



THE SUMMONS

TOM PHILLIPS

vs.

THOMAS S. MONSON

PART 2 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 20, 2014

TRANSCRIPT

Taken from the audio interview posted by Glenn Ostlund
on *Infants on Thrones* website, February 20, 2014:

<http://infantsonthrones.com/the-summons-tom-phillips-vs-thomas-s-monson-part-2/>

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)

THOMAS S. MONSON: No cause, no force in the entire world can stop the work of God. Despite what comes, this great cause will go forward. No unhallowed hand can stop the work from progressing; persecutions may rage, mobs may combine, armies may assemble, calumny may defame, but the truth of God will go forth boldly, nobly, and independent, till it has penetrated every continent, visited every clime, swept every country, and sounded in every ear. (General Conference, April 7, 2012, Saturday morning; “As We Gather Once Again,” Ensign, May 2012.)

AUDIO COMIC: I just told a lie. I just used my imagination.

TOM PHILLIPS: What we’re advised by the prophet to say, If anyone ever asks us that question whether we’ve seen Christ or not, we just look at them in the eyes and we say, “We have been counseled by the prophet not to discuss such sacred experiences.”

(Comic audio excerpts , etc.)

(1:49)

GLENN: Welcome back to *Infants on Thrones*. This is part two of our three part series: The Summons: Tom Phillips versus Thomas S. Monson, the Follies of Tom Foolery. Actually I don't think we're going to use that last part. But did you catch that this is now going to be a three part series?

So yah, OK. In part one you heard about the criminal fraud charges and you heard about the unique way that the Mormon Church, or maybe more accurately, The Corporation of the President of the Church of Jesus Christ of Latter-day Saints, which is the tax exempt corporation that was set up to assist with the transfer of money and capital. Anyway, the unique way that this organization mandates tithing while making it appear to be a voluntary thing. Anyway that was the gist of part one.

So here in part two you'll be hearing:

- [1] The criteria that Tom Phillips used to select his seven charges against the church.
- [2] You'll hear how the U.K. has any jurisdiction over a US citizen.
- [3] You'll hear what could happen if President Monson is found guilty.
- [4] We discuss whether or not this case could simply be thrown out.
- [5] You'll hear the unique way that the British government pays a portion of tithing money directly to the church on behalf of its LDS citizens.
- [6] And you'll hear how Tom's experience with the second anointing could play in to all of this.

Now we realize that there is a huge interest in this topic and that several of you listening today are pretty new listeners to *Infants on Thrones*. So I have a few things to say concerning you new listeners, but I'll save that for the end 'cause I know that's really not why you're here. So with no further ado, let's pick up where we left off with Bob's request to go through the seven different charges. Take it away Bob.

*** BEGIN INTERVIEW ***

(3:38 minutes)

BOB: Alright so can we go through the seven points, and I'm still curious.

TOM: Oh yes. Probably I could have come up with a hundred. First of all, all I need to come up with is one that's a criminal act. If there's one untrue, false representation made with the intention of making money or causing someone a loss that is it. That's all I need is just one. So initially I approached this – I'll go through a round number of ten, because you don't want to have the trial time to be taking up so much, that you're going through so many – certainly a hundred allegations. So I wanted to contain it. Do I go for one or not? I ended up with the seven.

(4:21)

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.

(5:22)

TOM: And I tried to get ones that had to cross two criteria as far as I was concerned. [1] One is they had to be factual statements that can be tested in court. It's no good getting into anything of religion or theology and it's no good going back into some obscure history as to for instance, "Did Joseph Smith consummate his marriage with other women or not?" So for they had to be things you could state and they could be tested in court. They're either true or untrue. That's number one.

[2] Secondly, they needed to be reasonably current. This legislation came into effect on -

(6:01)

GLENN: This legislation came into effect in 2006 so it needs to be a teaching that's currently being taught today. So each of these seven statements can be proven to be true or false in a court of law and they're all currently being taught as true and can be proved to be misleading. So those are the two tests.

(6:19)

SCOTT: Yah and I think that makes a lot of sense because the ones that you've chosen – they're pretty concise and they're quite falsifiable in terms of current information. But they're also claims that are central to the church. I mean they're things that are not tangential to any kind of – you know it's not some kind of obscure doctrine about Kolob or anything like that. It's something that strikes to the core of what the church's teaching is – and it's not anything that they would be able to wiggle around. I think some of them are a little bit more – we can go through them one by one. Is that what you wanted to do Bob?

(7:00)

BOB: Well maybe that's not necessary. I guess, now that I understand the criteria it makes more sense to me. Although, I think part of the risk specifically with the last two, if I can just say briefly, is that critics of this whole thing are going to convolute a couple of things. Because whenever you see something that's problematic in a bunch of other religions, then it sends alarm bells off and people get really nervous because it's not as uniquely confined to Mormonism as you stated in one of your explanations which I think is a very valid point.

But then you see this stuff about no death on this planet prior to 6,000 years, and all humans alive descended from just two people – and that's sort of crossing over into stuff that's believed by more than just Mormons. And I just want to make sure that people don't latch on to that point and then you know dismiss this by association with it

being an attack on all religion which I don't think it is. But that's kind of where some problems could come.

