



THE SUMMONS

TOM PHILLIPS

VS.

THOMAS S. MONSON

PART 1 OF 3



SPECIAL GUEST

TOM PHILLIPS

A·U·D·I·O
T·R·A·N·S·C·R·I·P·T

FROM
INFANTS ON THRONES

FEBRUARY 17, 2014

TRANSCRIPT

Taken from the audio interview posted by Glenn Ostlund
on *Infants on Thrones* website, February 17, 2014:

<http://infantsonthrones.com/the-summons-tom-phillips-vs-thomas-s-monson-part-1/>

SPECIAL GUEST: TOM PHILLIPS

Joins Scott, Matt, Bob and Glenn to discuss the recent summons against
Thomas S. Monson and the LDS Church



*** INTRODUCTION ***

(0:00 minutes)

TOM PHILLIPS: First of all, this is not allegations of fraud against the religion. This is a criminal allegation against a corporate entity that is worldwide, that markets in a deceptive manner in order to receive financial benefit. It is a corporation that sends out salesman, eighty thousand[s] of them or whatever, to market a product. Not only do they not give full disclosure, they actually give false information about their product, and about their history, their doctrines, and they do not give full disclosure. These allegations are all based on factual statements. So this is the case. If you look at this as a corporation they have committed financial fraud under this specific act. It's not a type of religion.

(1:51)

GLENN: Welcome back to *Infants on Thrones*. I'm Glenn Ostlund and today we're kicking off our multi-part series on The Summons: Tom Phillips versus Thomas S. Monson, A Tale of Two Tommys. Actually I don't think we're going to be using that last part. But, I say this as a multi-part episode because you know at this point I don't really know how many of these we're going to eventually put out. We recorded nearly three hours-worth of conversation with Tom Phillips last Sunday, February ninth. And, as this case

progresses, we'll follow-up with other interviews and other discussions. So there is going to be more than just what you're going to listen to today. Unfortunately the audio quality for this first interview wasn't great. Tom was in Thailand. Scott and Matt and Bob were on the west coast and I was in Germany. So it's amazing that we were able to have this conversation at all. But there were a few parts where Tom's audio cut in and out. So I apologize for that up front. We'll do our very best in classic infant style to keep the content and the flow of the story.

So I'll give a brief background on what's going on for those of you who may have been living under a rock for the past three weeks.

On January 31st, 2014, the Westminster's Magistrate Court in the U.K. issued a summons to Thomas Spencer Monson, the President of the Mormon Church. Now President Monson has been summoned to answer allegations of criminal fraud as defined in the 2006 Fraud Act of the U.K. And it's been brought against him by Tom Phillips. Now many of you will be familiar with Tom Phillips from his unpublished Mormon Stories interview a few years back where he talked to John Dehlin about his experience receiving the second anointing. Now that's a fascinating discussion that you can find if you search for it on MormonThink.org [com] where Tom serves as the chief editor.

[links]

<http://mormonthink.com/tomphillips.htm>

<http://mormonthink.com/files/tom-phillips-second-anointing.pdf>

But let me quickly give you a brief background on Mr. Phillips:

Now Tom is a British citizen who joined the church with his wife in 1969. He served twice as a bishop in two different wards for a total of about six and a half years. He also served as a stake president for five years. Now during that time he came to know several general authorities and apostles on a pretty personal level.

In 2002 Tom was invited to receive the very secretive second anointing where he was essential sealed up to eternal life – his exaltation and eventual Godhood guaranteed. A few years later however he experienced a crisis of faith and left the Mormon Church at great personal cost. Again, you can listen to that story elsewhere. But it's important to know going into this that Tom Phillips is not just some random, angry ex-Mormon with an axe to grind. When he speaks about church leadership and the tenants of belief, he speaks from a wealth of experience.

So we have this summons issued by a British court and if President Monson does not appear to answer the summons on March 14th at 10 A.M. in courtroom six a warrant could be issued for his arrest.

Now this sort of thing isn't new and shouldn't even be completely unexpected if you've ever spent any time as a member of the Mormon Church. Now Joseph Smith had numerous run-ins with the law throughout his life. The first was in 1826, four years before the founding of the church, where he was found guilty of fraud himself. Now, that wasn't of a religious nature at the time, it was as a glass looker, a treasure seeker, someone who used fraudulent claims and extraordinary supernatural power to get gain.

