

Frank

Orleans, Maine
17 January 1966

Revised Guardian,

Joel just received this morning letters ^{from} Mr. Petzold and Mr. Schlatter concerning the latest developments in the legal case. In view of the rush involved, he asked me to send this letter off to you right away stating his views with respect to the memorandum which Mr. Frey must present to the non-Guardian Baha'is lawyers by the 24th.

As I understand it, there are two titles that we are involved in and which the non-Guardian Baha'is want us to differentiate between them and ourselves, that is: the title of our National Spiritual Assembly and of the Faith itself. As Joel's suggestions are as follows:

For the ~~N.S.A.~~ National Baha'i Council under the hereditary Guardianship (this title serves to reflect the relationship between these councils at the national level and the International Baha'i Councils. It would not preclude redesignation of them as Local Houses of Justice at such time in the future as they were prepared to assume these functions.

For the Faith itself: "The Baha'i Faith under the hereditary Guardianship."

This letter may not reach you in time before you have replied to Mr. Petzold's letter and if so Joel doesn't feel it is critically important in any event.

Case 1:64-cv-01878 Document 49-19 Filed 06/14/20

This started out to be my own writing but as Joel was still here during his lunch hour he dictated this to me.

Our loving greetings,

Frederic

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OBf 006485

Second International Baha'i Council
under the Hereditary Guardianship

Second Conseil International Baha'i
sous le Gardiennat héréditaire

EXHIBIT

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President: Joel B. Marangella

Vice-Presidents in order
named by Second Guardian:

Monir Derakhchan
Nawasish Ali Silyid
John B. Byers
James Barrett
Jean Donat
Bernard Fillon
Clarence M. McClymonds

Orleans, France
12 March 1966

Franklin Schlatter, Secretary
The National Spiritual Assembly
of the Baha'is of the United
States of America
(Under the Hereditary Guardianship)

Dear Frank,

Thanks very much for sending me copies of your letters of 18 February and 6 March to the NSA members and the copy of the Guardian's letter to Donald and Bernard of 22 December (of which I had made a copy previously). Incidentally, speaking of this letter the wealthy person of whom the Guardian spoke was Mrs. Hearst.

In recent letters to me the Guardian has consistently emphasized the importance of devoting all of our energies to the teaching work and the absolute necessity of putting an end to any contentions and quarrels which may divide the friends. In the teaching field the Guardian, himself, is setting an example for the rest of us to follow as you will note from a few brief quotations cited below from letters recently received.

Would you kindly share the following excerpts taken from recent letters of the Guardian to me with the other members of your distinguished Assembly and with the friends at large so that they may understand the additional responsibilities which the Guardian has placed upon the members of the second International Baha'i Council and upon its President:

Letter, dated 18 Feb 66:

"The time has come for all contests between the friends under the Guardianship to cease -- TO STOP. At this same time the friends should arise to teach the Faith. As I myself have teaching to do here in Italy I am turning the affairs of the Faith over to you as the President of the Second ^{Baha'i} International Council to handle this for me -- you having the other members of the International Council to assist you."

"You are conversant with the teachings of the Faith so from now on I will leave you free to conduct the affairs of the Faith, I making suggestions when necessary."

Letter, dated 4 March 66:

"As you are now my contact with the Baha'is in the U.S.A., I am attempting to accomplish some teaching of the Faith here in Italy."

In view of the foregoing instructions from the Guardian, your Assembly is requested to address those types of communications and

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reports which were previously forwarded to the Guardian to the President of the second International Baha'i Council. It might be well also to remind the friends of the instructions issued by the President of the Council in the October 1965 Baha'i News wherein they were requested to address their personal letters to the Council members. Just today, I have forwarded 10 personal letters addressed to the Guardian, which he turned over to me, to John Byers to handle. If the Guardian were to attempt to respond himself, in long hand, to such letters he would have little time for anything else. This fact must certainly be clear to the friends. Naturally, it is hard to be cut off from direct communication with the Guardian but I feel certain that the friends will ^{gladly} undergo this type of sacrifice when they realise that the Guardian is thus freed for activities upon which he is placing great importance at this time.

In a letter from the Guardian dated 2 March he informed me to my great surprise of an event which had not been brought to my attention previously. He stated that the National Spiritual Assembly "had reprimanded Jimmy Barrett and his family" and that they were "no longer welcome in the meetings under the N.S.A." I don't know whether it was the present N.S.A. or a previous one which did this. In any case, in view of the strong plea being made by the Guardian to heal every breach amongst the believers and to forget the past, it is imperative that the utmost love be shown to Jimmy and his family and that he be restored to full activity in the Baha'i Community. The friends should not lose sight also of the fact that he has been honored by being appointed by the Guardian as a member of the second International Baha'i Council and the Council members cannot work to help the Guardian if they have been denied communion with the very ones with whom they are required to work. Will you kindly keep me posted on what action the Assembly takes with respect to this matter.

