

LATEST NEWS ON THE DAVID DENNIS LITIGATION —

DAVID DENNIS UPDATE: NOVEMBER 1996

— COSTS ESCALATE AS STONEWALLING CONTINUES

PART ONE OF FOUR

AN ESTIMATED \$1,500,000 SPENT BY GENERAL CONFERENCE SO FAR

For the sake of those unacquainted with this case, we will begin with a brief review of earlier events. It is necessary for a proper understanding of current developments.

— PART ONE — EARLIER EVENTS

David Dennis, a hardworking certified public accountant, had dedicated his life to maintaining a high level of integrity in the business dealings of our denomination. His keen insight and quick mind led him to be repeatedly promoted to higher positions.

BEGAN DENOMINATIONAL EMPLOYMENT—In 1967, Dennis was elected treasurer of the West Indonesian Union, which was headquartered in Jakarta. He served in that capacity until 1971, when he was called to head up the auditing department of the Far Eastern Division, with offices in Singapore.

In September 1975, Dennis was called to the General Conference as associate director of its auditing department. (It is officially called the General Conference Auditing Service.)

APPOINTED HEAD AUDITOR—In November 1976, on the retirement of the former director, Dennis was appointed head auditor of the General Conference. He was only 38 years old.

At first, because of his remark-

able alertness as an auditor, Dennis was very much appreciated. But soon conflicts arose.

WHISTLE BLOWER—When Dennis found problems, he would speak up. When he noticed financial ineptitudes, or mismanagement, he would report on them. Statements were issued which men tried to keep from being written. Reports were filed which were not wanted.

Over the years, because of this, he came to be disliked by leaders in several divisions, but nowhere as much as at the General Conference. As discussed in the present author's book, *Collision Course: The David Dennis Disclosures*, Dennis had been concerned about the Davenport loans before the bankruptcy occurred; he had warned, ahead of time, about the situation at Harris Pine Mills; he wrote N.C. Wilson, regarding the exorbitant AHS salary increases.

But because of these ongoing confrontations, David Dennis had become a *persona non grata* at the General Conference.

AT THE 1990 SESSION—Within a few days after being elected to the General Conference presidency, R.S. Folkenberg tried to keep David Dennis, the whistle-blowing auditor, from being re-elected. His failure to do so was the first humiliation of his new presidency.

MONEY LAUNDERING—A few months later, Dennis was a key per-

son in objecting to a money-laundering scheme to siphon money to Folkenberg's personal family, from the Columbia Union "Worthy Student Fund." Folkenberg was deeply embarrassed when this fraudulent action became widely known.

CHANGING THE GOVERNING SYSTEM—By late 1993, it was clear that something had to be done. For two years, Folkenberg had been laying plans to change the Constitution and bylaws of the denomination, at the 1995 General Conference Session, in order to place himself in a unique position of power and authority. (See our *several tract studies on the Utrecht Session*.)

However, there was one loose cannon at world headquarters, and that was David Dennis. By 1993, every other voice of protest had been silenced, fired, retired, or transferred out. But Dennis was still there—pleading for the right, pointing out wrongdoing, revealing money siphoning, and calling for changes.

PROFESSIONAL COUNSELORS—You will recall earlier studies we have published regarding a growing phenomenon in our time: the false memories syndrome. The *False Memories Syndrome Foundation, Inc.*, in Philadelphia, can provide you with a wealth of detailed information on this crisis. They have records of over 17,000 cases of families destroyed by this mind-control takeover and false memory implantation technique.

Because of satanically implanted false memories, innocent people have been dragged into court and jailed.

The pattern typically works this way: A woman in her mid-thirties, feeling depressed, goes to a professional counselor, psychologist, or psychiatrist. When she tells him she feels depressed, he suggests that the cause must be something which happened to her in childhood. Softly, he tells the woman to close her eyes as he speaks—and let her mind wander, in the hope that, perhaps, some earlier memory will come back, a memory she never knew existed before.

Unbeknownst to the woman, this professional counselor, whether man or woman, had undergone hypnotism training, which when carried out, could be used by Satan to bring to the mind of the counselee strange memories. He was required to take that training in order to receive certification as a licensed counselor, psychologist, or psychiatrist. In the course of that training, the counselor was taught this satanic science; and now, in the presence of the woman, he is using it!

A WARNING—At this juncture, let me personally warn every reader! Do not go to a professional counselor; and, if you are a husband reading this, warn your wife not to go to one! One visit can destroy your married life, and cause you or her parents to be imprisoned.

In 1994, a young woman who had lived for a time with the David Dennis family in Singapore felt depressed and went to a professional counselor. Satan was pleased, for he would be able to use the counselor to get Dennis out of the General Conference.

It is of interest that the young lady had visited the Dennis family in 1992, only two years before the false memory implant occurred. It had been a happy visit for all concerned. There were no bad memories of the family friendship at that time, for there never had been. They did not exist. The woman visited the Dennis family with her husband and chil-

dren, and they all had a pleasant reunion. She had been grateful for the encouragement and help that the Dennis family had shown to her so many years earlier.

It is also of interest that, soon after the firing occurred, the young woman drew back and refused to have a part in the lawsuit which followed. She has been reluctant to help support the General Conference in the lawsuit. Her name is Elizabeth Adels.

DENNIS WAS DIFFERENT—In September 1994, Folkenberg learned about the matter, and immediately set to work to get Dennis fired. **When church workers, around the world, are accused because of false memories (and this has happened a number of times in recent years), church leadership has always sided with the worker. But, in the case of David Dennis, it was different.**

Dennis was called in and told to resign, which he refused to do because he believed resignation would be tantamount to an admission of guilt. He was also accused of improper financial dealings.

He was told that church leaders would destroy his reputation if he did not resign immediately! When he said the charges were untrue, he was called a liar. Once again he was privately told that leadership intended to totally destroy his reputation and slander his character unless he resigned immediately. **Unscrupulous men were determined to eliminate the last whistle blower at General Conference headquarters.**

Ultimately, at the insistence of Folkenberg, just before the 1994 Christmas holiday, Dennis was fired. **In the months which have passed since then, none of that supposed evidence, which church leaders said they had, has ever been presented. It does not exist.** Yet accusations and slander have continued to circulate. As of this writing, Dennis continues to be maligned from Adventist pulpits across the country.

SPREADING THE MESSAGE—A

written message of the condemnation of Dennis was sent to every department head in the General Conference. They were told to call together the workers in their sections, in order to read the message and then send them back to work without allowing any discussion.

Earlier, when Folkenberg first became president, he immediately set up a worldwide Compuserve computer network, so his directives could instantly be sent to workers everywhere.

An announcement was next sent from the General Conference by internet throughout the world field, telling workers and other subscribers to the system that David Dennis was an adulterer.

Then announcements were sent out over Adventist News Network, a two to four-page newsletter which the General Conference regularly sends to workers, condemning Dennis as a terrible person.

All this had a chilling effect throughout the world field. Dennis was known everywhere. Many well-know that it was David Dennis who consistently stood up to leadership and demanded that right actions be adhered to, corrections be made, and wrong allocations of funds be stopped.

DENNIS WAS DIFFERENT—In early 1992, Folkenberg had set up a new "operating board" at the General Conference, to oversee auditing operations. But the head auditor consistently stood in his way. Dennis refused to stop reporting on irregularities, and asked that the misdirecting of funds cease. Angry at such insolence, Folkenberg determined to get rid of the last whistle blower at world headquarters. Apparently he was willing to resort to any tactic to do it.

But David Dennis, when he was fired, was not a man to silently let this continue. It was clear that something must be done to stop those men from destroying whom-ever stood in their way.

The rejoicing in high places was soon replaced with concern over the suit he had filed in the Montgomery

County, Maryland, Circuit Court.