And then of course his last run-in with the law ended eighteen years afterwards with an angry mob taking his life in June of 1844. Now this time he was arrested for destroying a printing press that was exposing things that he would rather have kept in the dark.

Now 170 years later the president of the largest break-off group from Joseph Smith's original Mormon Church is being summonsed to answer accusations of fraud and the repression of true information once again.

Now if you don't find this stuff completely fascinating, well than maybe you're just – I don't know. So here's what you can expect to hear in part one:

- [1] Why the October Surprise became the January Surprise.
- [2] Why the allegations are for criminal fraud against a corporation – and why this is not an attack on religion.
- [3] You can hear the process that Tom went through with the courts to issue this summons.
- [4] How Steven Bloor and Christopher Ralph became involved in the case.
- [5] What types of response has Tom heard from the church so far.
- [6] Why the church in this case is rightfully looked at as a corporation.
- [7] And the significance of tithing in this fraud case.

So sit back and enjoy the episode. So with no further ado, I'm going to kick it off to our very own Jesse, A.K.A. Scott, I think he's going to go by Scott for now on. So it's Scott who arranged this interview with Tom in the first place. Way to go Scott. He and Matt, both attorneys, make it for a very interesting discussion. So here you go.

*** BEGIN INTERVIEW ***

(7:02 minutes)

SCOTT: So this was originally people started referring to it as the October surprise because you were planning to release this news in October of 2013 and it didn't end up happening until late January of 2014. So a lot of people were skeptical that anything was going to happen. But can you give us some insight into kind of a time frame and what happened?

TOM: I think so. Also, I never coined the October surprise. I think what happened early 2013 after the so called Mormon moment of 2012 with the presidential campaign [Mitt Romney], some of us on the boards were talking about something occurring better in 2013. And I made a comment at one time saying, "I think there's a number of things happening in 2013 and one of which I'm involved in. But there's a lot of other things which I think will have an impact on the church."

Then I was questioned about it. In my enthusiasm, people talked about legal situations and how the church could never be taken to court and things like that. And at one time in my excitement for the project I was working on, I did let it slip that I was taking some action. And then I was asked questions. I didn't give any details. But I was asked questions about when, and I just said, "We'll maybe by October." And I was thinking there was two things happening in October. There was the church had its October general conference and also there was an ex-Mormon Foundation Conference at which I had been invited to speak.

So I thought that sounded like good timing and as far as I was concerned there was adequate time for this to happen by then. So I said October. I was being non-U.S. I was ignorant of the term October surprise. I later on found out that prior to November elections people put out things to try and sway the election. Hence the populace term called the October surprise. So that's I think how it became known and as you say didn't happen then and there was various delays.

I was being asked when would it happen? And each time I thought well maybe we're two weeks away, or a month away, and it just went on and on. And I think I got quite vilified by a lot of people that felt nothing was going to happen and it was also kind of ruse with ulterior motives. So that's a bit of background to the October surprise.

Now your question, “Why didn’t it happen then?” I don’t know. There’s a simple answer to that: there is no reason at all why it should not have happened. I had prepared my various submissions and submitted them to the court on 10th of October and said that I would be available in London for following week. And I did appear before a district judge and had an oral hearing and there’s no reason why it shouldn’t have happened then. So my answer is I don’t know why.

(10:31)

SCOTT: O.K. So let’s just, if I can jump in there. Let’s just describe what we’re talking about here for anybody who may not be familiar with it. So you’re a U.K. citizen?

TOM: Yes.

SCOTT: And you, forgive me if I use the wrong term or feel free to correct me, but my understanding is that you filed an action under what’s called the Fraud Act of 2006. And basically your allegation in that document is that the church, namely Thomas Monson, has made seven specific fraudulent claims that are demonstrably false.

(11:16)

GLENN: So here are the seven claims that Tom made in this summons:

- First, that the Book of Abraham is a literal translation of Egyptian papyri by Joseph Smith.
- Second, the Book of Mormon was translated from ancient gold plates by Joseph Smith and is the most correct book on earth and is an ancient historical record.
- Third, that native Americans are descended from an Israelite family which left Jerusalem in 600 B.C.
- Four, Joseph and Hyrum Smith were killed as martyrs in 1844 because they would not deny their testimony of the Book of Mormon.
- Five, the Illinois newspaper called Nauvoo Expositor had to be destroyed because it printed lies about Joseph Smith.
- Six, there was no death on this planet prior to 6,000 years ago.
- Seven, all humans alive today are descended from just two people who lived approximately 6,000 years ago.