(8:06)

SCOTT: Well not all religion. But you're saying fundamentalist Christians?

BOB: Right.

SCOTT: Like Ken Ham last week debated Bill Nye –

SCOTT: And he's not Mormon, but he would agree with number six and seven – which are: there was no death on this planet prior to 6,000 years ago, and that all humans alive today are descended from just two people who lived approximately 6,000 years ago. Those are both things that you know – fundamentalist Christian is very likely to believe. So I guess – is your point Tom that if these are fraudulent for the LDS Church to put those out and then make financial gain it would equally apply to any other organization that has the same claims that's also, you know, requiring money from its members?

(8:54)

TOM: Well let me say first of all if that's so then I think Mr. Monson should call Ken Ham as one of his expert witnesses in court. Let's hear twelve members of the British citizenship listen to those arguments and determine whether Mr. Ham is telling the truth or Professor X,Y,Z is telling the truth on these matters. And we'll leave it to them to determine whether the statement is true or untrue.

Getting into religious beliefs, people can have – there're all sorts of religious beliefs. Some that sound extremely comforting and others that [are] just way-out crazy – in all sorts of religions. Now people are entitled to believe in crazy things. What they're not entitled to do is to take those crazy things and promote them through 80,000 missionaries throughout the world based on the fact that these literal truths associated to support those crazy beliefs – and give me your money in return for membership in the church. That's where the fraud comes.

(10:04)

Now someone could honestly believe these things to be true and not go out with any dishonest intent to get money off people. I've already said the Catholic Church, the Anglican Church, they don't, you know, they accept these as – false statements about 6,000 years, about, whether evolution's involved or not. They say no. This has been a thirteen-fourteen billion-year process. They're quite open about that.

Now fundamentalist Christians may take the view of a six day creation or whatever and they're entitled to have that as a belief. And as I understand it the courts have ruled that's a belief, but it's not science. Now so if anyone's out there preaching those kinds of things, they're entitled through religious freedom to believe –

(10:48)

GLENN: I guess the other question that I have there for you there Tom is, there's this implicit accusation that Thomas Monson and others in the Mormon Church know these things to be false, but they're promoting them as true otherwise, and there's an element of fraud there. Whereas, if they were truly believers in these seven things there really isn't as much element of fraud. But is there a way to prove that they don't believe these things but they're pretending? Or is there a strategy to bring that out?

(11:28)

TOM: Yes, yes there is proof that they know these things are untrue and yet they are promoting [them]. Let's put it this way, they're between a rock and a hard place in this. If you even noticed, even with the Encyclopedia of Mormonism which they get written by apologists, the church doesn't put its name to it. But they try and make all sorts of excuses for this and that because they know, and remember the prime example of this was Gordon B. Hinckley when interviewed on Larry King or on 60-Minutes, they have to distance themselves from certain nonsense. But it is what is in their scrip[ture]. But what they can't get away from is what's in their scriptures.

(12:06)

Now the no death before 6,000 years, you will [garbled audio] . . . professor [Daniel C.] Peterson or anyone – and they say, “You don't understand, that is not church doctrine, blah, blah, blah.” Well I'm sorry it's clearly spelled out in the Book of Mormon. It's also spelled out in the Doctrine and Covenants and in other places. They're scriptures. If these things are not true they need to correct their scriptures. So they're actually between a rock and a hard place. They're either have to, if they want to say these things are true, they've got to prove that. If they say they're false they've got a problem because they've got their scriptures which are supposedly the word of God and therefore inherently true.

(12:49)

Now if these statements that they make – I see Mr. Monson as having two options, well there's three options but two options are: come to trial and defend these statements that are made by the church as being true. There by you can be a true Abinadi or Peter or Saul or whoever you want to claim from the past, speak there as a prophet of God. You'll have an opportunity to bare testimony to the people of the British Isles and

anyone else in the world that is listening to this that these statements are true. Or you go and say sorry they're not true. But you know what? I honestly believe them to be true and I didn't do anything dishonest. Which strategy do you want?

MATT: Do you know what?

TOM: I won't even mention his third option right now but –

BOB: Get the lawyers involved and don't do anything? That's probably the most likely one right?

(13:47)

TOM: He can't do it. If he gets the lawyers involved and doesn't do anything he [garble] arrested – arrest warrant that comes on March the 14th if he doesn't show up. Sending his lawyers doesn't do it. The summons says he personally has to turn up. If he doesn't or/and he doesn't get it postponed, there's an arrest warrant.

(14:07)

MATT: Here's a question on that point – or others I've heard ask, "How the U.K. has jurisdiction over him personally?" Do you have any insight in to that?

(14:19)

TOM: Yes. These acts have been committed and that they've been shown to be committed first of all in England and Wales. You know someone from, and I won't even name any country, but someone can't just go into – let's take it this way – you can't just travel into England as a tourist and go and rob a bank, and then leave for your home country – and then they find out later it was you that did it. That's breaking the law in England regardless of where you live in the world.