LITIGATION BEGUN—The initial Dennis lawsuit filing occurred on February 22, 1995 (*Civil Action No. 132721*). This 23-page document detailed the problem. (Most of the information in it, plus much more, will be found in our 23-page book, *Collision Course*; see box on page 16.) Leadership made sure the case did not go to court until after the summer 1995 Utrecht Session ended. But, to the surprise of many, even after that, they then continued their stalling tactics.

FIRST MOTION TO DISMISS—In late April, attorneys representing the General Conference filed a motion to dismiss the case. Instead of denying the veracity of Dennis' charges, they asked the court to drop the case—because of religious privilege. Their position was that a church could do anything it wanted to, in disciplining or firing an employee, because it was above the laws of the land which govern employer-employee relationships.

This was essentially the position which the North American Division and Pacific Press took in the Merikay Silver case in the 1970s (see our tract study, *The Marikay Silver Case—Part 1-3 [WM-709-711]*).

On May 15, 1995, David Dennis filed a reply with the court. Entitled, "*Plaintiff's Opposition to Defendant's Motion to Dismiss*," it opened with this sentence:

"Plaintiff brings this action claiming that the defendants trumped up charges of sexual misconduct, defamed him and forced him from his position as auditor for the Seventh-day Adventist Church in order to retaliate against him for attempting to prevent the individual defendants from converting church funds for their personal use."—*Plaintiff's Opposition, May 15, 1995, p. 1.*

Leaders at the General Conference had made serious charges. They ought to be able to easily defend them. Yet they have consistently tried to keep the evidence from being given. Why do they not meet the charges head-on in the

Montgomery County District Court?

GENERAL CONFERENCE POSITION—One of the positions the defense had taken, to counter Dennis' position, was that he had been ordained to the ministry—and thus his termination was "ecclesiastical." This was an intriguing point, since his predecessor had not been ordained. Had the brethren ordained Dennis, so it would be easier for them to fire him later?

Using that as the basis for their request, the General Conference appealed to the court to throw out the case, declaring that it would be a violation of the First Amendment if it were to continue!

DENNIS' REPLY—In response to that General Conference petition to the court, Dennis submitted this reply:

"The job as auditor was a secular position. My predecessor was not ordained and there was no requirement for me to be ordained when I held the position. My duties were to see that church officials complied with federal and local law as well as church financial policy in utilizing the funds entrusted to us by God and our members. I am certain that the reason behind my being removed and publicly disgraced was my refusal to compromise or be compromised in my performance of my duties as an auditor."—*Affidavit of David D. Dennis, May 15, 1995, to the Court, p. 3.*

DEFINITE PROMISE—About two weeks before the 1995 GC Session, when the delegates would decide whether to vote him back into office, Folkenberg assured the workers that the leaders were anxious to spread out the facts for all to see, so their names could be cleared.

On June 12, 1995, Folkenberg sent out a newsnote in his weekly "*From the G.C. President*" newsletter to workers throughout the world field. Two important statements were made in it:

1 - Folkenberg said he could not reply, until later, to Dennis' charges of corruption within the world head-

quarters, but he assured them that he did have data which would clear him and other leaders of every charge:

"Constraints imposed by the legal proceedings prevent those of us named in his [Dennis'] lawsuit from providing information that would set the record straight."

2 - He assured workers, worldwide, that the single objective of those charged—was to bring forth the evidence exonerating them. He promised that, after the case was over, he would bring forth this evidence:

"Rest assured that those thus maligned crave full disclosure and are confident that truth will make the spurious nature of the charges self-evident. Our appeal is to please be patient."

It is clear, from these statements, that the General Conference declared itself easily able to defend itself from every Dennis charge.

It is also clear that our church leaders should have welcomed the opportunity to present all their vindicating evidence in a court of law.

Yet, in the months since then, they have repeatedly stalled, postponed, or tried to dismiss the case.

KORFF LETTER—On June 28, 1995, Eric A. Korff, a General Conference worker, wrote a letter to the staff of the General Conference Auditing Service (which Dennis formerly headed), in which he ridiculed the charges leveled by Dennis and declared that the auditors were wise to ignore the charges.

Korff sent copies of this flattering letter to Folkenberg and Kloosterhuis, and then flew to Utrecht, where he was elected head of the General Conference Auditing Service. **Say good-bye to whistle blowers in the auditing department.** Henceforth, in his oversight capacity, Korff will make sure that every money siphoning and laundering scheme, proposed by the president, will be ignored by the auditors.

N.C. WILSON LETTER—Shortly before the General Conference Session, the former president of the Gen-

eral Conference sent an appeal, on Folkenberg's behalf, to the delegates, urging them to ignore the exposé papers, produced by Pilgrims Rest, which were sent to hundreds of Session delegates.

JULY HEARING—On July 25, 1995, the judge held a hearing at the courthouse in Rockville.

It has repeatedly been rumored, and widely, by both General Conference and lower-echelon officers, that the judge threw out the entire case against Folkenberg and his associates at that time. But those stories are not true. This is what actually happened:

1 - The judge threw out the wrongful discharge claim. He concluded that, because of a certain Maryland State law, an organization had a right to discharge an employee for any or no reason. Because of these "employment at will" provisions, an employer in that state can fire an employee at any time, with or without cause.

2 - But, at the same time, **the judge retained the breach of contract claim**, which is closely related to the wrongful discharge issue.

3 - **The judge retained the defamation of character claim**, and requested that the court be provided with further clarification regarding how the defamation applied. A General Conference leader had publicly stated that they had proof that Dennis had affairs with other women. It was now time for them to step forward with that proof. But that has never been done.

The General Conference sent out word that the charges against specific individuals, made by Dennis, had been thrown out; but this was not true. His case continues to be pending against, not only the General Conference, but also against three General Conference leaders: Robert Folkenberg, president; Kenneth J. Mittleider, vice-president who retired at the Utrecht Session; and Walter E. Carson, General Conference attorney.

LETTER TO FOLKENBERG—On

August 14, a very concerned layman living in Washington, D.C., wrote a letter to Folkenberg, in which he expressed his astonishment that such charges should be made by David Dennis against several of our world leaders, and asked for a "prompt, impartial, thorough and full investigation of all the allegations made by Mr. David Dennis." **The letter writer was especially concerned about the Dennis charges, since for years, Dennis had been in a position to know exactly what was going on.** He concluded his letter with these words:

"It should be noted here that the allegations are made by an individual who knows about the operations of the Church. He has been the Director of Internal Auditing from 1976 to December 29, 1994—a span of 18 consecutive years. He ought to know what he is talking about.

"Elder Folkenberg, it is past time to set the records straight and restore the integrity of the Seventh-day Adventist Church."

AUGUST PAPER—On August 18, Dennis filed an *Amended Complaint (Civil Action No. 132721-V)*. It omitted the employment discharge point which the judge had voided and restated his case, which now rested on defamation and breach of contract.

"These actions were taken against plaintiff because he was an obstacle to improper financial dealings by the officers of the General Conference of Seventh-day Adventists and in retaliation for his past actions to resist corrupt financial practices by those in control of the General Conference of Seventh-day Adventists. Defendants' actions were intended to and did cost plaintiff his job and reputation."—*David Dennis, Amended Complaint, August 18, 1995, p. 2.*

In that 16-page *Amended Complaint*, we find certain statements which help clarify David Dennis' charges in the matter:

"Acting under the direction and control of Folkenberg, defendants Carson and Mittleider undertook a series of actions intended to destroy plaintiff in order to force plaintiff from his position as auditor."—*Den-*

nis, Amended Complaint, August 18, 1995, p. 7.