(12:19)

SCOTT: And that now there's a summons for Thomas S. Monson to appear in London in that court action. Is that a good explanation of it?

TOM: That is. Sometimes it's been described as a lawsuit or as you say filing an action. It's actually, yes it's for criminal fraud – allegations are criminal fraud, and that I'm bringing as a private prosecutor.

SCOTT: Now describe that for our U.S. audience, because in most United States cases, if you were bringing the action you would be a party to the case. And if it were a criminal action it would be the state or the city or the government entity that would be acting, it representing the government acting as the prosecutor. So how does that work when you're acting as an acting prosecutor as a citizen?

TOM: OK. Yes normally in a civil action it's one of the aggrieved parties that would take that action. Criminal prosecutions, and Matt can correct me if I'm wrong, but certainly in England for hundreds of years, well almost since the Magna Carta, every citizen had the right to bring criminal action. In fact the idea of state agencies or government agencies taking action is a fairly recent modern phenomenon. Originally it was private individuals that did that. Now as I understand it in the U.S. I think there is some kind of private prosecution but a much watered-down version because, as you say, it's usually the state that take action.

In England and Wales, and let me just say this does not apply in Scotland or Northern Ireland that have different laws but in England and Wales, the private prosecutor has been retained in the law and it was seen by parliament as being an essential part of the justice system. So I'm taking that as an individual citizen action which could normally be taken by the Crown Prosecution Service or by the Serious Fraud office in the U.K.

(14:32)

SCOTT: So maybe you could describe in a little bit more detail the process that you've had to go through. You've said that you've lodged documents or you've filed something in October of 2013. What did you submit and what was the process to get from there to this summons that we've all now seen that we'll be talking about?

MATT: And if I could add to the question because the two who are mentioned, what Steven Bloor and I don't remember the name of the second person, how did they get involved in that process with you as well?

TOM: OK. The process according to law is for a private prosecution to take place. What one is required to do is to lay an information before a magistrate. That is, a document, it doesn't specify the particular format of that document, but it must identify the law under which the allegations are being made and various things like that. Often it can be a one page submission or two pages and that is then looked at by a magistrate or in this case a district judge and either starts to initiate the process or throws it out immediately. The reasons for throwing out any private prosecution are laid down by law as if it is vexatious, I'm using the word trivial that's your legal term, somewhat different, trivial, vexatious or an abuse of process. Any of those and it's immediately thrown out because obviously you can't have a private citizen just going along making accusations about someone that's just based on nonsense.

Having passed that test, what you did, you then look at does the private prosecutor have the authority to bring this prosecution: and does the court have the right to listen to this application; and then passing that test it then looks at the evidence that there is sufficient prima facie evidence for a case. Those are the legal conditions.

Now in that case, this should have taken hardly any time to get through. In fact, the district judge in this case cannot obviously know what the motivations would be, but I assume from the kind of backlash we've got, could see better than I the kind of opposition there would be and the outcry of religious freedom and all sorts of things like that even political influence that could become to bare. So I actually appreciate that this particular district judge decided to go through this in minute detail. My submissions were not one or two pages but more like fifty or more pages of documentation and argument and basically the judge put up every conceivable defense that came to her mind that could be brought into this case.

(17:55)

SCOTT: OK, could I just interrupt you real quick there just to clarify something? So that judge who looked at those documents, is that the same district judge that you will be in front of on March 14th?

TOM: No it will not be the same judge.

SCOTT: OK so that

TOM: Well I have assumed that, well sorry. I asked that question and I was told it was unlikely to be. This judge has taken part in this process. There will be another judge at that time.

SCOTT: OK and that

TOM: That is my understanding.

SCOTT: And that 50-page filing that you made initially is that something that's publically available or is that just only seen by the court?

TOM: No. That is only seen by the court and some of that is yes – communication between the judge and myself. So that at this stage as I understand is not something that the court would enter into the public record. So far as I am aware, the court has already confirmed that this action and the listing for the March the 14th – that's in the public domain. But they really start from March the 14th where there will be an open court session; there will be reporters there, so anything there is in the public domain. Britain believes in open justice and it's unusual – there have to be unusual circumstances for restrictions to be placed on reporters.

