

End of the McGill Trademark Case and How to Stop Those Suits

In 2002, Walter McGill started a small independent Seventh-day Adventist congregation at 1162 Old Highway 45 South, Guys, Tennessee. (He prefers to be called by his nickname, “Chick.”)

In order to avoid a trademark lawsuit, McGill selected an unusual combination of words for his group: “*A Creation 7th Day & Adventist Church.*”

I should here mention that there are local independent groups which are calling themselves “*Seventh-day Adventist Association*” or “*Seventh-day Adventist Fellowship,*” etc.—and they are doing this safely.

The reason for that is the Los Angeles federal court lawsuit decision in 1991. In that pivotal case, on October 7 Judge Pfaeizer ruled that “*Seventh-day Adventist,*” when referring to one or more individuals—was legal, even though those persons were not now or never had been members of a subsidiary of the General Conference of Seventh-day Adventists! By extension, those individuals could legally meet together and call themselves by some name which indicated that they were Seventh-day Adventist believers. More on this later in this present report. (For far more details on the Los Angeles Kingship case and decision, turn to pp. 21-24, 26 in our book, *Story of the Trademark Lawsuits.*)

Then, in late 1998, the Florida Trademark Lawsuit occurred in the Miami Federal Courthouse. Judge King ruled that, due to a 1981 trademark on the phrase by the General Conference, the phrase “*Seventh-day Adventist Church*” was legally owned by the General Conference. No local group could use that phrase to refer to themselves on their advertising—without belonging to one of its subsidiary conferences.

That is a very brief summary; more later in this presentation. For about 25 years, we have provided you with detailed reports on developments in this tragic effort by church leaders to limit those who could worship in peace as faithful believers in the Third Angel’s Message. For much more information, we refer you to our 80-page, 8½ x 11 book, *The Story of the Trademark Lawsuits*, and our 102-page, 8½ x 11 book, *The Florida Trademark Trial*. They provide an adequately complete history of the trials, up to 1998.

Returning to the McGill group, although he purposely used a complicated name (“*A Creation 7th Day & Adventist Church*”), Chick’s objective was to link “church” with “*Seventh-day Adventist*” on the very large sign that he posted in front of his church building.

I had earlier predicted that, for certain reasons, there was a very good likelihood that he might win this case, either when it finally went to court or in later appeal. I

still believe that ownership of “*Seventh-day Adventist Church*” by the General Conference will not stand in a trademark case, the legal brief of which is carefully and fully presented to the U.S. Supreme Court.

This belief is based on in-depth research I did, in 2008, into court precedents, especially including those by the Supreme Court on trademark court decisions. You will find that outstanding collection of material in our 41-page, 8½ x 11, *Legal Brief for the Defense in a Seventh-day Adventist Trademark Lawsuit*. A group that is being sued could hand a copy of this to their attorney—and he would have all the data needed for a legal brief to defend them in court! (Their attorney would charge them thousands of dollars if he had to dig all this information out for himself. That is because the average attorney is not acquainted with trademark law, and a trademark attorney would charge much more.)

At this juncture, I should also mention another book of ours, by a similar name, which I prepared in 1999. It is titled *Legal Defense against a Trademark Lawsuit, Plus the Notorious Settlement Agreement*. You are welcome to purchase a copy of that book also;—but the book you need to defend yourself in court is my 2008 *Legal Brief for the Defense*. If you ask, I will send you a CD for your attorney to use as his legal brief to defend you in court.

SECTION ONE

Back in early 2008, Chick McGill told me that his attorney explained that it would be lengthy and expensive for him to prepare a trademark legal, defense brief, yet he was willing to do it—for he said he was a Christian and believed that McGill had a right to use the Seventh-day Adventist name on his church. Prior to that date, I had completed the research on trademark decision precedents for the forthcoming *Legal Brief* book. A MS Word copy of the *Legal Brief* was sent to McGill to give to his attorney. It would provide him with extensive resource material.

From that time onward, I had no more contact with McGill. He did not phone me again until a couple days ago, at which time I learned that he had sent me some materials over the past two years—but which had been sent to an email address I was no longer using.

I will now present the missing past events in accordance with information supplied to me a few days ago by Chick McGill and a close friend of his. Quoted items are directly from a carefully worded paper sent to me by McGill’s friend. This will be followed by a different view of the matter.

