clause of the First Amendment means at least this: Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or non-attendance. No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups and vice versa. In the words of Jefferson, the clause against establishment of religion by law was intended to erect "a wall of separation between Church and State."

It is impossible to reconcile the position of the State of California with this language. If the State is not setting up a church it is certainly taking one over and operating the Worldwide Church of God with the same authority and powers exercised in respect to a church which it sets up. It is forcing and certainly influencing its members to remain away from the church of their choice and forcing upon them choices and

² *McCullum v. Board of Education*, 333 U.S. 203, 210-211 (1948); *McGowan v. Maryland*, 366 U.S. 420, 430 (1961); *Torcaso v. Watkins*, 367 U.S. 488, 493 (1961).

actions regarding their church which they clearly would not take of their own volition. Above all, it is not secretly but openly participating in the affairs of a religious organization.

It is, of course, no answer that the State of California, through its Attorney General, may at the present time be liberal in allowing the religious leaders of the Church to conduct what the Attorney General deems to be the purely religious activities of the Church. The state has by no means conceded that it is constitutionally forbidden to do otherwise. On the contrary, it has gone so far as to employ an excommunicated former member of the Church as its chief administrator and has asserted the right to determine which Church programs and ministers should be continued and which terminated. The action it has taken may not shock the conscience of the Attorney General, but it does shock the conscience of the millions of Americans in whose behalf we submit this brief.

2. The Purpose-Effect-Entanglement Test.

Beginning with *Walz v. Tax Commission*, 397 U.S. 664 (1970), and *Lemon v. Kurtzman*, 403 U.S. 602 (1971), and later cases,³ the Court has expressed the meaning of the establishment clause in language which is somewhat different from that used in *Everson* and the other cited cases, but which is the same in basic substance.⁴ In these cases the Court has interpreted the clause to mean that in order to pass constitutional muster, the statute must have a secular legislative purpose, must have a principal or primary effect that neither advances nor inhibits religion, and must not foster an excessive entanglement with religion.

What the Court did in *Walz* and the later cases was to add that, independently of purpose and effect, excessive entanglement with religion violates the establishment clause.

There can be no doubt that if a state law or action fails in respect to any of the prongs of this three-part test it violates the first amendment irrespective of its relationship to the other two. See, *Epperson v. Arkansas*, 393 U.S. 97 (1968), [purpose]; *Nyquist, supra*, [effect]; *Lemon, supra*, [entanglement]. In the present case the action of the State of California through its Attorney General fails in respect to all the three prongs.

³ *Committee for Public Education and Religious Liberty v. Nyquist*, 413 U.S. 756 (1973); *Levitt v. Committee for Public Education and Religious Liberty*, 413 U.S. 472 (1973); *Sloan v. Lemon*, 413 U.S. 825 (1973); *Meek v. Pittenger*, 421 U.S. 349 (1975); *Wolman v. Walter*, 433 U.S. 229 (1977); *New York v. Cathedral Academy*, 434 U.S. 125 (1977).

⁴ Indeed, the purpose-effect-entanglement test had its origin in *McGowan v. Maryland, supra*, where, as noted, the *Everson* test was quoted and relied upon. Chief Justice Warren's opinion for the Court concluded with the following paragraph.

Finally, we should make it clear that this case deals only with the constitutionality of §521 of the Maryland statute before us. We do not hold that Sunday legislation may not be in violation of the "Establishment" Clause if it can be demonstrated that its purpose—evidenced either on the face of the legislation, in conjunction with its legislative history, or in its operative effect—is to use the State's coercive power to aid religion.

a. *Purpose.* Laws financing bus transportation to religious schools, upheld in *Everson*, obviously have a secular purpose, that of protecting the safety of children. Laws financing secular instructions in church-related schools likewise have a secular purpose, that of providing pupils with the equivalent of a public-school education in respect to non-religious subjects, although they are unconstitutional by reason of effect or entanglement. We are, however, unable to see what purpose the State's action in this case can have other than the inhibition of the religion professed by the Worldwide Church of God and its members.

The State claims that it is merely acting to prevent fraud. But this it may not do in anything touching the profession and practice of religious doctrine as between a church and its congregants.

In *United States v. Ballard*, 322 U.S. 78 (1944), the Court, with only one dissenter, held that no agency of government has constitutional competency to pass upon the validity of religious profession even when prevention of fraud is asserted to justify its intervention. In language particularly applicable to the present case, the Court there said (at pages 86-87):

Heresy trials are foreign to our Constitution. Men may believe what they cannot prove. They may not be put to the proof of their religious doctrines or beliefs. Religious experiences which are as real as life to some may be incomprehensible to others. Yet the fact that they may be beyond the ken of mortals does not mean that they can be made suspect before the law. Many take their gospel from the New Testament. But it would hardly be supposed that they could be tried before a jury charged with the duty of determining whether those teachings contained false representations. The miracles of the New Testament, the Divinity of Christ, life after death, the power of prayer are deep in the religious convictions of many. If one could be sent to jail because a jury in a hostile environment found those teachings false, little indeed would be left of religious freedom. . . . The religious views espoused by respondents might seem incredible, if not preposterous, to most people. But if those doctrines are subject to trial before a jury charged with finding their truth or falsity, then the same can be done with the religious beliefs of any sect. When the triers of fact undertake that task, they enter a forbidden domain.

If, on the other hand, criminal conduct is charged, such as embezzlement or theft, then prosecution of the wrongdoers under criminal statutes is a full and complete remedy. Yet, that course has not been here pursued.

The Attorney General's actions in respect to the Worldwide Church of God, we submit, can hardly be explained except on the basis of a purpose to destroy it or at the very least to seriously restrict its pursuit of its religious mission because of the disfavor by him and other officials of the State of California of what it teaches and preaches.

b. *Effect.* It is even more evident and indeed incontrovertible that a principal or primary effect of the state's action is the inhibition of the religion professed by the Worldwide Church of God and its congregants.

Here, too, it is easy to discern any effect other than that of inhibition if not complete destruction. In our "Statement of the Case" part of this brief, we have set forth some of the actions which the Attorney General has already taken and the California Court has refused to enjoin. He has treated as public property all the assets owned or leased by the Church, including premises used for prayer and worship, and asserts that it is all subject to supervision, regulation and control by the state. He has made and acted on the claim that Church officials are public trustees who serve at the will of the state and may be removed by the state at will. Can it be doubted that the effect of these actions is the inhibition of the religion of the Church and its congregation?

The voluminous record in this case discloses many other instances of governmental action having the effect of inhibiting the Church, its officials and its congregants. The Attorney General's frustration of the attempted sale of property owned by the Church so that the proceeds could be used more effectively in furtherance of its religious mission obviously inhibited its exercise of religion. Even more damaging has been the acute disruption and curtailment of vital Church programs by reason of the Attorney General's actions. It is difficult to assess the full extent of the substantial injury suffered by the Church by reason of the state's intervention into an area where it is forbidden to trespass by the mandate of the first amendment.

c. *Entanglement.* The most flagrant violation of the mandate of the establishment clause in the state's war against the Worldwide Church of God deals with the prohibition of entanglement with religion. Governmental entanglement with the religion of the Church is manifest in practically every step the State of California has taken in its real, if perhaps not officially declared, war against the Church. The very appointment of a receiver to manage and control the operation of a church reeks of excessive entanglement. A receiver can, of course, be appointed for a manufacturing or other business organization without violating the constitutional mandate. Nor would the establishment clause be violated by the appointment of a receiver to liquidate the assets of a defunct church or synagogue. But the idea of a state-appointed official controlling the functions and operations of a live, ongoing church is frightening.

Should the California Court appoint a receiver who is of the same faith as that of the congregation? Should a court do so, it would violate the mandate in Article VI of the Constitution against religious tests for public office, a mandate no less binding upon the states, by reason of the first and fourteenth amendments, than upon the federal government. *Torcaso v. Watkins*, 367 U.S. 488 (1961); *McDaniel v. Paty*, 435 U.S. 618 (1978). On the other hand, should the Court seek to appoint a person of a different faith (as was done here) or one whose faith is undisclosed to it in order that the ban on religious tests not be violated, can it be sure that the appointee's hostility to the faith and the church propounding it would nevertheless enable it to make the necessary decisions with complete impartiality? One could hardly expect dispassionate impartiality from, say, a militant atheist.

How can the Court disentangle decisions relating to the cost of fuel needed to heat a church and the compensation paid to its pastor, sexton or choir members? Should the pastor decide that a newly-published prayer book be used, should the receiver have the power to veto that decision on the ground that the prayer books in use are in good condition and not really different in any significant way from the new prayer book?

Suppose, after a schism in a church, such as happened in the present case, a bishop entertains doubts as to the continued loyalty of a particular minister: can the receiver veto the bishop's decision to dismiss the minister before his contract expires because the added cost of a substitute minister would constitute a waste of the church's assets?

Because of the restrictions placed upon government officials, judges or attorneys general by the first amendment's mandate against entanglement (as well as its guaranty of free exercise), judicial intervention in intra-church disputes and schisms is strictly limited. *Watson v. Jones*, 13 Wall. (80 U.S.) 679 (1872); *Kedroff v. St. Nicholas Cathedral*, 344 U.S. 94 (1952).

We will shortly discuss these cases more fully in Point II of this brief. We refer to them here only to emphasize that where a secular court intervenes in an intra-church dispute the consequence is impermissible entanglement. In the present case, a small dissident minority in the Worldwide Church of God instigated the action and cooperated with the Attorney General in the latter's action against it. Indeed, their private attorney bore the brunt of the effort for the state during the first several weeks, acting under cover of state authority as a "Special Deputy" Attorney General. But even if this were not so, self-initiated governmental intervention as shown by the record in this case presents constitutionally forbidden entanglement of Church and state.

In short, whether the state's concern relates to the substance of the church mission or the manner in which it fulfills that mission, its involvement to enforce disclosure of church records or its control and management of the church itself inevitably results in entanglement of church and state.

II.

THE ACTION OF THE STATE OF CALIFORNIA THROUGH ITS ATTORNEY GENERAL VIOLATES THE FREE EXERCISE CLAUSE OF THE FIRST AMENDMENT.

A. Governmental Assaults on Unpopular Religions.

It was and is the purpose of the first amendment's guarantee of religious freedom to protect unpopular creeds and faiths, including those who for some reason or other have lost favor in the eyes of government officials. The heart of the first amendment would be mortally wounded if a comparatively small religious association, such as the Worldwide Church of God, were excluded from its protection because of its disfavor in the eyes of the Attorney General of the State of California.

The Worldwide Church of God is not the first (and unfortunately will not be the last) to suffer governmental discrimination because of its unpopularity:

In this country, [the Court said in *Watson v. Jones, supra*] the full and free right to entertain a religious belief, to practice any religious principle, and to teach any religious doctrine which does not violate the laws of morality and property, and which does not infringe personal rights, is conceded to all. The law knows no heresy, and is committed to the support of no dogma, the establishment of no sect. The right to organize voluntary religious associations to assist in the expression and dissemination of any religious doctrine, and to create tribunals for the decision of controverted questions of faith within the association, and for the ecclesiastical government of all individual members, congregations, and officers within the general association, is unquestioned. [13 Wall. (80 U.S.) at 728-729 (1872)].

In *Kedroff v. St. Nicholas Cathedral, supra*, another case involving a church schism such as the one that sparked the present controversy, the Court, in referring to *Watson v. Jones*, said at p. 116:

The opinion radiates . . . a spirit of freedom for religious organizations, an independence from secular control or manipulation, in short, power to decide for themselves, free from state interference, matters of church government as well as those of faith and doctrines. Freedom to select the clergy, where no improper methods of choice are proven, we think, must now be said to have federal constitutional protection as a part of the free exercise of religion against state interference.

The Court concluded its opinion saying:

Ours is a government which by the "law of its being" allows no statute, state or national, that prohibits the free exercise of religion. There are occasions when civil courts must draw lines between the responsibilities of church and state for the disposition or use of property. Even in those cases when the property right follows as an incident from decisions of the church custom or law on ecclesiastical issues, the church rule controls. This under our Constitution necessarily follows in order that there may be free exercise of religion. (344 U.S. at pp. 120-121).

The California Attorney General was not the first governmental official to utilize facially neutral laws relating to corporations as an instrument for the persecution of a particularly disfavored association. The case of *NAACP v. Alabama*, 357 U.S. 449 (1958), is in some aspects remarkably similar to the present controversy. There this Court dealt with a law which, like the one here involved, was neutral on its face and was enacted to protect the people in relation to the activities of commercial and business corporations by requiring disclosure of officers and members. As in the present case, the state Attorney General resorted to that law for the entirely alien purpose of destroying, at least in Alabama, an unpopular national organization. The Court refused to allow use of Alabama's corporation law to effectuate that purpose, and we believe it should not here allow the use of California's law for the same purpose.

The persecutory tactics employed by the Attorney General in this case are aimed not against a disfavored racial association but a religious one. But such tactics were employed against unpopular religious groups long before they were rebuffed in *NAACP v. Alabama*. The history of the struggle for religious freedom in the United States is in large measure a chronicle of governmental efforts to utilize facially neutral laws to suppress unpopular religions and sects. Even if the ban on bills of attainder, the first amendment's guaranty of religious freedom, and the fourteenth amendment's mandate of equal protection were not insurmountable barriers to outright suppression of the Worldwide Church of God or similar disfavored groups, the conscience of the American people would never allow such action. Hence, the resort to facially neutral laws to achieve the same result.

A facially neutral compulsory school attendance law was utilized in Oregon during the post-World War I period as an instrument of the politically powerful Ku Klux Klan anti-Catholic bigotry, manifested in its efforts to destroy the parochial school system. G. Myers, *History of Bigotry in the United States* (1943), p. 293. That effort was frustrated only by the Court's decision in *Pierce v. Society of Sisters*, 268 U.S. 510 (1925).

Jehovah's Witnesses have been frequent victims of the use of facially neutral laws against unpopular religions in the exercise of their first amendment rights under the free exercise clause. For example, a law forbidding girls under the age of eighteen to sell newspapers or periodicals in public was used against a member of the sect who, under the command of her religious conscience, allowed her children to accompany her while she sold or distributed free the sect's religious publications. See *Prince v. Massachusetts*, 321 U.S. 158 (1944).

In *Cantwell v. Connecticut*, 310 U.S. 296 (1940), the Court struck down not only the conviction of members of the sect for violation of the common law offense of inciting a breach of the peace, but also a facially neutral statute requiring a license for solicitation of contributions for religious, charitable and philanthropic causes.

Today, Jehovah's Witnesses are an accepted member of the family of American faiths. They reached that enviable station only after a period of trials and tribulations instigated by government officials, hostile to what they believed in and practiced. New laws were enacted and old laws resurrected to supply weapons to curb their activities and, if possible, completely destroy them. All kinds of laws were used or attempted to be used for that purpose; laws against disturbing the peace, antipeddling ordinances, laws against the use of sound trucks, traffic regulations, revenue laws—these and many others were invoked in one way or another against them. See, generally, R. Manwaring, *RENDER UNTO CAESAR* (1962) *passim*; H. Barber, *Religious Liberty v. Police Power: Jehovah's Witnesses*, *AMERICAN POLITICAL SCIENCE REVIEW* (April 1947).

The one device apparently not used against the Witnesses was invocation of statutes authorizing state officials to take over the sect's properties and assets as part of a campaign to destroy the sect completely. That

device appears to have been conceived by the California Attorney General in his campaign to destroy the Worldwide Church of God.

B. Constitutional Restrictions on Free Exercise.

It need hardly be argued that the Attorney General's actions in respect to the Worldwide Church of God restricts the free exercise of religion on the part of its congregation.

In earlier cases, the Court applied the clear and present danger test, formulated in respect to freedom of speech, to claims of violation of the free exercise clause. *Cantwell v. Connecticut*, *supra*. Under present interpretations of the clause, government, state or federal, can restrict the expression or exercise of religion only by showing (1) that there is a countervailing governmental interest of such importance as to be deemed compelling, and (2) that there is no alternative for its implementation other than a limitation on the free exercise of religion. *Wisconsin v. Yoder*, 406 U.S. 205 (1972).

Thus, while the Court had upheld compulsory smallpox vaccination over a claim of religious opposition, *Jacobson v. Massachusetts*, 197 U.S. 11 (1905), it held that the free exercise clause gives parents acting on religious grounds the right to remove their children from schools at an age earlier than that sanctioned by a state's truancy laws, *Wisconsin v. Yoder*, *supra*, and that a state may not constitutionally deny unemployment compensation to a person who refuses to accept employment which would require him to work on his Sabbath. *Sherbert v. Verner*, 374 U.S. 398 (1963).

In *National Labor Relations Board v. Catholic Bishop*, from which we have quoted, the Court quite clearly expressed its view that governmental interest in collective bargaining by employees cannot be deemed sufficiently compelling to justify intrusions upon the free exercise of religion.

Finally, in *United States v. Ballard*, from which we have also quoted, the Court held that in the absence of proof that a specific factual representation was known to be false when made (a claim not asserted by the Attorney General or anyone else in the present case), the first amendment forbids any agency of government to pass upon the validity of any religious tenet or representation, and from taking action against anyone for expressing it.

We conclude our brief with the following quotation from the dissenting opinion of Mr. Justice Rutledge in *Prince v. Massachusetts*, 327 U.S. at 176-176, a quotation which, coming from a decision involving Jehovah's Witnesses, is no less applicable to the Worldwide Church of God and to all other faiths that have come into the disfavor of this or that governmental official:

No chapter in human history has been so largely written in terms of persecution and intolerance as to the one dealing with religious freedom. From ancient times to the present day, the ingenuity of man has known no limits in its ability to forge weapons of oppression for use against those who dare to express or practice unorthodox religious beliefs. And the Jehovah's Witnesses are living proof of the fact that even

in this nation, conceived as it was in the ideals of freedom, the right to practice religion in unconventional ways is still far from secure. . . . [T]hey have been harassed at every turn by the resurrection and enforcement of little used ordinances and statutes. . . . To them, along with other present-day religious minorities, befalls the burden of testing our devotion to the ideals and constitutional guarantees of religious freedom. We should therefore hesitate before approving the application of a statute that might be used as another instrument of oppression. Religious freedom is too sacred a right to be restricted or prohibited in any degree without convincing proof that a legitimate interest of the state is in grave danger.

CONCLUSION.

For the reasons set forth herein the petition for certiorari in the present case should be granted and the judgment of the Court of Appeals of California be reversed.

March, 1980.

Respectfully submitted,

LEO PFEFFER,

Attorney for Amici Curiae.