(19:21)

MATT: Because the only thing that really matters is American law obviously to Americans anyway. If I can compare a little bit, in the United States an action or a complaint can be filed, a criminal action is brought typically by the law enforcement officer will initiate it, the person that's investigated a crime. And they will submit it. But there has to be a finding of probable cause. They submit it with what they call a PC statement or a probable cause statement that could be many pages long or it could be a paragraph long. So and so did these things that give rise to an offense. And then you have a judge that will review that and determine whether or not there is in fact probable cause. Then they have an opportunity to deny it or say no there's not enough here and then it proceeds where we have to get either a formal finding of probable cause by a judge or an indictment by a grand jury where they also find probable cause.

So that's the process in the U.S. and virtually every state that I'm aware of. And so it sounds like this tracks that same process to a degree except that it's a[n] action that's brought by a private citizen but there's still this judicial review of whether or not there's at least this prima facie finding or there's a prima facie finding that an offense was committed and this person committed the offense. Is that a fair description of what's done by that judge?

TOM: That is a very fair description. Yes.

SCOTT: OK forgive us because Matt and I are both trial attorneys. We practice in different areas of law somewhat. But we're going to try to not be too overly legalistic in this interview.

SCOTT: Since it is a legal action I think it's kind of important to define exactly what's going on,

MATT: It's helpful though I think because . . . (hey we're right here.) People are still characterizing this as a civil lawsuit . . . it's criminal, so that's an important clarification to make I think.

(21:56)

BOB: As one of the lay people, I think the main question that I want to ask is just how dismissive can I be of this whole thing without understanding it? Because that's kind of what's been floating around both on surprisingly on the ex-Mormon side and on the active Mormon side. There's this sort of attitude of, "Oh it's from a private citizen. This happens all the time. Anybody can do this at any time. Sure it's gone through one stage but that doesn't matter. There's still a wide funnel here that has yet to narrow down, and this is nothing until it becomes something."

And I want to understand if that's a fair criticism in some ways or what level of filtering there still is in other cases how far things go before they get dismissed and that sort of thing?

MATT: Well there's a saying in America at least that they say, "You can indict a ham sandwich." So I can get a grand jury, for example, to indict anything, and I can go forward. The question is whether or not it goes further. So at the March 14th hearing, which I believe is the next step, what happens there?

TOM: OK. Let me just back up to answer an earlier question there in this whole thing about U.S. / U.K. law. Because yes, most people have weighed-in on this are U.S. and a lot of U.S. lawyers and doing it from that side. I'll get to the British so called law experts have commented on it maybe later on.

(23:44)

GLENN: And it's at this point that our so called podcast started having some serious audio issues. So let me just summarize the main points that Tom made in response to Matt's question.

(a) The district judge who reviewed this case has over 20-years' experience on the bench.

(b) The district judge reviewed each allegation in the 50-page document in meticulous detail.

(c) There are conditions whereby a case without merit could be thrown out at any point. Now this case did not meet those conditions and obviously was not thrown out.

(d) This is not an unsubstantiated crack-pot charge. It's already been rigorously reviewed and vetted. In the court's understanding, there's enough information here to demand that President Monson personally explain and defend the allegations of fraud being made against him as the head of this corporate structure.

So no one should really dismiss this, because I don't know how to put this, but kind of a big deal.

(24:51)

SCOTT: Tom do I understand it correctly? It seemed like you said there were about 50-pages that were submitted, that the magistrate talked with you about those different points and challenged you on some of them? And where I thought that was going was that the seven points that ended up in the final charge were kind of the result of that vetting process? Is that what happened or am I thinking about this the wrong way?

TOM: No, the seven challenges are what I contained originally.

SCOTT: OK.

TOM: To answer – those seven charges, they're intact. The wording may be a little bit slightly different to what I had originally put, and may not be --- certainly when that goes forward to the indictment stage some of that wording will be, I think, improved. Because some of that wording was not my original wording, and I don't think it was tight as it should be. But anyway that will be better done at the indictment stage by trained prosecutors.