A deposition was held on May 15, 2007. The 3-day

jury trial which was scheduled for January 2008 was later rescheduled by the Judge for June 2008.

“During this period, Pastor McGill’s then-lead attorney advised him that his presence would not be required for the jury trial, and could be conducted by the attorney on his behalf. Based on this advice, Pastor McGill returned to Africa to finish an earlier ministry project on or about May 28, 2008.”

After McGill’s attorney entered that legal brief, the highly experienced Miami trademark attorney which had successfully won the Florida trademark case, and had been retained to defend the General Conference to win the McGill case—suddenly quit.

It may be that, because the best attorneys do not like to lose a case, he recognized that the Supreme Court precedents disclosed in *Legal Brief* might make it difficult for him to win in the McGill case, either in the Tennessee Federal District Court or in a later appeal.

The judge then rescheduled the jury trial until October 2008. But, suddenly, on June 11, 2008, the General Conference obtained a *summary judgment* against the McGill group. In a letter McGill received on that date, his attorney wrote him:

“The court has said that there is no genuine issue of material fact (nothing to dispute) regarding the GC’s trademark infringement and unfair competition claims as to “Seventh-Day Adventist.” As to the remaining marks and causes of action, the case will go to trial on those.”

Please know that this *Summary Judgment* was shocking in the extreme. McGill had an attorney who was representing him; and his attorney had introduced an excellent *Brief for the Defense*, which he had obtained from research which McGill had asked that I send him.

(This low-cost, 41-page, 8½ x 11, book entitled *Legal Brief for the Defense in a Seventh-day Adventist Trademark Lawsuit* will show you the thoroughness and careful arrangement of the coverage of Supreme Court and lower-court rulings in favor of McGill’s case, which were available to McGill’s attorney.)

But, sweeping all this aside, the judge issued a verdict—without letting the case go to trial before a jury, so the defense evidence could be fairly presented. He summarily ruled that the General Conference had won the case!

A point in McGill’s favor was the fact that he had wisely asked for a jury to decide the case; and they would have been likely to give McGill the case in spite of the complaining of the General Conference lawyer. Tennesseans tend to favor the little guy against the big people. Unfortunately, the defense had never had the opportunity to present the legal basis for their position in court, so a jury could decide the matter.

The complexity of events is here summarized in the letter from McGill’s friend:

“After the deposition, which was on May 15, 2007,

the 3-day jury trial which was scheduled for January 2008, however, was later rescheduled by the Judge for June 2008 and then once more for October 2008. During this period, Pastor McGill’s then-lead attorney advised him that his presence would not be required for the jury trial, and could be conducted by the attorney on his behalf. Based on this advice, Pastor McGill returned to Africa to finish an earlier ministry project on or about May 28, 2008.

“Before the scheduled October trial arrived, however, Pastor McGill’s attorney agreed to a mediation conference on his behalf, but without his knowledge or consent. When Pastor McGill was notified of this, he immediately corrected his attorney on the matter, stating that we have no room for compromise on this matter, and that paying for a return ticket to the U.S. would be a waste of funds and time to that end.

“Due to this and some other issues that had arisen, Pastor McGill dismissed the lead attorney that was responsible for the case to that point. Regardless, the Judge held the agreement against Pastor McGill and required him to attend the mediation conference. When Pastor McGill did not attend, the Judge ruled against him in the remaining issues of ‘SDA’ and ‘Adventist’ because of non-compliance.

“It was at this point that the injunction was issued ordering us to cease use of the name Seventh-day Adventist and all related terms, around May of 2009. In November, the Conference pressed for contempt (seeking among other things the arrest of Pastor McGill until such a time as he recants), the destruction of Church property by a Federal marshal, and the authority to do an inquisition into the identities of any who may be aiding in the illegal activity of using the name God gave to us.

“In January of this year [2010], the Judge adopted the proposed contempt order; and, on February 12, they are scheduled to arrive at the Guys property, Federal authorities in tow, to enforce it on the property.

“Once the building is taken by the Feds, we do not expect another opportunity for a public protest by Adventists on this issue; and three weeks is not very much time for people to make plans for attendance. We would love to get as many faithful SDAs as possible to take a stand on this issue, and let the watching media know that this—joining to the State to regulate religion—is not something that true Adventism stands for. We would like all the help we can get on promoting this issue in advance.”