Of Counsel:

JOHN W. BAKER,

JOHN W. WHITEHEAD,

JOHN E. STUMBO.

IN THE
Supreme Court of the United States

October Term, 1979
No. 79-1348

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**On Petition for a Writ of Certiorari to the Court of Appeal of the
State of California, Second Appellate District, Division Three**

Motion for Leave to File Brief Amici Curiae of
AMERICAN CIVIL LIBERTIES UNION OF SOUTHERN CALI-
FORNIA
AMERICANS UNITED FOR SEPARATION OF CHURCH AND
STATE FUND, INC.
INSTITUTE FOR THE STUDY OF AMERICAN RELIGION
BERKELEY AREA INTERFAITH COUNCIL
CHRISTIAN LEGAL SOCIETY
METHODIST FEDERATION FUND
COMMITTEE TO DEFEND THE FIRST AMENDMENT RE-
SEARCH INSTITUTE

As Amici Curiae in Support of Granting Certiorari

Pursuant to Rule 42 of this Court, the following organizations re-
spectfully move for leave to file a brief amici curiae in support of grant-
ing a writ of certiorari in this matter:

1. The American Civil Liberties Union of Southern California is a non-profit organization and regional affiliate of the American Civil Liberties Union, having approximately 20,000 members. Since its founding 56 years ago, it has dedicated itself to the preservation and development of rights guaranteed by the Bill of Rights, notably including the free exercise and establishment clauses of the first amendment.

2. Americans United for Separation of Church and State Fund, Inc., a non-profit Maryland corporation, headquartered in Silver Spring, Maryland, is dedicated to the advancement of the civil and religious liberties granted by the first and fourteenth amendments. Its directors, members of many religious organizations, are also directors of Americans United for Separation of Church and State, a sister organization with some 40,000 members of various religious beliefs residing in all states.

3. The Institute for the Study of American Religion, an Illinois non-profit corporation headquartered in Evanston, Illinois, is a privately supported research facility for the study of small, non-establishment religious bodies and is dedicated to the advancement of their constitutional rights. It compiles and publishes the "Encyclopedia of American Religions" and the "Directory of Religious Bodies in the United States," two standard reference works.

4. The Berkeley Area Interfaith Council, a California non-profit corporation headquartered in Berkeley, California, consists of some 46 religious organizations encompassing Judeo-Christian, Eastern and New Age beliefs. It facilitates communication and aids cooperative action among its members, including action to enhance and vindicate first amendment religious protections.

5. The Christian Legal Society, headquartered in Oak Park, Illinois, is an organization of 2,000 judges, lawyers and law students dedicated to the furthering of Christian values and fellowship in the professional community. Through its Center for Law and Religious Freedom, the Society marshals legal skills and resources to protect and preserve constitutional guarantees of religious freedom.

6. The Methodist Federation Fund was organized under New York law to promote a sense of social obligation within the Methodist Church and to advance constitutionally guaranteed civil liberties, including the separation of church and state.

7. The Committee to Defend the First Amendment Research Institute was organized in the District of Columbia to conduct educational and related activities designed to foster the ideals of the first amendment and to assist those whose first amendment rights are in jeopardy.

Consent to File This Brief of Amici Curiae Was Requested of the Parties but Not Received.

These moving parties requested permission of the parties to this matter to file a brief amici curiae in connection with the petition for a writ of certiorari. Petitioners gave their consent, but respondent, State of California, declined to do so. This motion is accordingly submitted.

The Attached Brief Articulates, from the Informed and Objective Viewpoint of a Broadly Based Group of Major National, Regional and Local Religious and Civil Liberties Organizations, the National Importance of the Subject Case and the Magnitude of the Issues It Tenders.

The moving parties have joined together in one brief because they share one overriding interest in civil liberties generally and a particular interest in that fundamental liberty, religious freedom; they share one perception of grave danger to that freedom posed by the general theory underlying the subject case and the specific threat presented by the contested discovery orders described in the petition; and they share one hope that the Court, if presented with the fullest possible arguments for both sides, will vindicate and preserve that freedom.

None of these amici is either a party to any of the actions involved in the petition before the Court or involved in any of the activities alleged by the respondent, State of California, to constitute wrongdoing on the part of the petitioners. As a consequence, they are in a position, because of their detached but informed status, to present to the Court an objective and knowledgeable point of view to aid it in considering the important issues presented by the petition.

This matter is of major concern to responsible national organizations interested in the preservation of civil freedom generally and in the avoidance of government entanglement in religious institutions specifically. The moving parties believe that the unique vantage points of these various amici afford a valuable perspective in assessing the fundamental constitutional issues presented to the Court.

For the foregoing reasons, these moving parties urge the Court to permit them to file the accompanying amici curiae brief and thereby to urge upon this Court that it grant the petition for a writ of certiorari.

Respectfully submitted,

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Attorney for Amici Curiae.

LEE BOOTHBY,
MARK TERRY,
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Of Counsel

IN THE
Supreme Court of the United States

October Term, 1979
No. 79-1348

WORLDWIDE CHURCH OF GOD, INC., ET AL.,
PETITIONERS,
vs.
STATE OF CALIFORNIA, ET AL.,
RESPONDENTS.

**On Petition for a Writ of Certiorari to the Court of Appeal of the
State of California, Second Appellate District, Division Three**

Brief of

AMERICAN CIVIL LIBERTIES UNION OF SOUTHERN CALI-
FORNIA
AMERICANS UNITED FOR SEPARATION OF CHURCH AND
STATE FUND, INC.
INSTITUTE FOR THE STUDY OF AMERICAN RELIGION
BERKELEY AREA INTERFAITH COUNCIL
CHRISTIAN LEGAL SOCIETY
METHODIST FEDERATION FUND
COMMITTEE TO DEFEND THE FIRST AMENDMENT RE-
SEARCH INSTITUTE

As Amici Curiae in Support of Granting Certiorari

Introduction.

The defendants in the captioned case have filed with the Court a pe-
tition for a writ of certiorari to the California Court of Appeal. The fol-

lowing organizations, more fully described in the motion attached hereto, as amici curiae, strongly support this petition and urge that it be granted:

American Civil Liberties Union of Southern California,
 Americans United for Separation of Church and State Fund, Inc.,
 Christian Legal Society,
 Institute for The Study of American Religion,
 Berkeley Area Interfaith Council,
 Methodist Federation Fund, and
 Committee to Defend the First Amendment Research Institute.

The several interests of these amici find a compelling unity in their common alarm at California's Public Trust Doctrine,¹ which holds that churches are not private institutions of worship but are public trusts, accountable to the State and subject to its unlimited scrutiny. Second Amended Complaint ¶¶10, 11 and 25, App. at 15-16, 23-24. If allowed to stand, this doctrine would accomplish a retrogression of over three centuries. It would redirect our steps toward the time, as noted by Thomas Jefferson, when "at the common law, heresy was a capital offense, punishable by burning,"² and it would re-enshrine the "arrogant pretension, falsified by the contradictory opinions of rulers in all ages and throughout the world . . . [that] . . . the Civil Magistrate is a competent Judge of Religious truths . . ." as well as the "unhallowed perversion . . . [that] . . . he may employ Religion as an engine of Civil policy."³

The constitutional validity of this Public Trust Doctrine is squarely tendered to the Court for decision by the petition, through the specific challenge it presents to one of that doctrine's principal corollaries,

¹ The California Attorney General bases this doctrine on the common law, adopted in California by Cal. Civ. Code §22.2 (West, 1980). State's Opposition to Demurrer to the First Amended Complaint (dated 28 June 1979) at 10, *People v. Worldwide Church of God, Inc. et al.*, Case No. C 267607 (Superior Court of the State of California for the County of Los Angeles), App. at 1; transcript of hearing of 10 January 1979 in *People v. Worldwide Church of God, Inc. et al.*, at 7, App. at 3; State's Brief in Opposition to Petition for Certiorari (undated) at 16-17 and 19-20, *Worldwide Church of God, Inc. et al. v. The State of California*, October Term 1978, No. 78-1720 (United States Supreme Court), App. at 4-5; Defendants' Response to Plaintiffs' Motion for Judgment on the Pleadings and Plaintiffs' Motion for Summary Judgment; Request to Take Judicial Notice (dated 20 August 1979) at 4-5, *Lopez, et al. v. State of California, et al.*, Case No. C 276767 (Superior Court of the State of California for the County of Los Angeles), App. at 6-7. Consequently, the issues raised by the petition are potentially applicable to all churches in common law jurisdictions, however organized. The Attorney General also asserts that the common law basis for the State's actions is expressed in former Cal. Corp. Code §9505 (West, 1979) (App. at 8) and current Cal. Corp. Code §9230 (West, 1980) (App. at 9-10).

² Thomas Jefferson, *Notes on the State of Virginia* 263 (London 1787).

³ James Madison, *Memorial and Remonstrance Against Religious Assessments* ¶5 in *II The Writings of James Madison* 183, 187 (G. Hunt ed. 1910).

namely the State's asserted right to control and conduct unlimited examination of churches through the medium of coerced disclosure.

Amici believe that the power claimed by the State of California and exercised through the discovery orders attacked in the petition represents a clear and present danger to first amendment religious rights.

Statement of the Case.⁴

The State of California, through its Attorney General, asserts that all churches and religious organizations are public charitable trusts having no proprietary interest in their funds, assets or property, since these are all held in trust for the benefit of the *general public*;⁵ church assets are therefore public assets and church records are public records,⁶ and in these matters there are no private interests and consequently no private rights;⁷ church officers and leaders are trustees, serving at sufferance and replaceable at the State's pleasure;⁸ churches are obligated to account to the State for the assets they hold (including the contributions of members) on an ongoing basis;⁹ the State is empowered to oversee and supervise all churches in the management of their assets and, in this connection, to examine, audit and control all activities touching church property and finances.¹⁰

In short, the State of California contends that while individuals may believe what they wish, when they organize or come together in order to give effect to (i.e., to *exercise*) shared beliefs or take steps to propagate them, such as the collection and disbursement of funds, construction or purchase of buildings or the execution of programs in fulfillment of their

⁴ The facts stated herein repeat, in principal part, those contained in the detailed statement of the case and supporting references of the petition. Amici will therefore confine their supporting citations to those items or statements not specifically reflected or documented in the petition.

⁵ Second Amended Complaint ¶10, App. at 15-16, and transcript of hearing to confirm receiver's appointment (12 January 1979) at 361, App. at 34-35. Unless otherwise noted, all hearings and documents relate to *People of the State of California v. Worldwide Church of God, Inc., et al.*, Case No. C 267607 (Superior Court of the State of California for the County of Los Angeles).

⁶ Second Amended Complaint ¶10, App. at 15-16, and transcript of ex parte hearing to appoint a receiver (2 January 1979) at 7, App. at 42.

⁷ Transcript of ex parte hearing to appoint a receiver (2 January 1979) at 3, App. at 38-39.

⁸ Second Amended Complaint ¶10, App. at 15-16, State's Opposition to Demurrer to First Amended Complaint at 19-20, 21, App. at 2, transcript of hearing to confirm receiver's appointment (12 January 1979) at 362, App. at 35, and transcript of ex parte hearing to appoint a receiver (2 January 1979) at 3-4, App. at 38-39.

⁹ Second Amended Complaint ¶¶11 and 25, App. at 16, 23-24, and transcript of ex parte hearing to appoint a receiver (2 January 1979) at 3, App. at 38-39.

¹⁰ *Id.*; see also, Second Amended Complaint ¶1, App. at 11, and State's Response to Application for Stay of Receivership (undated) at 8, App. at 49-50.

mission, they enter upon a *secular* pursuit which the State steps in to oversee and control in order to satisfy itself, *inter alia*, that the assets are being put to uses which *the State* regards as appropriate to the "purposes" of the church.¹¹ The challenged orders reflect the approval of these principles by California courts.

In accordance with the foregoing theory, California's Attorney General filed the subject action¹² on the relation of some six dissident members of the Worldwide Church of God whose views on matters of applied doctrine and Church priorities differed with those of their brethren and the Church's hierarchy. In the action, the State sought to compel a comprehensive accounting from the Church by means of a court-ordered audit and examination of all Church receipts and expenditures. The ancillary remedies of receivership and injunction were invoked to facilitate this. In addition, the State sought to remove and replace top Church leaders and trustees; to force the Church to abandon its hierarchical polity and embrace a congregational form of governance; to secure disgorgement and restitution and to obtain orders perpetually enjoining certain Church officers from holding *any* office in *any* church.¹³

The State¹⁴ secured, *ex parte*, the appointment of a receiver who as-

¹¹ However surprising this may seem, the Attorney General nevertheless claims that the State must determine whether church activities are consonant with a church's stated purposes. To the extent it finds this is not the case, the State must then take appropriate action to correct this "departure." *See*, former Cal. Corp. Code §9505 (West, 1979), App. at 8, cited by the Attorney General as authority for this view.

¹² *People of the State of California v. Worldwide Church of God, Inc. et al.*, Case No. C 267607 (Superior Court of the State of California for the County of Los Angeles, 2 January 1979).

¹³ *See* generally the Second Amended Complaint, App. at 11-33. The second paragraph of the prayer requested an order removing the defendants Rader, Gotoh, Kuhn, Wright, Cornwall and Helge from holding any office or employment in or under [the Worldwide Church of God, Ambassador College, or Ambassador International Cultural Foundation] and cancelling and nullifying any contracts of employment which may have heretofore been entered between them and said entities and further enjoining and restraining said defendants from holding any office of employment under the said . . . entities in the future, or in or under any California charitable corporation trust or charitable organization.

A principal ground cited for this nakedly punitive relief was the resistance these individuals offered to the State's demands, i.e., their assertions of constitutional objections. In other words, the State seeks to punish them for asserting their rights. *See*, Second Amended Complaint ¶¶18-22, App. at 20-21.

¹⁴ The original pleadings were actually conceived and drawn by the relators' private attorney, who was instrumental in the selection of the receiver and the imposition of the receivership. He was "deputized" both by the receiver and by a Deputy Attorney General and, under the canopy of official auspices, acted as lead counsel for the State during the first several weeks of the litigation. Declaration of Hillel Chodos in Support of Motion for Attorneys' Fees (dated 27 February 1979), petition app. 7-1.

sumed complete control over the Church and exercised this authority for approximately seven weeks. This receivership was eventually suspended by the posting of a stay bond in connection with the Church's appeal.

The Attorney General, prevented from enforcing the examination he sought through the medium of the receivership, then turned to civil discovery as an avenue for accomplishing the same result. He sought and obtained from the court a series of discovery orders directing the Church and its officers to produce virtually every piece of paper generated by any of them during the preceding several years and to explain and justify virtually every transaction reflected therein.

These orders¹⁵ would require, by way of partial example, that petitioners turn over to the State, for its scrutiny:

(a) All minutes of meetings of the Church's board of trustees during the preceding twenty-two years, including minutes of committee meetings;

(b) All documents evidencing any communication between the Pastor General and any officer, minister or employee of the Church (similar orders are directed to other officers);

(c) Wholesale quantities of financial records reaching back for decades (the Pastor General was ordered to produce, *inter alia*, all church corporate minutes, *since their inception!*);

(d) Records reflecting the source, amount and application of contributions to the Church;¹⁶ and

(e) Records indicating the disposition of funds pursuant to Church programs for welfare and relief of indigent persons including the identities of the recipients of such relief.

The foregoing sampling gives some flavor of the massive sweep of the State's proposed examination as well as the cooperation which these requests have elicited from the trial court.

If this petition for writ of certiorari be denied, the ensuing enforcement of these orders will lay the Church bare to unrestricted public exposure of its private communications and records, not excluding those touching ministerial, doctrinal, penitential and other privileged matters. In its train will ensue, with historic inevitability, the intimidation and coercion, not to say persecution, of the Church's members and its leaders.

The attitude with which petitioners' objections and claims of privilege have been received may be sensed, perhaps, from the observation of one trial court judge from the bench who warned that a contention by the Church that any documents touching financial affairs were ecclesiastical in character would be taken by him as "evidence of bad faith."¹⁷

¹⁵ Reproduced in full in petition appendices R-W, *see also*, petition appendix X for a list of the documents required by these orders.

¹⁶ While Church membership lists are not specifically so designated, the general demands are broad enough to include, and thus call for, them. *See, e.g.* petition appendix at 77b(¶¶1, 4) and 78b(¶8).

¹⁷ Statement of the Honorable Julius M. Title, Judge of the Superior Court of the State of California for Los Angeles County in the hearing of 21 February 1979 in the subject case, transcript p. 137, App. at 52.

A further indication in this vein is furnished by the trial court's order (attacked in the petition) suspending all right of discovery by petitioners until such time as they forbear from pursuing appellate remedies and acquiesce in the challenged directives.

All appeals to higher courts have to date been unavailing, and the petition to this Court is the last remaining barrier to the wholesale invasion of the Church's privacy and sanctity. If the Court acts in response to the petition, petitioners' rights, otherwise irreparably lost, will be preserved, and a first amendment issue of transcending importance will be squarely posed for resolution, namely, the propriety of the challenged orders themselves, and, in turn, the constitutional validity of the underlying doctrinal claim that threatens the independence of this and every other church.

Question Presented.

Can California's Public Trust Doctrine and its corollary of coerced disclosure be lawfully applied to all California churches and religious organizations compatibly with the first amendment's limitations on laws respecting an establishment of religion or prohibiting its free exercise?

Summary of Argument.

California's Public Trust Doctrine creates a new and frightening relationship between church and state, pursuant to which the state impresses a "public trust" upon all of the means by which religiously held beliefs are exercised and given effect. Its requirement of mandatory disclosure makes public business of private institutional worship and intimidates and inhibits its free exercise. In so doing, it collides head on with the first amendment.

Under the Public Trust Doctrine, the funds and properties of California churches are escheated to public ownership, their leaders made accountable to—and removable by—the State. The Attorney General's Office becomes a bureau for the general inspection and regulation of religion charged with the duty of supervising church activities and correcting "departures" from stated purposes. This results in a forbidden establishment and a chilling, inquisitorial entanglement.

The Public Trust Doctrine is not an ad hoc aberration applied only to petitioners, but a settled, systematically applied policy.

The Public Trust Doctrine responds to no compelling state interest not fully served by less perilous, less radical and more conventional remedies.

The issues presented are fully ripe for decision: the threatened rights will be irreparably invaded and devastated unless the Court acts at this time.

I.

California's Public Trust Doctrine as Applied to Churches and Religious Organizations Is Inescapably Repugnant to the Free Exercise of Religion.

The rights expressed in the free exercise and establishment clause of the first amendment were the first ones dealt with in the Bill of Rights simply because the founders assigned to them transcendent importance. To them "religious freedom was the crux of the struggle for freedom in general."¹⁸ It still is.

