

The Dennis Suit Will Continue

On Tuesday, February 25, 1997, a hearing was convened at the Montgomery County Courthouse, in Rockville, Maryland. Attorneys representing both sides in the case were present, along with a number of visitors. It was not a closed-door hearing.

At issue was whether the litigation in a landmark Seventh-day Adventist Church case should continue.

At the conclusion of the hearing, the judge said it should.

David Dennis had been the head auditor of the General Conference Auditing Service since 1976. For years it had been well-known among church leaders around the world that he was the sole whistle-blower still on the staff at our world headquarters.

One of Folkenberg's first acts, after being elected president at the 1990 General Conference Session at Indianapolis, was to attempt a maneuver in the nominating committee to keep Dennis from being reelected. (See *1990 General Conference Session* [WM-295-299] and *Impact of Indianapolis* [WM-304-306]).

Because of his position, Dennis was well-acquainted with a number of irregularities at the General Conference and elsewhere in the world church. He had repeatedly reported these improprieties in the handling of money and related matters to the proper authorities, but his concerns were consistently ignored.

As you may know, in the past decade a number of "false memories syndrome" cases have occurred in America. The victim is generally a woman in her mid-thir-

ties who has gone to a professional counselor, trained in Ericksonian hypnosis and skilled at implanting false memories in her mind.

The *False Memories Syndrome Foundation, Inc.*, of Philadelphia, Pennsylvania, in less than three years time, compiled a record of over 17,000 cases of families destroyed by this false memories implantation. (See *Devastating Effects of Regressive Therapy* [WM-342-345] and *Child Molestation Cases* [WM-348-349].)

These strange hypnotic techniques, practiced by various types of licensed counselors, are producing an epidemic of despair. Yet no counselor, psychologist, or psychiatrist can obtain a license to practice in America—unless he has undergone training in hypnotism. (See *a collection of several tract studies in our tractbook, Hypnotism.*)

But, in those instances (and there have been a number of them) in which a church worker has been so accused, the church has always paid to defend him. But, in 1994, when Folkenberg heard that such a complaint had been quietly mentioned against Dennis, the auditor was immediately fired—even though, by the time of the firing, the woman accuser had already backed off and refused to support church leaders in their action.

By means of newsletters, worldwide web, and word of mouth, Folkenberg and his associates quickly spread the matter throughout the world field. Having done their best to ruin the whistle-blower's reputation, they sat back satisfied.

But then Dennis filed a lawsuit, and their troubles began.

As noted in more recent reports on this case, in the fall of 1996 the battery of General Conference-paid outside attorneys (from three outside law firms!) quizzed (deposed, is the legal term) Dennis and his family for over nine days. —And then had the effrontery to immediately file one brief asking for a "stay of discovery," so they would not have to proceed with the deposition; a second brief requested the judge to terminate the case on First Amendment grounds, declaring that the civil courts cannot investigate church actions,—so they would not be quizzed or have their private papers investigated!

In a civil court, they were very willing to investigate the personal affairs of David Dennis and his family—while finding nothing they could use. But then they suddenly pled that their own affairs should not be investigated in a civil court.

Officially, their request was called a *motion for summary judgment*, and, if accepted by the new judge assigned to the case, would quickly end the litigation.

Many have followed this case closely, especially since our publication, last fall, of a list of all the information that Dennis is requesting (*The David Dennis Legal Requests* [WM-739-742]). Many wondered whether the judge might, indeed, dismiss the case. It is known that General Conference leaders pinned high hopes on getting this case thrown out before the action got too hot for them.

But the day of reckoning had arrived. A flock of high-priced attorneys, representing the General Conference, and several defendants

filed into Room 13, on the 7th floor of the Montgomery County Courthouse. It was February 25, the day Judge James C. Chapin would either throw out the case or let it continue. The GC attorneys appeared very sure of obtaining an immediate closure in the case.

A number of visitors and onlookers were also present, including a significant number of church leaders. Representatives from Adventist Risk Management, the General Conference insurance department, were also present. (All the church legal expenses are funneled from church treasuries through their agency.)

A high-paid outside attorney, representing the General Conference, Kevin Bain, considered an expert in First Amendment (separation of church and state) cases, was the first to address the judge.

Bain, an attorney from the prestigious Washington, D.C., law firm of Williams & Connally (one of the three expensive General Conference-paid legal firms defending them on this litigation) argued before the judge that the case should be dropped.

He began with an air of assurance; for defending organizations on First Amendment issues was his specialty and he apparently expected to overwhelm, with his arguments, another harried judge who was eager to get yet another case concluded.

But Judge Chapin was a different kind of judge. Repeatedly interrupting Bain, Chapin did not give him an opportunity to give his prepared speech.

Instead, he limited his time and then asked him a number of searching questions which Bain had difficulty in answering.

Did the church have a right to strike out at a man and not have it heard in a public court? and similar questions were asked.

Bain's response was typically stereotyped: The church was above the law, and the courts did not have the authority to second-guess a

church's decision.

At one point, Bain said that Dennis, in his legal submissions, had claimed to be a high church official. Immediately, Chapin interrupted him. That is incorrect; let me read you what he said! Then Chapin quickly turned to the exact page and read the passage correctly!

This was extremely disconcerting; this judge had actually read himself into a clear understanding of the issues in the case!

Then Joel Savits, a highly paid attorney from another outside law firm representing the General Conference arose and made a presentation in defense of the church leaders; but he did not add anything significant to the findings.