Although at this time living in Uganda, Chick McGill sent word to his friends in America, in January 2010, to convene a three-day February meeting to discuss religious liberty issues at his Guys church building. The climax is to occur on February 12. He asks that as many as possible come; bring “placards”; and hold a gigantic demonstration for the press on February 12, as the U.S. Marshall breaks into the church and the schoolhouse

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next to it. By the time you receive this, that demonstration, if it occurs, will be past.

SECTION TWO

This has been a difficult report to prepare, as you will quickly understand. As I see it, here is my view of why this lawsuit ended so disastrously:

Chick McGill had been preparing for this trademark trial ever since 1991, when he publicly predicted (“prophesied,” he said in describing it) that, as a result of it, he would be imprisoned.

But prior to the initial deposition, McGill journeyed to Africa (probably Uganda where he currently resides) and made arrangements to move there.

After the initial deposition on May 15, 2007, which McGill apparently attended, the actual jury trial date was set for June 11. A month earlier, McGill talked his attorney into the idea that he, McGill, would be returning to Africa “to finish an earlier ministry project on or about May 28, 2008,” and that his attorney could proceed through the trial without him being present. *No intelligent attorney would imagine that a person need not attend his own trial!* Yet, overruling his attorney’s objections, McGill flew to Africa on or about May 28.

What obviously happened was that the Judge became angry at the June 11 trial—when he learned that McGill considered a “missionary trip to Africa” more important than being present at the jury trial.

It is well-known that judges become extremely irritated—even openly angry—when one of the two parties in a trial does not show up! I recall an incident about 10 years ago, when a man was given an invitation to meet with the president of the United States on the same date that a judge had told him to be present in court. Sending a message that he had an invitation to the White House on that date, he skipped the court appearance. Charged with contempt of court, on his return the irrate judge sent him to jail for awhile.

It was that initial “no-show,” followed by more to follow—which ruined the likelihood that God’s faithful ones might achieve any victory in this trademark case. Yet, ironically,—we could not have won very much anyway! This is because McGill had devised such an intricate church name (“*A Creation 7th Day & Adventist Church*”) that it could not serve as a useful model for what was needed: a trademark trial which won on “Seventh-day Adventist Church.”

It is important to mention here that, while the Judge granted the General Conference the judgment without trial on the name “*Seventh-day Adventist*,” on June 11,—at their request, he initially scheduled another trial on “*SDA*” and “*Adventist*” for October 2008. I learned that speaking on the phone with McGill’s friend.

After that first trial date was postponed to October, McGill’s attorney found himself in a very difficult situation. McGill was in Africa, and it appeared likely that he might not return for a long time.

So before the scheduled October trial arrived,

McGill’s attorney agreed with the judge to a mediation conference on his behalf—at which meeting McGill was expected to attend.

But, when McGill’s attorney told McGill (by phone or email) about the upcoming conference, McGill said there could be no compromise on this matter “and that paying for a return ticket to the U.S. would be, on his part, a waste of funds and time. —It was a waste of time to be present at his own lawsuit!

McGill then fired his attorney. But, when the Judge heard that, he ruled that the mediation conference would be held anyway; and he sent out a court order that McGill be present at this October meeting. Obviously, he wanted to get McGill back into the States.

When McGill did not show up, the Judge became all the more irate. He now ruled that, because of McGill’s noncompliance with his orders, “*SDA*” and “*Adventist*” were also to be banned!

Speaking with McGill’s friend again during a phone conversation, I learned that the judge specifically ruled that his prohibition against the use of “*SDA*” and “*Adventist*” only applied to the McGill case, and did not establish a precedent for other trademark cases elsewhere.

(The judge wisely knew that he dare not make the ban wider in scope; for he recognized that those single words were too broad in coverage—and would probably, even more, be in direct violation of the First Amendment clauses on freedom of religion and freedom of speech. No prior court has ever ruled against their usage, in spite of the fact that, on the same fateful day in 1981, when Vincent Ramik trademarked “*Seventh-day Adventist*” on behalf of the General Conference, he also filed trademarks for “*Adventist*” and “*SDA*.”)

Frankly, all this is a tragedy. It is clear that McGill’s absence from the country during this entire climactic trial did not help the situation. In the recent email from McGill, he wrote:

“In his conclusion, the judge specifically notes, ‘As a sanction for the Defendant’s willful failure to comply with the scheduling order, default judgment will be awarded to the Plaintiffs [General Conference and its attorneys] on their remaining claims.’”