As the Court has held, the free *exercise* of religion includes not only the freedom to believe, which by its nature is absolute, but also the freedom to act in accordance with that belief. The latter, while not absolute, may be circumscribed only in response to a compelling interest.¹⁹ Free belief, indeed, means little if one cannot exercise one's belief by joining with others of like mind to assemble in common worship, propagate the shared belief and pool common resources in order to create the facilities and finance the activities that will accomplish these purposes.

No right is more private or more personal than one's religious belief. In Madison's words, "[t]his right is in its nature an unalienable right. It is unalienable; because the opinions of men, depending only on the evidence contemplated by their own minds, cannot follow the dictates of other men: It is unalienable also; because what is here a right towards men, is a duty towards the Creator. It is the duty of every man to render to the Creator such homage, and such only, as he believes to be acceptable to him. This duty is precedent both in order of time and degree of obligation to the claims of Civil Society."²⁰

The right is not one conferred by governments, because one's religion, as the founders²¹ and the Court²² have recognized, is a matter beyond

¹⁸ *Everson v. Board of Education*, 330 U.S. 1, 34, 91 L.Ed. 711, 733, 67 S.Ct. 504 (1947) (dissent of Rutledge, J.). See also, James Madison, *Memorial and Remonstrance Against Religious Assessments* ¶15 in II *The Writings of James Madison* 183, 190-91 (G. Hunt ed. 1910); and Brant, *James Madison, The Virginia Revolutionist* 243 (1941): "Madison looked upon . . . religious freedom, to judge from the concentrated attention he gave it, as the fundamental freedom."

¹⁹ *Sherbert v. Verner*, 374 U.S. 398, 403, 10 L.Ed. 2d 965, 969-70, 83 S.Ct. 1790 (1963); *Wisconsin v. Yoder*, 406 U.S. 205, 229-30, 32 L.Ed. 2d 15, 32-33, 92 S.Ct. 1526 (1972); *McDaniel v. Paty*, 435 U.S. 618, 631 n.2, 55 L.Ed.2d 593, 604, n.2, 98 S.Ct. 1322 (1978) (concurrence of Brennan, J.)

²⁰ James Madison, *Memorial and Remonstrance Against Religious Assessments* ¶1 in II *The Writings of James Madison* 183, 184-5 (G. Hunt ed. 1910).

²¹ James Madison, private letter, undated, in IX *The Writings of James Madison* 484, 487 (G. Hunt ed. 1910).

²² *Abington School District v. Schempp*, 374 U.S. 203, 219, 10 L.Ed.2d 844, 856, 83 S.Ct. 1560 (1963) (emphasis added):

the scope of civil power. The State cannot withdraw this right; it can only seek to control and frustrate it, something that is automatically accomplished by public intervention and exposure.

One of the least subtle and most effective ways of controlling, abridging and ultimately destroying the right is to establish state surveillance, control and regulation over the *means* of its exercise. California's Public Trust Doctrine achieves this very efficiently through the deceptive but ingenious device of redefinition, relabeling.

By declaring every charitable organization to be a public trust and every church to be a charitable organization, every church becomes, *ipso facto*, a public trust, accountable to the State as guardian of the public interest. The State thus enables itself to strip away the privacy and sanctity essential to free exercise by exposing to public scrutiny, surveillance, regulation and audit the means of exercise, i.e., the institutions, through which the shared beliefs are given effect and the commonly perceived mission is carried out. In the process, an apparatus of control is spawned and fastened into place.

The chilling, inhibitive and ultimately interdictory character of the power thus fashioned is self-evident. The reality of this iron hand is not tempered by the velvet glove of purportedly beneficent purpose, such as the protection of "public" assets or the scourging of miscreants. The teachings of history reinforce this conclusion. As far back as the recorded word reaches, it reflects the attempts of rulers to control the beliefs of men or coerce them into a desired uniformity by extending just such pervasive, ostensibly protective control over the means by which such beliefs are or could be *exercised* whether, as Madison described, by usurpation on the part of the state itself or through a "corrupting coalition or alliance"²³ between the state and an established or favored sect.

The Court has perceptively recognized the intimidating and ultimately inhibitive effect of coerced disclosure on the exercise of First Amendment rights in firmly proscribing state scrutiny of the membership lists of *non*-religious, private organizations. *NAACP v. Alabama*, 357 U.S. 449, 462, 2 L.Ed.2d 1488, 1499-500, 78 S.Ct. 1163 (1958); *Buckley v. Valeo*, 424 U.S. 1, 64-66, 46 L.Ed.2d 659, 713-14, 96 S.Ct. 612 (1976).²⁴

Neither, by the same token, may the State evade these constitutional

[t]he state cannot forbid, neither can it perform or aid in performing the religious function. *The dual prohibition makes that function altogether private.*

Lemon v. Kurtzman, 403 U.S. 602, 625, 29 L.Ed.2d 745, 763, 91 S.Ct. 2105 (1971):

The Constitution decrees that religion must be a private matter for the individual, the family, and the institutions of private choice. . . .

²³ James Madison, private letter, undated, in IX *The Writings of James Madison* 484, 487 (G. Hunt ed. 1910).

²⁴ See also, *Gibson v. Florida Investigation Committee*, 372 U.S. 539, 543-45, 556-58, 9 L.Ed.2d 929, 934-35, 941-42, 83 S.Ct. 889 (1963) and *Surinach v. Pesquera de Busquets*, 604 F.2d 73, 77-78 (1st Cir. 1979).

restraints by classifying churches as public organizations. The State "cannot make public business of religious worship."²⁵ whether personal or institutional. Churches are but the extensions of man's most private and inalienable right. They are private and voluntary organizations in the ultimate sense of those words, and the fact that their membership may be drawn from a significant sector of the public does not alter this fact. Some are large, but many are small. To permit the State, by legal sleight of hand, to transform them into *public* entities subject to the State's scrutiny and regulation inescapably nullifies the very meaning of free exercise, notwithstanding that the State may still purport to allow to the individual his right to hold or contemplate what personal beliefs he will, since he may not freely exercise them.

The immediate issue presented by the petition emphasizes what we have said above. No single device is more evocative of inquisitorial power or susceptible to inquisitorial abuse than the power of coerced disclosure. Theoretical free exercise is of little moment if the private church organizations which give substance and effect to joint belief are subject to surveillance and control, their institutional records and papers may be seized, their leaders may be summoned to submit to public interrogation and to justify the manner in which they carry out their religious mission.

The courts have hitherto had few occasions to consider the question of compelled disclosure for the reason that, until recently, it was considered unthinkable. However, the issue has recently been presented in an increasing number of cases, and the federal courts have almost uniformly rejected it. *See, e.g., Buckley v. Valeo*, 424 U.S. 1, 64-68, 46 L.Ed.2d 659, 713-16, 96 S.Ct. 612 (1976); *Serbian Orthodox Diocese v. Milivojevic*, 426 U.S. 696, 712-14, 49 L.Ed.2d 151, 165-66, 96 S.Ct. 2372 (1976); *Surinach v. Pesquera de Busquets*, 604 F.2d 73, 78-80 (1st Cir. 1979); *Fernandes v. Limmer*, 465 F.Supp. 493, 504-505 (N.D. Texas 1979).²⁶

This is not to say that the state is powerless to control *any* activity undertaken in the name of religion. As the Court observed in *Sherbert v. Verner*, 374 U.S. 398, 403, 10 L.Ed.2d 965, 970, 83 S.Ct. 1790 (1963), the right to act must give way to circumstances of compelling interest, as in the case of conduct that "pose[s] some substantial threat to public safety, peace or order." Manifestly, individual criminal conduct may be prosecuted and punished as such regardless of the fact that it may have

²⁵ *Lemon v. Kurtzman*, 403 U.S. 602, 633, 29 L.Ed. 2d 745, 767, 91 S.Ct. 2105 (1971) (concurrence of Douglas, J.), *see also, United States v. 564.54 Acres of Land*, . . . U.S. . . . , 60 L.Ed.2d 435, 444, 99 S.Ct. 1854, 1859-60 (1979).

²⁶ Decisions considering restrictions imposed on coerced disclosure by the establishment clause will be discussed in the next section and include *Lemon v. Kurtzman*, 403 U.S. 602, 619, 29 L.Ed.2d 745, 759-60, 91 S.Ct. 2105 (1971); *NLRB v. Catholic Bishop of Chicago*, 440 U.S. 490, 502-504, 59 L.Ed.2d 533, 542, 99 S.Ct. 1313 (1979); and *McCormick v. Hirsch*, 460 F.Supp. 1337, 1357-58 (M.D. Pa. 1978).

been religiously inspired,²⁷ as we discuss more fully in Section IV below.

This is quite different, however, from the institutionalized state intrusion into the affairs of religious organizations and the systematic surveillance and supervision of their affairs that is mandated by California's Public Trust Doctrine. This latter, amici submit, is organically hostile to free exercise.

II.

California's "Public Trust" Doctrine by Its Very Terms Constitutes an Establishment of Religion, and the Means by Which Its Effectuation Is Sought Creates an Institutionalized Entanglement by the State in Church Affairs.

What we have said with respect to free exercise applies with equal force to the first amendment's mandate against an establishment of religion.

If the common law transforms every California church into a public trust with the State as the ultimate trustee for the beneficiary public, then the State is the *ultimate* establishment.

If all California church property is public property and all church records are public records, then the State of California is the equal of England's sovereign, who, in addition to being the supreme civil authority, was also "the supreme head in earth of the Church of England, and . . . [had] . . . all jurisdictions, authorities and commodities to the dignity of the supreme head of the church appertaining."²⁸

If, as contended by California's Attorney General, leaders of California churches are mere trustees serving at sufferance, who may be removed by a court at will, it is the State which actually wears the bishop's mitre, and separation becomes a mockery.

If all California churches and religious organizations are obliged to account to the State, and the State, on the other hand, is authorized and empowered to examine their affairs at will, to supervise the management of their property and assets and to regulate their activities, an institutionalized entanglement of the one in the other's affairs is inescapable.

If the State, whether through the Attorney General or a court, is empowered to decide for itself what is or is not ecclesiastical and to determine finally whether the manner in which a church performs its religious mission is in conformity with "the general purposes for which it is formed."²⁹ that entanglement is exalted to a doctrinal level, and the very inquiry which the Court has characterized as "impermissible"³⁰ becomes sanctified.

²⁷ *Davis v. Beason*, 133 U.S. 333, 341-42, 33 L.Ed. 637, 639-40, 10 S.Ct. 299 (1890).

²⁸ 1 Blackstone's Commentaries 279 (Lewis Ed.).

²⁹ Cf. former Cal. Corp. Code §9505 (West, 1979).

³⁰ *NLRB v. Catholic Bishop of Chicago*, 440 U.S. 490, 502, 59 L.Ed.2d 533, 542, 99 S.Ct. 1313 (1979).

Amici urge that the mere recital of the foregoing corollaries, which flow inevitably from the Public Trust Doctrine and have found enforced application in the subject case, demonstrates the repugnance of this Doctrine, which is the supporting premise of the action, to the establishment clause.

Without here attempting exhaustively to brief or discuss the merits of the issue, amici draw the Court's attention to certain of its own recent holdings on the issue and those of courts which have followed them. See, *Lemon v. Kurtzman*, 403 U.S. 602, 619, 29 L.Ed.2d 745, 759, 91 S.Ct. 2105 (1971); *New York v. Cathedral Academy*, 434 U.S. 125, 132-33, 54 L.Ed.2d 346, 353-54, 98 S.Ct. 340 (1977); *NLRB v. Catholic Bishop of Chicago*, 440 U.S. 490, 502, 59 L.Ed.2d 533, 542, 99 S.Ct. 1313 (1979); *Surinach v. Pesquera de Busquets*, 604 F.2d 73, 78 (1st Cir. 1979); *McCormick v. Hirsch*, 460 F.Supp. 1337, 1357-58 (M.D. Pa. 1978).

One of the specific evils foreseen by Madison, against which the establishment clause was designed to protect, was the possibility of "a corrupting coalition or alliance"³¹ between the State on the one hand and a favored religious group on the other. The subject action had its genesis in just such an alliance, for it was private dissidents within the defendant Church who made common cause with the State as their champion, and it was the private attorney for this group who conceived the action, drafted its pleadings, assumed tactical control and, wrapped in the mantle of public authority, carried the laboring oar.³² Quite aside from the general impropriety of the State's committing its name and resources to a role in support of parties in a private dispute,³³ the State has here placed itself in a bizarre position of imposing the views of a tiny handful of dissidents upon the entire Church membership of over seventy thousand.

If the Church is, indeed, the ward of court and State, as California's Attorney General has urged, the historic priority so memorably articulated by Madison, that man's right and duty towards his Creator is "precedent both in order of time and degree of obligation to the claims of the Civil Society"³⁴ would be reversed and thus obliterated.

Amici believe that the Court cannot and would not countenance such a result.

³¹ James Madison, private letter, undated, in IX *The Writings of James Madison* 484, 487 (G. Hunt ed. 1910).

³² See n.14.

³³ *Kansas v. United States*, 204 U.S. 331, 340-41, 51 L.Ed. 510, 512-13, 27 S.Ct. 388 (1907); *Oklahoma v. Atchison, T. & S.F.R. Co.*, 220 U.S. 277, 288-89, 55 L.Ed. 465, 468-69, 31 S.Ct. 434 (1911); *People v. Pacheco*, 29 Cal. 210, 213 (1865); *People v. Brophy*, 49 Cal.App.2d 15, 34-36, 120 P.2d 946 (1942); *People of the State of New York v. Ingersoll*, 58 N.Y. 1, 13-17 (1874).

³⁴ James Madison, *Memorial and Remonstrance Against Religious Assessments* ¶11 in II *The Writings of James Madison* 183, 184-5 (G. Hunt ed. 1910).

III.

The Subject Case Is Not an Isolated One. It Reflects a Program of Systematic Supervision and Examination of Churches by California's Attorney General.

The subject case is not an isolated one, and the Public Trust Doctrine enunciated therein by the Attorney General is not an ad hoc affair, but a statement of settled policy. The subject case simply represents the most ambitious and unabashed application of this policy to date.

In other cases, the same principles are being urged upon the California courts and similar relief sought by the Attorney General. See, for example, *Younger v. Faith Center, Inc.*, Case No. C 254329 (Superior Court of the State of California for the County of Los Angeles; Appeal pending in California Court of Appeal for the Second Appellate District, 2d Civil No. 56574).

In a letter to California State Assemblyman William H. Ivers, dated 31 January 1979,³⁵ the Attorney General stated:

There are, of course, other cases in which this office has involved itself in the supervision of assets held by religious corporations many of which were resolved short of trial and appeal.

And in an Associated Press article appearing on 20 September 1979, in the Pasadena Star-News,³⁶ Chief Deputy Attorney General Michael Franchetti was quoted as saying that "the Attorney General's office has

³⁵ App. at 53-55. In the same letter, the Attorney General once again sets forth his "Public Trust Doctrine" as follows:

In the eyes of the law, each [non-profit corporation affiliated with the Worldwide Church of God] is deemed to be a charitable organization, holding its assets in trust for the public good.

In recognition of the public interest in charities, it has been consistently held by the courts that the state has the duty and obligation to oversee the handling of their assets. . . .

Accountability and proper disposition of charitable assets are required at all times by all charitable organization. . . .

. . . .

[T]he law imposes an affirmative duty on this office to require trustees of religious organizations to be accountable for all funds and other assets. . . .

In a similar letter dated 21 June 1979 (App. at 56-58), addressed to Oakland attorney Ralph L. Baker, a member of the Advisory Committee of Alliance for the Preservation of Religious Liberty, this theme is stated again, with variations:

In your letter you express concern over actions taken by the Attorney General's office against the Worldwide Church of God and Faith Center Church. Under the law, each is deemed to be a charitable organization, holding its assets in trust for the public good.

The statutes and court decisions clearly impose a duty upon the Attorney General's office to ensure that funds and assets of charitable organizations are used for the purposes in the Articles of Incorporation.

Accountability and proper disposition of charitable assets are required at all times by all charitable organizations.

³⁶ App. at 62-63.

been auditing [churches] and conducting investigations for years with no complaints."

Thus the subject case is merely the tip of the iceberg. This raises a number of rather chilling questions:

1. How many churches have been brought under the "supervision" of California's Attorney General?
2. What criteria does the Attorney General apply in determining which churches shall be the beneficiaries of his scrutiny?
3. What State-imposed standards does the Attorney General apply in supervising management of church assets to determine whether they are being used for proper religious purposes?
4. How many religious organizations have yielded to state intrusion because they lack the capacity, resources or will to resist?

These amici curiae are also concerned that many religious organizations may not prove strong enough to turn back official demands by the state and certainly not sturdy enough to withstand a sustained assault such as that being mounted against the Worldwide Church of God. The ominous reference by the Attorney General to "other cases . . . many of which have been resolved short of trial or appeal" raises the spectre of systematic and successful state coercion, leading ultimately to state-established standards of religious observance and practice.

IV.

No Compelling State Interest Has Been Cited, or Could Be Cited, by the Attorney General to Justify the Powers Claimed or the Orders Issued in the Subject Case.

As the Court has repeatedly emphasized, e.g., in *Everson v. Board of Education*, *supra*, and *Sherbert v. Verner*, *supra*, the freedom to believe is absolute, and its inseparable counterpart, the freedom to act, can be abridged only by the most compelling state interest. Mr. Justice Rutledge stated that the first amendment mandate "secures all forms of religious expression, creedal, sectarian or nonsectarian, wherever and however taking place, except conduct which trenches upon the like freedoms of others or clearly and presently endangers the community's good order and security." *Everson v. Board of Education*, 330 U.S. 1, 32, 91 L.Ed. 711, 732, 67 S.Ct. 504 (1946) (dissent of Rutledge, J.).

The "compelling interest" cited by the Attorney General of California to justify the power he wields pursuant to the Public Trust Doctrine is alleged to be the prevention of fraud and the protection of churches against the diversion of their assets to private or personal benefit.

Preliminarily, these amici note that this assertion rests upon the untenable ground, earlier discussed, that churches are public trusts, publicly owned and subject to public oversight. They are not, however, as we have seen. They are private organizations, and their officers, directors and members are fully capable of detecting wrongdoing and pursuing

its redress by whatever avenues they judge to be most effective, including recourse to the courts.³⁷

Secondly, amici observe that if conduct brought to the attention of the Attorney General is criminal in character, i.e., in the nature of a public offense, the public interest is fully and adequately secured by the prosecution of the accused individuals pursuant to appropriate criminal statutes. *Intern Soc. for Krishna Consciousness v. Bowen*, 600 F.2d 667, 669 (7th Cir. 1979); see also, *Cantwell v. Connecticut*, 310 U.S. 296, 306, 84 L.Ed. 1213, 1219, 60 S.Ct. 900 (1940).