"Carson and Mittleider also freely accused him [Dennis] of improper financial dealings and made several other equally unfounded allegations. Mittleider and Carson made clear that they had the means to destroy his reputation and would do so if he did not resign from his position as auditor."—*Op. cit., pp. 7-8.*

Dennis also noted later General Conference charges against himself, which were never substantiated. These new charges had been brought forward in mid-December:

"On December 19, 1994, there was a meeting of the General Conference Administrative Committee. Most of the members of this committee are dependent on Folkenberg [for] their continued employment status in the church . . .

"Acting under the direction and control of Folkenberg, Carson and Mittleider appeared before the executive committee . . . and stated that plaintiff was a liar and had lied at the hearing. . . that while serving as auditor, plaintiff had sent a series of letters to females not his wife which demonstrated that he was involved in an adulterous relationship with these women, and that plaintiff had defrauded the church by accepting a salary when he was actually working in an outside business."—*Op. cit., pp. 9-11.*

If their accusations had been true, church leaders should have welcomed Dennis' lawsuit, in which he charged defamatory statements,—for they could reply to it by bringing forward evidence supporting their position: the claims of letters from the women he was having adultery with and personal testimony by the "eight more women" he had relations with, plus evidence of his "outside business activities."

But they have consistently refused to do so. Instead, they have used one delaying tactic after another. **Their principal defense is**

Continued on the next tract

More WAYMARKS - from —

PILGRIMS REST

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LATEST NEWS ON THE DAVID DENNIS LITIGATION —

DAVID DENNIS UPDATE: NOVEMBER 1996

— COSTS ESCALATE AS STONEWALLING CONTINUES

PART TWO OF FOUR

Continued from the preceding tract in this series _____

that, because *they* are a church, they need not have to defend themselves in a court of law. They are above the law!

These new charges were repeatedly told thereafter by certain leaders to workers. According to the Dennis complaint, those stories were repeated from January through August 1995.

It is unfortunate that certain of our leaders fear to meet their statements in a court of law, yet they have not been afraid to publish them over internet—and even travel to distant places to tell them in speaking engagements.

“Under the direction of Folkenberg, defendants Mittleider and Carson are, as part of their official duties and at church expense, continuing to arrange speaking appointments to share these false charges, which resulted in the termination of the plaintiff, across the nation.”—*Op. cit.*, p. 12.

It is highly significant that church leaders normally condone immorality, and protect those workers so engaged (until the police learn about it). But when David Dennis was accused, they quickly turned on him.

“Defendant General Conference does not have a consistent practice with regard to those accused of ‘a moral fall’ and has, in numerous cases, provided generous severance packages, assisted even those accused of multiple charges by paying their legal costs, retained admitted offenders in office, rejected charges without requiring

that the accused person defend himself; ignored charges of fathering a child out of wedlock; retained an admitted adulterer as a pastor; and reassigned clergy to non-pastoral positions without removing their ordination credentials.

“The disparity between the punishment imposed in these cases and the destruction of plaintiff’s personal and professional reputation demonstrate both that the action against plaintiff was not in accordance with church policy and that plaintiff was the victim of the hatred and malice of a number of the high officials of the church, including Mittleider, Folkenberg, and Carson.”—*Op. cit.*, p. 13.

A BLIZZARD OF LEGAL PAPERS—The legal fees for the General Conference continued to escalate, as the high-class Washington, D.C., attorneys representing them continued preparing legal papers and submitting them to the court.

Two of those petitions were especially significant.

On September 25, two legal papers were given to the Montgomery County Circuit Court.

LEGAL PAPER FROM FOLKENBERG—In this seven-page document, filed on September 25 by the non-Adventist attorneys representing the General Conference and certain leaders, **Folkenberg tried to have himself removed from the case.**

Only four months earlier (and just prior to the Utrecht election), Folkenberg had promised the workers in the church that it was the concern of leadership to reply to Dennis’ charges with an abundance of de-

fense material, which would completely exonerate them and the General Conference.

But, on September 25, he submitted a paper to the court—petitioning that the case against him be dismissed. There were just too many records he did not want revealed to anyone!

“Dennis’ defamation claim must be dismissed in order to avoid excessive government entanglement with a religious institution. Certainly, litigation of the instant case will subject church personnel and records to subpoenas, discovery, cross-examination, and the full panoply of legal process designed to probe the minds of Church officials in the decision to terminate Dennis’ denominational employment.”—*Robert Folkenberg, Memorandum of Points and Authorities, September 25, 1995, p. 6.*

In that paper, he again returned to that point at the conclusion of his appeal. It was obviously uppermost in his mind:

“Dismissal of the defamation claim must be granted in order to protect the Church from having its religious beliefs, concepts of acceptable moral conduct, and system of ecclesiastical government subjected to public scrutiny by a secular finder of fact.

“For all of the reasons set forth above, this Court should decline to exercise jurisdiction over the defamation claim and grant this motion to dismiss.”—*Op. cit.*, pp. 6-7.

Well, there it is. You have read it for yourself. In a legal statement submitted to the court on behalf of Robert Folkenberg, it stated the

suit must be dismissed lest his standards of acceptable moral conduct and methods of governing be exposed to the public eye.

Keep in mind that this was written in Folkenberg's personal request to the court, to have his name removed from the case. A separate paper was filed on behalf of the General Conference. So, in his petition, it is HIS standards of morality and HIS governing methods which he did not want exposed.

Earlier in this paper, Folkenberg also stated that he must be removed from the case in order to protect the "religious freedom" of the church!

"Regardless of when the alleged defamation occurred, all of the allegations against Folkenberg must be dismissed because they strike at the heart of the Seventh-day Adventist Church's religious freedom."—*Op. cit.*, pp. 3-4.

It is shocking that a church leader would try to destroy a faithful worker, and then try to hide his actions with the defense that it would be destructive to the church's religious freedom if the facts were to get out!

If, in the above quotation, we substitute "leadership freedom" for "religious freedom," the sentence becomes quite clear.

LEGAL PAPER FROM THE GENERAL CONFERENCE—In a six-page legal paper, filed on the same date (September 25) by attorneys on behalf of the General Conference, request was made to also dismiss the case against the General Conference. Although both papers say nearly the same thing, this second paper is slightly shorter. Folkenberg added the "religious freedom" passage to his. **Apparently, when the papers were filled out, he was more concerned about his religious freedom if the case should come to trial, than the General Conference was about theirs.**

ERRONEOUS STORIES—Rumors continue to abound. One union conference president told his staff that the Dennis case was closed. Another

rumor stated that, at the July hearing, the judge threw out the charges against the three General Conference leaders.

Repeatedly, friends have contacted us, wondering whether the case had been closed. For over a year they have mentioned that their pastor told them so.

Certain men were sending out false reports, in the hope that members and workers would dismiss the matter from their minds, assuming the case had been closed.

— PART TWO —

SINCE OUR LAST REPORT

A PROMISE NOT KEPT—Submission of these two September 25, 1995 petitions, noted earlier, asking the judge to throw out the claims to ensure "religious freedom" to church leaders, had produced another in the many General Conference-produced legal delays in this court case.

Please do not forget the actions voted at Utrecht, granting so much authority to one man. Robert Folkenberg is the only man in the General Conference with the authority to expedite the case, delay it, or determine the wording of its petitions.

Also remember that, in that earlier June 12, 1995 dispatch, Folkenberg had solemnly promised the Utrecht delegates that, after he was re-elected at the Session, he would be eager to have the Dennis litigation resolved. In that way, he said, all the evidence vindicating him would be disclosed—and then, when the case was closed, he would release all the data to the church.

JUDGE REFUSED TO THROW OUT THE CASE—The big question was whether or not the judge would accede to the September 25, 1995 petition, and dismiss the case.