So he's broken the law in England. The particular act is what's called "non-territorial." So it's not even confined, but in this particular case it's been broken in England and Wales. He is subject to the courts of England and Wales in that regard and therefore they will issue an arrest warrant. [garble]

(15:07)

MATT: What are the potential consequences if he's found guilty of this fraud because it is a criminal act? Again, because a lot of this misunderstanding or misperception that you're seeking tithing money back from these two individuals, or some sort of monetary reparations. What are the consequences?

(15:33)

TOM: OK. There's three consequences. Now again we've got to stress, if found guilty in a court of law by a jury of twelve people, alright, at this stage they are allegations and Mr. Monson has not even pleaded on these yet as to whether he's guilty, not guilty, or not willing to enter a plea. So, if your question to me is if found guilty of these offenses?

MATT: Yes.

TOM: Then alright, now first of all the act specifies that he can be sentenced to imprisonment, or fined, or both on each account. The maximum sentence of imprisonment is ten years on each account. It doesn't mention a maximum fine or anything like that for the Crown Court. So that's number one. That's – a judge will have to determine what is an appropriate sentence for this offense – bearing in mind this is not something that was trivial. I am – I've actually submitted documentation showing something like 200 million pounds. That's roughly – that's over 300 million dollars. And a big chunk of that is taken from the British taxpayer. So this is not a slight, "Oh this was a little misunderstanding or whatever," this is a major crime. So the judge will have to take that into account and any other mitigating circumstances.

(17:01)

Now also what can be applied for and what I can apply for as prosecutor is two other things. One is compensation, financial compensation for the victims, and that would basically mean – that would be the victims which are members of the church in England and Wales and also the U.K. treasury. They would be victims and they could be paid back. Again, we're talking very large sums of money.

The third option, the third thing that the court could do is actually have a Confiscation Order and take over church assets.

(17:37)

MATT: Can I ask you on the restitution issue for victims. Would that be limited to the two-named victims or is it your understanding that the restitution could be sought for a[n] other unknown or unnamed victims?

(17:55)

TOM: Yes, I'm fairly confident when eventually we have the indictment it will be for unnamed victims who will then join later on, on conviction, to get their money back.

SCOTT: So it's really basically the equivalent of a class action lawsuit at that point, in terms of that aspect of – I'm not saying it's a civil action but

(18:17)

TOM: The criminal court would award what they thought was fit to any victims. The two represented on the summons at the moment, Steven Bloor and Christopher Ralph, are just examples of such victims. They're not the only ones. And if we/they thought it was being confined to them we're talking about much smaller amounts of money obviously.

(18:39)

SCOTT: Right. We have the same thing here where we have to for a class action lawsuit we have to have representative plaintiffs – who represent the

(18:49)

MATT: But more importantly, there is a mechanism in criminal law for restitution and that defendants are responsible for actual economic loss caused. And it sounds to me that it's more akin to that. So there is a component of the criminal conviction, if I'm understanding correctly.

TOM: And the third part on this which is confiscation –

(19:11)

GLENN: Confiscation is that the laws say that you cannot benefit from the fraud. So if there's a clear benefit that's determined and then that benefit is recognized as certain assets or properties, then it's possible that those assets or properties could be confiscated as a result. So that's a third possibility.

(19:30)

MATT: Right. Again, if the American listeners are familiar with RICO [Act] statutes, organized crime statutes, any criminal enterprise or an entity doing business legally but that also has a criminal component, they're subject to getting all of their assets taken. It sounds similar to that. If I've misrepresented you let me know.

(19:57)

TOM: No in fact –

GLENN: In fact what he says is that the closest thing to the U.S. are the RICO laws, which I don't really know what those are. Something to do with organized crime, I think, I don't know. To me it sounds more like that Copacabana song.

[20:11 minutes: Interlude music to segue into second anointing topic]

*** TOPIC CHANGES TO SECOND ANOINTING ***

(20:21)

SCOTT: Now Tom can we talk about how the second anointing ties into all this. There's been some speculation that the church has been reluctant or has refused to excommunicate you due to what happened or due to the fact that you've received the second anointing. I wonder if you could address that?

(20:40)

TOM: Now that's interesting. Now I posted or I told the world or whoever wanted to hear in January 2008 about the second anointing. Where are we now? 2014. So that's six years ago. I have also published other things and never once, and all this time, the church has known my address, my phone number, my email, everything. Not one person's ever contacted me about threatening to excommunicate me or anything. I have never actually – I don't – let's also get this straight. I do not regard myself as a member of the Mormon Church. However on their records they regard me because of two reasons: One, I've never formally resigned and followed their procedure for resignation; and/or secondly I've not been excommunicated. So as far as I'm concerned I think their rolls would show that I am a member of their church. But I do not regard myself, let me just contrast that with the Angli[can], once I was a member of the Anglican Church, I was a confirmed member. Now they don't count me as a member these days. Otherwise the Anglican Church would have at least fifty million members because everyone's been christened or married or whatever in Eng[land]. But what they say – if you ask the Anglican Church how many members do they have, they say we have approximately one million people that come out to our church every week.

(22:04)

So now why? OK, sorry I've got back to the -- I know that they [the Mormon Church] have gone after all sorts of people. It's why a number of people on various boards post anonymously. They are scared stiff that the church will find out who they are and excommunicate them and it would have repercussions with their family and all sorts of things. They live in fear of their identity being disclosed.