These amici further observe that the charges specified by the Attorney General in his complaint are, in substance, criminal: i.e., theft and embezzlement.³⁸ To the extent that criminal conduct is charged, the state possesses an arsenal of tools, in a proper criminal context, to investigate, adduce evidence and, if justified, prosecute. To the extent that investigation yields insufficient evidence to pursue prosecution, no public interest, compelling or otherwise, is demonstrated.³⁹

³⁷ Cal. Corp. Code §9501 (1979, West); Cal. Corp. Code §§9140-42 (1980, West); see also, *Watson v. Jones*, 80 U.S. (13 Wall.) 679, 20 L.Ed. 666 (1872), *Presbyterian Church v. Hull Church*, 393 U.S. 440, 21 L.Ed.2d 658, 89 S.Ct. 601 (1969), and *Jones v. Wolf*, . . . U.S. . . . , 61 L.Ed.2d 775, 99 S.Ct. 3020 (1979), illustrating the manner in which private litigants may enforce church rights, but cf., *Kedroff v. Saint Nicholas Cathedral*, 344 U.S. 94, 97 L.Ed. 120, 73 S.Ct. 143 (1952) and *Serbian Orthodox Diocese v. Milivojevich*, 426 U.S. 696, 49 L.Ed.2d 151, 96 S.Ct. 2372 (1976), illustrating the limits on such recourse.

³⁸ These amici take no position with respect to the merits of the charges contained in the Attorney General's complaint and articulated in his other pleadings, nor do they suggest or urge that religious freedom may be utilized as a protective cloak for criminal activity. They note, however, the observation of one writer on this case that "in all of [the Attorney General's] activity, and after months had passed, only one thing was missing—a single misdeed by a church official or employee had yet to be proven in a court of law." Worthing, "The State Takes Over a Church," *Annals Amer. Acad. Pol. & Soc. Sci.*, 446:136, 137 (November 1979). See also Wiley, "A Constitutional Outrage," *Liberty Magazine*, 74(3):2, 7 (May/June 1979). Nonetheless, they are gravely concerned with assuring that any charges of criminal conduct or wrongdoing be pursued in a proper manner in accordance with authorized procedures fully attended by appropriate constitutional safeguards. Substantially less appears to have been accorded in the subject case, and these amici suggest that the novel and dangerous form of action devised by the Attorney General will, unchecked, only produce further activity of like kind.

³⁹ The Church leaders against whom the principal charges are levelled have publicly demanded that the Attorney General indict and prosecute them individually, if he possesses evidence to support the charges, rather than attacking the Church. Public statement of Stanley Rader, Treasurer and Director of the Worldwide Church of God, Inc., made 22 January 1979 and telecast in a presentation aired 16 January 1980 on KCOP, Los Angeles; see, excerpt Final Script, "The First Amendment: Church Versus State," at 19, App. at 69.

The relief sought by the Attorney General in the subject case, i.e., receivership, injunction, removal and banishment from office, organizational restructuring, disgorgement and restitution, et cetera, is all relief which is essentially *private* in nature, any right to which inheres to the *Church*, but not to the State, and which could be pursued by the Church upon the initiative of any of its trustees or officers or, derivatively, at the suit of its members. For the State to thrust itself into the position of preempting the rights of these private individuals and entities to determine for themselves what, if any, injury has been inflicted and what, if any, remedies to pursue, is not only unwarranted, but impermissible, and it certainly responds to no compelling public interest.⁴⁰

Lastly, amici question the value to the Church and its congregants of this uninvited "protection" which has blackened their names, desecrated their central sanctuary, devastated Church programs and demonstrably caused monetary damage in the millions. Historically, just such "protection" has too often been the cover and pretext for the infliction of bloody repression and persecution.

Once again, without assuming fully to develop the issue at this point, amici believe the foregoing not only demonstrates the absence of any compelling state interest to justify the draconian invasion perpetrated by California's Attorney General, but represents the actual realization of the very danger apprehended by the founders, namely the state's usurpation of that fundamental right of decision which belongs to the individual and the consequent nullification of the religious freedom mandated *jointly* by the free exercise and establishment clauses of the first amendment.

V.

The Issues Tendered Are Fully Ripe for Decision. Unless the Court Acts, the Threatened Rights Will Be Irreparably Lost.

The enforcement of the challenged orders would result in the irreparable loss of the first amendment rights which petitioners have struggled to protect. Indeed, by virtue of their intentionally overlapping character, enforcement as against only one party would compromise the rights of all.

That they will be enforced, the California trial courts have made very clear, and petitioners' exhaustive attempts to secure relief in the appellate courts have fallen upon deaf ears. The very denials of appellate

⁴⁰ *Kansas v. United States*, 204 U.S. 331, 340-41, 51 L.Ed. 510, 512-13, 27 S.Ct. 388 (1907); *Oklahoma v. Atchison, T. & S.F.R. Co.*, 220 U.S. 277, 288-89, 55 L.Ed. 465, 468-69, 31 S.Ct. 434 (1911); Cal. Code Civ. Proc. §§337, 339; Cal. Civ. Code §3369; *People v. Pacheco*, 29 Cal. 210, 213 (1865); *People v. County Judge*, 40 Cal. 479, 480 (1871); *People v. Brophy*, 49 Cal.App.2d 15, 34-36, 120 P.2d 946 (1942); *People of the State of New York v. Ingersoll*, 58 N.Y. 1, 13-17 (1874).

assistance are cited by the Attorney General as affirmative approval of his activities as California's inspector general of religion and his grotesque crusade against the Worldwide Church of God.⁴¹

The Court, then, is the last barrier to this ultimate invasion of first amendment sanctity. If it declines to hear the matter, this barrier will be sundered—and the “impenetrable wall” between church and state along with it.

These amici urge that such a consequence is unthinkable.

CONCLUSION.

In a letter to the California Supreme Court, dated 3 July 1979, special counsel for the National Council of Churches observed that the subject action by California's Attorney General constituted “the most sustained and destructive assault upon religion” which that organization had yet witnessed.⁴² These amici share this conclusion and urge that the Court would, upon examination, surely agree. They also, however, see that what is taking place in California is but a repetition of what has gone before, again and again. To generations which have grown up within the protective embrace of the Federal Constitution and its first great amendment, this spectacle might seem novel, but the long light of history reveals it to be merely another chapter in the endless effort of the State to subjugate and dominate men's beliefs.

In an age which has witnessed increasing government intrusion into every corner of private and personal activity, an age which, indeed, bears increasing resemblance to those which preceded the adoption of the Constitution and whose excesses gave rise to its historic strictures, it is not, perhaps, surprising that this floodtide of pervasive government should now threaten to engulf the instrumentalities of the fundamental freedom, religion itself. Only the Court can stem the advance. Otherwise, as Georges Santayana said of those who ignore the lessons of history, we shall be condemned to repeat these lessons.

Madison, in his historic “Memorial and Remonstrance,” observed that “the free men of America did not wait until usurped power had

⁴¹ The Attorney General has previously suggested that denials of petitions for a writ of certiorari constitute the Court's approval. Supplemental Memorandum of Points and Authorities in Opposition to Motion for Injunction Pending Appeal at 1–2, dated 16 November 1979 and filed by the Attorney General in *Worldwide Church of God, Inc. v. State of California*, Case No. CV 79-0183 LEW (TX) (United States District Court, Central District of California); App. at 70; Notice of Motion and Motion for Order Holding Specified Defendants in Contempt of Discovery Orders of this Court and for Sanctions; Memorandum of Points and Authorities and Declaration of Lauren R. Brainard in Support Thereof, at 7 and 12–13, dated 8 February 1980 and filed in the subject case; App. at 71–72.

⁴² Letter of Rosen, Remcho & Henderson at 2, App. at 73–75.

strengthened itself by exercise and entangled the question in precedents."⁴³ Nor, amici urge, should the Court.

Respectfully submitted,

FRED OKRAND,

Attorney for Amici Curiae.

LEE BOOTHBY,

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CARL HORN, III,

JEREMIAH S. GUTMAN,

Of Counsel

⁴³ James Madison, *Memorial and Remonstrance Against Religious Assessments* ¶3 in II *The Writings of James Madison* 183, 185 (G. Hunt ed. 1910).

APPENDIX.

**STATE'S OPPOSITION TO DEMURRER
TO FIRST AMENDED COMPLAINT
(Dated June 28, 1979)**

**Superior Court of the
State of California**

For the County of Los Angeles
Case No. C 267607

THE PEOPLE OF THE STATE OF CALIFORNIA, EX REL.,
ALVIN EARL TIMMONS ET AL.,

PLAINTIFFS,

vs.

WORLDWIDE CHURCH OF GOD, INC., A CALIFORNIA
CORPORATION, ET AL.,

DEFENDANTS.

[10] . . .

III

**THE ATTORNEY GENERAL HAS WELL SETTLED COMMON
LAW SUPERVISORY POWER OVER CHARITIES AND THE
POWERS CONFERRED BY CORPORATIONS CODE SECTION
9505 ARE MERELY IN ADDITION THERETO**

**A. The Attorney General Has Extensive Common Law Supervisory
Powers Over Charities**

The Attorney General has well settled common law supervisory power over charities, and the powers conferred by Corporation Code Section 9505 are merely in addition thereto.

The Attorney General has clear common law supervisory powers over charities.

[19] . . .

The state seeks to remove individual defendants . . . who may be found to have committed fraud, from holding any office or employment in any of the subject . . . corporations, under the well-settled [20] equitable principal that the court may remove trustees who are guilty of breaching their trust. . . .

[21] . . .

Thus, this court has the equitable jurisdiction to remove charitable officers and directors in the same manner as charitable trustees, and that jurisdiction is derived from trust law principles rather than the Corporations Code.

**Excerpt from a Hearing on Several
Preliminary Motions**

Reporters' Daily Transcript
Wednesday, January 10, 1979

[7] . . .

Mr. Chodos: Because of the nature of the church, as a charitable trust, the relationship of the court to the church is unique.

Every other party who comes before the court has some claim to its own property, and has some right to resist intervention by the court. *But for 700 years, Your Honor, it has been the law in England and America [8] that charitable funds are public funds. They are perpetually in the custody of the court. The court is the ultimate custodian of all church funds, just as the Attorney General has always been charged with the power and the duty to investigate allegations of misuse or even suspicions of misuse.*

STATE'S BRIEF IN OPPOSITION TO PETITION
FOR CERTIORARI

(Undated, Filed in October Term, 1978)

IN THE

Supreme Court of the United States

October Term, 1978

No. 78-1720

WORLDWIDE CHURCH OF GOD, INC., ET AL.,

PETITIONERS,

vs.

THE STATE OF CALIFORNIA,

RESPONDENT.

[16]

II

Pursuant to Ancient and Settled Legal Principles Religious Organizations Hold Their Assets in Trust for Their Religious Purposes Which Are Also Charitable Purposes, and the State Attorneys General Are Charged With The Responsibility of Enforcing and Supervising Charitable Trusts

The courts of California have always held without exception that the secular affairs of church corporations are subject to supervision by the Attorney General and the courts. (*In re Metropolitan Baptist Church of Richmond, Inc.* (1975) 48 Cal.App.3d 850; *Wheelock v. First Presbyterian Church* (1897) 119 Cal. 477.) In general throughout the United States religious purposes are regarded as charitable and trusts for religious purposes are enforced as charitable trusts. (See IV Scott on Trusts (3d ed.) § 371, p. 2880.)

The state attorneys general are charged with such duties of enforcement and supervision because the fulfillment of the purposes of charitable, including religious, organizations is thought to be of general benefit to society as a whole. In that sense, such entities are trustees of their assets for public benefit and hold such assets in trust for the religious or charitable purposes set forth in their governing documents. (*Pacific*

Home v. County of Los Angeles (1951) 41 Cal.2d [17] 844, at 851-852; *In re Metropolitan Baptist Church of Richmond, Inc.*, *supra.* at 857.) Any diversion of such funds is a breach of trust. (*In re Metropolitan Baptist Church of Richmond*, *supra.* at 857; *Holt v. College of Osteopathic Physicians & Surgeons* (1964) 61 Cal.2d 750, at 759-760.) In California and in many other states the attorney general is the only party other than corporate directors or trustees (who in this case are the very persons accused of wrongdoing) who has standing to enforce a charitable trust. (*Holt v. College of Osteopathic Physicians & Surgeons*, *supra.* at 755-757; IV Scott on Trusts (3d ed.) § 391, p. 3006.) While the public as a whole is the beneficiary of all charitable trusts, members of the public (including in this case members of the Worldwide Church of God) have no clear authority to bring court actions to enforce a charitable trust. . . .

[19]

The supervision of charity by state attorneys general goes back far longer than even 200 years. The attorneys general and chancery courts of England had such supervisory powers prior even to the enactment of the English Statute of Charitable Uses in 1601. (Stats. 43 Elizabeth I, c. 4; IV Scott on Trusts (3d ed.) § 368.1, p. 2858, § 391, p. 3002.)

**DEFENDANTS' RESPONSE TO PLAINTIFFS' MOTION FOR
JUDGMENT ON THE PLEADINGS AND PLAINTIFFS' MO-
TION FOR SUMMARY JUDGMENT; REQUEST TO TAKE
JUDICIAL NOTICE**

(Dated 20 August 1979)

**Superior Court of the
State of California**

For the County of Los Angeles
Case No. C 276767

FRED G. LOPEZ, ET AL.,

PLAINTIFFS,

vs.

THE STATE OF CALIFORNIA, ET AL.,

DEFENDANTS.

[4] . . .

Corporations Code section 9505 is not a codification of all of the Attorney General's investigatory and supervisory powers with regard to all charitable religious organizations; section 9505 is in the Corporations Code and hence it deals only with nonprofit corporations. This is not to say, however, that plaintiffs' hypothetical unincorporated religious organization, or a corporation sole, would be subject to any lesser degree of scrutiny under the law than religious non-profit corporations. In fact, of course, such an unincorporated religious organization and a corporation sole are subject to the Attorney General's common law powers of [5] investigation and supervision over their secular affairs. In addition, the corporation sole is subject to state inquiry into its secular financial affairs via Corporations Code section 10009. There is no reason to believe that a court, upon application of the Attorney General, could or would probe any less deeply into the secular financial affairs of a corporation sole or an unincorporated religious organization than can the Attorney General under Corporations Code section 9505.

DATED: August 20, 1979

GEORGE DEUKMEJIAN,
Attorney General
 JAMES M. CORDI,
 LAUREN R. BRAINARD,
 WILLIAM S. ABBEY,
Deputy Attorneys General

By /s/ WILLIAM S. ABBEY
Deputy Attorney General

Attorneys for Defendants
 George Deukmejian, Evelle J.
 Younger, Lawrence R. Tapper
 and the State of California

Cal. Corp. Code § 9505 (1979)

§9505. *Supervision of Attorney General Where Property Held in Trust.*—A non-profit corporation which holds property subject to any public or charitable trust is subject at all times to examination by the Attorney General, on behalf of the State, to ascertain the condition of its affairs and to what extent, if at all, it may fail to comply with trusts which it has assumed or may depart from the general purposes for which it is formed. In case of any such failure or departure the Attorney General shall institute, in the name of the State, the proceedings necessary to correct the noncompliance or departure. Leg.H. 1947 ch. 1038.

Cal. Nonprofit Relig. Corp. Law § 9230 (1980)
 (effective Jan. 1, 1980)

§ 9230. Purposes: Protection of membership lists: Actions (a) Upon reasonable grounds to believe that the following condition or conditions have occurred or do exist, the Attorney General may, at reasonable times, examine a corporation to determine whether:

(1) The corporation fails to qualify as a religious corporation under this part; or

(2) There is or has been any fraudulent activity in connection with the corporation's property; or

(3) Any corporate property is or has been improperly diverted for the personal benefit of any person; or

(4) Property solicited and received from the general public, based on a representation that it would be used for a limited purpose other than general support of the corporation's religious activities, has been improperly used in a manner inconsistent with the stated purpose for which the property was solicited; or

(5) There has been a substantial diversion of corporate assets from stated corporate purposes.

(b) Such examination shall respect privileges enumerated in Di-

vision 8 (commencing with Section 900) of the Evidence Code and shall protect the confidential nature of membership lists by using such lists only in connection with the examination and any subsequent court proceeding. In addition, such examination shall not unnecessarily interfere with normal operations and religious observances of the corporation.

(c) The Attorney General may institute an action in the name of the state to enforce the right of examination set forth in subdivision (a).

(d) For reasonable cause, the Attorney General may institute an action in the name of the state:

(1) To establish that the corporation fails to qualify as a religious corporation under this part, and if a court so finds it shall enter an order that the corporation shall no longer operate as a religious corporation under this part.

(2) To correct any wrongful activity which has taken place in connection with or as a result of any condition or conditions set forth in paragraph (2), (3), (4) or (5) of subdivision (a).

Superior Court of the State of California

FOR THE COUNTY OF LOS ANGELES

No. C 267-607

[TITLE OMITTED]

**As a First Cause of Action for Accounting,
Plaintiff Alleges:**

1. George Deukmejian is the duly constituted Attorney General of the State of California, and as such is charged with the supervision of all charitable organizations within this state and with the supervision of trustees and fiduciaries who hold or control property in trust for charitable and eleemosynary purposes. This action was originally brought by and on behalf of the People of the State of California on the relation of individuals who had been granted leave to sue by the Attorney General. Its purpose is to correct the abuse of charitable trusts. The six individually designated relators have since withdrawn, and sole responsibility for the action now rests with the Attorney General.

2. Defendant Worldwide Church of God, Inc. (hereinafter the Church) is a California corporation created and existing under the California general nonprofit corporation law. Its principal place of business is in the County of Los Angeles, California. The Church was organized exclusively for charitable and religious purposes, and all of its assets are dedicated irrevocably to those purposes such as are set forth in its articles of incorporation a copy of which is attached hereto and incorporated herein as Exhibit 1. At all times since its incorporation in 1934 it has been exempted from taxation by the State of California under Revenue and Taxation Code Section 23701(d), and what is now Article XIII, section 4(b) of the California Constitution.