We now know that three separate motions were filed in an attempt to persuade the judge to invalidate the suit, and a fourth one was submitted to the court just days before the judge issued his ruling.

A hearing was convened on January 22, 1996, at which time the attorneys for both sides spoke to Judge William P. Turner.

On January 26, 1996, Judge Turner handed down his decision: The court case would go on. This meant the next step would be for depositions to be made.

"Therefore, considering all of the above, it is this 26th day of January, 1996, by the circuit Court for Montgomery County, Maryland, ORDERED, that the defendants' Motions to Dismiss are hereby DENIED."—*Order of Court, William P. Turner, Judge, January 26, 1996.*

But, unfortunately, the judge had not set a time limit when they must begin.

MONTHS PASS—Once again, the General Conference continued stalling. **Months passed, and David Dennis' experienced attorney could not prod the other attorneys into action. Depositions needed to be taken, but they refused to do anything.**

And there surely were enough General Conference attorneys—so that a few of them should have been prodded into some kind of action! **Our world headquarters had hired three high-priced law firms, each with several attorneys. Each firm put several people on the case. Their assigned task: keep delaying the case, keep writing petitions, keep postponing the day of judgment and revelation.**

They did a good job of it. Month after month went by; all the while the pay clock kept ticking—and those attorneys kept raking in the money, tinkering with one legal loophole or writing up and carrying another legal paper down to the Rockville County Courthouse.

All the while, erroneous reports about David Dennis and the litigation continued to be circulated on the internet. Attorney Carson, at Folkenberg's orders, is believed to be behind much of that.

HOW MUCH THE GC LAWYERS ARE MAKING—At this juncture, let me run a little math by you:

Of the six outside attorneys retained by the General Conference, the lead attorney is being paid \$375 an hour. Each of the other five are being paid in excess of \$180 an hour. In addition, there are the charges they make for clerical, filing, and secretarial fees, not counting court costs.

We have consulted an expert opinion on this matter, and are told by that knowledgeable individual that an estimated \$1,500,000 has been spent by the General Conference, to date, to keep this case delayed. We believe we have a good source for this estimate.

But this million-and-a-half figure is only what church leaders have paid in outside legal fees. It does not include the cost of General Conference staff, travel, and speaking appointments to defend themselves on this matter. Kenneth Mittleider, although now officially retired, is being paid as a full-time worker so he can devote all his time to working on this case.

In addition, four or five people at world headquarters are being paid to work on this matter. This includes at least two attorneys.

We are also told that it was tithe which is being handed over to those six non-Adventist attorneys, and to the Montgomery County Circuit Court. (Tithe and 13th Sabbath offering is all the General Conference can dip into, when it wants to run up extra expenses.) And why is all this money being spent—and more, much more in the future?

To keep the facts from being disclosed!

What facts? the facts which President Folkenberg promised on June 12, 1995, would be quickly revealed “to set the record straight,” just as soon as the court case could be resolved. As noted earlier, he made that promise in a “Letter from the President,” sent to workers throughout the world field three weeks before his reelection.

But, ever since, there has only been high-priced stalling.

THREE LAW FIRMS—It would be

expensive if you had a law firm defending you. Well, as mentioned earlier, the General Conference is paying—month after month—the expenses of three outside law firms!

And this means, in most instances, three separate legal filings to the court for each new intended evasion. Each time the one in charge of the General Conference decides that another delaying tactic should be attempted, three different law firms and their secretaries must each draw up separate legal papers.

As you might expect, this can be complicated! And it surely is expensive! Amid all the delays, the time clock keeps ticking and high-priced lawyers in high-priced offices are paid high-priced fees.

One law firm is defending Robert Folkenberg and the General Conference. A second is defending Kenneth Mittleider and Walter Carson. A third is defending Elizabeth Adels. The General Conference covers all three law firm expenses.

There is a mystery here which is not clearly understood. Total legal fees for the General Conference would be decidedly lower if one law firm defended all five defendants in this case. It has been suggested that Robert Folkenberg has files available only to his own attorney, which he wants to remain as private as possible—and this is the reason he has hired three law firms and six lawyers!

OFFICIAL LETTER—On April 23, 1996, the General Conference sent a private two-page letter to certain select individuals. Much to the chagrin of the president, that letter was soon after entered into the court records by the attorney representing David Dennis.

TIME LIMIT SET—Because the case continued to drag on, with nothing being done, six months after the judge issued the ruling to get started on depositions, the judge met with all the attorneys (yes, all seven of them), Judge Turner told them the depositions must be completed by

the end of the year.

This meant the stalling could only continue a few more months.

“Depositions” is when, with court reporters present, the attorney representing the plaintiff can quiz the defendants (Folkenberg, Mittleider, Carson, and Adels); and attorneys for the defense can quiz the plaintiff (David Dennis).

THE DEPOSITIONAL AGREEMENT—More stalling continued and then, in August, attorneys for both sides met. At that meeting, the six attorneys insisted that they be the first to do depositions. This meant that they would interview David Dennis first. They also demanded that they might quiz his wife and children also!

When this was agreed to, they then ran the depositions into nearly ten days!

THE DENNIS DEPOSITIONS—We are told that the deposition of O.J. Simpson took nine days. That would be understandable, in view of the maze of events involved in that case.

But the six attorneys interrogated the Dennis family for nearly ten days!

Church leaders brought in professional, salaried video crews to tape every action, so they could afterward study them over in the hope of finding some flaw in what was said, which they could use against Dennis.

In Ellen White’s vision, the Catholic procession marched around the homes of the faithful with reeds (*IT 578*) before entering for the interrogation; in our day they come with video cameras.

David Dennis was grilled for four days (September 3-6). Then the well-paid outside attorneys took time to carefully go through the written and videotaped records, and analyze every word he had said, before calling him back for another two-day session. It must have taken a lot of time to review four days of questioning, because they did not call him back until September 30 and October 1 for the next two days of deposition. (He was called back for an additional two hours of interrogation on the

11th.)

Mrs. Dennis was deposed on October 11, and they told her they would call her back later for another day.

David Dennis' son was deposed on October 8, and his daughter on the 18th.

Throughout each deposition an effort was made to maintain constant pressure on the one being questioned. Hour after hour it would continue. When one lawyer tired, he would sit down and another attorney, fresh and ready to go, would jump up and continue the hammering. Each battering day was intended to beat them down, wear them out.

Anything and everything—nearly all of it irrelevant to the case—was asked. They even asked Dennis how much his current non-Adventist clients are paying him to do audits! And the questioning was done, not in a friendly, but in an antagonistic spirit.

In retrospect, it is doubted that the six attorneys learned much that they could use.

But, at least, the case was finally beginning to move forward. This was an encouraging sign. Next would come the depositions of Folkenberg, Carson, Mittleider, and Adels. All were slated to occur this month: November 1996.

Folkenberg, who had said he had nothing to hide, would now be able to speak the truth under oath. Something he ought to be anxious to do.

WHAT THE GC LAWYERS MADE IN THOSE FEW DAYS—The nearly ten-day grilling of the Dennis family was more useful than one might suppose.

First, it was hoped that Dennis and his family would stumble, become confused, give contradictory statements, or otherwise provide useful information which could help the defense. But that did not happen.

Second, it was intended that the rough treatment would so shake Dennis' family that they would plead with him to withdraw from the case. But that did not happen either.

Third, whether or not so intended, it proved to be an excellent opportunity for six lawyers to make some money. **Oh, yes, all six of the defense attorneys were there throughout the nearly ten days!**

At \$1,300 an hour for the six attorneys, they made over \$8,000 a day.

In addition, during those ten days, the General Conference also paid \$5,000 each day for court reporters and a complete videotaping of those on the receiving end of the inquisition.