So all of these people somehow get excommunicated. You know they called Grant Palmer – writes a book – and they called him before a – and we could go and name all sorts of things: Simon Southerton and all of these people. For some reason that has never been done to me.

(22:45)

Now the only thing I can think is different about myself and those people I have just stated is I received an ordinance called the second anointing wherein I was ordained a king, all conditions were laid off me, I'm going to inherit, I'm going to be in the celestial kingdom, I'm ordained to be in a Godhood and all of that. So basically the only thing that will prevent me from doing that is to deny the Holy Ghost. I can do all sorts of other things. And although I may be handed over to the buffetings of Satan for a while, ultimately I will be raised in the resurrection and I will be a God, and create my own planets, and all of that goes with it. Apparently, Gordon B. Hinckley forget about, on one news program, but within a few days he was smiling to a lot of priesthood leaders saying, "Of course I know the doctrines of the church." Yet he denied to the public that we have the doctrine which is spelled out in section 132 of the Doctrine and Covenants that the idea of Mormonism that we become Gods. Gods and Goddesses is what it's all about.

(23:49)

BOB: So would you say that you have – your actions and where you are now – do you feel like you have, I guess implicitly or explicitly denied the Holy Ghost or are you not comfortable stating that one way or another? I'm just curious.

(24:03)

TOM: According to what I understand of the doctrine, and remember as with all Mormon doctrine, they're quite convoluted and they,

(24:10)

BOB: Right.

TOM: They tend to contradict one another. So it's very hard. You could ask two apostles and maybe get opposite answers. The answer I got at the time was, "Of course I wouldn't be a son of perdition." Mind you that was before I talked about the second anointing. Just leaving the church would not make me a son of perdition. However, I would say now if they're true to their doctrines, remember their doctrines change according to what they want to have at the time.

Yes the unfortunate thing is a man called Adolph Hitler was able to have killed at least six million Jews. Now as I understand from section 76 of the Doctrine and Covenants, Adolph Hitler, and he has had apparently his temple ordinances done for him, that he will at least get to the telestial kingdom, which according to Mormon scripture and Joseph Smith is a kingdom of glory. In fact, I think Joseph Smith said, "If we actually saw the glory there we'd commit suicide right now just to get to that lower kingdom."

Now so apparently if I kill six million Jews I can get there. But, if I come out and tell the truth, then I don't get that glory. I become a son of perdition. I'm with Satan and all his followers gnashing my teeth or whatever I'm going to do for eternity and I think that's a little bit unfair to be honest.

(25:31)

GLENN: To be fair to Hitler, I'm going to be fair to Hitler here (laughter), we never know, I'm stepping into my apologetic shoes here Tom and I'm doing it sarcastically so I'm just going to give you that fair warning up front – that Hitler may be presented with his temple work on the other side and say, “Screw you, I'm not taking that,” at which point if he rejects the Holy Ghost as well he'd be right there with you in outer darkness and maybe the rest of us here, I don't know. Because I think the way of looking at it, at least in my more believing days, was that the highest that Hitler could ever attain in the afterlife would be the telestial kingdom.

But for Tom Phillips the highest that you could ever attain would be the highest degree of the celestial kingdom. And in fact, you did have that sealed upon your head by virtue of that second anointing. However, then you became an enemy of the church and you know now you filed a lawsuit against Thomas Monson, in my mind, in my Mormon mind of ten years ago that would have been clear son of perdition territory.

(26:39)

TOM: Well again, we can go into all sorts of things there, section 76 and all the rest of it and even the definition of perdition. And yes, you have to fall from a great height to be perdition. So I don't think, yes Hitler had that opportunity to falter. So that's why I say no. He gets into the telestial kingdom according to Mormon theology because he did not commit anything in this life to get that knowledge and then fall from it. All he did was kill people. I mean, what's the big deal about that? (laughter) – i.e. mountain meadows massacre? You know these were evil people anyway and that they were responsible for the death of Joseph Smith. Oops sorry that's from the wrong state – but anyway.

(27:21)

GLENN: It is interesting that like the two greatest sins one of them is killing people the other one is just denying the Holy Ghost.

(27:28)

SCOTT: Well, it's only killing innocent people. If they're not innocent that's fair game. Right?

(27:33)

TOM: OK. John D. Lee has had his blessings restored to him, his seconding anointing and everything. So it's [garble] for an atrocious murder.

(27:41)

SCOTT: So that actually brings up a good point that of course, yes, they could excommunicate you. The church could do whatever they wanted. It seems that the reason why they wouldn't is they don't want to have the conversation about Tom Phillips. They don't want to acknowledge Tom Phillips' existence in a press release. You know president newsroom, if president newsroom has to say those words, Tom Phillips or second anointing, it's going to be a really bad day for PR.

(28:10)

TOM: That's right. Well you've said exactly what happens now. Instead, of as we understood a prophet of God and apostles either spoke to God or inspired by him, nowadays any questions or anything it's PR or legal.