3. Defendant Ambassador College, Inc. (hereinafter the College), is a California corporation created and existing under the California general nonprofit corporation law. Its principal place of business is in the County of Los Angeles, California. The College was organized exclusively for educational (charitable) purposes, and all of its assets are dedicated irrevocably to those purposes such as are set forth in its articles of incorporation, a copy of which is attached hereto and incorporated herein as Exhibit 2. At all times since its incorporation in April 1951 it has been exempted from taxation by the State of California

under Revenue and Taxation Code section 23701(d), and what is now Article XIII, section ((b) of the California Constitution.

4. Defendant Ambassador International Cultural Foundation, Inc. (hereinafter Foundation), is a California corporation created and existing under the California general nonprofit corporation law. Its principal place of business is in the County of Los Angeles, California. The Foundation was organized exclusively for cultural (charitable) purposes, and all of its assets are dedicated irrevocably to those purposes, such as are set forth in its articles of incorporation, a copy of which is attached hereto and incorporated herein as Exhibit 3. At all times since its incorporation in March 1975 the Foundation has been exempted from taxation by the State of California under Revenue and Taxation Code section 23701(d), and what is now Article XIII, section 4(b) of the California Constitution.

5. By reason of the exemption from tax of the property of the Church and the College and the Foundation, as above alleged; and also by reason of the fact that all donations and contributions to the Church, the College and the Foundation have been deductible from income by the donors and contributors for purposes of computing their federal and state income taxes; plaintiff is informed and believes, and therefore alleges, that the Church, the College and the Foundation have enjoyed substantial public subsidies amounting over the last ten years to more than \$150,000,000.

6. Defendants Stanley R. Rader, Herbert W. Armstrong, Ralph Helge, Henry Cornwall, Osamu Gotoh, Robert Kuhn, Raymond L. Wright, and Does 1 through 50 are and at all relevant times have been either officers, directors, or full-time employees of one or more of the above-named charitable entities (hereinafter referred to collectively as the Church, the College and the Foundation) or one or more of the following named for-profit defendants, or both. All of the acts herein complained of have been done with their knowledge and complicity, and under their supervision. In addition, each individual defendant is legally responsible for the act and omissions of his co-trustees.

7. Plaintiff is informed and believes, and on that basis alleges, that defendants Worldwide Advertising, Inc. and Gateway Publishing, Inc. are California corporations; that Does 51 through 100 are corporations, partnerships or other business entities; that Environmental Plastics, Inc. is a Texas corporation qualified to do business in California; that Rader, Cornwall, Kessler and Palazzo is an accounting firm formed either as a California professional corporation or a partnership; that Mid-Atlantic Leasing is a corporation or partnership; that Excelsior Leasing is a Pennsylvania corporation qualified to do business in California; that the above are hereinafter referred to collectively as the for-profit defendants. Plaintiff is informed and believes, and on that basis alleges, that each of the for-profit defendants is owned or controlled by one or more of the officers or directors of the Church, the College or the Foundation, including particularly the defendant Stanley R. Rader; that funds and property contributed to the charitable entities are freely transferred

among them and the for-profit defendants; that financial and business records of the charitable entities have been and continue to be in the custody and possession of the for-profit defendants; and that the unity of record ownership and actual control among the charitable entities and the for-profit defendants, and the course of dealing between them, has been for many years and is now such that for all purposes of this accounting, it would be unjust and inequitable to recognize any separate existence among them at all. The exact status and constitution of the for-profit defendants, and their precise relationship with the charitable entities, are matters not known to plaintiff at this time, but are peculiarly within the knowledge of the defendants; and plaintiff will ask leave of the Court to amend this Complaint to show their true status and constitution, and the exact nature of their relations with the charitable entities when the same have been ascertained.

8. The true names and capacities of defendants Doe (whether individual, corporate, associate or otherwise) and the true nature of their relationship with the other defendants, is presently unknown to the plaintiff, but is peculiarly within the knowledge of the individual named defendants. Plaintiff will ask leave of the Court to amend this complaint to show the true names and capacities of the defendants Doe, and the true name of their relationship, when the same have been ascertained.

9. Defendants Herbert W. Armstrong and Stanley R. Rader are and all times pertinent to this Complaint have been in full and complete control of the Church, the College, the Foundation, and all of their affairs. Herbert W. Armstrong is and has been Pastor General of the Church ever since its formation, and has been an officer and director of the College and Foundation as well as the Church at all times since their formation. Defendant Stanley R. Rader has acted as general counsel and chief financial adviser of the three entities for the past fifteen years, and for the past four years has acted and is presently acting in at least the following capacities: as director, executive vice-president, executive director, vice-president for financial affairs, secretary-treasurer and general counsel.

10. The Church, the College and the Foundation, as well as the individual named defendants (including Does 1-50), hold and are responsible for the assets of the three charitable entities, as trustees, subject to supervision by the Attorney General and ultimately by this court. The ultimate beneficiary in each instance is the public which benefits generally from all charitable endeavors. None of the defendants has or may legally have any proprietary interest in the assets and properties of the Church, the College or the Foundation, nor in their books and records.

11. The Church, the College, the Foundation and the individual named defendants as their officers and directors are required by law to account to the public and this court for all funds received, expended, or held by the three entities. Notwithstanding this duty to account, and repeated requests by plaintiff and members of the Church, these de-

defendants have failed and refused, and still fail and refuse, to make any such accounting at all.

12. The need for an accounting by defendants in this case is particularly acute for each of the following reasons:

(a) Plaintiff is informed and believes, and on that basis alleges, that for a period exceeding ten years the individual and for-profit defendants (including Does 1-100), acting in concert with and under the direction of defendants Armstrong and Rader, have been and are siphoning off and diverting to their own use and benefit assets and properties of the Church, the College and the Foundation, on a massive scale increasing in the last several years to millions of dollars per year, and causing substantial fiscal deficits in their operation.

(b) Although much of the funding for the Church, the College and the Foundation is generated through contributions and other payments and tax subsidies provided by the public as a whole, a major source of funds for the Church has come from tithing of its members. As Pastor General of the Worldwide Church of God, and as the self-proclaimed Ambassador of God on earth, Herbert W. Armstrong has directed all members of the Church to contribute the first ten percent (10%) of their gross income. Failure to do so, according to Armstrong's published disseminations to the members, is ". . . STEALING from GOD . . . and is SIN, which will cost you your SALVATION!" By reason of such representations and exhortations, a special fiduciary relationship has been created in which Mr. Armstrong, Mr. Rader and the other individual defendants owe the highest duty of accountability, not merely to the general public which is interested in preventing fraud, but also the members and former members who have not only given their money but have also placed their trust in the defendants to use it strictly for God's Work.

(c) In the solicitation of funds, defendant Armstrong has not always been candid. From time to time throughout the past ten years the Church has sent out special and urgent requests for contributions to be made at great personal sacrifices to the donors. Attached hereto and incorporated herein as Exhibit 4 is one such request dated March 30, 1970. The letter speaks of a "tight money situation" requiring cut-backs in Church salaries, publications and operating expenses in all departments of the Work"; it states that "God's Work" needs "IMMEDIATE CASH"; and on the suggestion of ". . . Mr. Rader, our legal counsel and financial adviser," members are asked to borrow whatever they can, so long as they do not lower the income for the "Work" through the rest of the year. The true nature of the alleged fiscal emergency is exemplified by two purchase orders attached hereto and incorporated herein as Exhibit 5. Mr. Armstrong's letter of March 30, 1970, failed to disclose, among other pertinent facts, the purchase for his Pasadena residence of a \$6,090.00 crystal candelabra on January 2, 1970, and French porcelain vases for \$2,079.00 on March 31, 1970.

(d) In addition to the first 10% tithe (for God), and a second

10% tithe (to provide for the member's expenses at the annual Festivals), there is a third tithe imposed by the Church on its members consisting of ten percent (10%) of their gross income every third year. Throughout the past ten years this contribution has been expressly solicited as a special fund for widows and orphans. A trust has been imposed on these funds which requires that they be used only for such purposes. Plaintiff is informed and believes and thereupon alleges that an accounting has never been rendered of the receipt and disposition of these funds, and that they have been diverted to purposes other than those for which they were solicited and donated.

13. Because the named individual defendants are now, and at all times pertinent to this action have been in full, effective and exclusive control of all the property, assets, records and administrative facilities of the Church, the College and the Foundation; and because they have consistently denied and still presently deny meaningful access to such records by the Attorney General of the State of California, plaintiff has no alternative but to make many of the allegations of this complaint on information and belief. Plaintiff will ask leave of the Court to amend this complaint in all pertinent respects when the particular facts concerning the actions complained of have been ascertained.

**As a Second Cause of Action for Removal of Individual
Defendants as Trustees, and for Injunction,
Plaintiff Alleges:**

14. Paragraphs 1 through 13 of the First Cause of Action are incorporated by reference into and hereby made a part of this Second Cause of Action.

15. Plaintiff is informed and believes and thereupon alleges that defendant Herbert W. Armstrong is 86 years of age; that he has suffered a heart attack; that he no longer resides in California; and that he is not in daily control of the operation of the Church, the College or the Foundation. The exact nature and extent of his involvement and participation in the diversion of charitable funds hereinabove alleged, either at the present time or in the past, is currently unknown to plaintiff, but is peculiarly within the knowledge of the defendant Armstrong and the other defendants. Plaintiff will ask leave to amend his complaint to show the true facts when the same have been ascertained.

16. Plaintiff is further informed and believes, and thereupon alleges, that for all practical purposes, the financial affairs of the Church, the College and Foundation are now and have for some time been controlled by the defendants Stanley R. Rader, Osamu Gotoh, Ralph J. Helge, Robert Kuhn, Raymond L. Wright, and Henry Cornwall.

17. In addition to his official capacities described above in paragraph 9, Rader has claimed additional power and authority since January 4, 1979 by reason of a directive purportedly issued on that day by the defendant Armstrong, a copy of which is attached herein and incorporated herein as Exhibit 6.

18. Since this action was filed in January 1979, defendants Rader and Helge have done everything within their power to deny plaintiff access, not only to the books and records of the Church, College and Foundation, but to individuals with knowledge of the operation and financial affairs of said charitable entities.

19. Plaintiff has been endeavoring since January 31, 1979, when this court first so ordered, to examine Rader under oath in deposition concerning his fiduciary relationship to the Church, College and Foundation, and the manner in which he has carried out his responsibilities. Rader failed and refused to appear until further ordered to do so on April 3 and 4, at which time he refused to answer proper questions, and ultimately announced unilaterally that he was leaving the deposition and would not participate any further therein. A copy of the transcript of Rader's deposition is being lodged with this court in connection with plaintiff's Motion to Compel Discovery, and is hereby incorporated by reference and made a part of this complaint.

20. By reason of each and all of their acts and omissions hereinabove related, the defendants Rader, Gotoh, Kuhn, Wright, Cornwall and Helge have failed and refused to comply with the trust which they have assumed; each of them has departed and caused the Church, College and Foundation to depart from the charitable purposes he and they were bound to serve; and each of said defendants should be removed from all responsibility in connection with the Church, College and Foundation.

21. Further, plaintiff is informed and believes, and therefore alleges that the said defendants have caused the Church, College and Foundation to enter into various purported contracts of employment and other contracts with each of the said trustees, providing for compensation and reimbursement of expenses. Plaintiff alleges that all of said contracts were entered into by the Church, College and Foundation without sufficient consideration and under undue influence, and without proper corporate authority; and alleges that each of said contracts should be cancelled and determined to be null and void. A copy of the Employment Contract of Stanley R. Rader dated July 30, 1976 is attached hereto, marked Exhibit 7, and is incorporated herein by this reference.

22. Plaintiff further alleges that each of the defendants Rader, Gotoh, Kuhn, Wright, Cornwall and Helge should be perpetually enjoined and restrained from serving as officers or directors, or any other capacity, with respect to the Church, College or Foundation or any other California charitable or trust or organization.

As a Third Cause of Action for Orders Requiring Compliance by the Church, College and Foundation With California Law Pertaining to Nonprofit Corporations Organized for Charitable Purposes, or for Other Appropriate Relief, Plaintiff Alleges:

23. Paragraphs 1 through 13 of the First Cause of Action, and paragraphs 15 through 22 of the Second Cause of Action, are hereby incorporated by reference into and hereby made a part of this Third Cause of Action.

24. By virtue of the facts hereinabove alleged, the defendant charitable entities have claimed the benefits of incorporation as nonprofit corporations organized for charitable purposes under the laws of the State of California which benefits include among others the substantial tax subsidies and exemptions hereinabove referred to; but the said charitable entities have failed in numerous respects to comply their obligations under said laws, as follows:

(a) Claiming that their organization is "hierarchical," the charitable entities have never been subject to the governance of any board of directors, board of trustees or other independent body, authorized and empowered to supervise and preserve charitable funds collected and held by them as required by law;

(b) Notwithstanding that the bylaws adopted by the charitable entities called for a vote of the members on numerous matters of importance, including amendment to the articles and bylaws, disfellowshipment of members and other matters, no member of said charitable entities has ever voted or been permitted or requested to vote on any matter and no vote of the members has ever been held on any subject. In this connection, plaintiff is informed and believes, and thereupon alleges, that although statements were filed with the Secretary of State reflecting a purported vote of the membership on certain amendments to articles of incorporation of the defendant Church, no such vote and no such election was ever held, as the defendants herein are well aware.

(c) The defendants have taken the position that their bylaws may be altered or entirely disregarded whenever it suits their purposes, since said bylaws are "viewed only as guidelines, which are subject to spiritual interpretations (by defendants) and are subordinate to the higher law of God." A copy of the Declaration of defendant Helge, dated January 11, 1979 and filed with this court on or about January 12, 1979, is attached hereto as Exhibit 8 and is hereby incorporated by reference and made a part of this complaint.

(d) Claiming that all decisions of the defendants Armstrong and Rader are "religious" or "spiritual," including all decisions affecting the disposition of charitable trust funds collected and held by the Church, College and Foundation, defendants have taken the position that all of their financial decisions and expenditures, including the disposition of funds for their personal use and benefit, is protected and exempted from review or scrutiny by anyone, including this court, by virtue of the First Amendment; and have thereby claimed and continue to claim that they are entitled to dispose of charitable funds as they please.

25. The defendants Church, College and Foundation should be required by this court to comply with their obligations under the laws of the State of California pertaining to nonprofit corporations organized for charitable purposes in all respects, including among others the following:

(a) The Church, College and Foundation should be required to select a board of directors, board of trustees, or other board authorized and em-

powered to oversee and supervise its financial affairs (as distinguished from its ecclesiastical or spiritual affairs), in such manner as to provide reasonable assurance that the charitable trust funds collected and held by such charitable entities will be applied solely to the charitable uses to which they were donated, and will not be diverted or misapplied for the personal benefit of any individual, or for any other improper purposes; (b) The Church, College and Foundation should be required to take such steps as may be necessary or appropriate to keep and maintain proper records of their financial and business transactions, and to prepare and cause to be rendered periodic accountings of their financial and business affairs as required by law; (c) The Church, College and the Foundation should be required to take such steps as may be necessary or appropriate to prevent the dissipation of charitable trust funds in the future, and to recover such charitable trust funds as have previously been allowed by them to be dissipated or diverted by improper purposes.

26. If and to the extent the Church, College and Foundation cannot be made to comply with their legal obligations in exchange for obtaining the benefits of their status as charitable California corporations, the court should make such other orders and grant such other relief as may be necessary or appropriate under the circumstances to preserve the charitable funds which have been accumulated by them, and which are presently entrusted to their care and custody.

As a Fourth Cause of Action for Receiver, Plaintiff Alleges:

27. Paragraphs 1 through 13 of the First Cause of Action and Paragraphs 15 through 22 of the Second Cause of Action and Paragraphs 24 through 26 of the Third Cause of Action, are hereby incorporated by reference into and made a part of this Fourth Cause of Action.

28. Based on limited and sporadic statements issued by defendants to the membership of the charitable entities, plaintiff is informed and believes, and on that basis alleges, that they receive approximately \$70 million per year in contributions, and that they have a net worth of approximately \$80 million. Most of their net worth is held in the form of real estate.

29. Plaintiff is informed and believes, and on that basis alleges, that between January 1, 1975 and the present date, the charitable entities have spent and continue to spend at least \$ million more each year than they receive in contributions and, for that reason, have been forced to liquidate some of their holdings in order to defray their current expenditures. All the excess of expenditures over receipts is attributable to the individual defendants' pilfering of the revenues of the charitable entities and their misappropriation of charitable assets to their own personal use and benefit, which pilfering and misappropriation continues to this very day on a massive scale. So long as the individual named defendants remain in full, effective and exclusive control of the business affairs of the charitable entities, they alone will continue in the future, as

they have in the past, to determine the nature and extent of all their expenditures.

30. Plaintiff is informed and believes, and on that basis alleges that during the last six months, as part of their program of misappropriating the assets of the charitable entities to their own use and in order to facilitate said misappropriation, the individual defendants have been liquidating the properties of the charitable entities on a massive scale; and that in Southern California alone, over twenty parcels of property belonging to one or more charitable entities have been sold in the last year, many of them at prices well below their market value.

31. Plaintiff is further informed and believes, and on that basis alleges that one of the largest properties of the College is a 1600-acre parcel in Big Sandy, Texas, which is worth substantially in excess of \$10.6 million; yet the individual defendants have been attempting to sell the aforementioned parcel to a third party for approximately \$10.6 million; and these defendants have attempted to conceal the true worth of the Big Sandy property, and have instead published false statements, known by them to be false, to the effect that the property aforesaid is worth only about \$8 million. All these statements and activities are part of their effort to convert the assets of one or more of the charitable entities into a form in which they may be more easily appropriated to the personal use and benefit of the individual defendants. Further, plaintiff is informed and believes that the defendants have established no procedures or safeguards to ensure that the proceeds of sale of the Big Sandy property, which belong to the College and which ought to be used exclusively for charitable and educational purposes, will be applied to that charitable use; but instead, defendants have announced publicly their intention to "get out of the college business," and to divert the proceeds of said sale to the Church and the Foundation, and to uses other than those for which they are entrusted.

32. Plaintiff is further informed and believes, and thereupon alleges, that the individual named defendants, in an effort to frustrate discovery of their wrongdoing and to obscure the facts, have caused and are causing the written records of their dealings to be removed from the Pasadena offices of the defendant corporations, and to be shredded and destroyed; and that if said removal and destruction are allowed to continue, it may never be possible to develop a true and complete accounting of the finances of the charitable entities during the time period complained of.