Those few days, alone, cost the General Conference \$130,000 in tithe funds—just to depose David Dennis and his family!

The above costs do not cover what those attorneys were paid during the days when they analyzed the information already given in deposition, before another depositional session was made.

WHERE IS THE MONEY COMING FROM?—Checking with a knowledgeable source on this, **I was told that, although the denomination is low on funds generally, the General Conference is doing quite well.** Why? It is in charge of funds which are supposed to go overseas to mission stations.

This you can know: There is no money in the allotted General Conference yearly budget for 1,300-dollar-an-hour lawyers! No permission was granted to the General Conference by the Spring or Annual Councils to retain three law firms and six lawyers, keep them expensively stalling on the case, and hire professional video crews to film it!

This you can also know: **Neither the Adventist Review, nor any union paper, will publish the fact that church leaders have already spent over a million dollars on this case, or why it is being spent—to delay the case as long as possible.**

Well, then, why is such a lengthy, futile delay being carried out? We will tell you at the end of the article.

This delaying technique is similar to what the Lake Region Conference did a few years ago. As reported

in our 98-page documentary booklet on that subject (the *Lake Region Lawsuit*), they kept submitting legal papers to the court in order to keep the case going, knowing that this only increased the total loss—which it did.

(But they did not need to worry; when the judge finally stopped their foolishness and ended the case,—the General Conference stepped forward and paid much of what Lake Region owed to the attorneys and the creditors.)

Be it as it may, at least this case was back on track by mid-fall 1996. David Dennis had been deposed, and the depositions had to be completed by December 31, 1996. The defense depositions were scheduled to be made in a few weeks, in early- and mid-November.

After that would come the discovery phase, when each side could delve into the records of the other side.

—But then, a few days ago, came a shocker. When they got all they wanted, they tried to stop everything dead.

THE TWO PETITIONS—On Wednesday, November 4, the General Conference attorneys hauled over to the Montgomery County Courthouse two documents.

These legal papers must have required a lot of time and effort on the part of General Conference personnel, working closely with the six outside attorneys and their office staffs.

As you might expect, the objective had not changed: keep General Conference activities and expenses, and those of its president, from being told to church members. Apparently any amount of effort and expenditure of money is considered worthy of that objective.

Yet, in view of the fact that this tactic had been tried once before, it is clearly an act of desperation to attempt it again.

You will recall that, on Septem-

Continued on the next tract

More WAYMARKS - from —

PILGRIMS REST

HCR 77, BOX 38A - BEERSHEBA SPRINGS, TN 37305

LATEST NEWS ON THE DAVID DENNIS LITIGATION —

DAVID DENNIS UPDATE: NOVEMBER 1996

— COSTS ESCALATE AS STONEWALLING CONTINUES

PART THREE OF FOUR

Continued from the preceding tract in this series _____

ber 25, 1995, two legal briefs were filed with the court, asking that the case be dropped so as not to infringe on the “religious freedom” of Folkenberg and the General Conference. The judge denied that petition on January 26, 1996.

In these latest two petitions, the General Conference has once again stepped forward with the very same defense: their “religious freedom,” which permits no investigation into their activities or their treatment of workers.

In essence, they want freedom to defame a worker’s character on the internet, in presidential newsletters, and in workers’ meetings held throughout the world for that purpose. They want freedom to destroy men who question their decisions and protest their use of funds.

PATENTLY DISHONEST—These two documents required weeks to prepare. It is obvious they had been planning for some time to stop the discovery proceedings—just as soon as the Dennis depositions were completed.

Yet, prior to that time, the General Conference instructed their six attorneys to repeatedly affirm good faith that, henceforth, the General Conference would fully cooperate in the mutual depositions, and the discovery phase which would follow it.

It was a sneak attack, like that done at Pearl Harbor.

The present writer did an in-depth study on the 1925 Scopes Trial in Dayton, Tennessee (now available

in Volume 3 of his three-volume *Creation-Evolution Series*). The atheists let the trial continue just as far as they wanted it to go; and then, on a pretext, they brought it to a halt. William Jennings Bryan, the creationist attorney, agreed to their request to examine him on the witness stand the next day, if the following day he could do the same to their evolutionist lawyer, Clarence Darrow.

Then, the evening after Bryan was humiliated by Darrow’s ridiculous questions, phone calls were placed with “death threats.” The next morning, Darrow asked that the trial be immediately terminated, lest somebody be killed. This frightened the judge, and he agreed.

A similar tactic is being used, not by atheists, but by our trusted leaders at the General Conference.

Those two legal papers, which took considerable time to prepare, constituted a renewed effort by Folkenberg and the General Conference to avoid depositions of any of its defendants or the granting of copies of records. Yet, only a few days earlier, their men had deceptively voiced agreement to conduct the depositions and discovery, as long as they might depose Dennis first, along with his entire family, for a lengthy ten days.

The reason offered in the bulky document for terminating the discovery phase is this: **Everything in question is protected as privileged information under the First Amendment!** No one has a right to challenge what we do, they declared.

It is as if they had “taken the Fifth” [the Fifth Amendment defense

against personal disclosure of wrongdoing]!

Yet who is it that does such things?

You have heard of white collar criminals in courts of law (as an example, when they have to appear before a congressional committee) who take the Fifth to avoid releasing incriminating facts about themselves. **They take the Fifth because they are guilty.**

Your church leaders are now doing the same thing.

Why did they not submit this request to the court, before giving those grueling interrogations to the Dennis family for ten long days?

Attorneys and jurists dealing with this case are learning that these men are not trustworthy.

WHY SUCH DESPERATION?—It is an act of utter desperation to present the same petition a second time, when the first petition was carefully considered and rejected by the court less than ten months earlier.

Why are our top leaders so desperate? Why?

It is obvious that church leaders are fearful lest they have to provide sworn testimonies and secret records in the Dennis case. But why are they so fearful?

First, there are the depositions:

A deposition was to have been taken of Elizabeth Adels on November 7.

As noted earlier, she is the young woman who was a victim of, what has become known nationwide, as, “false memory syndrome,” also known as

FMS.

Using that FMS as a pretext, David Dennis was fired in December 1994. Our first comprehensive paper on the Dennis firing and suit was not published until April 1995. But we had been writing tract studies warning of hypnotism, NLP (neurolinguistic programming), and FMS several years before that. (See *Devastating Effects of Regressive Therapy—Part 1-4* [WM-342-345], released June 1991; and *Child Molestation Cases—Part 1-2* [WM-348-349], released July 1991. **We did not write those tragic studies warning against FMS to defend David Dennis; his firing over FMS charges occurred three and a half years later.**

General Conference leaders well-knew that FMS is based on satanic hypnotic procedures used by the counselor, and are not true. Facts on this had been published widely. Indeed, **church leaders have consistently defended workers against FMS charges. They have paid hundreds of thousands of dollars over the past fifteen years, defending church workers against FMS charges. Yet, when David Dennis was so accused, instead of defending him, they discharged him and took the side of the woman with FMS.**

The firing occurred solely because David Dennis had been a whistle blower. For several years, he had been the only person in the General Conference building who would dare speak up when wrong actions were planned, or wrongdoing occurred.

General Conference officers also well-knew that the young woman later regretted having charged Dennis with wrongdoing, and did not wish to testify. Her regret of her initial charge was known to church leaders even before they fired Dennis! For this reason, and certain other facts, her deposition could be damaging to the General Conference case. They did not want that deposition taken.

The next deposition was scheduled for November 11, and was to

be taken of Walter Carson. His position at the General Conference is that of an in-house attorney. Dennis claimed that Carson had slandered him. Church leaders did not want that deposition taken either.