Some time ago I mentioned that it would be appreciated if your Assembly would send me a list of the various groups and Assemblies and isolated believers faithful to the Guardianship in America. Would you kindly send me this listing as soon as it is practicable to do so, including the names of the believers in each locality.

If I don't have an opportunity to write again prior to your Convention, I should like to say that it is my hope and prayer that your deliberations will prove fruitful and that a tremendous impetus will be given to the teaching work. Your continued support and cooperation, as well as that of the other friends will be deeply appreciated. May the new Baha'i year mark the beginning of great victories for the Covenant of Baha'u'llah and the Guardianship of His Cause.

With affectionate greetings to you, the distinguished members of the Assembly and to all of the friends,

Your spiritual brother in the service of
the Guardian of the Cause of God,


Joel B. Marangella

OBF 000258

**THE NATIONAL SPIRITUAL ASSEMBLY OF THE BAHÁ'ÍS OF THE UNITED STATES OF AMERICA
UNDER THE HEREDITARY GUARDIANSHIP, INC.**

Box 182
Santa Fe, New Mexico

2500 Vermont Street
Quincy, Illinois
March 23, 1966

Mr. Charles Mason Remy, Guardian
Baha'i World Faith
c/o American Express Company
Florence, Italy

My Dear Guardian:

In accordance with your request that the N.S.A. make an effort to consult with the Haifa group to come up with a peaceful settlement and to drop the suit but make no compromise of any kind whatsoever,

On February 14, 1966, our N. S. A. sent a memorandum to the Wilmette N. S. A. attorney, Mr. Jerome Gilson, by our attorney, Mr. Donald S. Frey, a copy was mailed to you several weeks ago by our Mr. Franklin D. Schlatter.

In essence we asked that we be identified by the name we now have, "Baha'is Under the Hereditary Guardianship" which distinguishes the basic difference between us and the Wilmette-Haifa group who are Sans Guardian. We also proposed: "Let it be understood, however, that the Guardian Baha'i people believe that the institution of Guardianship is essential to their faith and that modifier of the word "Baha'i" is logically unnecessary.

Trademarks
"Now further in accord with this proposed litigation settlement, the existing trademarks held by the Sans Guardian people may be continued but with understanding that these trademarks were registered under the institution of Guardianship and that the Guardian Baha'is people believe that the Sans Guardian virtually have no right to change the meaning of the term, when the term was registered under another meaning, or when clearly another meaning for the said term prevailed.

"However, in the spirit of friendship and in the hope that full unity of belief may ultimately be achieved, the Guardian Baha'i people are willing to have dismissed by agreement, all complaints and counterclaims, without prejudice, and that the individual parties pay their own costs. We believe that a fair means for each group identifying for itself this basic difference, provides the opportunity for a reasonable peaceful co-existence and for constructive discussion toward spiritual exploration.

"We earnestly look forward to hearing your reaction to the above memorandum and the reaction of your distinguished clients.

Sincerely yours,
(s) Donald S. Frey"

The attached letter, dated March 8, 1966, from Mr. Jerome Gilson to Mr. Donald S. Frey is the response of the Wilmette N.S.A. Haifa group, rejecting our proposal saying;

Gilson
"Please be advised that your client's proposal is not acceptable in its present form to our client. Your memorandum has not succeeded in changing our basic legal position that there is no room for side-by-side use by our respective clients of conflicting designations which include the term BAHÁ'Í."

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Letter to Mr. Charles Mason Remey, Guardian, Baha'i World Faith

Then they make the following counterproposal without pre judice to the rights of their client:

1. a dismissal with prejudice of the 1965 case filed by us;
2. a settlement agreement and a consent judgement in connection with the still pending 1964 counterclaim made by them against us.

Then, they say what the settlement agreement must be, which is the following:

"The settlement agreement would follow the form of the usual agreement in trademark infringement-unfair competition cases. Your clients would agree that our client's trademark registration were valid and infringed and that your clients would not in the future adopt or use any conflicting designations. Your clients would also agree to the entry of a consent judgement prohibiting the use of the present corporate name and any other name which included "National Spiritual Assembly," "Baha'i," or any mark or symbol owned by our client.

Cannot accept

"We ask that you consider this counterproposal with your clients and that you contact me with their response at your earliest opportunity."

Very truly yours,
(s) Jerome Gilson

To accept their counterproposal would put us out of business and our Legal Committee does not feel it can accept their counterproposal. We have discussed the counterproposal made by them with our attorney, Mr. Frey, who also agrees that we cannot give up the designation BAHAI, but we may want to make some other designation for the "National Spiritual Assembly". We told him that we did not know of any other designation as this is the only one we have given to us by the Guardian and no other could be used without his approval. I mentioned to him that in the Writings the designations "House of Justice" was used to designate the body now designated as "Spiritual Assembly" but only the Guardian could designate the change to that name at this time.