There it is in the judge’s own words: *As a sanction, or penalty, for McGill’s failing to attend the mediation meeting, the plaintiffs were granted a default judgment, which granted all that the General Conference desired—without their attorneys having to defend the General Conference’s case in a court trial.*

This got their attorneys to thinking about how they could devise still more ways to crush their supposed opponents, the little people who considered themselves to also be Adventists, as well as to eliminate all mention of the court judgments—so Adventists in general would not learn about the draconian provisions (the *Settlement Agreement*) they had written into the judge’s rulings.

Seven months passed; and another meeting in the judge's courtroom was held on May 2009. Finding that McGill was apparently never coming back, the judge finally gave up and issued the final injunction ordering the McGill group to cease use of the name "*Seventh-day Adventist* and all related terms."

But, *in addition*, at the request of the General Conference, *the judge ruled that an ongoing search must be made for websites by McGill or his associates which contained any or all references to the forbidden words and terms! This is unprecedented!*

It is my belief that the General Conference was so urgent about this matter because they did not want the various court papers submitted by General Conference attorneys to be viewed by other Adventists!

On another phone call with McGill's friend, I was told that a large number of websites, set up either by McGill or his friends, were discovered and ordered to be taken down. *I was told that this was done repeatedly.*

My friend, I thought we lived in free America, where we had liberty of speech? All of this is very strange. Why does the General Conference not want you to know about what they are doing?

A couple days ago, I had included in this present report the lengthy excerpts which McGill sent to me by email last week, describing some of the very harsh measures to be taken in destroying papers, journals, books, and other records of the McGill group.

But yesterday, when I questioned him more closely, McGill's friend mentioned for the first time about the taking down of websites and the search for anyone aiding and abetting McGill.

Each morning I spend over an hour in prayer before going downstairs to prepare breakfast. —This morning, I suddenly realized why the judge could have the authority to close down websites!

Although it had not been told me,—*he could only do this if he had issued an injunction sealing all court documents!*

This means that, if, as McGill wanted, I had included portions of those sealed documents which McGill sent me last week,—there is the possibility that I could have also been haled into that western Tennessee courtroom!

Chick McGill stays out of the country, so he will be safe from prosecution; but he apparently, or thoughtlessly, does not mind endangering other Advent believers.

However, for your information, all of those harsh measures have not changed down through the years since they were first sent to an independent pastor in Huntsville, Alabama, and passed on to me. None of those earlier ones were sealed; and you will wonder at what is in this astounding six-page *Settlement Agreement*, by

which the victims of the lawsuit must essentially renounce their faith. It is in the back of our book, *Legal Defense against a Trademark Lawsuit, Plus the Notorious Settlement Agreement*.

This *Agreement* was originally drafted by Vincent Ramik within a year or two after the *Adventist Review* said he was a Roman Catholic. (More on this fact later in this present report.)

In November 2009, the General Conference attorneys pressed the court for a contempt citation against McGill. They wanted McGill to be arrested and jailed until he relents and removes the sign in front of his church. Lacking that, they also asked the judge to set a date for a raid on the church property by a Federal marshal; and they also wanted a variety of search techniques used to locate any who might be aiding McGill in the illegal activity of using the name God gave to His people!

We find here the roar of the dragon, not the voice of the Lamb. Why are certain men so intent on destroying those Advent believers they cannot control?

In mid-November, the judge issued a ruling citing McGill in contempt of court; and he ordered him to be arrested until he is willing to comply with the rulings. But McGill did not return to the States. For over a year and a half (since May 28, 2008), he has been on a "missionary trip."

In his recent email to me, McGill said that on November 20, 2009, he received a document from his attorney (he must have a new one now) entitled "*Order of Contempt and Sanctions*." This document, authored by Joel T. Galanter (attorney for the Plaintiffs, the General Conference), contained extensive passages from the court papers which the judge had sealed.

—However, without telling me about the fact that these were sealed documents (that is, not available for publication), McGill wanted me to print them!

(As mentioned earlier, you will find all the sealed data fully mirrored from earlier non-sealed *Settlement Agreements* and in the book mentioned earlier. The same savage *Settlement Agreement* is included in court documents that are available to the general public, in the Huntsville, Honolulu, Los Angeles, and Miami cases. All contain the same *Agreement*.)

So we now see the picture more clearly.