This was to be followed the next day by a deposition of Kenneth Mittleider. Dennis had made certain claims about Mittleider's actions which the General Conference does not want uncovered.

The final deposition, scheduled for November 19, was to be of Robert Folkenberg. Under oath, he would be asked a number of penetrating questions.

It is true that only one attorney would be asking those questions (not six), and you can know that no expensive, professional cameramen would be present;—yet the information gathered from those depositions would still be quite interesting, too interesting for Robert Folkenberg to permit.

Summarizing the depositions, what then is it that those men are refusing to do? They are refusing to tell the truth, under oath. Simple as that.

Following the depositions, the records discovery phase of the litigation was to begin next.

During that time, each side was to ask for, and be given, copies of a variety of important documents.

Why do the General Conference leaders fear to give depositions and records? —Because David Dennis is the most knowledgeable Adventist whistle blower alive!

First, he knows the questions to ask of our top leaders.

Second, he knows how to obtain documents on the inner workings of the church as few other men do.

Third, he is willing to stand for the right though the heavens fall. He knows that if workers and laity learn what is going on, wrongs may be righted, and evil men may be booted out of church leadership positions.

But those church leaders know

it too.

And now you know it.

What will you do with your knowledge? Will you join us in earnestly praying that the lump can be cast out of the church? Will you write responsible leadership on all levels and demand action in this matter?

Certainly, the First Amendment protection of religious entities was not intended to allow church organizations to hide corruption and betrayals of public trust.

Lay people are the ones to call for disclosure. Church employees are intimidated from pressuring for independent inquiries for fear of losing their jobs. Indeed, only one church employee has had the courage to sign the petition circulated by two medical doctors in California, calling for an investigation into church practices.

— PART THREE —

ANALYSIS OF CONTENTS OF THE NOVEMBER 4, 1996, TWO LEGAL PAPERS

The fact that such an effort is being made to stop the depositions and discovery phase—at this particular point in the litigation—is incredible.

Yet what is in those two legal papers, which were submitted in order to terminate the case, is even more astounding.

— THE FIRST LEGAL PAPER —

CHURCH DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

VERY LITTLE THAT IS NEW—The first of these two legal papers (both submitted to the court on November 4) is rather tame. It contains little that is new. Here are several of the statements in this 23-page document:

The General Conference says a church cannot be sued for any reason:

“This is an ecclesiastical controversy that the Court cannot resolve without impermissibly invading the

Church Defendants' rights under the Free Exercise and Establishment Clauses of the First Amendment."—p. 2.

"Religious freedoms guaranteed by the First Amendment prevent secular courts from adjudicating claims that intrude on matters of church doctrine, discipline, policy, or governance."—p. 2.

Although church leaders made similar claims in the Marikay Silver case, the Lorna Tobler case, and the Derrick Proctor case, **the concept that the church is immune from public courts is foreign to our denominational history and teaching.**

Interestingly enough, church leaders lost their case, in those instances (Marikay Silver and Lorna Tobler) in which they made it their central defense, as they are doing here. It is true that they won the Proctor case, but they did so on their right as publishers to market their publications in their own way.

The General Conference says the court would thereby become entangled in ecclesiastical matters:

"Based on plaintiff's deposition testimony, which has been completed, it is now clear that his Court, in resolving his claims, will become entangled in such ecclesiastical matters and will be forced to second-guess the decision of the Church's highest governing body with respect to its choice of a religious representative."—pp. 2-3.

The General Conference presents itself to the court in terminology totally foreign to Seventh-day Adventist history or doctrine [italics below ours]:

"Mr. Carson and Reverend Mittleider (then General Vice-President of the General Conference) . ."—p. 5.

"The Church convened a hearing before a five-member *Ecclesiastical Panel of Inquiry* to evaluate . ."—p. 5.

"In February 1995, plaintiff filed this lawsuit. His Complaint named several defendants, including the General Conference, Reverend Folkenberg (the elected President of the General Conference), Reverend Mittleider, and Mr. Carson."—p. 7.

Did you know that church leaders are preparing to make a change-over on the titles by which they are to be addressed?

The General Conference essentially says its actions are above the laws and courts of the land:

"Third, plaintiff has initiated broad discovery and requests that would intrude extensively into matters of Church doctrine, discipline and policy.

"In light of these developments, there can no longer be any doubt about where this lawsuit is headed. If permitted to proceed, plaintiff's claims against the Church Defendants will inextricably entangle this Court in ecclesiastical matters that the First Amendment places beyond the Court's subject matter jurisdiction."—p. 9

It is clear from the above statement, that church leaders are very fearful of where this is headed—if they are required to produce the records Dennis wants.

It is only a pretext that they do not want their private papers exposed in a Maryland circuit court; what they fear is that Adventist church members may learn what they have been doing.

Later in this present report, we will see why. It is the church members that they wish to keep these documents from.

The General Conference says that it cannot be held accountable for not fulfilling duly made contracts and their defamation of church workers:

"Both the breach of contract claim against the General Conference and the defamation claims against the Church Defendants are so inextricably intertwined with such ecclesiastical issues that they cannot be resolved by any secular court without violating the Church Defendants' First Amendment rights."—p. 12.

Church members know that, above the local conference level, they have no voting, or other, power to correct or reform church leaders. According to this legal paper, no one else has any right to investigate or correct purportedly

fraudulent actions on their part either.

Nothing in the above statements by the General Conference is new. But now we come to one which is:

The General Conference denies that the Bible should be used as a guideline in deciding, or interpreting, church policies and decision-making:

"Second [reason for throwing out the case], plaintiff has confirmed in his deposition testimony that his breach of contract claim requires the interpretation of Biblical passages and the Church's governing policy documents."—p. 9.

Certain church leaders have operated on that principle for years. Now they are officially declaring it. We can see why they would not want this particular legal paper to fall into the hands of church members.

Shortly afterward, in this legal paper, they return to this crucial point:

DAVID DENNIS' ERRONEOUS IDEA—Keeping in mind that attorneys from three outside law firms, as well as several General Conference workers, worked for days reviewing the videotapes of David Dennis' six-day interrogation. It is significant that, on pages 13 and 14 of this legal document, **those attorneys gleefully point out, what they consider to be, a flaw in David Dennis' testimony.**

They are very open and bold about presenting this "flaw." **What could his foolish idea be? —It is the fact that Dennis declared, in his deposition, that church leaders were required to obey the Scriptures!**

Throughout this 24-page legal paper, our church leaders maintain that they cannot be investigated or corrected by any authority outside of the church.

And we know that they have so arranged circumstances, so that they cannot be corrected by anyone in the church.

But they were rankled by David Dennis' assertion that they were obligated to obey the Bible! How

dare he say such a thing!

Their position is that it is *their right to interpret the Bible as they please, and workers and church members are to submit to their interpretation.*

Here is a section in the six-day Dennis deposition which they quoted in this legal paper. (Italics in the following quoted section were underlined in the legal paper as especially indicating Dennis' incorrect position which they opposed. In the following quotation, also notice how their legal paper places "church" in initial cap, but "Scripture" in subservient lower case):

"Q: Okay. So that—so that as far as you're concerned, in trying to identify what your contractual relationship with the Church is, we have to resort to scripture to some extent.

"A: Yes. *I believe the Church is obligated—Church leadership is obligated to follow scripture. And if they don't, they are breaching my employment relationship with that body.*

"Q: Okay. And if there's a scriptural provision that you believe says that the Church has to treat you in one way and the Church acts a different way, it not only violates scripture, but, in the process, necessarily violates your contract, because scripture—

"A: Yes.

"Q: —is part of your contract?

"A: I would—I guess I would agree with that.

"Q: And so what you're saying is that your interpretation of Matthew, Chapter 18, verses 15 through 18, is that you had a right to sit down one-on-one with your accuser, right?