33. Since this action was commenced on January 2, 1979, and after a receiver was appointed herein, the individual defendants have pursued a course of conduct designed to divert donations, funds and assets of the charitable entities to themselves at Tucson, Arizona and elsewhere; and thereafter to apply said funds for their personal use and benefit in various ways, including the appointment of numerous firms of attorneys to represent their personal interest while ostensibly acting as counsel for the charitable entities. In this regard, the individual defendants have purported to effect an amendment to the bylaws since the

commencement of this action, granting them alleged indemnification for their legal expenses, not only in connection with the instant action and any other civil action which has been instituted by them or against them in the state and federal courts, but also for any expenses they may incur in defending against criminal charges arising out of crimes or alleged crimes committed by them against the charitable entities (as set forth at pages 11 and 12 of the purported bylaws attached to the Declaration of Helge, Exhibit 8 to this complaint). Plaintiff is further informed and believes, and thereupon alleges that the defendants have already paid or incurred legal expenses in connection with the present action and related litigation of nearly \$1 million, all of which they have paid or intend to pay out of charitable funds properly the property of the charitable entities herein.

34. The appointment of receiver pendente lite for the charitable entities is necessary forthwith to prevent the continued misappropriation of charitable funds and assets to the personal use and benefit of the individual defendants; to halt the imminent and massive selling-off of valuable properties at prices well below their market value; and to prevent the further destruction of financial and business records of the charitable entities and to conduct an independent investigation of claims which the charitable entities may have against the individual named defendants and others, and thereafter to file and pursue such suits and actions on behalf of the charitable entities as may be appropriate.

**As a Fifth Cause of Action for Injunctive Relief
Plaintiff Alleges:**

35. Paragraphs 1 through 13 of the First Cause of Action, 15 through 22 of the Second Cause of Action, 24 through 26 of the Third Cause of Action, and 28 through 33 of the Fourth Cause of Action are hereby incorporated into and made a part of this Fifth Cause of Action.

36. The Receiver will require access to the books and records, and to the administrative facilities, of the charitable entities in order to discharge his duties, and in order to protect and preserve their assets pendente lite; but the individual named defendants threaten to deny such access to any person other than themselves, and have demonstrated an intention to remove and destroy said books, records, and facilities, rather than to let any other person see them; and unless enjoined the restrained from doing so by this Court, they will do so, and will not yield up the said assets and records to the receiver.

37. The individual named defendants are engaged in an on-going program of liquidation of charitable assets, and have already entered into agreements to sell many of said properties at prices well below their market value; and unless they and those with whom they deal are enjoined and restrained from doing so by this Court, they will sell, transfer, mortgage, and encumber said properties without providing any safeguards for their preservation and use for the charitable purposes impressed on such assets.

**As a Sixth Cause of Action for Accounting Against
Defendant Rader, Cornwall, Kessler and Palazzo,
Plaintiff Alleges:**

37. Paragraphs 1–13 of the First Cause of Action are incorporated by reference into and hereby made a part of this Sixth Cause of Action.

38. Plaintiff is informed and believes and on that basis alleges, that at all times relevant to this complaint, defendants Rader and Cornwall held the beneficial ownership of a majority of, and exercised actual control over, defendant Rader, Cornwall, Kessler and Palazzo, which, until recently was known as Rader, Cornwall and Kessler.

39. Plaintiff is informed and believes and upon that basis alleges that at all times relevant to this complaint defendant Rader, Cornwall, Kessler and Palazzo acted as the outside accountants for the charitable entities; and in such capacity produced certified financial statements for Worldwide Church of God and Ambassador College, in which they rendered opinions as certified public accountants that such financial statements presented fairly the financial positions of those corporations. Plaintiff is informed and believes and on that basis alleges that as accountants for the charitable entities, defendant Rader, Cornwall, Kessler and Palazzo held a fiduciary position of great trust and confidence vis à vis such charitable entities in the course of which Rader, Cornwall, Kessler and Palazzo rendered financial advice to the management of such charitable entities. In addition plaintiff is informed and believes and on that basis alleges that at all times relevant to this complaint Rader was intimately involved with the management of the charitable entities as personal financial advisor to defendant Herbert W. Armstrong and as attorney for the charitable entities. As a consequence of its assumption of such fiduciary position defendant Rader, Cornwall, Kessler and Palazzo and its partners or shareholders were bound to avoid transactions in which their personal financial interests would conflict with those of the charitable entities.

40. Plaintiff is informed and believes and on that basis alleges that defendants Rader and Cornwall used their positions of trust and confidence with the charitable entities to divert assets of those entities to their benefit, in an amount unknown to plaintiff, by devising, recommending and implementing unfair and fraudulent business transactions between the charitable entities and themselves personally, or between the charitable entities and various of the for-profit defendants in which either or both of them had ownership interests, or from which they otherwise derived financial benefit, which transactions resulted in personal profit to Rader and/or Cornwall. Plaintiff is informed and believes and on that basis alleges that Rader and Cornwall accomplished the said diversions of charitable assets while acting or purporting to act for and on behalf of defendant Rader, Cornwall, Kessler and Palazzo as partners and/or members thereof.

41. The full nature and extent of the dealings between defendant Rader, Cornwall, Kessler and Palazzo and the charitable entities are not

now known to plaintiff, but are peculiarly within the knowledge of defendants. Plaintiff will ask leave of court to amend this complaint to show the exact nature and extent of such dealings when the same have been ascertained.

42. Rader, Cornwall, Kessler and Palazzo are legally required to account to plaintiff for all of the said dealings, and transactions between itself and/or its partners, and the charitable entities, and may be surcharged and held liable for any breaches of trust or diversions of charitable assets resulting from such dealing or transactions.

Wherefore Plaintiff Prays:

1. For an order requiring defendants to make a full and complete accounting to this Court of the affairs of the defendant charitable entities from January 1, 1975 through the date of said accounting; and for a further accounting of the third tithe, and of all transactions between any of the defendant charitable entities and any of the individual defendants or the defendant for-profit entities, from January 1, 1970 through the date of said accounting;

2. For an order removing the defendants Rader, Gotoh, Kuhn, Wright, Cornwall, and Helge from holding any office or employment in or under the defendant charitable entities, and cancelling and nullifying any contracts of employment which may have heretofore been entered between them and said entities and further enjoining and restraining said defendants from holding any office of employment under the said charitable entities in the future, or in or under any California charitable corporation trust or charitable organization;

3. For an order directing the defendants Worldwide Church of God, Ambassador College, Inc., and Ambassador International Cultural Foundation to comply with their obligations under the laws of the State of California pertaining to nonprofit organizations organized for charitable purposes; and in the event of their failure so to comply, for such additional equitable relief as may be necessary, appropriate or requisite in the premises to secure the preservation and proper application of the charitable funds presently in their possession and under their control;

4. For an order appointing a receiver pendente lite to take possession, until further order of this Court, of all the property of the defendant charitable entities aforesaid, and of their books and records, and empowering him to take such actions as he deems, in the reasonable exercise of his discretion, appropriate to recover property and assets wrongfully taken from them, and to prevent the further dissipation of charitable property and assets, said power to include without limitation the power to bring lawsuits in the name of the charitable entities, and to retain independent accountants, lawyers, and other professional assistants to assist him in the prosecution of such lawsuits;

5. For an injunction restraining the named individual defendants, their agents, employees, and all persons acting in concert with them,

from interfering in any way with the actions of said receiver, and requiring them furthermore to yield up to said receiver all the books, records, and administrative facilities of said charitable entities;

6. For an injunction restraining the named individual defendants, their agents, employees, and all persons acting in concern with them, from selling or mortgaging, or asserting ownership in any other way, over the property or assets of any of the charitable entities, except as the court-appointed receiver may allow;

7. For costs of suit herein;

8. For such other and different or further relief as to this Court may seem just and proper.

DATED: _____

GEORGE DEUKMEJIAN,
Attorney General
LAWRENCE R. TAPPER,
JAMES M. CORDI,
WILLIAM S. ABBEY,
LAUREN R. BRAINARD,
Deputy Attorneys General

By _____
JAMES M. CORDI
Deputy Attorney General
Attorneys for Plaintiff.

**Excerpt From Hearing to
Confirm Receiver's Appointment
(emphasis added)**

REPORTER'S DAILY TRANSCRIPT
Friday, January 12, 1979

[360] . . .

The Court: Mr. Chodos.

Mr. Chodos: Thank you. Your Honor. Your Honor. I have to compliment Mr. Browne on the display of [361] virtuosity. He has spoken for a little over 30 minutes, and every single thing he said is wrong.

He started with the premise that we have a heavy burden of proof. And I suggest to Your Honor that that may be true in an ordinary receivership action between private parties, where private interests are at stake, but where charitable trusts are concerned, it is the opposite which is true.

Once the slightest showing sufficient even to raise the court's eyebrow has been made before the court to suggest that there may perhaps be improprieties in the administration of a charitable trust, the presumptions

all operate the other way, and the trustee has the burden of coming forward and showing that everything has been fair and regular, and that burden, Your Honor, has not been carried and no attempt has been made to carry it.

Counsel tells you that a receivership is the most drastic remedy, and that may be where the court attempts to interfere with private rights.

In cases like that, the Fourteenth Amendment and the due process clause of the California Constitution interpose themselves between the court and the private party. But there are no private rights here.

This money is public money. This court is the guardian of it today; it was the guardian of it last week; it was the guardian of it in 1948; and it will continue to be the guardian of this money as long as the charitable trust continues to exist.

[362] And I would suggest to the court that it is no more drastic for the court to replace Mr. Rader as the custodian of this trust with Judge Weisman, than it would be for the court to replace Judge Weisman with someone else. This court has the power to remove and replace trustees of a charitable trust at its pleasure, in order to assure itself that there should never be the slightest question or possibility of dissipation of charitable trust assets.

And the reason for that, Your Honor, is that no one but this court has the power to do that. As Mr. Browne himself has pointed out, and as we have pointed out to you, the people who give this money—not Mr. Kotora, I am not going to speculate whether Mr. Kotora speaks for a hundred thousand members anymore than I am going to speculate whether the people who send me letters and telegrams of congratulations speak for a hundred thousand members. What I do know is that Mr. Armstrong and Mr. Rader and their henchmen, who are part of the palace guard who have been brought here to court to foist off their claims upon you, are the takers, not the givers.

Ex Parte Hearing to Appoint a Receiver

**Superior Court of the
State of California**

FOR THE COUNTY OF LOS ANGELES

No. C 267607

THE PEOPLE OF THE STATE OF CALIFORNIA, EX REL.,
ALVIN EARL TIMMONS, ET AL.,

PLAINTIFFS,

vs.

WORLDWIDE CHURCH OF GOD, INC., A CALIFORNIA
CORPORATION, ET AL.,

DEFENDANTS.

**Reporter's Transcript of Proceedings,
January 2, 1979**

[1] (The following proceedings were had in chambers:)

The Court: This is the matter of The People of the State of California, and others, versus Worldwide Church of God, Case Number C 267607.

Mr. Tapper: Lawrence R. Tapper for the California Attorney General.

Mr. H. Chodos: Hillel Chodos and Raphael Chodos for the Relators.

Mr. Gibson: Hugh John Gibson for the relators.

Judge Weisman: Steven S. Weisman.

The Court: All right. I have had an opportunity to read the Complaint; I have read the memorandum of points and authorities, quickly; I have read the declarations of Mr. Chodos, Mr. Gibson, Mr. Chapman, Mr. Morgan, Mr. Timmons, and Shirley Timmons.

Mr. H. Chodos: Your Honor, I wanted to interrupt just to state for the record, a copy of the proposed pleadings was furnished to you this morning. The original is in my briefcase. It has not yet been filed, but we are prepared to file it and pay the necessary fee at any moment.

It is just that we did not want a public filing before coming to see you. I spoke to the clerk this morning and told him we would talk about that.

The Court: Well, we are going to have to get it filed if I am going to

grant you any relief, as I am sure I don't have to tell you, Mr. Chodos.

[2] Mr. H. Chodos: Yes, Your Honor. I just wanted to explain.

The Court: What I have read, obviously, are copies of documents which counsel furnished me. I am concerned about the scope of the relief that is sought.

I am concerned about the ex parte nature of the proceedings, and the rather majestic order which would flow from these proceedings without a hearing. I am not unmindful there are charges that dissipation of the properties may occur, and I am also not unmindful of the one cruncher, if you will, which is the proposed sale of the Big Sandy property on January 4th, or the proposed completion.

I have read the declaration pretty carefully. The rest of the matters, and some of the supporting data, obviously, in the length of time afforded to me, I have barely skimmed through; some of the financial matters which are referred to in one of the declarations—I guess it is Mr. Chapman's declaration—are matters which I have just glanced at; obviously, I haven't digested those in any form.

I would like to be enlightened, perhaps, about how far my writ runs in the first place. Can I really do anything about a real property transaction which is going to close, apparently, in Texas? I don't have anybody before me, as I understand it. I will have somebody before me if I issue this order in due course. Presumably, Mr. Rader or Mr. Herbert Armstrong or somebody will be served.

Let me hear from the Attorney General or from Mr. Chodos, whoever is carrying the ball here.

[3] Mr. H. Chodos: If I can just make a few observations. First of all, I recognize that any request for an ex parte receiver, without notice, has to be viewed against a strong presumption that it is an emergency measure to be used with great caution.

I would suggest to you, however, that at least insofar as pertains to the Worldwide Church of God, Inc., Ambassador College, Inc., and Ambassador International Cultural Foundation, Inc., that the usual principles are not applicable.

All of those corporations are organized and existing under California law, exclusively for charitable, religious and educational purposes.

It is our position that a shorthand way of describing the law applicable to the corporations of that type is that their property always and ultimately rests in the Court's custody, and they are always and ultimately subject to the supervision of the Court on the application of the Attorney General. In effect, there are no private interests.

The Court is not taking something away from somebody or interfering with anyone's private rights. In effect, what we are saying is that there are presently trustees who have been allowed to manage the charitable fund on a day-to-day basis.

There is reason to believe, as we have shown you, that they have not done their job in a faithful manner. We believe that essentially those trustees serve at the Court's pleasure, and may be replaced with a more trustworthy [4] trustee.

The Court: I don't have any quarrel with that up to there, and I think you make a prima facie showing that there may be some serious problems in the administration of this trust.

Mr. Chodos: Now, turning to how far the Court's writ runs. I am inclined to believe that the Court's writ does not run to land outside the State of California.

The Court: I learned it only runs halfway across the dining room table, so as my children want to point out to me, let alone past the State line.

So you have got to give me a little jurisdiction and a little power if you want some help.

Mr. Chodos: It does run, however, to all persons within the Court's jurisdiction, and particularly, to charitable trusts which are organizing and existing under the State of California.

In fact, this Court, as I understand it, is the only court that has complete jurisdiction and supervision over the affairs of these three charitable corporations.

Now, it may be that you will appoint a trustee for these funds, Judge Weisman, and that he will then be confronted with the claims of third parties in Texas.

Now, he, after all, will stand only in the shoes of the present trustees. His rights and privileges will be no greater or no less, and he may have to submit to demands by the people if they are meritorious, or litigate them if they are questionable, or resist them if they are not. But [5] he has to do that in the name of and on behalf of the charitable funds and this Court.

Now, the real problem, therefore, I don't know what can be done if the land has changed hands by the time we get to it, we may have to sue to rescind in the Texas courts.

It is my understanding that a receiver has, under that statute, the power to sue and be sued in other actions on behalf of the interest he represents.

The Court: The order which would be drawn appointing him can specifically grant him that power, and he may have it inherently.

Mr. H. Chodos: That is right. Furthermore, I believe that—Well, let me say, what we are asking here—and it may be that the order—the temporary order perhaps should be more limited in scope than the order to show cause. The one thing that is clear to me that you have the power to do is to appoint a receiver for the three charitable corporations. The other corporations we have named are alleged to be fronts, depositories of charitable funds.

We have substantial reason to believe that that is true and that we can prove it. But it may be that the taking control of those entities and the interference with those entities ought to be postponed until after a hearing has been held.

But for the charitable corporations themselves, we have a substantial chance of emmence dissipation in the immediate future. And in the nature of things, we believe [6] that it would be much more costly, and

ultimately, therefore, an unnecessary drain on the charitable trusts to put the receiver in the position of having to rescind a consummated transaction when he might be able to avoid an unconsummated transaction.

Now, I will point out to the Court, too, that if the transaction is not consummated, the chances are good of litigating this matter in California. If they are consummated, the chances are good we will have to litigate it in Texas.

My experience with Texas law is that they have a somewhat different view of the applicable principles than the California courts, and it takes a little while getting acclimated to it.

Now, I don't know if I have answered Your Honor's question about the scope of your writ and the extent of your jurisdiction.

The Court: What about the *ex parte* nature? I read your moving papers, I read your moving declaration, and someone seems to be alarmed at the potential for file shredding or the destruction of documents or records.

Mr. Tapper: Maybe I could dispel that, Judge.

The Court: Go ahead.

Mr. Tapper: I am reminded of the words of Shirley Hufstедler when she was in the Court of Appeal, and it was no more certain as to the plaintiff's rights in terms of their being finally defined as it is here, but there is strong reason to be suspicious, and she said, "What the defendant [7] suggests is that the plaintiff should take a taste to determine whether it is a mushroom or a toadstool." And that is essentially what we are faced with here.

Nobody can tell Your Honor how many pieces of paper are being shredded per minute, per hour, per day.

The Court: If any.

Mr. Tapper: If any. We do believe that they are being shredded. We don't believe that the information that there is a shredder in his offices is fictional; but by the same token, we haven't seen the shredder.

The Court: There can also be legitimate uses for them, although maybe we ought to tell the city attorney that.

Go ahead.

Mr. Tapper: I suppose. But the records we are talking about are public records, just as the assets that Hillel, in describing the charitable organizations, are also public assets.

I share the thought that perhaps it will be premature to use these remedies *ex parte* as to non-charitable entities at this time, but I am very concerned about the Big Sandy transaction. I am very concerned about the evidence that has been presented to us of some fifty—I haven't seen all the deeds—but it is alleged that there have been fifty real estate transactions in a period of five to six months. That works out to ten per month. So if it is just merely on an averaging basis, there is a virtual certainty that there are going to be some more pieces of real estate that are going to change hands, and that, again, is going [8] to be even further litigation trying to recover the property.

The Court: These are pieces which, as I recall it, have stood in the

name of one or more of the charitable corporations and being deeded out to individuals.

Mr. Tapper: That is correct. Ambassador College, for example. I believe that the case of People versus Christ's Church of the Golden Rule is practically on all fours.

I think that what has been presented to us is sufficiently strong that we must take immediate action.

A great deal of effort went into bringing this to Your Honor as early as it has been brought to you, and I would urge the Court to favorably consider the relief, at least as to the charitable entities.