You know I was excited when I joined the church that we had supposedly a prophet of God in Joseph Smith, and at the time of [garble] – came Joseph Fielding Smith. These men were willing to stand up at a pulpit and proclaim the truth to the world. And now we're in an age where [they're] ask[ed] a question and it's assigned to a BYU professor or the PR department, LDS newsroom, or the law firm that's acting at the time. It's not to me a prophet of God.

***** TOPIC CHANGES BACK TO CRIMINAL CASE *****

(28:54)

MATT: If we can, can I get back to the lawsuit procedurally 'cause I was, I guess, a little unclear on what happens procedurally on the 14th and then going forward? I know there's conditions if this – if this then if he does appear, if he doesn't appear. But, if we could fast track this and he appears and he doesn't delay, but shows up and the case is able to move forward.

(29:22)

TOM: Right.

(29:22)

BOB: I was just going to say, before we get to that, I feel like the unanswered hypothetical is the first one . . . my belief [is] the most likely scenario is that he doesn't appear, he maintains silence, and there's some sort of weird diplomatic relationship problem at some level between the U.K. and the U.S. with this high profile individual who has an arrest warrant out for him and that's the part that fascinates me because it's the first one that's going to happen, as far as I can tell.

(29:49)

TOM: OK. Well first of all

(29:50)

GLENN: First of all if he doesn't show up there's an arrest warrant and that's pretty much automatic. So if that happens, then if he ever travels inside of the U.K.

(29:58)

TOM: as he goes through passport control, it will flag up, he will be immediately arrested, and incarcerated at the point and brought before a court to answer charges. So that's what he does. So if he doesn't show up there'll be an arrest warrant and he will not be able to land in Britain for fear of arrest. If he wants to take that route, fine. But, [garble] things are going to be happening in Aus[garble] and Germany and other countries and gradually the world will become a smaller place for him to go. Now with an arrest warrant, now if we actually want to

(30:34)

GLENN: And Tom mentions at this point that extradition is a possibility but it would be very difficult.

(30:39)

TOM: Now if the political powers that be want to interfere in the judiciary, then I think they do it at their own risk. Certainly in the U.K., if the U.S. for political reason, let's say if the U.S. for legal reasons don't extradite, that's everyone can accept that. But if there's no legal reason for them to stop the extradition and they do it for political reasons because they see Mr. Monson as an important man in America, and he has at least three senators in the Senate, if there's reasons like that given, then the U.K. Prime Minister will have a hard time getting re-elected in a year or two's time.

(31:24)

MATT: So, well first of all there's no way the church is going to allow this to go to warrant. That fact would be I think untenable from the church.

(31:34)

TOM: How would they stop that? Now hang on here. And this will rile the British people and also the British judiciary. When you say the church will not allow it, what right has the church [have] to stop anything in the U.K.? Now I would agree

(31:50)

MATT: I'm saying

TOM: In Utah they will stop it because they have some control or influence with the judiciary there. But in the U.K. they can stop an arrest warrant? No way. I've just told you – it's automatic.

(32:04)

MATT: Right. By that I mean they're not going to just ignore. What you said of him just ignoring it, that's not an option.

TOM: Exactly.

MATT: I'm not suggesting they could somehow exert influence. I'm saying they are going to follow whatever procedures they need to avoid that from happening.

(32:24)

SCOTT: Right. They don't want that headline. One question I had Tom, and I know this was the case with Brigham Young in a court proceeding involving the mountain meadows and it also came into play with the Reed Smoot hearings, but if Thomas Monson's health, if he's in ill health, it would seem that that would be pretty good grounds for the church to assert that he can't travel, that he can't appear there, that he can't, you know that he's not able to be, to appear for a proceeding. Do you know if there's any possibility of a teleconference, or you know, a remote arraignment for this kind of a hearing?

(33:11)

TOM: If – obviously the court would be sympathetic to anything of that nature. If a man cannot travel, it's injurious to his -- he just can't do it, then I'm sure they will accommodate it in whatever ways possible. But at the same time, if he's going to make [garble] maybe that would be genuine. And I'm sure if it is genuine the court will allow that. They're not going to put this off. They're not going to say, "Well wait until you get better." They're going to want to go ahead with it in whatever way they think is right. And whether that's video conferencing, or whatever, that's for the court to determine.

But, listen to this. Now supposing that is not a truthful way, but they decide this is the way we're going to play the game, presumably he's going to have difficulty turning up at general conference three weeks later.

MATT: Right.

(34:02)

SCOTT: That's a good point.

(34:03)

TOM: If he's incapacitated, then what do you do? If he can get up and talk before 20,000 people and however many you claim worldwide are listening to you, unless you're sitting there in a wheelchair, and we have had that happen in the past, with President Benson and others in the past, where they're clearly incapacitated, so their first counselors speak in their behalf. Now if that happens at conference, I think we can all believe that he's incapacitated and unable to attend church, and we will have great sympathy for him. But if he says he's unable through ill health to attend a court in London and at the same time, three weeks later, gets up boldly before the world and gives his normal conference addresses, people will wonder.

(34:51)

MATT: Right. It would be a thumb in the eye to the British government, to the British people certainly.