McGill had been planning for this trademark lawsuit for nearly two decades; and he had determined that, when the case would come to court,—if he lost he would refuse to take down the sign. In his recent email to me, McGill stated that, in 1991, he had "prophesied" that he would eventually be arrested and jailed in a federal penitentiary for refusing to submit to a General Conference trademark lawsuit.

Yet, when the crisis came, it seemed best for him to leave on a missionary trip to Africa. I do not blame him

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**PART TWO
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for his decision. Chick is understandably sincere in his concern not to take down the sign; and, apparently, he did not wish to go to a federal prison.

But playing games with a judge—concerning a trademark lawsuit about the legality of our precious name is at issue. *It is simply not right!* Through all this trademark litigation, precedents are being set in federal courts which could bring added suffering to God's people in the Final Crisis of the Sunday Law! This is no little matter!

Tragically, certain leaders in our denomination bear the larger responsibility. They have far more light than the expensive unbelieving attorneys they employ and the judges who hear these cases. Year after year, since N.C. Wilson first initiated the trademarks in November 1981, no church leader has been willing to stop the ongoing planning and/or execution of trademark lawsuits. God writes all this in His book. Men will have to answer for it someday. They will not then be able to just laugh it away.

After waiting over two more months for McGill to return to the States, remove that sign, and pay court costs—the raid on the church property was scheduled to follow.

Since I only learned last week about all these developments which occurred over the past two years, there is not now enough time to get this information to you before the February 12 raid on the church property at 1162 Old Highway 45 South, Guys, Tennessee. A second raid is to be made the same day at McGill's office (1321 Hwy 72 East, Suite #6).

McGill wants large numbers of Adventists to be present and protest—even though the totally irrate judge had earlier ruled that he wants to locate anyone who is in any way cooperating with McGill! It is obvious that this judge is extremely angry that McGill repeatedly ignores his demands to appear in court.

In his recent email to me from Uganda, McGill went into a lengthy explanation, based on dictionary definitions, about why his exile in Africa could properly be considered as “incarceration” (*i.e.*, imprisonment). He is trying to explain how his 1991 “prophecy” (as he calls it), that he would eventually be imprisoned for his faith, has now been fulfilled!

It is quite obvious that if McGill had not fled the country, the court trial would have taken place. Both sides would have fully presented their briefs, and a jury would have decided the case. They could well have

decided in favor of McGill!

In a few days, on February 10, a Federal Marshall will go to Guys, Tennessee, and take down that offending sign which was announcing to the world that Seventh-day Adventist believers worshiped in that little building. We are told that General Conference attorneys would be accompanying them there, to make sure the job was done thoroughly. They could make sure that such a testimonial to the world had fully been removed.

According to my records, over more than 20 years, I have written and mailed out 78 tracts on these trademark lawsuits, plus four books, and (now out-of-print) seven documentary tractbooks—filled with additional legal data about the ongoing trademark lawsuits, at very great expense, by the General Conference against small groups of believers. (The four books now available from us nicely summarize all the essential data.)

At the same time that some of our leaders are extremely friendly with leaders of other denominations, they are remarkably unfriendly toward faithful Adventists who are not on the church rolls.

It is a well-known fact that *no Adventist attorney* ever files these General Conference lawsuits or defends them in court in a trademark lawsuit. They know they will have to face the Judgment some day if they take an active part in this activity. In the eyes of God, it is costly to persecute His little ones.

So only very expensive non-Adventist attorneys are hired to do the job; it matters not whether they are Catholic, Protestants, or atheists. Anyone who has no particular regard for the Bible Sabbath should be able to execute the task very efficiently.

The judge's paper was entitled “*Permanent Injunction and Contempt Order.*” This means that it will remain in effect until McGill is apprehended; so he can be prosecuted and sent to jail.

This arrest warrant will probably be outstanding for many years to come; for it appears likely that Walter “Chick” McGill will never return to his little church in Guys, Tennessee—nor to any other location in America or its territories.

In addition to removing that sign, the U.S. Marshall and his General Conference attorneys were ordered to enter the church and the schoolhouse next to it, ransack both, and pillage anything—books, periodicals, papers, etc.—which contained the offending phrases.

SOME PAST HISTORY

You would think that, after all these years, the General Conference would tone down the vicious wording in

the *Settlement Agreement*, originally written by a Roman Catholic in their employment. But they remain essentially unchanged in wording. With every trademark lawsuit the General Conference initiates, that legal paper produces more suffering. Yet it is in the paperwork of every one of their trademark lawsuits!