(25:55)

SCOTT: I'm glad you clarified that, because that was a question I had. So do you have any indication when the indictment stage will be and where does it go from here? I know there's a hearing on March 14th.

TOM: March 14th, that's right. Now let me just -- [audio problems] -- Steven Bloor and Christopher Ralph, two names appear on that -- two summonses, individual names. Now that caught -- I was faced with a situation there, that I will admit to here, that was a -- during this process I've always maintained the victims of this crime are thousands of individuals in England and Wales and also the U.K. treasury, representing the British tax payer. They are the victims in this crime. And I was only seeking one summons to rectify that.

(27:00)

The district judge, again looking at the wider issue of fraud, wanted named individuals. At the time I was asked to provide one individual as an example of the thousands I was talking about. At that time I contacted Steven Bloor and Christopher Ralph to see if they would be willing to putting written submissions and if necessary to attend court under oath to represent those submissions. I gave them, so they had access to make these things, and my understanding was that was just to demonstrate to the district judge that there were people out there. It was never my intention that they would part of this case other than during trial such individuals could be called to confirm these things.

(28:01)

It then became a final point between us that the judge insisted on named individuals. Now I was then faced with the fact that OK I can go out and get hundreds or thousands of named individuals, that will take a little bit of time plus I will have to disclose what's been going on here, because I can't just ask people. Steven Bloor and Christopher Ralph I could trust to keep this all confidential. But if I suddenly wanted to have say a thousand victims, that's going to get out and there's no way I can contain that.

I also pointed out at the time that the law did not require named victims, and the Home Office which is maybe like your Justice Department but gives guidance on these things to the judiciary has actually commented on this Fraud Act 2006 and they have said quite explicitly that there doesn't even have to be one victim, because the offenses that are alleged only require that the person making the false representations INTENDED, dishonestly intended -- dishonestly made the statements and secondly they INTENDED to make a financial gain for themselves or for someone else, or to cause a loss to someone else, or to cause an exposure to the risk of loss to someone else.

(29:24)

So even if someone had made false representations in England and Wales and there wasn't one victim because no one fell for the con, if you like or whatever was being represented, they would still be guilty of a criminal act under this legislation. So I maintain to this day we don't have to name any victims in these summonses or in this indictment.

Now I argued that -- let me finish on that -- I was then faced with the consequence of either accept the summons as they are or to appeal that decision of the district judge, which I was quite entitled to do and take that to the high court for them to decide on the law, but that would involve meaning another four months delay. I chose the option of let's get it on with process now and then we'll look at that kind of thing as it moves forward and into the indictment stage.

So to answer your question about March the 14th that's a date now, that's not something that would be rescheduled. I mean there would have to be some serious reasons for rescheduling that whether it was ill health or whatever. And that would be an application to the court. This is on the listing for the 14th.

(30:47)

Regarding the seriousness of the summonses people are saying, and again I wish Mr. Monson would actually take proper legal advice and listen to that, instead of getting the church PR machine. I've seen an email from Michael Purdy to the PR people in the church which basically says, "Kill this story at all costs. Kill this story at all costs."

Now I would think that anyone that's faced with a summons, especially in consideration of the twelfth Article of Faith, would actually take proper legal advice and find out, if at all, they might be guilty of such a thing. And if they are, address it seriously, not just dismissively say, "There is nothing here, these are bizarre allegations and we're not even -- Mr. Monson will not even attend."

Now let me get that quite clear to him if he does not attend, just read the bottom of the summons if he's got that far. If he does not attend then an arrest warrant will be applied for and issued for him.

(31:55)

GLENN: Tom I've seen a lot of speculation and I don't know if these people have any idea what they're talking about, but speculation that the church is going to put their attorneys on this thing and it's just going to go away, it'll be dismissed before this March 14th. Is that even a possibility?

GLENN: I gotta tell you it feels a little weird cutting in and out right after my own voice, but again we're having audio problems, so you're just going to have to trust me here. Tom said, "That it is a possibility that the church could file some motions to bury the courts in paperwork.

TOM: (audio continuing) paperwork and cause all the delays imaginable. The proper thing to do is to turn up and face . . .

GLENN: face the issues head on. And here Tom once again cites the twelfth Article of Faith, which I don't know, President Hinckley what does the twelfth Article of Faith say?

GORDON B. HINCKLEY (recording of GBH saying): "We believe in being subject to kings, presidents, rulers and magistrates, in obeying, honoring and sustaining the law.