"A: Correct.

"Q: And if the Church were to say we don't think there's any such right, you think the Church has violated scripture and, therefore, violated your contract?

"A: Yes."—pp. 13-14.

The legal paper summarized, what they considered to be, Dennis' erroneous thinking in this way:

"He also stated that 'contractual obligation by church leadership is to be treated in harmony with scrip-

ture.'"—p. 13.

The General Conference rankles at the thought that it should be bound by Scriptural principles in the degree to which it fulfills its agreements and contracts.

This legal paper was concerned with "areas of disagreement between plaintiff and the Church" (p. 16). The view that church leaders were subservient to Scripture was one of those areas.

Appearing before a court of law over two millennia ago, in order to eliminate Christ, Jewish leaders declared that His death should be charged to them.

Appearing before a court of law today, in order to eliminate Dennis, our leaders declare that their actions and decisions are not based on the Inspired Word of God.

That precedent will remain on the record books of earth and heaven. It will be recalled during the National Sunday Law and in the Investigative Judgment.

Another point noted in this first of the two legal papers was the presumed right of church leaders to demean workers, and fire them without just cause:

"The defamation claims asserted against the Church Defendants also should be dismissed, for essentially the same reasons. While plaintiff's breach of contract claim challenges what the Church *did*, the defamation claims challenge what the Church Defendants *said*—in the course of deciding what actions to take and then explaining to Church employees and members the actions taken. Both kinds of challenges would necessarily invade the religious freedoms guarded by the First Amendment."—pp. 18-19 [italics theirs].

Here are the concluding lines of this 24-page legal paper:

"Such inquiries into the Church Defendants' beliefs and motives would violate the religious freedoms protected by the First Amendment.

"*Conclusion:* For the foregoing reasons, the Court lacks subject matter jurisdiction over plaintiff's claims against the Church Defendants, and the Church Defendants are entitled

to judgment as a matter of law."—p. 24 [italics theirs].

Note in the preceding quotation, as everywhere else in their legal papers, they place "church" and "defendants" [church leaders] in initial caps, while placing "plaintiff" [Dennis] in lower case. We earlier noticed that "Scripture" is also relegated to lower case. The word, "reverend," when applied to a human is blasphemous, but they applied it in upper case, on pp. 5 and 7, to Folkenberg and Mittleider. Little things tell a lot.

SUMMARY OF NEW POINTS IN THE FIRST LEGAL PAPER—There were three new points in this first legal paper: (1) They are now calling themselves "reverend." (2) They do not believe they need to obey Scripture. (3) No one has a right to sit in judgment on their actions—not even God's Word.

I am sure they would not want you to know about this 24-page first-of-two legal papers, submitted on November 4. We dare them to reprint it in the *Adventist Review*.

According to their interpretation of Scripture, they have the right to be called "reverends" and lord it over the heritage. It is time for a housecleaning in a number of leadership positions.

Now, let us turn to the second legal paper; it is astounding.

— THE SECOND LEGAL PAPER —

MOTION FOR PROTECTIVE ORDER TO STAY DISCOVERY

Throughout the 24-page legal paper, referred to above, there is a definite objective in mind: to keep certain shocking documents from being exposed.

With that objective in mind, a second legal paper was also submitted to the court on November 4, 1996.

In this second paper we find very specific reasons why church leaders in the General Conference fear to di-

Continued on the next tract

More WAYMARKS - from —

PILGRIMS REST

HCR 77, BOX 38A - BEERSHEBA SPRINGS, TN 37305

LATEST NEWS ON THE DAVID DENNIS LITIGATION —

DAVID DENNIS UPDATE: NOVEMBER 1996

— COSTS ESCALATE AS STONEWALLING CONTINUES

PART FOUR OF FOUR

Continued from the preceding tract in this series _____

vulge a variety of incriminating records. Here, indeed, we find new information!

This second legal document consists of an eight-page statement, appended by copies of four legal papers which Dennis' attorney had earlier submitted to the court. All totaled, including cover sheets and end sheets, it comes to 50 pages.

Let us briefly overview the basic eight-page legal paper, prepared by General Conference attorneys. I assure you: This material is explosive.

UNASHAMED OF WHAT THEY ARE TRYING TO DO—In this paper, General Conference leaders are clearly not ashamed of going back on their promise. They freely admit to the court that they had completed the deposition of David Dennis and his family, and had already received some records from him,—when they suddenly called for a halt to the discovery proceedings so none of their depositions or records would be given.

“Defendants have now completed the depositions of plaintiff, his son, and his daughter . . . In addition, plaintiff has produced a partial response to Defendants' Request for Production of Documents . . . The Church Defendants respectfully request this Honorable Court to issue a Protective Order staying all further discovery pending resolution of the Church Defendants' Motion for Summary Judgment.”—*pp. 1-2.*

This attempted stoppage was exquisitely timed. They themselves ad-

mitted it. **These latest two legal documents were submitted to the court on November 4, just following the Dennis family depositions, and just before their own men were scheduled to be deposed.**

“[Another reason why this discovery phase must be stopped is that] in addition, plaintiff has scheduled the depositions of defendants Walter Carson, Kenneth Mittleider and Robert Folkenberg for November 11, 12 and 19, 1996 respectively. Plaintiff has also requested dates for the depositions of two officers of the General Conference of Seventh-day Adventists and one former employee.”—*p. 4, footnote.*

SPECIAL DISCLOSURES—On pages 4 to 7 of this paper, we come to the HEART of the matter. They tell the court exactly why they fear to permit this case to continue any longer.

—They actually name some of the things which Dennis is requesting; things which they fear to let anyone, including church members, learn anything about!

For the first time, you will begin to more clearly see why these men are so frightened at the thought of continuing with the depositions and sharing of records.

PAGES 4-5—First we will quote two paragraphs from their legal paper, and then we will quote an accompanying three paragraph footnote. All this is found on pages 4 and 5 of their paper. Read the following very carefully:

“Until that motion [to stop the discovery phase] is resolved [approved

by the court], however, the Church Defendants face the prospect of losing their First Amendment rights by being required to respond to plaintiff's discovery requests. Plaintiff has propounded wide-ranging document requests and interrogatories and has noticed depositions of church officials in which he can be expected to probe their motives, beliefs, and bases for terminating his employment and revoking his ministerial credentials.

“The very process of responding to plaintiff's discovery efforts will involve intrusion into matters of ecclesiastical policy, doctrine, discipline, and governance that are protected from scrutiny by the First Amendment.”—*pp. 4-5.*

THE FOOTNOTE—At the end of the first of the two paragraphs, quoted above, there was a footnote reference. Here is that footnote, found on the bottom of pages 4 and 5:

“Plaintiff has propounded Interrogatories [questions which he wants answered] and three sets of Requests for Production of Documents (containing a total of 98 enumerated requests) to the General Conference of Seventh-day Adventists. Copies of plaintiff's discovery requests are attached hereto and incorporated herein as Exhibit A.

“In addition, plaintiff has scheduled the depositions of defendants Walter Carson, Kenneth Mittleider and Robert Folkenberg for November 11, 12 and 19, 1996 respectively. Plaintiff has also requested dates for the depositions of two officers of the General Conference of Seventh-day Adventists and one former employee.

Plaintiff's document requests seek a broad range of church materials including all documents relative to the personnel action which led to plaintiff's termination from his position as auditor of the General Conference and all records prepared or referred to in connection with the proceedings which led to his termination.