Two months before Ramik filed the original trademark applications in Washington, D.C., for the General Conference on November 10, 1981,—the *Adventist Review* stated four times in its September 17, 1981, issue that he was a Roman Catholic! (You can read a photocopy of those articles on pp. 53-55 of our book, *Story of the Trademark Lawsuits* (STL). Twice the *Review* editors said he was a Roman Catholic, and twice Ramik said it.

Yet, in spite of this background, Vincent Ramik has been the very expensive outside lead attorney prosecuting every General Conference Trademark case all the way down to the present time. As recently as three years ago he was still signing letters to small groups, warning them that they would be sued if they did not radically change their name. (I learned only yesterday that Ramik wrote the initial letter to McGill, which told him to take down the sign or be sued.) He has always been present at each trial; although he usually works through a local state attorney who he advises as to what to do next. (You will find photocopies of several of Ramik's signed letters in the Appendix at the back of STL.)

(A xerox of the original U.S. Trademark and Patent Office trademark for “*Seventh-day Adventist*” will be found in STL, p. 60.)

These lawsuits are an insult to the God of heaven. Our Creator wants us to warn all the world about the importance of keeping the law of God by the enabling grace of Jesus Christ, and to faithfully observe the Bible Sabbath. Yet, for some incredibly strange reason, some of our leaders have turned from that work to prosecuting some of the faithful ones who try to give those messages!

Do you realize that this is the very work which Satan will instigate the Sunday-keeping world to initiate in the Final Crisis? It is his objective to rid the world of Sabbathkeepers! Do you comprehend the fact that the churches will coerce the U.S. Congress to enact federal legislation against those Sabbathkeepers? Do you realize the significance of setting precedents against Sabbathkeepers in the U.S. federal courts? Do our leaders no longer read *Great Controversy*?

To add to the insult, according to an April 10, 1989, letter by Robert Nixon on General Conference stationery, all of the trademark lawsuit expenses are entirely paid from the sacred tithe (from the General Conference portion of all the tithe paid in by church members everywhere). You can read a photocopy of that letter on p. 63 of *Story of the Trademark Lawsuits*.

Oh, my friends,—how long will it be before Jesus returns! Every year, everywhere around us, conditions

in our world keep getting worse!

Keep praying, keep reading God's Inspired Writings, keep working for souls! Do not forsake your faith in God; He is all you have now and in the crisis soon to come upon the entire world. We are told that, when the wickedness reaches a certain height, He will step in. His Word is sure. Be patient, my brothers and sisters; soon we will be in heaven.

THE MISSING WORD

It would be well if I clarified a little past history:

On behalf of the General Conference, Vincent Ramik obtained a copyright on the phrase, *Seventh-day Adventist*, on November 10, 1981.

Because there was a five-year waiting period before the copyright could take effect (so other groups would have opportunity to protest the copyright), the General Conference leadership quietly waited until November 1984 before beginning active prosecution of small groups. (It was important that they remain very quiet, lest faithful believers protest to the copyright office about this invasion of their religious rights and cancel the trademark. Clever.)

In late 1984, John Marik, pastor of a small independent group in Kona on the northwest coast of the big island of Hawaii, was notified to take down the little sign that was beside the second-story door of a rented room his group used for Sabbath meetings. Although it only had 11 members (3 were Marik, his wife, and daughter), the General Conference began active work that would ultimately cost our world headquarters over a million dollars in legal expenses.

You will find the detailed story in our book, *The Story of Our Trademark Lawsuits*.

I spoke with Marik by phone several times, and pled with him to add the word “*Independent*” to his church sign. But he did not want to do this.

Ultimately, after being caught and spending several days in the Los Angeles County Jail, Marik totally collapsed emotionally; left his wife; ran off with another woman; and then contacted the General Conference and said he would sign anything, so he did not have to be arrested again. That ended that case.

Even before Marik capitulated, in mid-1987 the Huntsville, Alabama, case was nearing trial. I told them to add “*Independent*” to their official name and sign. But they declined. Ultimately, in September, the pastor crumpled and signed the *Settlement Agreement*.