[audio of primary children singing the 12th Article of Faith]

TOM: . . . My personal view, and what I have been advised is, there is no way out of this summons other than for me to withdraw the summons. And I'm not even sure that's a possibility.

(33:17)

GLENN: So what does Tom think about the dismissive attitude he's seen about this case from both active Mormons and former Mormons alike?

TOM: Obviously that's a reaction to this flippancy I see in the press from again who is being quoted as dismissing it --- but may needs to I see it is that the church PR machine. --- This is solid.

SCOTT: I think some of the basis for that, at least from what I've seen, seems to be that here in the U.S. we have a legal doctrine that says that the law basically can't get involved with any kind of doctrinal claim. And what I mean by that is that if there's any kind of theological assertion that a church makes it's basically off the grid in terms of the law is concerned in terms of anything being fraudulent or anything like that. So it's somewhat shocking I would say to a U.S. mindset and maybe even to a European mindset to think that a religion could be prosecuted for this type of a fraud. So could you describe for us, is there any kind of legal precedence for this? I mean I know that the Church of Scientology has had some prosecutions against it for some things, but is there any kind of legal precedence for fraud against a religion under this Fraud Act of 2006?

(34:43)

TOM: Well, first of all this is not allegations of fraud against a religion. This is a criminal allegation against a corporate entity that is worldwide that markets in a deceptive manner in order to receive financial benefit. Just take religion and everything else out of context for right now. It is a corporation that sends out salesman, 80,000 of them or whatever, to market a product where they do not only give full disclosure they actually give false information about their product and about their history, their doctrines, and they do not give full disclosure. And if they are confronted with anything

***** COMIC DIALOGUE INSERT *****

VOICE 1: Why are you trying to avoid us?

VOICE 2: I'm not trying to avoid you. Why would I be trying to avoid you? That's so funny that you think that.

VOICE 1: And you are legal counsel and spokesperson for diversified industries?

VOICE 2: No I'm not.

VOICE 1: Your name is on the letterhead?

VOICE 2: No it isn't.

VOICE 1: Yes it is. I have it right hear. Would you like to read it?

VOICE 2: You read it.

VOICE 1: I have read it.

VOICE 2: Then why should I have to read it?

VOICE 1: Because it's your letterhead.

VOICE 2: I know that. You don't think I know that? It's my letterhead. I'm quite aware of that. Is it me or is it him? It's him isn't it?

(35:55)

TOM: It isn't attack on religion -- proper religion -- then we're talking about beliefs and theology. I don't think they're quite so testable in court that these allegations are all based on factual statements that are to be taken literally, not metaphorically, but they are literal statements. And in terms of precedents, I'd say precedent in the United States, Bernie Madoff. OK it's not a religion. But if I want to, or if someone wanted to commit a fraud and made it surrounding a church, would that actually fly in the United [States]? And I don't know. I don't know anything about that. But churches in the U.K. if they break the law they are culpable under the law.

GLENN: And I think that the strongest point that you make there Tom, you know you say that you've got to imagine the church as if they're a corporation. But the strength of that statement is that it's not a metaphor you know because they actually are a corporation. This is how they're structured and this is what they're doing.

TOM: Yes. And when we talk about this corporate structure if I look at the U.K. they have, let's say for argument's sake they have four hundred wards or parishes in the U.K., they under U.K. law each parish is considered like an un-incorporated association and it's recognized and protected as their[s]. Now however, the church also has an actual corporation that's registered at Company House and registered with the Charity Commission. That corporation receives all of the tithing income for the church. That corporation is not a church. It is a registered charity that is supposed to assist the church in whatever it wants to do. So that is purely a corporation.

There are two stockholders in that corporation. One is the Corporation of the President of the Church of Jesus Christ of Latter-day Saints. And the other stockholder is the Corporation of the Presiding Bishopric of the Church of Jesus Christ of Latter-day Saints. Both of those are corporate soles. And the one per individual that has ultimate control of those is Thomas Spencer Monson, hence his name appearing on the summons. He's responsible for all of the corporate affairs associated with this alleged fraud.

(38:15)

SCOTT: And can we describe then in your 50-page complaint that you drafted was that somewhat explained in there. Because based on this summons the only thing that we see is that it's just addressed specifically to Thomas Monson and it doesn't actually list those corporate entities on the summons itself. Is that why that's the case?