Mr. Chodos: May I add just one thing. People versus Christ's Church of the Golden Rule deals—we quoted extensively from it—emphasizes the difficulties of a plaintiff in the position of the Attorney General or the Relators where information has been withheld. It emphasizes the discretion of the court to grant ex parte relief where the circumstances justify it. But, furthermore, and most important, I want to emphasize that the usual impediment to granting ex parte relief does not exist here.

Normally, in a private property situation where you grant ex parte relief, the court is put in a position of attempting to interfere with someone's rights, and to stop people from doing things that they would otherwise do with their own property, and maybe create great havoc to private interests that have not had an opportunity to be [9] heard, and that is the power that should be exercised with great skepticism and great reservation.

In this case, however, there are no private transactions. In other words, if you appoint an ex parte receiver, all that is going to happen is that he is going to take custody of the records and preserve them; take custody of the money and preserve it; take custody of the causes of action and preserve that; and he is going to be prepared to come back into this court, at any time starting tomorrow morning, that you want to make returnable, or that counsel wants to come in here for an ex parte conference, to vacate the order and talk about it.

But in the interim, what I am really trying to emphasize to you is there is no one whose interests can be hurt. Only protection can be granted by an ex parte order, and there is—

The Court: Well, we could hurt some interests, according to the thrust of what you have spelled out. They would be interests, if the moving papers are accurate, inappropriately acquired. So we are mindful of that.

Does the record reflect that Judge Weisman is here with us, Patty?

The Reporter: Yes, Your Honor.

The Court: It has been urged that this bowl of spiders be put in your custody. Before I get involved in orders or making orders or granting relief, are you willing to become involved in it?

Judge Weisman: Yes, I am.

[10] The Court: As a receiver?

Judge Weisman: Yes, I am.

The Court: And you see no impediment that would prevent you from acting, if you were thrust—

Judge Weisman: The only impediment I know of is my polio, and that won't prevent me—

The Court: You have managed pretty well with that for some time.

I will tell you on the record that I am a little queasy about putting somebody in charge, but I think you have a showing which warrants some relief.

I would like to discuss with counsel the temporary—proposed restraining order, or order to show cause, because I think we might want to chop it up a little bit in line with the suggestions that have been made about limiting the order to the charitable corporations.

I am addressing your attention to the proposed order appointing temporary receiver, temporary restraining order and order to show cause re receiver and injunction.

Mr. H. Chodos: Would you like to have original order just to work on?

The Court: Might as well work from a copy in case we change things. And we are going to want you to file as soon as we get this—

Mr. H. Chodos: I am prepared to do so.

The Court: Let's go through it with you. Let me see your Complaint, because it names the defendants. And I take it you want this order to run, so far as the order [11] to show cause is concerned, against everybody; is that right?

Mr. H. Chodos: Yes, Your Honor.

The Court: In line with the suggestion about limiting to the charitable corporations, I am looking at Paragraph, Sub-B, on Page 2, at Line 17. Would it be necessary, with that thought in mind, to have limiting language at that point?

Mr. H. Chodos: Well, it seems to me, Your Honor, that at the hearing on the order to show cause, after there is notice, the Court has power to extend the injunction to all the defendants, and that the proper time to limit it is when the responsive showing is made.

The Court: All right. In other words, what you are really saying is that the temporary restraining order is the only one which should be limited, the proposed temporary restraining order.

Mr. H. Chodos: That is our position.

The Court: All right. I have read your bond argument. Are you suggesting that despite what is contained on Page 3, at Line 5, that no bond is required at all?

Mr. H. Chodos: No, Your Honor. We believe that no bond—In a receiver action, there are two bonds. One is from the plaintiff—

The Court: You are talking about the receiver's bond?

Mr. H. Chodos: This is the receiver's bond, and I believe Judge Weisman must post a bond.

The Court: All right. What would you suggest that bond ought to be?

[12] Mr. H. Chodos: Well, the only thing I can say is this, Your Honor: There are \$80 million of assets, which would be in Judge Weisman's charge. It is my view that you could put \$80 million in crumpled \$20 bills in Judge Weisman's briefcase and not worry about it.

The Court: Ruin his briefcase.

Mr. H. Chodos: Yes. It would be, in my opinion—I have spoken to a bonding agent who is prepared to provide a bond, within limits, and he tells me the likely premium is one percent of the face amount. The premium, of course, is a charge on the charitable trust.

I believe, under those circumstances, a relatively nominal bond for a temporary period is appropriate. I would say \$1,000, or \$10,000 whatever Your Honor considers nominal under those circumstances.

The Court: I am still impressed with \$10,000 but I am going to make it a \$10,000 bond, and that will, of course, be subject to an argument if this matter comes back to me.

Now, we will need to redraw, it seems to me, Paragraph 3, or will we? I will hear from you about that.

Mr. H. Chodos: I think in view of Your Honor's remark, all that would need to be done is starting with the words "Wilshire Travel" on Line 13, and extending down to the words "in California" on Line 17, that if that passage would be deleted, that this would conform to what you have indicated.

The Court: That sounds like it would be appropriate, and I am physically deleting on the copy those portions which [13] which you suggest be deleted.

What is the soonest you believe you can get these people served?

Mr. H. Chodos: I am hopeful, Your Honor, making an order today, that we could have these people served by noon tomorrow. Most of them, I think, will not be evading service.

The Court: I will make it by January 4th, at 5:00 PM. Give you a little more time. So far as the return date, that is up to Ms. Follings outside.

Let me say this: Somebody is going to have a career as a judicial officer in this. I am not sure that the limitations which are imposed on this department by the workload, which I just looked at for the next calendar, will permit this matter to remain here.

I think you are going to need somebody in the nature of an all-purpose judge to take hold of this. Now, whether Judge Schauer will do that, whether he will want me to refer it ultimately to Judge Weil to be handled as an overflow matter, I am not sure.

I doubt very much, foreseeing what inevitably has to happen in this case, whether it can be comfortably accommodated on the 8th floor, and allow us to get any other work done, unless everybody caves in, agrees or elects a new board, or something remarkable will happen.

I think what I have indicated is what I will sign as soon as the appropriately filed papers are presented to me. And we'll set down your order, appoint Judge Weisman [14] temporarily, pending the return date.

Mr. Tapper: Do you want to pick a date? Pages 1 or 2.

Mr. H. Chodos: He wants Marjorie to do that.

The Court: I don't know anything about what our calendar problems are. I have a couple of personal calendar problems which involve—one of which involves the 26th of January, at least at current rating.

Mr. H. Chodos: The statute requires within ten days.

The Court: Is it ten? Let's get Marge and get the latest date we can give you. You better get it filed.

Mr. H. Chodos: Yes. If Your Honor please, if we can be excused, I'll go out to your table outside and prepare our papers, get the bond and make all those arrangements.

The Court: I will be here, I am sorry to say.
(Proceedings concluded.)

STATE'S RESPONSE TO
APPLICATION FOR STAY OF RECEIVERSHIP
(Undated)

Superior Court of the
State of California

For the County of Los Angeles
Case No. C 267607

THE PEOPLE OF THE STATE OF CALIFORNIA, EX REL.,
ALVIN EARL TIMMONS, ET AL.

PLAINTIFFS,

vs.

WORLDWIDE CHURCH OF GOD, INC., A CALIFORNIA
CORPORATION, ET AL.

DEFENDANTS.

[8] . . .

But, we wish to know whether millions of dollars in expenses for hotels, restaurants, jewelry, cameras and a myriad of other luxury personal items were actually incurred and had a reasonable relationship to church purposes.

Where, as here, a dispute does not require the resolution by civil courts of controversies over religious doctrine and practice, no infringement on the parties' First Amendment rights results. *Presbyterian Church v. Hull Church* (1969) 393 U.S. 440, 449.

Respectfully submitted,
GEORGE DEUKMEJIAN,
Attorney General
LAWRENCE R. TAPPER,
JAMES M. CORDI,
WILLIAM S. ABBEY,
LAUREN R. BRAINARD,

*Deputy Attorneys General,
By /s/ JAMES M. CORDI,
Deputy Attorney General,
Attorneys for Respondent.*

**Excerpts From Further Hearing
Reporter's Transcript of Proceedings
Wednesday, February 21, 1979**

[136] . . .

The Court: . . .

Now, the fact that I should determine is that the receiver should vacate the premises and let's see if we can get an audit. I have had all kinds of assurances from counsel that they're going to permit that audit to go forward.

Now, maybe they won't. Maybe they're acting in good faith.

I'm going to make an assumption that they mean what they say, and if it develops that the auditors have any difficulty in that regard, I'm going to make it absolutely clear that the first thing I would do would be to entertain an order to show cause regarding contempt, and I would entertain a motion to place a receiver back in, and I won't hesitate to do it.

And I'm not talking about a receiver who will be supervising, because the next time a receiver goes in, he will be taking full charge. It will be a full-blown receivership with all of the powers of control, operation and the works.

There will be no supervision.

As I say, I want to make that very, very clear, because the court will not permit them to frustrate the orders of the court.

Now, it seems to me that at the present time, the [137] church ought to be given, say, one, and I should possibly say one final opportunity to demonstrate their good faith and show us they will respond directly to the auditors, and furnish the auditors everything they need, absolutely in good faith and expeditiously.

And, incidentally, so it will not go without being mentioned, I do not accept, Mr. Browne, this argument about ecclesiastical interests prevailing when you are talking about the financial records of this church or any of these corporations.

If this receivership is vacated, and I have one or two petitions come into this court with arguments made that the financial records involve ecclesiastical matters, let me assure you that I will consider that evidence of bad faith, and it will be very strong evidence to me that the receivership ought to be back in there, because I just don't think ecclesiastical matters have anything to do with the financial aspects of the operation out there.

State of California
Office of the Attorney General
Department of Justice
3580 Wilshire Blvd.
Los Angeles, California 90010
(213) 736-2304

January 31, 1979

Honorable William H. "Bill" Ivers
Assemblyman, Forty-Second District
State Capitol
Sacramento, California 95814

Dear Bill:

Before addressing myself to some of the specific questions you have asked with regard to the action filed by my predecessor against the Worldwide Church of God, I would like to give you a little background so that you may understand the nature of the action and our duty to pursue it.

Worldwide Church of God, Inc. is a California corporation created under the general nonprofit code, as are Ambassador College and Ambassador International Cultural Foundation. The only legal distinction between the three organizations lies in the nature of their purposes: religious, educational and cultural, respectively. Federal and state tax exemptions were sought and obtained by each of the corporations, and they have for some years received the benefits, which accrue both publicly and privately from such status as well as from their ability to operate as California corporations. In the eyes of the law, each is deemed to be a charitable organization, holding its assets in trust for the public good.

In recognition of the public interest in charities, it has been consistently held by the courts that the state has the duty and obligation to oversee the handling of their assets. In most states, including California, this responsibility falls upon the attorney general.

Accountability and proper disposition of charitable assets are required at all times by all charitable organizations. Moreover, these standards, although delicately balanced in the case of religious corporations, nevertheless apply in full force. There are numerous examples of attorney general involvement in such matters as exemplified by *People v. Christ Church*, 79 Cal.App.2d 858; *Metropolitan Baptist Church of Richmond, Inc. v. Younger*, 48 Cal.App.3d 850; *Queen of Angels Hospital and Franciscan Sisters of the Sacred Heart v. Younger*, 66 Cal.App.3d 359; *People v. Western Missionary Army*. There are, of course, other cases in which this office has involved itself in the supervision of assets held by religious corporations, many of which were resolved short of trial and appeal. Also, I am sure you must be aware that the United

States Supreme Court has carefully delineated in its First Amendment decisions the cases involving church property on the one hand and church doctrine on the other hand.

Turning to the matter now before us, it is important to recognize that the arguments raised by the defendants, both constitutional and otherwise, have received extensive judicial review by three Superior Court judges, four Court of Appeal justices, a United States District Court judge, and are now pending before the California District Court. The record on which Judge Title converted the temporary receivership which was in place for seven days to a full receivership for the pendency of the litigation, was seven inches thick, consisting not only of declarations but also of documentary evidence and live testimony introduced in the course of a three day trial. In denying the petition for removal of the receivership, the Court of Appeal stated that it had read the record and concluded that the relief sought by petitioners was not justified. Thus, the questions your constituent has raised concerning the sufficiency of evidence of wrongdoing and the appropriateness of our action in seeking and obtaining a receiver have been thoroughly aired and resolved in our favor.

In closing, Bill, let me add that we are constantly mindful of the faith reposed by many in their religious leaders. We also recognize that there are those who would view any legal challenge by the state as an attack on their religious beliefs. Nevertheless, the law imposes an affirmative duty on this office to require trustees of religious organizations to be accountable for all funds and other assets and to not divert them to their own use and enjoyment or to any use other than those authorized to carry out the purpose of the corporation. When, as here, we have evidence of such diversions, we are bound to bring it before the court as the ultimate custodian of all charitable assets. This we have done. The court, in turn, has ordered a receivership as narrowly circumscribed as the circumstances will permit.

I hope this will help in answering your questions and those of your constituents.

Sincerely,

GEORGE DEUKMEJIAN
Attorney General

State Of California
Department of Justice
George Deukmejian
Attorney General

June 21, 1979

Mr. Ralph L. Baker
Baker, DeOme, Talarides & Batchelder
Central Building—14th and Broadway
Oakland, California 94612

Dear Ralph:

It is always nice hearing from you. We enjoyed participating in the Armenian Olympics parade and it was well attended.

In your (*sic*) letter you expressed your concern over actions taken by the Attorney General's office against the Worldwide Church of God, and Faith Center Church. Under the law, each is deemed to be a charitable organization, holding its assets in trust for the public good.

The statutes and court decisions clearly impose a duty upon the Attorney General's office to insure that funds and assets of charitable organizations are used for the purposes stated in the articles of incorporation.

In each case, some members of the church notified the Attorney General's office that funds and assets were being diverted to other uses. Accountability and proper disposition of charitable assets are required at all times by all charitable organizations.

The United States Supreme Court has carefully delineated the cases involving church property on the one hand and church doctrine on the other hand in its First Amendment decisions. Moreover, these standards, although delicately balanced in the case of religious corporations, nevertheless must apply.

In the case of the Worldwide Church, you should know that the arguments raised by the defendants, both constitutional and otherwise, have been reviewed by three Superior Court judges, four Court of Appeal justices, a United States District Court judge, and the California Supreme Court has refused to act to terminate the receivership.

The record, which Judge Title used to order a full receivership, was extensive, consisting not only of declarations but also documentary evidence and live testimony introduced during a three-day hearing. Thus, any question concerning the sufficiency of evidence and appropriateness of the action in seeking and obtaining a receiver was thoroughly aired and resolved in our favor, and we have proceeded from that point.

Our office is simply trying to conduct an audit of the books and records of these organizations. If allowed to do so, we would then review all information obtained to determine what legal action, if any, to take, including action to recover, on behalf of the church, funds and assets that may have been wrongfully diverted.

The Morningland case arose when several high ranking former members of the group informed our office that their attorney, Mr. Masry, had informed the leadership of the group that for \$10,000 former Lt. Governor Dymally would arrange for a legislative committee to conduct hearings dealing with problems that Morningland was having with city officials of the City of Escondido. We were further informed that Morn-

ingland did in fact give the \$10,000 to Mr. Masry. This case involves allegations of bribery of a public official and is not in the same category as the Worldwide Church and Faith Center cases.

The ex-parte action taken in the Worldwide case was done prior to my becoming Attorney General; however, the Worldwide Church and the other defendants in that case have continued to refuse to allow us to audit their books and they are doing everything they can to prevent us from carrying out the duty the law has placed upon this office.

Most cordially,

/s/ George
George Deukmejian

**Church Versus State:
The Battle Lines are Drawn**

Pasadena Star-News
Thursday, September 20, 1979

By Laurinda Keys
Associated Press

A government attorney declares in court that "all church property is state property."

A court-appointed official takes over a church, orders its members to send all donations to him and appoints a new chief minister.

State agents raid a church and confiscate records with the explanation that they're looking for evidence of possible crime. Months pass without charges being filed or the church property being returned.

These aren't developments from behind the Iron Curtain. They all happened within the past year right here in California. Government authorities throughout the state are quietly cracking down on alleged illegalities within religion, drawing the wrath of the faithful who say their First Amendment guarantee of religious freedom is being violated. Many religion and legal observers see this trend toward more government involvement in religion as a backlash to three highly publicized factors:

—The People's Temple mass murder-suicide, which prompted a public outcry for vigilant government examination of violence-prone religious cults.

—The reported brainwashing of young people by some cults, and counter "deprogramming" efforts.

—The apparently huge sums of money collected by charismatic preachers who use mass media.

Some of the more vigorous church vs. state battles erupting in California are based on the state attorney general's enforcement of a little-known state code section.

The law, which exists in only one other state—Texas—is interpreted by state government lawyers as requiring the state to oversee incorporated, nonprofit religious organizations in the same way it watches other non-profit charitable trusts.

The attorney general's office maintains that there is no First Amendment issue involved.

Michael Franchetti, chief deputy to Attorney General George Deukmejian, says he doesn't "see how else we can make sure they are what they say they are and that they are not misusing the charitable funds."

The alleged misuse of funds forms the basis of the state's case against the Worldwide Church of God, probably the most prominent of California's recent church-state conflicts.

The state asked that the church be placed in receivership after six former members of the church charged that Herbert W. Armstrong, who founded the church, and Stanley Rader, the No. 2 man, were squandering donations and using church funds for their personal benefit. The state claims church leaders have pilfered at least \$1 million a year over the past four years.

Rader, who denies the accusations, maintains that churches, because they have a special status under the First Amendment should not be lumped with other nonprofit organizations.

"The Members of the Church don't give money to the state of California, they give it to the church" argues Rader.

The state's action against the Worldwide Church of God, founded by a man who claims to be a prophet and Christ's apostle, was taken without notice, without a chance for the church to argue. A court-appointed receiver arrived with sheriff's deputies at church headquarters in Pasadena and took over the property, records and money.

The receiver removed Armstrong as head of the church and appointed minister Wayne Cole to run the church.

While declining to comment on specific cases, Franchetti said the attorney general's office has two duties under the law:

"First, the law protects all citizens against people getting tax-exempt status when they are not entitled to it. And second, here is some feeling that people should be able to have faith that if they contribute to a non-profit organization, the money is going to be used for the purpose they gave it."

Franchetti added that receivership is sought by the attorney general's office "when there is a fear that assets will be lost."

Though the Worldwide Church of God case has been the most publicized recent church vs. state clash, it's not the only one.

Last summer, the state attorney general demanded that the Faith Center Church in Glendale, headed by flamboyant television preacher Eugene Scott, turn over its records for an investigation of misuse of funds.