"The requests also seek a broad range of documents relating to Church administration, governance, discipline and policy. For example, he has requested all records pertaining to 'reports of the Pacific Union pertaining to allegations of misuse of the IRS-provided Parsonage Exclusion to ordained ministers of the church'; financial records pertaining to funds transferred to Eastern Europe through the Church's Global Mission program; documents reflecting church policy promulgated since 1985 pertaining to salaries paid to administrators and business office personnel at the church's numerous hospitals in the United States; documents pertaining to the 1990 General Conference world sessions from 1964 to 1995; documents pertaining to the Church's international development and relief agency, ADRA including records pertaining to the appointment of a Vice President of ADRA; documents reflecting church policy regarding the use of charitable donations for the benefit of officers and employees; documents which pertain to the annual cost of operating Church unions in North America; Church policy with respect to persons accused of a moral fall; and, documents referring to allegations of any type of impropriety and disciplinary actions, if any, taken against individuals alleged to have been General Conference employees. See Exhibit A."—Footnote, pp. 4-5.

Well, that footnote takes your breath away. **Now, at last, we can understand why David Dennis has resolutely pressed forward with this case. His larger concern is not for himself, but to reform the Seventh-day Adventist Church leadership! He wants to expose the fraud and corruption in our denomination, so the laity will arise and demand the ouster of certain**

wicked men who have gained an ascendancy.

In addition, we can now understand why General Conference leaders are terrorized at the thought of being deposed and handing over a variety of documents!

The depositions (made under oath) will require them to tell the truth! This they do not want to be required to do. The sharing of record copies will unveil wrong practices on several church levels and in many places. They dare not let others know what they have been doing.

At this point, let us review what that footnote told us:

PARAGRAPH ONE OF THE FOOTNOTE—David Dennis had prepared and submitted, to General Conference attorneys, a list of questions he wanted answers to.

In addition, through his attorney, he had submitted three discovery request papers. In each, he asked for copies of many records. It is clear that he knew what he was looking for. Each one leads to, what Dennis considers to be, another pocket of corruption.

We will have more on this for you in the near future.

PARAGRAPH TWO OF THE FOOTNOTE—Let us now turn our attention to the what the second paragraph in this explosive footnote revealed:

After subjecting David Dennis and his family to nearly ten days of grueling, unfriendly interrogation, in this second paragraph the General Conference notes that its men are supposed to be deposed next. This is not some strange, new barbarity which they did not know about before. They had earlier promised to fulfill this schedule, as long as the Dennis family might be deposed first.

(Clarification: **The scheduled appointments, listed in this footnote paragraph, have not occurred. Submission of these two November 4, 1996, legal papers to the court immediately halted the scheduling process until the judge acts on the GC request to stop the discovery phase and proceed di-**

rectly to his judgment in the case.)

The General Conference also complains that the discovery phase will include the sharing of records. But they knew about the "broad range" of documents, requested by Dennis, when they agreed to start the discovery phase by deposing the Dennis family.

You will notice that they conclude this paragraph by mentioning that Dennis wants so many records relating to his firing and defamation. Well, should he not receive them?

PARAGRAPH THREE OF THE FOOTNOTE—Eight examples of documents, reflecting the wide range of records requested by Dennis, are cited in this paragraph:

1 - This **parsonage exclusion item** was mentioned in chapter 12 of my book, *Collision Course: The David Dennis Disclosures*. **It appears that a pretext may have been used to avoid full payment of taxes to the Internal Revenue Service.**

2 - This **Global Mission item** is discussed in my book, *The Donald Folkenberg Transactions*. It appears that **there may be evidence that Global Mission funds have been misdirected.** This may include both Adventist and non-Adventist contributions to this program.

3 - This **GC Session item** concerns **the process whereby presidential elections are determined.** This could be a significant point.

4 - This **ADRA item** is discussed in chapter 7 of my books, *Collision Course*, and *The Donald Folkenberg Transactions*. **Immense amounts of money flow through ADRA.**

5 - This **charitable item** concerns **the diversion of contributions to the personal benefit of certain workers.** Yet it would be relatively easy for men, not accountable to anyone, to misuse such funds.

6 - This **union item** concerns the fact that, in North America, we maintain an echelon level between the North American Division and the local conference—**which is redundant and essentially useless, yet which absorbs millions of dollars each year.** This matter was discussed in

chapter 10 of my book, *Collision Course*.

7 - This **moral fall item** concerns the totally incoherent pattern used officially in our church in regard to adultery and moral lapses of church workers. Unless police evidence is too powerful, **wayward ministers are carefully shielded, and even promoted to larger pastorates or higher church offices.** We have discussed this in some detail in several earlier tract studies.

8 - This **impropriety item** concerns **the protection generally afforded to General Conference officers, in spite of their misdeeds.**

A SECOND LISTING—On a later page, General Conference attorneys provide us with a second brief summary of examples of things they wish to avoid sharing records about.

"In responding to the interrogatories and document requests, and in producing the defendants and other General Conference officers and employees for deposition, the Church will be subjected to scrutiny with respect [to] numerous issues of internal church governance, administration, discipline and the application of church doctrine. Moreover, the Court will then become entangled in doctrinal and Church policy issues such as the proper use of tithe monies; the propriety of cash management and investment decisions of the Church; the appropriate pay scale for Church health care workers; and the membership and appropriate duties of various religious organizations and internal audit commit-

tees."—pp. 6-7.

ANALYSIS OF THIS SECOND LIST—Several items, which church leaders do not want disclosed, are mentioned in the above paragraph:

1 - **General Conference leaders fear to have their misuse of tithe funds exposed.** This is one of their most closely guarded secrets.

2 - This item deals with **the manner in which church leaders use funds they are required to maintain, such as retirement funds.** Millions of dollars must be retained for various purposes, yet there is indication that money from those funds has been diverted to risky projects, or placed in the stock market. In addition, there is the problem that, over the past thirty years, money from those funds has gradually been siphoned off to meet various expenses. We have written on some of these matters in earlier studies.

3 - This item concerns the matter which initially earmarked David Dennis for eventual discharge: **the notoriously exorbitant salaries given to officers in Adventist Health Systems and our hospitals. These salaries range from \$100,000 a year to over \$200,000 a year!** We have written on this in the past also. Some of this is also mentioned in chapter 4 of *Collision Course*.

David Dennis' six-page letter to N.C. Wilson, dated April 17, 1989, appealing to him not to approve this massive increase of AHS salaries, marked him as a man who would have to be eliminated.

4 - This item concerns **the appointment of men to key offices and committees, in order to protect them, others, and activities which are being carried out.**

STOP THE DISCOVERY, IS THE PLEADING—Here are the concluding two paragraphs of this eight-page legal paper:

"The reasonable and appropriate way to protect the fundamental First Amendment rights at issue here is for the court to stay all discovery directed at the Church Defendants until it has resolved their summary judgment motion. This will not prejudice plaintiff and will ensure that the Church Defendants' constitutional rights are not unduly and prematurely burdened by discovery that would become moot if the Court grants the summary judgment motion.

"IV. *Conclusion:* For the foregoing reasons, the Court should grant this motion and should issue a protective order staying all discovery directed at the Church Defendants until after it has considered and resolved the Church Defendants' summary judgment motion."—p. 7.

It is true that, Judge William P. Turner had refused a similar request by the General Conference attorneys at the beginning of this year (January 26, 1996). However, the case has dragged on so long that, since then, a new judge has been assigned this case (James C. Chapin).

So we await his decision.

Oh, Lord Jesus, come quickly! May the corruptions of earth be soon burned up, and may Thou reign with Thy faithful ones. We long for Thy coming, when Thou wilt take Thy pure ones to heaven.

"Enoch walked with God. He honored God in every affair of life. In his home and in his business he inquired, 'Will this be acceptable to the Lord?' And by remembering God and following His counsel, he was transformed in character, and became a godly man, whose ways pleased the Lord."—*My Life Today*, 98.

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