(34:56)

TOM: Absolutely. And it would then show whatever petition he put into it to do this, they would then see, and I would certainly go in as prosecutors, they'd look this was obviously not valid. And then you can bet your life there would not just be an arrest warrant for this, there would be an arrest warrant for contempt of court.

(35:13)

MATT: Now again let me emphasize this point. You say that there is no discretion in whether or not to issue this warrant if he fails to appear or take some sort of action procedurally. Is that right?

(35:27)

TOM: My understand[ing], now the wording that was used in the summons was, and this people who'll think is a loophole, it says that a warrant may be issued [garble] what it actually says on the warrant. Now I'm not a legal expert on this matter of the issuing of the warrant or anything. The word may is often used rather than [garble] just to give

some judiciary discretion. But from what I was told by the head of the legal team at this particular court, his words to me was, “this will be automatic, if he doesn’t show, that’s it, it’s automatic – an arrest warrant.” He didn’t seem to think that [there’s] any discretion in this.

(36:08)

MATT: So if again I’d like to end this, I hope I’m not be pedantic about this because I’m still interested

TOM: Please do.

(36:15)

MATT: in how procedurally this goes forward on the 14th, if he was to appear, that’s effectively and arraignment where he pleads not-guilty. Did I get that right?

(36:27)

TOM: No. Sorry, that’s what I would have assumed. But no, as I understand this process, on the 14th he needs to be present, but there’s not going to be any trial or anything occur there. At that time, I or my lawyer, will read out the charges against him. At that time, he has, he could if he wanted to, enter a plea. But I don’t believe he will be asked to plea at that stage. Once the charges are read out in court, the judge sitting there will consider that as to his, then [the] decision is who will take jurisdiction for this. Will he and his Magistrate Court take ownership of this case or will he refer it to the Crown Court for trial?

Now [garble] I have been clearly told that this will be an automatic decision they will say, “No this is too big for the Magistrate’s Court, we will immediately allocate this to the Crown Court,” which is the Suffolk Crown Court. And then the next stage is to set a date for an appearance there when a plea will be asked for, and when you’ll have, that’s what you would call your arraignment.

MATT: I see.

TOM: Crown Court not the Magistrate’s Court. If this were a more minor offence it could happen there and then at the Magistrate’s Court. But this is too big for a Magistrate’s Court.

MATT: I see. And then it goes to the Crown Court where it will proceed as it does pre-trial after arraignment?

TOM: Pre-trial, yes.

MATT: So eventually resulting in either some form of a plea agreement or trial?

(38:10)

GLENN: Tom says here that he loves to watch American television, especially court room drama, so he's vaguely aware of this concept of striking a deal.

(38:18)

TOM: Cutting a deal with the D.A. or whatever it is. That is not part of the English system unfortunately for him.

(38:23)

MATT: OK. Is there a stage where this complaint can be dismissed or thrown out procedurally along the process as you understand it?

(38:38)

TOM: Yes, yes there is. Sorry. And a lot of people are assuming this is what will happen. Normally as you said earlier, cases are brought in Britain of a criminal nature by the Crown Prosecution Service. That is the usual format. In this case it is a private prosecutor that is taking this action.

Now at some stage, probably soon, the Crown Prosecution Service will have to look at this and be in dialogue with me to make a decision. [garble] They basically have three options, they look at the evidence, and they've got three options. What Mr. Monson's team will be relying on is one option is to take over the case and immediately close it down. They have the right to do that. I'll come back to that though.

(39:27)

Number two is they look at the case, they decide to take it over and they will prosecute. That gets rid of a load of financial burden for me if they do that.

Number three they look at the case and they say no continue as you are. And that [there] you go.

So the only risk to this process stopping is that first one, where they take over the case and close it down. They usually do that where there is a flippant case anyway, where somehow it squeaked through the district judge or the magistrate who has not looked at matters properly and therefore they correct it that way. This won't happen in this case.

(40:06)

Now for them to take it over and close it down they've got to pass two tests. Basically, they've actually got to determine and show that there is no chance whatsoever of a conviction in this case – that the, you know, the possibility of a [conviction] – it's not that they have to determine, you know all I have to prove there will be a conviction, it's as you mentioned earlier about the probability – that there's at least a good chance of a conviction. You can never know at trial, well you've got two trial lawyers there. You can never know at trial which way something will go and I just have to mention O.J. Simpson and everyone seems to understand that issue.

So they just have to say right, there's no, there's just totally insufficient evidence. I'm grateful to the district judge who went through this so thoroughly, that I don't think they can come to that conclusion.

The next spar they have to say is, "Is this in the public interest?" Now if British taxpayers have been defrauded of tens of millions of dollars, you can bet your life this is in the public interest. So I don't personally see anyway this can be stopped. They will have to have some very clever legal arguments to get the Crown Prosecution Service to say, "No way can this go to trial, 'cause there is no chance in whatever language you want to use that this can happen."

(41:30)

BOB: And even if that happens that's after the March date right? Like we have to get to the point where he shows up? There's no [garble]

(41:39)

TOM: No they could do that tomorrow presumably if they so choose. It wouldn't be an easy thing for them because you know in order to do that they've got to do battle with me and my lawyers. And I've already been told by the law firm, "No there's no way, this is -- [garble] going to get to close this down, we won't let them close it down." The only reason that could be suggested, and I think this is what the district judge was aware of, and you've allude to, the only reason they can close this down is for political reasons. And all I said there, that they make a decision on political reasons and there is a storm in Britain, because the political process should have nothing to do with the judiciary.