We submit this entire matter to you Dear Guardian for your response. We see no other alternative except to defend our right to use the term BAHAI and "National Spiritual Assembly of the Baha'is of the United States of America Under the Hereditary Guardianship" Inc." as you said in your recent letter published in the Glad-Tidings, "The Hereditary Guardianship is the Baha'i Faith of today outside of which there is no Baha'i World Faith".

Why should we press our suit?

We look forward to hearing from you at your earliest convenience. We will follow your direction. If you want us to make another proposal, we will do so, otherwise the suits will proceed in court.

With warmest Baha'i Love and Greetings,

In the Service of the Guardian,

THE NATIONAL SPIRITUAL ASSEMBLY OF THE BAHAI'S OF THE UNITED STATES OF AMERICA
UNDER THE HEREDITARY GUARDIANSHIP, INC.


A. S. Petzoldt, Chairman, Legal Committee

OBF 006480

Orleans, France
7 April 1966

My dear Guardian,

Just a brief note at this time to acknowledge your letters of 28 and 29 March, the former with the enclosed letter from Petzoldt on the legal case and the latter with a copy of your Ridvan letter to the Baha'is.

I have written to Petzoldt. The only copy of this letter was sent at the same time to John Byers for his information and return. When it comes back I shall send it to you for your information as to some of the questions raised therein.

In view of your Ridvan letter to the friends and the exhortation you have made to them to devote their efforts to a purification of themselves spiritually, it seems to me that John Byers suggestion about goals should remain to be acted upon at some future time.

Frank
Have received a letter from Franklin Schlatter confirming the other information that I had ^{received from others} to the effect that the NSA, itself, had not sanctioned Jimmy Barrett and his wife but it was a group of believers in Colorado. The NSA had been apprised of this, however, at the time but had taken no action. Frank tells me that he is planning to write to Jimmy asking what the NSA can do to heal the breach. Now that everyone is aware of the necessity of rectifying this deplorable situation, let us hope that some results will be forthcoming soon. Frank also sent me a list of the faithful friends in America and it appears that there are only two localities where a Local Spiritual Assembly will be assured this Ridvan. ^(County and greater Las Vegas) If I had seen this list sooner, the question might have well been raised as to whether the United States should have an NSA this coming Ridvan. There are several groups which do show promise of growing to nine believers next year.

We are off day after tomorrow (9 April) for a week's stay in Switzerland. We shall have not only an opportunity to see the Fillons and Donald but Monir Derakhshan and Melle Cuvry who will be visiting the Fillons at the same time. We are looking forward to a wonderful reunion.

With our deepest love and Ridvan greetings to you and to Pepe.

Faithfully, your devoted and obedient servant,

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OBF 006487

THE NATIONAL SPIRITUAL ASSEMBLY OF THE BAHAI'S OF THE UNITED STATES OF AMERICA
 UNDER THE HEREDITARY GUARDIANSHIP, INC.

2500 Vermont Street
 Quincy, Illinois
 October 12, 1966

Charles Mason Kney
 Guardian of the Baha'i World Faith
 c/o American Express Company
 Florence, Italy

My Dear Guardian:

Your letter of October 4, 1966 was received and consulted upon by several members of the NSA with Mr. Donald S. Frey as you suggested in your letter.

Some members of the NSA were of the opinion, also, that the dissolution of the National Spiritual Assembly would render the injunction invalid, but Mr. Frey gave us an entirely different picture in our consultation with him. Therefore, we are presenting the picture to you as it exists legally for your further consideration.

In carefully questioning our attorney in regard to our present situation, as you advise we do, he advised us that the change of our name to the Abha Faith would render the injunction pointless. He said dissolution of the NSA would, not serve the purpose of rendering the injunction ineffective, but on the other hand would subject each individual to open and unprotected legal prosecution. The injunction is so directed and worded.

This would mean that the American members of the International Baha'i Council, as it is not an American incorporation or corporation, would be subjected to individual prosecution, should the affairs be turned over to it.

Mr. Frey's advice, therefore is:

1. To immediately change to and trademark the name of "The Abha Faith".
2. To maintain the NSA but change the name to "National Council Of The Abha Faith Under The Hereditary Guardianship, Inc."
3. To maintain the Declaration of Trust and Incorporation, amending same to agree with the changes of names.

It is his opinion, then, that we could function legally using the original text of our Baha'i Writings, both publicly and privately which is essential in teaching the Faith.

Attached is a copy of a letter from Mr. Frey, dated October 9, 1966, giving his legal opinion on the matter discussed above.

In view of the above stated conditions, especially in regard to the functioning of the International Baha'i Council and each individual believer being subject to unprotected prosecution, are you still of the opinion that the NSA should cease to exist?