Finally Richard Swick, the lone attorney defending Dennis, arose and responded to three questions asked him by Judge Chapin: Why was it a legitimate lawsuit? Had Dennis been a church minister, as the General Conference-paid attorneys alleged? Bain had said that Dennis controlled the finances of the church, and that therefore Dennis was not now in a position to speak negatively of those finances; is this true?

Swick quietly explained the truth of the matter, and the judge appeared quite satisfied with his answers. Dennis was not a preacher; he was only the man who examined the financial records which others were responsible for making; the missionary activities he did on the side were only those any layman would be expected to do.

From comments made by the judge throughout the hearing, it was uncomfortably clear to church leaders that he had very carefully read the papers already submitted to him and was quite interested in pursuing the case to its end.

An hour and a half after it began, the hearing drew to an end. Judge Chapin concluded the hearing by ruling that the First Amendment argument did not apply, that the General Conference *motion for summary judgment* was denied,

and that the next meeting would be a pre-trial scheduling conference of the attorneys with him on Friday, March 7, to determine the dates for depositions of church leaders and when a variety of church records should be given to Dennis' attorney.

At this, one of the church attorneys spoke up and said that a retreat had been planned for that date by his law firm, and could that Friday meeting be postponed to a later date.

Judge Chapin looked disconcerted for a moment and then replied that, yes, the Friday appointment was not really agreeable with his own plans either; then he added firmly, "But I don't want to drag this into the next millennium."

That statement was a hard blow to the General Conference leaders. They had desperately hoped that Judge Chapin would throw out the case. Now that he had not done so, their only hope was to keep using costly legal maneuvers to delay the depositions and the bringing of the matter to trial.

But now they were dealing with a judge who not only wanted the case to continue on, but who wanted to hurry it along!

By this time, the General Conference attorneys appeared less jovial than when they entered the room earlier that morning.

There is no joy at the General Conference. The case which Kenneth Middleider, under the tutelage of Robert Folkenberg, has so carefully micromanaged for so many months, using the most expensive legal tactics to delay or throw out, continues to confront our leaders.

It appears that a very large opening into church files is about to be made.

What will church leaders do next? Keep tuned in.

It is unfortunate these problems exist in our church, but it is only as the voice of reproof is heard that there is the possibility that the people will be aroused to pray for God to intervene.

general conference desperate over dennis Lawsuit

Documents recently filed at the Montgomery County District Court reveal that the General Conference president, Robert S. Folkenberg, and his three highly paid teams of legal advisers are becoming increasingly desperate over the possibility that they may have to turn over, what may be, highly incriminating General Conference papers to the judge.

This is ironic since, when the lawsuit began several years ago, Folkenberg announced in the June 12, 1995, faxed newsletter, sent to workers around the world (just prior to his re-election), that neither he nor the General Conference had anything to hide and that, as soon as the suit was over, they would open up the files and make them public.

But, at the present time, one legal filing after another is being made by attorneys from three high-priced law firms, retained by the General Conference, apparently for no other purpose than to forever keep private a number of incriminating papers.

David Dennis, head auditor at the General Conference from November 1976 to December 1994, was the individual requesting those papers. He did so, knowing the seriousness of their contents.

Their opening will show that the true reason he was discharged was because he knew too much.

Now, no longer a church employee, he earnestly wants church

members, worldwide, to gain an awareness of the diverted funds, mishandled actions, laundered moneys, and all the rest—so they will demand that the mess at world headquarters will be cleaned up.

Frankly, friends, there are folk in high places in our church who need to be fired—and replaced with conscientious men who love God and obey His Written Word.

Copies of documents are available to the public at the Montgomery County Courthouse, located in Rockville, Maryland, just outside the District of Columbia. (Fortunately, the present writer has, to date, been able to publish everything essential for our people.)

These are serious matters, and are subject for prayer and action. It is not enough to go back to sleep! The Bible says to cast out the old leaven, before it ruins the whole loaf! (*1 Corinthians 5:7*).

The strategy at this time appears to be spending a seemingly unlimited amount of church funds, week after week and month after month, in order to stall the legal proceedings.

Men are frightened, and they are trying to use a lavish outlay of money to postpone the day of reckoning.

Repeatedly, motions are filed with the court, requesting the judge to throw the case out of court, ignore the plaintiff's request for documents, or, lacking anything better,—just keep delaying matters for ad-

ditional months.

There are those who will say that we should keep our nose out of this; that it is not our business.

I want you to know that when large amounts of church moneys are being wasted, in an effort to hide incriminating documents from our people—then it is time that all our people ask what is going on!

Three times attorneys, representing the General Conference, filed motions asking that the church be allowed to hide behind First Amendment protection. Each time the court denied their motion for a summary judgment. For example, one of these motions delayed the proceedings from November 1996 until a hearing could be held in February 1997.

That expensive request stopped the discovery phase for nearly three months.

At one point, attorneys for the church asked that the depositions be kept sealed. But, after deposing Dennis, they wanted his unsealed, so they could cut-and-paste his testimony for further public defamation. (The judge ruled that all depositions would be sealed, until the last one had been taken.)

Then a motion was filed for the judge to reconsider. Again he denied the motion. Following this, Folkenberg publicly stated that the reason for the legal delays—was David Dennis' fault!

Continuing to delay public disclosures of personal and corporate financial corruption alleged in the action, the GC attorneys filed yet another motion to have the judge's decision reconsidered. On July 25, the judge once again denied their motion.

What is coming next? I predict GC lawyers will ask the judge to certify the issue for immediate appeal to the Maryland Court of Special Appeals, so an honest resolution of the matter will be delayed even further. Why is this financial waste permitted? —vf