(42:17)

BOB: Right, right.

TOM: That would be within the U.S. as well – [garble] any country – you do that and you have got a big problem on your hands. OK so it's my personal opinion, I can be wrong, I

can be wrong legally, I can be wrong in my personal opinion, but the way I see it there is no way of stopping this.

There's a way of delaying it, I've already mentioned that. If they go in and appeal to the high court to have this summons thrown out, they won't win that, but that might be a tactic because that would delay it for another three or four months – so March the 14th won't happen. It will be a subsequent date of May or June or whatever the subsequent date will be.

(42:49)

MATT: I'm sorry Tom if I missed this. You have talked about two issues: the fraud issue pertaining to the seven allegations but then you've mentioned a couple of times the tax, some of the tax fraud, I'm sorry you said they have defrauded through the taxpayers of England or of the U.K. Could you talk to that for a second?

(43:17)

TOM: Certainly. And even this is evidence by statements that have been given to the court by Mr. Bloor and Mr. Ralph. One of the things they mentioned in their written admissions was they paid tithing and why they pay tithing. But they also said they paid their tithing under a tax efficient scheme called Gift Aid. And therefore they paid X in tithing, but an amount called Y was also paid direct from the British Government to the church as a contribution towards their contribution.

Now let's say in the U.S., let's say I have an income of \$10,000 and I want to pay \$1,000 to the church as my tithe. What I would normally do is write a check or whatever of \$1,000 to the church. Then when I fill out my tax return I would put that as an itemized deduction or whatever. And that would reduce my taxes. Now for simplicity let's just say everyone has a 20% tax rate. So, I pay the church \$1,000 and the U.S. federal income tax gives me, or reduces my taxes by \$200. That's the way as I understand it would work in the U.S.

In the U.K. it doesn't work the same way but it's the same net effect. In the U.K. what I would do is pay \$800 to the church instead of \$1,000 and then the U.K. government would pay them \$200 out of the taxes that I have already paid. So, it's the same net effect. The church still gets the \$1,000. It still costs me \$800. It's just gone a different route.

Now again, when we look at the uniqueness of the Fraud Act 2006, and one of the reasons I maintain you don't need a victim to be named, is the victim doesn't even need to be aware that they have been defrauded. And that's why I say the U.K. treasury is the

most significant victim in this. Because I don't think any ordinary tithe payer in England and Wales has paid as much as the U.K. treasury will have paid to the church.

(45:39)

MATT: That component then is part of the financial proof that you're showing as far as the financial gain – that's how it's connected to this action?

(45:52)

TOM: There's two things in the act. There's financial gain but there's also financial loss to another. [garble] This is a gain to the church, it actually works both ways. It's actually a loss to the U.K. treasury. They have actually lost tens of millions of pounds because of this fraudulent behavior. If, sorry I'll underscore that, if it is proved that it is fraud, at the moment it's alleged fraud.

(46:18)

MATT: That helps me understand how that's connected to it. And I know that's come up a couple of times.

(46:24)

TOM: A gain or a loss. So even if under this act, if you were to make some false statements and you made no financial gain out of it, but you caused someone else to lose money,

MATT: Sure,

TOM: That's the criminal act. Or if that was you're intent, not for you to personally gain, but you did something that made someone suffer a loss – that's the criminal offence.

(46:47)

SCOTT: That covers pretty much everything I wanted to talk about unless you guys had any questions about the second anointing.

***** TOPIC CHANGES BACK TO SECOND ANOINTING *****

(46:53)

GLENN: I did have some thoughts around the second anointing. You know, as I prepared for this Tom, I read through your write up of the – you’re experience with that. And one of the things that really struck me was your expectation going in that your calling and election was going to be made sure and that means that you’re going to see Jesus. And you know at some point in that process it must have crossed your mind, “OK where’s Jesus?” And I heard you talk about this when you did your interview with John Dehlin.

But, there’s an expectation among members that definitely Thomas Monson has seen Jesus, the quorum of the twelve, they’re special witnesses of Jesus Christ, so they’ve probably seen him too. Anybody who has a calling and election made sure has seen Jesus. It seems to me that falls very nicely in line with these charges that you’re making. You know, why do people follow blindly the prophet? Well he’s working for Jesus. Jesus is the one pulling the strings behind the scenes. So, why wasn’t that included as one of the seven charges? Is that something that you could demonstrate or at least put President Monson or someone else on the hot seat to say, “This is the main assumption in the church, you know, it’s too sacred to talk about, but we need to know what’s going on because this is part of this fraud.”

TOM: Well,

GLENN: Long winded question.

(48:21)

TOM: No, no, I understand your point. You can go on, particular go to, well look up Wikipedia second anointing. Originally when I posted they actually put in my experience. That’s been taken out by the church every time that gets put in it’s taken out. You go to any church website, they won’t talk about it.