In February 26-27, 1991, the Kinship case began in Los Angeles. After mutual preparation of legal papers by both sides, the litigation went to trial on March 27; but the judge suddenly recognized that this was a First Amendment case,—and demanded that both sides address the double issues of freedom of religion and freedom of speech.

In the October 27 ruling, Judge Pfaeizer stated that, because the defendants had not called their group a “church,” she was not going to rule on the phrase “*Sev-*

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1 *enth-day Adventist Church.*” Then she handed down a
5 ruling that anyone or any group can call themselves “*Sev-*
3 *enth-day Adventists,*” even though they may never have
0 been members of a General Conference subsidiary
church! *This was a groundbreaking decision!* It is the
reason why, today, little groups can legally call their gath-
erings “*Seventh-day Adventist Association*” or “*Sev-*
enth-day Adventist Fellowship,” etc.

During all those years Ramik has continually sent letters to small groups, in an effort to close them down before the case went to trial. His efforts continue down to the present day. From time to time, I am told about such letters by little groups which have received them.

The March 13-16, 2000, Trademark Lawsuit against the Perez group was held in Miami, Florida. The independent congregation was named *Eternal Gospel Church of Seventh-day Adventists.*

Several times by phone, I begged its pastor to add the word “*Independent*” to the church name. He is a fine man; but he told me that a prominent independent speaker (another very fine person whom you know well) had urged him to not add that word—but, for a more complete victory, to win the case without having to do so. After Perez lost the case, he told me that, if he had added “*Independent,*” he probably would have won.

On March 16, Judge King issued a ruling that the phrase “*Seventh-day Adventist Church*” was the property of the General Conference; and no one could use it without their permission.

This is why, according to the Los Angeles and Miami rulings, independent groups can call themselves “*Seventh-day Adventist,*” but they cannot add the word “*Church*” to it.

When Chick McGill was sued, once again I warned him. I pled with him to add that word “*Independent*” to his church signs and all official papers about his group.

He replied that he thought he could win the case by having a jury trial and a very strange, conglomerate church name: “*A Creation 7th Day & Adventist Church.*” —Yet all the parts of the phrase prohibited by Judge King in Miami were there: “*7th,*” “*Day,*” and “*Adventist Church.*”

In each instance, I have urged those men to add “*Independent*” to the name, along with a disclaimer in smaller print beneath it. This would be a sample:

“*Oak Creek Independent Seventh-day Adventist Church,*” with a disclaimer something like this beneath it: “*This is an independent congregation. We are not affiliated with the General Conference of Seventh-day Adventists, nor with any of its subsidiaries.*”

NOW—why have I urged those men to do that? *Because of the original U.S. Trademark Law!* Those faithful believers do not understand the basic principle underlying this law!

The Lanham Trademark Act (15 USC §§ 1114-27; also listed as Public Law 79-489, Chapter 540) was

voted into law on July 5, 1946, by the U.S. Congress. THIS is the basic U.S. trademark law!

Its sole purpose was to avoid confusion of identity through names which were too close in similarity.

If there are two Adventist churches in town and one is called *Bethel Seventh-day Adventist Church* and the other is named *Rockledge Seventh-day Adventist Church,*—are both General Conference churches? Is either independent? There is confusion of identity here. There is no way you can know from their names that one may be independent. The solution is for the independent group to identify itself for what it is. It is not wrong to do this—for it is the truth!

“*Independent*” on the sign and the disclaimer below the sign, seen by a person who enters the church building, greatly adds to the clarification. This is the right thing to do—and should be done.

If this is done,—and the wealth of legal precedents (in my 41-page, 8½ x 11, *Legal Brief for the Defense in a Seventh-day Adventist Trademark Lawsuit*) is presented in court,—I fully believe that, when a trademark suit is appealed to the U.S. Supreme Court,—it will hand down a ruling that “*Independent Seventh-day Adventist Church*” can legally be used by any group of believers. For there would be no confusion of identity. Keep in mind that, in the U.S., many denominations with nearly the same name dwell together in peace. There is no excuse for our leaders to persecute historic believers. Why do some among us act more heathen than the Sunday-keepers?

However, unless you have a *pro bono* attorney, it might cost as much as \$700,000 to take such a case to the lower court, appeals court, and thence to the Supreme Court. The cost is the problem. The alternative is to call your group a gathering of Adventists, not a “church.”