TOM: Yes. Those corporate entities that I had just mentioned are included in the written submissions.

SCOTT: OK.

MATT: Tom if we can I don't want the point to get lost, so I don't want to get in danger of just having you repeat yourself. I think it's really important to clarify that you are not out – this is not an action to prove whether or not the church or the belief system is false or fraudulent, but rather that an individual or a corporation engaged in knowing deceit – to having information and not disclosing that and benefiting financially as a result of that. Is that a fair articulation?

(39:22)

TOM: That is very fair and that should be explained. This is not an attack even on the Mormon Church or anything or the faithful Mormon members there are around the world. All I am saying is if you got out with missionaries, tell the full story. Tell the truthful story. And let people make up their minds whether or not they wish to join the church. Don't leave out important information, or even you could put in misleading information. If you want to tell the world that Joseph Smith saw God and Jesus Christ and that he translated through the gift of God the Book of Mormon, and was also inspired by God to translate Egyptian papyri into the Book of Abraham, and all of those things, and he communed with God, and the Doctrine and Covenants, that's good. Now if you'll just give them that one side of it it's very easy for someone to have a very positive approach or response to that and join the church.

But, along with it you ought to be able to disclose, well now there are these other issues you ought to be aware of. And did you know for instance that he married other men's wives and things like that? Now that's not part of this. But if you wanted to get into those that's part of the full disclosure and then give the answers to it.

*** HOW DOES TITHING AFFECT THIS CASE? ***

(40:36)

MATT: How significant is the connection between tithing and ordinances in your cause of action? Does that question make sense?

TOM: It makes absolute sense and that's why you're very sharp. I think in this action it's fairly easy to prove that the statements that I've listed, those seven statements are untrue. That's the easy part of the case. Right? I think that having experts in court to

give evidence it will be unlikely that any one of those statements would be shown to be true and therefore thrown out. The trial will go more to the link between the tithing and those statements and other statements and also the question of honesty.

If for instance, and I think this goes to the heart of another church. Supposing another church was guilty of making some untrue statements, but they didn't illicit any money from you, you can just join the church, you can have the full benefits of that church, no question about it. But you know what each Sunday will pass around a collection plate and it's up to you whether you put money in that or not – they are freewill offerings. That I don't think, that such a church did that, I can't see being prosecuted under this law.

(41:58)

BOB: So based on that as the premise that these questions are explicitly linked to tithing and the way the church collects money, I guess I have to ask, I'm surprised a little bit at some of the seven topics chosen, because I would have thought it might mirror say the temple recommend interview that's repeated over and over again by all of the lay clergy in the church or are in the common structural way that these so called facts are connected to tithing. So I am just curious how you arrived at the seven? If you're really going for causality there could have been some other ones in my opinion?

GLENN: And before we totally get to that, you know Tom you mentioned that the freewill element of paying tithing in other religions that it's voluntary, I've seen that argument made in discussion boards by members of the church. In our church tithing is voluntary too and you're not going to be able to point to anybody who has been excommunicated from the church because they haven't been paying their tithing. So they would try to make this tithing issue a non-point. And that's where I think our questions kind of intersect Bob that if we can show that the tithing – you're prohibited from going to the temple if you don't pay tithing – you're prohibited from getting your endowment and being sealed together forever, certainly getting the second anointing, which we should probably talk about at some point, but there's all of these parts of Mormonism that you're excluded from even though you can still be a member of the church and not pay tithing. But you can't be in full fellowship and get all of the blessings, 'cause you can go to one of the other three heavens, not the top one. Right? And it's a trickier argument.

TOM: Well, let's say, this is crucial you mentioned tithing interviews and things like that, temple recommend interviews, all of this has been [audio issues]

(44:05)

GLENN: been explained in those documents and this is what really impressed the district judge. I mean just listen to the way that President Oaks speaks about tithing during a general session of conference. Now does this sound like tithing is voluntary or optional at all to you?

DALLIN H. OAKS [of the Quorum of Twelve Apostles]:

When the risen Lord appeared to the faithful on this continent he taught them the commandments the prophet Malachi had already given to other children of Israel. The Lord commanded that they should record these words (see 3 Nephi 24: 1).