Now could I put that in court? Well, do you know what? It would be my word against Mr. Monson’s word. Now who would the jury believe? I would hope that they would believe me. But why would I even bother? That’s not so testable in a court of law. That’s – and again he’s not even going to be able to prove to them that he’s seen Christ or whatever.

(49:07)

GLENN: But if you were able to prove the general membership belief that they have, I mean that could be devastating. [garble]

(49:12)

TOM: Oh, sorry. Well, let me just back up here a bit. Yes, I was so, at the time, I just felt so humbled – when I was first asked [garble] or said that the prophet asked me to go along for this, I went, I can't remember now I think I went through about a three week process. I looked at my, as far as I was concerned I wasn't worthy of such. Yes, as far as I'm concerned I'm going to meet Jesus, no question about that. I'm being judged right now. Now I'm no perfect man. I can easily pass the bar for a temple recommend. But you know what, I don't [really] [garbled] regard myself as perfect. I'm thinking, "I can do this." And I had to really, I did a lot of fasting and praying during that period to prepare for this event. And I had to leave it to OK well if he i.e. the prophet, presumably talking to Christ has invited me to have this ordinance, than whom I to object and say, "No, I am not worthy." He would know more than I would know as to my worthiness. So, I approached it in that respect. And even on the occasion when my wife and I went to a separate room on our own where she performed an ordinance on me and actually put her hands on my head and gave me a blessing, I thought, "OK this is where it's going to happen with just the two of us here in a room," without an apostle around or anywhere I assumed Christ would appear at that stage. OK it didn't happen.

(50:50)

Was I disappointed? No I wasn't disappointed because it was a very uplifting experience. I mean the impact this has on your spirit or your emotions is just absolutely fantastic. I came out of that even more dedicated and committed. It didn't bother me that Christ didn't appear. But sometime later, a couple of years later I think it was – I did ask one of the general authorities. I said, "Well hang on, Christ never appeared to me. Now when? Is this going to be some future event or am I actually lacking in something or what?"

Now telling, this maybe might answer your question, what he said to me was, "Tom," he said, "What we're advised by the prophet to say if anyone ever asks us that question whether we've seen Christ or not, we just look at them in the eyes and we say we have been counseled by the prophet not to discuss such sacred experiences."

(51:54)

Now when he said that to me, I thought, "Well that means that I have." And he kind of just looked at me. I said I'm not prepared to say that because if I say that to people I know, if they were to ask me that question, I said that, they would go out and say Tom Phillips has seen Christ. That's not true. I would have to say to them no.

Now I was instructed not to say no. I would assume that applies to the apostles and to President Monson as well because if it's true that they've seen him, I don't know the whole Bible especially the New Testament is based on the testimony of apostles that declare Christ. Even Paul, that came after this thing, still testified of his vision of Christ. We don't hear that anymore. But they do allude to it. They won't come out honestly and say no we haven't [seen]

(52:44)

GLENN: Tom explains that throughout his life he always assumed that the general authorities and the apostles have seen Christ and when he would talk with them about it that they would infer that they had. But it wasn't until later on through his own personal experience with this and other things that he realized that they hadn't.

So why not get them to come to the court and stand in front of a judge and declare very boldly like the prophets of old that, "Yes they have seen Christ?" And he started getting a little worked up here.

(53:13)

TOM: Do it. That's what's supposed to happen in the Gospel of Jesus Christ isn't it? Declare it to the world. Call them to repentance. You know, tell them what you really believe that the Catholics are wrong, the Pope is wrong, this is wrong, that's wrong.

(53:26)

GLENN: This was my original question, would there be a way if President Monson comes and he has to stand in front of this court and answer these questions that that could be one of the questions? That we've got to get to the heart of this. You know, is Jesus Christ really at the head of your church?

TOM: Good point. Good point. We'll consider that in the indictment. I think it's a good point.

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

[laughter]

MATT: Infants on Thrones affecting change. Good job.

(53:56)

GLENN: Yes. My dad'll be so proud.

(54:00)

GLENN: Actually he wouldn't. But there you go. That wraps up part 2 and hopefully will get the next one out to you soon. You know, we broke it into pieces like this as a way to push it out to you faster, so hopefully you will forgive us for making you wait to hear the whole thing – at least for those of you who are following us as we post this.

Part 3 will conclude our interview with Tom Phillips and we'll get a little closer to his motivation behind all of this action. And will also include some post interview panel discussion where we're joined by Randy, and our very own Tom you know the other Tom the sighing Tom.

So just a few words for those of you who are new to this podcast, I just want you to know why we do this. We do it because we like it. Period. It's fun. It's interesting to us. We like each other and we like to talk. So none of us really consider ourselves especially qualified in any extra special way. We're not really experts in anything other than our own experiences and our own opinions. And most importantly, I think we know that. We don't take ourselves too seriously. We don't have any ulterior motives. There's no objective here. We're not out to attack or undermine the church or anyone's faith. We just talk about the things that are interesting to us. And we don't monetize this project in any way. We promise that we never will because that just leads to all kinds of issues. And you know, the minute this stops being a hobby that we do simply because we enjoy it, that's the moment we lose our mojo. And I don't think anyone wants us to lose our mojo.



<http://infantsonthrones.com>

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