Last spring, agents for the attorney general's office raided the Morningland Church in Long Beach, seized records and arrested church mem-

bers for interfering with the raid. The agents were seeking information on a possible bribe of former Lt. Gov. Mervyn Dymally, the attorney general's office said. No bribery charges have been filed and the records have not been returned.

"We're still working on it," said Tony Cimarusti, spokesman for the attorney general's office. He said that although the cases of the Worldwide Church of God and the Faith Center may involve "delicate issues," the Morningland case was a criminal matter and "shouldn't be bunched up with the others."

Church vs. state controversies are developing at the local level, too. Grace Community Church, claiming the largest Sunday attendance of a Protestant church in Los Angeles County, was told it could not conduct Bible studies in a church-owned house in suburban Sun Valley without a special zoning variance. However, city officials said the house could be used for a beer party because that wouldn't be church-related.

"I think the only reason there have been more of these antichurch cases in California is because there are more religions here than anywhere else," said John Crossley, USC religion professor.

He and others believe that although churches slightly out of the mainstream have had the worst legal troubles so far, the "mainline" religions will be the next targets.

Tom Butz, business administrator for the Southern California District of the Lutheran Church-Missouri Synod, said his church is currently involved in a court fight with the state over a requirement to pay unemployment tax and disability benefits for its parochial school teachers.

"It gets into the state determining what portion of a teacher's time is spent on religion. That's a First Amendment issue," said Butz.

During the past four years, according to Butz, the church's annual legal costs have increased 40 times over what they had been in the past 20 years, most of it spent fighting new rules or new interpretations of rules by government bureaucracies.

Franchetti says the attorney general's office has been auditing books and conducting investigations for years with no complaints.

"Individuals tend to confuse the issue when they say our actions are an infringement on religious principle, when the real issue is whether they have carried out their duties under the law," said Franchetti.

He explained that under the law, the duty of a trustee of a nonprofit, charitable organization, even a religious one, is to make sure that expenditures are for the benefit of the organization and that the trustee receives no personal benefit from his actions except a salary.

Franchetti said individuals involved in some recent cases "tried to make a big case to the public" and that they "are confusing the issue by raising the allegation of infringement on religious freedom."

There seems to be little question that it's a confused issue. Even those who believe the state is treading on religious freedom disagree on how and when to fight, or whether to fight at all.

Worldwide's Rader said he would have let the state investigators look

at church documents if the court action hadn't been taken. But Andrew Zanger, attorney for Faith Center, said court action or not, the state "is not even going to get to see a voucher for toilet paper."

Sam Ericson, attorney for the fundamentalist, non-denominational Grace Community Church said. "There is a legitimate (government) concern in some of these cases. But instead of being neutral, the government is taking an anti-church position. They're trying to kill the mouse with a shotgun."

He said his church's reaction is to "make sure we don't open ourselves up to those kinds of charges. We have no doctrinal right to protect our books. If the attorney general wants to look at them, he can. Whether or not he should is a different story."

But what if the government enforced a law that said churches could not discriminate against homosexuals in hiring? "When the government tries to dictate doctrine, that's when I say stay out," Ericson replied. "If there is an area of doctrine that dictates to us as believers, and the government comes in and says you do something else—hire a certain individual—that's where we draw the line and fight."

The First Orthodox Presbyterian Church in San Francisco is engaged in just such a fight. An organist who claims he was fired because he was gay is suing the church under a municipal ordinance that prohibits employers from discriminating on the grounds of sexual preference.

Surprisingly, this and the other church-state conflicts, including the Worldwide Church of God case, have attracted little public or even inter-faith support. Except for observers like USC's Crossley, only the members of the churches involved seem to care.

"Because we live in a secular age, few of us can understand the kind of passion that once sent believers smiling to the stake," said Crossley. "The polls say we are believers, but we believe bloodlessly these days.

"This may be why so little public outrage has been voiced at the state of California's intrusion into affairs of the Worldwide Church of God," suggests Crossley.

Without saying directly that the churches in trouble deserved what they got, spokesmen for better known religions say they don't want to get involved in the legal cases of groups such as Worldwide or Morningland.

Monsignor John Dickie, head of the Roman Catholic Conference in Sacramento, said, "We studied the Worldwide Church of God case and decided not to get involved. It is not an issue that affects us."

Rader acknowledged that his church is somewhat alone in the battle at the moment. "But thank God we have the money and the resources to fight," he said. The case is now before the U.S. Supreme Court.

Rader said court costs, the receiver's expenses and debt incurred because of legal difficulties could end up dissipating the very funds the attorney general intended to protect.

Assistant Attorney General Warren Abbott admitted that possibility. "If our court system doesn't work very well in this case, it is going to eat up the assets," he said.

But if that happens it will be the fault of the church leaders and their lawyers, not the state, he said.

The church representatives "have it within their power to resolve this thing. They could end it immediately" by cooperating with the receiver and dropping pretrial maneuvers, he said.

As in the Worldwide case, the attorney general's office also demanded to see the books and records of Faith Center after ex-members had said Scott was using church money to support his parents and sending money from financially strapped Faith Center to help out his father's church in Oroville, Calif.

Chanting, "No, no, we won't show," Scott fought the order to a stalemate. A higher court now will decide whether the attorney general has the right to demand to see church records.

But even if the Faith Center and Worldwide Church of God are able to prove in higher courts that churches aren't covered by the state law cited by the attorney general, the battle could start again Jan. 1.

That's the effective date of a new state law that specifically cites non-profit corporations with religious purposes as coming under the attorney general's investigative authority.

Zanger feels the state's move into the area of church corruption is a calculated one. "Churches are popular to attack now because of the cults and Guyana," he said. "If you catch one burglar, people say, 'So what?' But if you get a whole group you're gaining results."

Franchetti defends the state's interest on the basis of taxes.

"In a society where everything is taxed, I don't think you can avoid at some point a government agency having to make some judgment regarding a religious organization, even if it's to decide whether or not the organization should be taxed," he said.

"If we don't have some way of insuring that these organizations don't misuse their tax-exempt status, we have no way of being able to make sure that just anyone, regardless of intent, doesn't get tax-exempt status. Otherwise we could all claim to be religions and we would all be exempt from taxes."

Franchetti said that in the same way the attorney general makes sure that funds donated to the American Cancer Society are spent on cancer research, the state Justice Department must make sure that funds donated to a church are used for the church's stated purposes. "You have to look at an individual case and see if what they are doing is to expand the church or convert people or just for the personal benefit of the trustees," he said.

Franchetti also said the government has the authority to remove a trustee of a religious tax-exempt organization if he violates the law. It would be possible for such a person to remain as religious leader of the church but have nothing to do with the finances, he said.

"The question is—What is a church? How do you separate the financial from the ecclesiastical?" says Robert Toms, member of the Christian Legal Society's Center for Law and Religious Freedom.

The difficulty in making this distinction was illustrated when the at-

torney general tried to show why a receiver was needed to oversee the Worldwide Church of God finances.

"People send in their money . . . to do what they believe is God's work. We have shown . . . that the money is not being used for God's work," said the state's attorney.

But should the state be determining God's work? asks Crossley. "It's dangerous when the attorney general starts trying to decide what is the proper and the improper use of church funds," he said.

Toms sums up the whole issue this way: "There has to be balance. Society needs some protection from frauds and bunco artists but religious liberty must be protected."

However, he concedes "the free exercise of religion cannot be without restraint. Churches must obey fire laws, for instance. Because of the gray area some confrontation is inevitable."

**"The First Amendment:
Church Versus State"
Final Script**

Aired 16 January 1980 over KCOP, Los Angeles

[19, by Stanley Rader]. . . .

Wild allegations have been made against me and Mr. Armstrong, Mr. Helge. If they had any evidence of any improprieties of a criminal nature, for example, let them bring those before a grand jury. Let them indict Mr. Armstrong and me and Mr. Helge and others for these alleged improprieties. We know we have committed no wrong of a civil or a criminal nature. But that is the proper forum for those things to be heard. We will be very happy to defend ourselves in that forum. But the church must remain sacrosanct.

**STATE'S SUPPLEMENTAL MEMORANDUM OF POINTS AND
AUTHORITIES IN OPPOSITION TO MOTION FOR INJUNC-
TION PENDING APPEAL**

(Dated 16 November 1979)
(emphasis added)

**United States District Court
Central District of California**

Case No. CV 79-0183 LEW (TX)

WORLDWIDE CHURCH OF GOD, INC., ET AL.,

PLAINTIFFS,

vs.

STATE OF CALIFORNIA, ET AL.,

DEFENDANTS.

**I
INTRODUCTION**

In a nut shell, what plaintiffs' (*sic*) seek is a ruling that the State cannot assert civil liability against individuals alleged to have breached their fiduciary duties as trustees of a charitable nonprofit corporation by diverting assets to their [2] own use if that corporation is organized for religious purposes. *Having failed to sell that proposition* to any of the Courts of the State of California, to District Judge Robert Firth, or *to the United States Supreme Court, they now come knocking at this Court's door.*

**STATE'S NOTICE OF MOTION AND MOTION FOR ORDER
HOLDING SPECIFIED DEFENDANTS IN CONTEMPT OF DIS-
COVERY ORDER OF THIS COURT AND FOR SANCTIONS;
MEMORANDUM OF POINTS AND AUTHORITIES AND DEC-
LARATION OF LAUREN R. BRAINARD IN SUPPORT THEREOF
(Dated 8 February 1980)**

**Superior Court of the
State of California**

For the County of Los Angeles
Case No. C 267607

THE PEOPLE OF THE STATE OF CALIFORNIA, ET AL.,
PLAINTIFFS,
vs.

WORLDWIDE CHURCH OF GOD, INC., A CALIFORNIA
NON-PROFIT CORPORATION, ET AL.,
DEFENDANTS.

[7] . . .

To date thirteen petitions for extraordinary relief arising out of this case have been denied by the California Court of Appeal, ten petitions for hearing have been denied by the California State Supreme Court, and two petitions for certiorari have been denied by the United States Supreme Court. Nevertheless, defendants have refused, and continue to refuse, to comply with this court's discovery orders.

[12] . . .

To date, thirteen petitions for writ of mandate/prohibition, etc. have been made to the California Court of Appeal. All of those petitions, including all the petitions relevant to the discovery referred to in this motion, have been denied. In addition, Petitions for Hearing from these denials have been denied by the California State Supreme Court. Petitions for Writ of Certiorari on two questions, the receivership and Rader deposition, have been made to the United States Supreme Court. Those petitions were denied hearing on October 1, and October 15, 1979 respectively. Each of these myriad petitions for appellate court relief have raised substantially the same issues. We need not repeat them here for this court's benefit.

Defendants cited Judge Johnson's remarks regarding the possibility of direction from a higher court as a reason for [13] the appellate courts to take the case. Plaintiff submits that this court has received direction from the appellate courts. The repeated denials of these petitions, all of which argue the same issues which have been repeatedly rejected in this court, constitute an affirmation of this court's rulings. In effect, the appellate courts have spoken in the form of these denials and have upheld the position of this trial court.

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July 3, 1979

Supreme Court of the State of California
4250 State Building
455 Golden Gate Avenue
San Francisco, CA 94102

Re: *Fred G. Lopez, et al. v. Superior Court, et al.* 2nd Civil No. S6459

To the Honorable Chief Justice and Associate Justices of the California Supreme Court:

Introduction

On behalf of the National Council of Churches in the U.S.A. ("the National Council"), we are writing to urge the Court to grant the plaintiffs' petition for hearing in the above-captioned case.

This case is one of several that arose out of receivership proceedings involving the Worldwide Church of God. These plaintiffs are taxpayers and concerned members of the Church who have been denied permission to intervene in the case-in-chief against the Church, *People of the State of California v. Worldwide Church of God*, Los Angeles Superior Court Case No. C 267607. The National Council of Churches supports their petition because it directly challenges the constitutionality of California Corporations Code Section 9505 as applied to religious groups organized as non-profit corporations. Should this Court grant the petition for hearing, the National Council of Churches will seek leave to file a brief *amicus curiae* in support of petitioners.

Statement of Interest and Support

The National Council of Churches in the U.S.A. is a cooperative agency of thirty-two national Christian religious bodies having an

aggregate membership of over 40,000,000. Many of the National Council's member organizations are organized as religious non-profit corporations. The National Council itself has a number of affiliates which are similarly organized. These include the Interfaith Center on Corporation Responsibility, a New York corporation, and CROP, an Illinois corporation with offices in California organized for the purposes of raising food to relieve world hunger.

The National Council of Churches is deeply concerned about the serious invasions of First Amendment freedom that have occurred in the *Worldwide Church of God* receivership proceedings. Quite frankly, the National Council has never before encountered such a sustained and destructive governmental assault on religious freedom. The Church's reports of the State's activities would be almost unbelievable were they not supported in full by court transcripts and written documents.

The crux of the State's argument appears to be that by incorporating as a religious non-profit corporation, the Worldwide Church of God thereby waived its basic First Amendment rights, as well as its right to claim the clergy-penitent and attorney-client privileges. Alternatively, the State appears to argue that none of these rights have as yet been infringed, despite the fact that State officials literally ran the Church between January 2, 1979 and March 2, 1979 and would be running it still had not an appeal intervened. Moreover, the State's argument that it has not violated any constitutional protections apparently ignores the fact that the Receiver has fired Church employees, scrutinized church records, including membership lists and confidential communications, and intercepted and stopped a communication from the pastor to the Church's membership worldwide. In addition, both the State and the trial court contend that it is the prerogative of the courts to determine whether a matter is ecclesiastical as opposed to business or financial in nature, thus coming within the Receiver's jurisdiction and control. As is ably pointed out in the petitions for hearing filed in this and other related cases, the State's contentions fly in the face of virtually every recent decision by the Supreme Court of the United States concerning the relationship between church and state.

We urge you to accept this case for hearing in order to resolve the fundamental questions which it raises about the proper role of the State in church affairs.

Respectfully submitted,

SANFORD JAY ROSEN,
ROBIN B. JOHANSEN,
ROSEN, REMCHO & HENDERSON,
By /s/ Robin B. Johansen

*Attorneys for the National Council of Churches
in the U.S.A.*

IN THE
Supreme Court of the United States

October Term, 1979
No. 79-1348

WORLDWIDE CHURCH OF GOD, INC., ET AL.,
PETITIONERS,
vs.
STATE OF CALIFORNIA, ET AL.,
RESPONDENTS.

**On Petition for a Writ of Certiorari to the Court of Appeal of the
State of California, Second Appellate District, Division Three**

**Motion for Leave to File Brief Amici Curiae of
HOLY SPIRIT ASSOCIATION FOR THE UNIFICATION OF
WORLD CHRISTIANITY
ALLIANCE FOR THE PRESERVATION OF RELIGIOUS
LIBERTY
As Amici Curiae in Support of Granting Certiorari.**

The following organizations, pursuant to Rule 42 of this Court, respectfully move for leave to file a brief, amici curiae, in support of granting a writ of certiorari:

1. The Holy Spirit Association for the Unification of World Christianity which is a revelatory Christian church headquartered in New York, New York. It has 10,000 members nationwide and operates centers for study and fellowship in every state.

2. The Alliance for the Preservation of Religious Liberty which is a California non-profit corporation, having its headquarters in San Diego, California. It is a national organization, with some 20 chapters in 16 states, and is devoted to involvement in selected legal actions designed

to ensure that the constitutional rights of individuals and religious organizations are upheld and preserved.

Permission to File This Brief, Amici Curiae, Was Requested From the Parties in This Matter but Was Refused.

Leave to file the accompanying amici curiae brief was requested of the parties to this matter. Such permission was received from petitioners, but refused by respondent, State of California.

The Moving Parties, as Disinterested Organizations Active in Religious Affairs and Devoted to the Maintenance of Constitutional and Religious Freedoms, Are Uniquely Qualified to Advise the Court Concerning the Nature and Importance of the Issues Tendered by the Petition.

The experience and situations of the moving parties, one an active and dynamic national church organization, the other a national organization specifically formed for the purpose of enhancing and defending religious freedom, add depth and further dimension to the already impressive group of amici curiae whose brief is referred to in the accompanying proposed brief of these moving parties.

These moving parties are dedicated to the ideals of religious freedom expressed in our federal Constitution, and the issues tendered by the subject case bear directly upon their very reasons for being. On the other hand, both are completely detached from the litigation itself as well as from the parties and the activities which are the subject of the litigation. Neither of these moving parties has any interest in protecting fraudulent behavior perpetrated under a religious mask. They both believe that all religious institutions should merit the respect and devotion of their adherents and supporters. However, the legal theories advanced by respondent, State of California, and its activities in furtherance of those claims, as manifested in the subject case, present, in the view of these amici curiae, a threat to all churches and religious organizations, a threat which, in their view, they are uniquely qualified to interpret and articulate to this Court.

For these reasons, these moving parties urge that the Court accept their accompanying brief for filing along with the brief of the other amici curiae, in a joint and unified appeal to this Court to grant the petition for writ of certiorari of petitioners, Worldwide Church of God et al.

Respectfully submitted,

BARRY FISHER,
FLOYD MORROW,

Attorneys for Amici Curiae.

IN THE
Supreme Court of the United States

October Term, 1979
No. 79-1348

WORLDWIDE CHURCH OF GOD, INC., ET AL.,
PETITIONERS,
vs.
STATE OF CALIFORNIA, ET AL.,
RESPONDENTS.

**On Petition for a Writ of Certiorari to the Court of Appeal of the
State of California, Second Appellate District, Division Three**

Brief of

HOLY SPIRIT ASSOCIATION FOR THE UNIFICATION OF
WORLD CHRISTIANITY
ALLIANCE FOR THE PRESERVATION OF RELIGIOUS
LIBERTY
As Amici Curiae in Support of Granting Certiorari.

The Holy Spirit Association for the Unification of World Christianity and the Alliance for the Preservation of Religious Liberty concur fully in the amici curiae brief in support of granting certiorari prepared by the American Civil Liberties Union of Southern California, Americans United for Separation of Church and State Fund, Inc., the Institute for the Study of American Religion, the Berkeley Area Interfaith Council, the Christian Legal Society, the Methodist Federation Fund and the Committee to Defend the First Amendment Research Institute. Rather than repeat the statements and arguments contained therein, these amici refer to and adopt said brief as their own and urge to the Court, for the reasons and upon the grounds therein stated, that the Court grant

the petition and issue a writ of certiorari as prayed in order that the grave issues tendered thereby, which bear directly and menacingly upon the religious freedom of all Americans, may be considered and dealt with by the Court.

Respectfully submitted,

BARRY FISHER,

FLOYD MORROW,

Attorneys for Amici Curiae.

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