“Will a man rob God? Yet ye have robbed me. But ye say wherein have we robbed thee? In tithes and offerings.

“Ye are cursed with a curse for ye have robbed me, even this whole nation” (3 Nephi 24: 8-9 and Malachi 3: 8-9).

After the Savior quoted these words he expounded them unto the multitude and said, “These scriptures which ye had not with you, the Father commanded that I should give unto you, for it was wisdom in him that they should be given unto future generations” (3 Nephi 26: 1-2).

Here we see that the law of tithing is not a remote Old Testament practice but a commandment directly from the Savior to the people of our day. The Lord reaffirmed that law in modern revelation commanding his people to pay “one-tenth of all their interest annually” and declaring that “this shall be a standing law unto them forever” (D&C 119:4). (LDS General Conference, Saturday Afternoon Session, April 2, 1994; “Tithing,” Ensign, May 1994)

(45:28)

MATT: Can I ask a follow-up question to this tithing question? Did I understand correctly that how tithing works in the church was some of the information that was contained in the 50-pages that was submitted to the district judge?

TOM: It’s the first question that came up even before I went to the judge with contacting or discussing this with other law firms. They immediately thought in terms of the Anglican Church and said, “No way because these are all voluntary contributions.” When I actually laid out to them the way tithing works in the church, they immediately

said “Wow, this is different. That is the connection – and yes this case should go forward.”

(46:12)

GLENN: So when a new convert is interviewed prior to baptism there are certain commitments that they must make before they’re able to receive this saving ordinance that most members of the church consider to be a free gift from Jesus.

TOM: One of those commitments is to pay a full tithe. And so you agree to that. Now if you were to say, “No I’m not going to pay a full tithe.” Guess what? There’s no baptism. You don’t qualify to join the church. You have to commit to that. Then the church has a follow-up 30-days later, the bishop is supposed to interview you. And he’s got a number of questions for you. And the first question he asks is, “Are you paying a full tithe?”

So for the church to argue these are freewill offerings with all of the tithing settlement and everything else that goes on and actually refusing for you to attend your child’s wedding because you haven’t paid tithing, or you’ve been behind with your tithing, it’s not a freewill offering. It is pay to play basically. And there are circumstances where I’ve have had reported to me parents who were behind in their tithing because of financial difficulties and they had a child of theirs being married. And basically what the bishops said, “Well you write me a check for the last years’ tithing and you go. You don’t write me a check and you don’t go.” So we’ve got incidences where people have gone into debt to attend their child’s wedding.

(47:46)

BOB: And we should just clarify that that’s based on the Mormon structure that doesn’t allow those who aren’t quote unquote temple worthy, which includes paying a full tithe, to attend Mormon weddings which occur inside the temple which require a pre-screening and you to answer all these questions correctly. And what you’re saying is you have cases of people stating that they basically have to choose between seeing their child get married at the ceremony, or not seeing them get married in that ceremony in the temple or going into debt to make that happen and that’s basis for how important tithing really is for fellowship in the church.

SCOTT: So Tom as you explained these things to the magistrate what were their reaction?

TOM: Illuminating. Not believe ...

(48:45)

GLENN: He said it was illuminating for them because tithing isn't treated like this in other churches. And this is one of the most significant factors in the allegation that a knowing fraud is being perpetuated for financial gain.

MATT: Oh this is very valuable I think to hear you explain these things. 'Cause it's clear, what is clear that nobody understands through all the discussions on the boards and Facebook and all these different things really what this action is about.

TOM: That's correct. There's only two people that understand it up to this [point],

GLENN: himself and the judge, and maybe a few other officials within the court,

TOM: And none of those others are going to say anything about it and I realize I need to be somewhat circumspect in what I say because I don't want to prejudice the prosecution case, and also I don't to be unfair to Mr. Monson.

***** END OF INTERVIEW *****

(49:45)

GLENN: So this concludes part 1 of the summons: Tom Phillips vs. Mr. Monson. In part 2 we'll explore in more detail the connection between the set of claims spelled out in the summons and the accusation of intentional fraud.

Now how is this all tied to tithing and what connection, if any, does Tom Phillips' experience with the second anointing play in all of this? We'll discuss this and more in our next installment.



<http://infantsonthrones.com>

<http://www.mormonthink.com/tomphillips.htm>