INSPIRED STATEMENTS

Adventists are required by their authoritative books to retain and use the name, “Seventh-day Adventist”:

“We are Seventh-day Adventists. Are we ashamed of our name? We answer, No, no! We are not. **It is the name the Lord has given us.** It points out the truth that is to be the test of the churches.”—*2 Selected Messages, 384.*

“The name Seventh-day Adventist carries the true features of our faith in front, and will convict the inquiring mind.”—*1 Testimonies, 224.*

“We are Seventh-day Adventists, and **of this name we are never to be ashamed.**”—*2 Selected Messages, 384.*

Strangely enough, one of the teachings accepted by the Adventist denomination for over a hundred years is that it should not initiate lawsuits!

“Lawsuits between brethren are a disgrace

to the cause of truth. Those who take such a course expose the church to the ridicule of her enemies and cause the powers of darkness to triumph.”—*5 Testimonies, 242-243.*

“Some, when God reproves them for wanting their own way, make the world their confidence **and bring church matters before the world for decision.** Then there is collision and strife, and **Christ is crucified afresh** and put to open shame. **Those church members who appeal to the courts of the world show that they have chosen the world as their judge, and their names are registered in heaven as one with unbelievers.**”—*3 Selected Messages, 302-303.*

“These men cast aside the counsel God has given, and do the very things He has bidden them not to do . . . Let these men know that God does not hear their prayers.”—*3 Selected Messages, 299.*

Here are several additional statements, penned by Ellen G. White. She is considered an inspired, authoritative source for the Seventh-day Adventist Church. The following passages describe **the terrible danger which occurs when the Church seeks to obtain the aid of the State in enforcing its edicts:**

“The very beginning of the great apostasy was in seeking to supplement the authority of God by that of the church.”—*Great Controversy, 289-290.*

“When the early church became corrupted by departing from the simplicity of the gospel and accepting heathen rites and customs, **she lost the Spirit and power of God; and in order to control the consciences of the people, she sought the support of the secular power.** The result was . . . **a church that controlled the power of the state and employed it to further her own ends, especially for the punishment of ‘heresy.’**”—*Great Controversy, 443.*

“[In the early American Colonies] **a kind of state church was formed,** all the people being required to contribute to the support of the clergy, and the magistrates being authorized to suppress heresy. **Thus the secular power was in the hands of the church.** It was not long before these measures led to the inevitable result—persecution.”—*Great Controversy, 293.*

“He [Roger Williams, founder of the State of Rhode Island] declared it to be **the duty of the magistrate to restrain crime, but never to control the conscience.** “The public or the magistrates

may decide,’ he said, ‘what is due from man to man; but **when they attempt to prescribe a man’s duties to God, they are out of place,** and there can be no safety; for it is clear that if the magistrate has the power, he may decree one set of opinions or beliefs today and another tomorrow; as has been done in England by different kings and queens.’”—*Great Controversy, p. 294.*

“The [U.S.] Constitution guarantees, in the most explicit terms, the inviolability of conscience: ‘No religious test shall ever be required as a qualification to any office of public trust under the United States.’ ‘Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.’”—*Great Controversy, 295.*

“The union of the church with the state, be the degree never so slight, while it may appear to bring the world nearer to the church, does in reality but bring the church nearer to the world.”—*Great Controversy, 297.*

“It is no part of Christ’s mission to compel men to receive Him. It is Satan, and men actuated by his spirit, that seek to compel the conscience. Under a pretense of zeal for righteousness, **men who are confederate with evil angels bring suffering upon their fellow men, in order to convert them to their ideas of religion;** but Christ is ever showing mercy, ever seeking to win by the revealing of His love. He can admit no rival in the soul, nor accept of partial service; but He desires only voluntary service, the willing surrender of the heart under the constraint of love. **There can be no more conclusive evidence that we possess the spirit of Satan than the disposition to hurt and destroy those who do not appreciate our work, or who act contrary to our ideas.**

“Every human being, in body, soul, and spirit, is the property of God. Christ died to redeem all. **Nothing can be more offensive to God than for men, through religious bigotry, to bring suffering upon those who are the purchase of the Saviour’s blood.**”—*Desire of Ages, 487-488.*

“Every secular government that attempts to regulate or enforce religious observances by civil authority is sacrificing the very principle for which the evangelical Christians so nobly struggled.”—*Great Controversy, 201. Statement by Protestants, when giving their “Protest” at the 1529 Diet of Spires in Germany. (For more of their statements, continue reading to page 204.*

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