Warmest Baha'i Love and Greetings
 Faithfully yours,

cc: Mr. Joel Marangola
 Mr. John B. Byers
 Mr. Franklin D. Schlatter

A. S. Petzoldt, Chairman, Legal Committee

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OBF 005326

DONALD S. FREY
 COUNSELLOR AT LAW
 1814 ELMWOOD AVENUE
 EVANSTON, ILLINOIS 60001
 TELEPHONE 328-1321-1322

1 November 1966

Mr. A. S. Petzoldt
 Chairman, Legal Committee
 2500 Vermont Street
 Quincy, Illinois

Dear Mr. Petzoldt:

Your letter dated September 30 was just received by me today. There must have been some real mix-up in the Chicago Postoffice, or elsewhere.

I appreciated seeing Mr. Marangella's letter saying he thought my letter to Mr. Jerome Gilson was "very well written."

Now, as to his questions:

- 1) **WHATEVER HAPPENED TO THE TRADEMARK INFRINGEMENT SUIT THE WILMETTE GROUP HAD ENTERED AGAINST US? That suit has been ended with the judgment of Judge Austin.**
- 2) **WAS IT SUPERCEDED BY THE INJUNCTION? Yes.**
- 3) **IF SO, DOES THIS THEN MEAN THAT BECAUSE WE HAVE AGREED TO ABIDE BY THE INJUNCTION THAT THE LEGAL ACTION ON THEIR SIDE IS ALSO TERMINATED? Yes.**
- 4) **WHAT ARE THE ADVANTAGES AND DISADVANTAGES OF RETAINING THE CORPORATE STATUS OF THE NATIONAL SPIRITUAL ASSEMBLY IN LIGHT OF THE FACT THAT THE INJUNCTION WAS PLACED AGAINST YOUR ASSEMBLY AS A CORPORATE BODY? There are really no advantages. The chief disadvantage is the Wilmette group would probably sue further to implement or enforce the injunction and ask the body to be put in contempt of court and to be fined. There is an advantage, of course, in a group of people having some corporate limited liability. I therefore have recommended that the group file an amendment to their name, in effect changing the name of the present corporation to a name that will be equally definitive and all-embracing.**

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5) WOULD OR COULD THE INJUNCTION BE OPERATIVE AGAINST THE FAITHFUL BAHAI OF THE UNITED STATES IF THE CORPORATION WERE DISSOLVED? Yes, the injunction clearly states groups of individuals who were affiliated with the organization that had the confusing name could also be placed in contempt of court. It would be best, therefore, for groups of the Believers to use a name that is not confusing with Wilmette.

I believe the above answers the questions you wanted me to answer.

I will get to work in reporting to you on the trademark registrations soon. Certainly we do not want to go forward with the trademark as far as the present name of the Mexico corporation is concerned.

Best wishes.

Sincerely,

Donald S. Frey

Donald S. Frey

MINUTES

SPECIAL MEETING
National Spiritual Assembly of the Baha'is
of the United States Under the Hereditary Guardianship

Five members, a quorum, of the National Spiritual Assembly of the Baha'is of the United States under the Hereditary Guardianship, met in the Law office of Mr. Donald Frey, Saturday, August 13, 1966 at 2:00 P.M. IBC Member, John Byers, was present also.

The purpose of the special meeting was to take immediate action upon the Guardian's instructions, contained in a letter, dated 6, August 1966, from Joel Marangella and received Thursday, August 11, 1966.

The following motion was made and seconded:

THAT WE ACT IN COMPLIANCE WITH THE INSTRUCTIONS CONTAINED IN THE GUARDIAN'S LETTER OF 2, AUGUST 1966 TO JOEL MARANGELLA, STATING THAT "THE CASE IN COURT SHOULD BE DROPPED AND STOPPED IMMEDIATELY REGARDLESS OF THE CONSEQUENCES, LETTING THE N.S.A. GET OUT OF THEIR DIFFICULTIES AS BEST THEY CAN. LET THOSE WHO WISH A GUARDIAN GIVE THEIR SPIRITUAL SUPPORT TO HIM AND LET THOSE WHO DO NOT WISH A GUARDIAN GO THEIR WAY TAKING THE CONSEQUENCES THEREOF"; AND THAT N.S.A. ACTION NECESSITATES, THEREFORE, 1- STOPPING OF OUR SECOND SUIT WHICH INCLUDES CLAIMS FOR PROPERTIES AT WILMETTE AND MONIES; 2- STOPPING THE REQUEST FOR FURTHER HEARING ON THE TRADEMARK CASE; AND, 3-STOPPING ACTION ON OUR APPEAL AGAINST THE INJUNCTION. Motion passed unanimously.

In the presence of the assembled N.S.A. members, Mr. Frey dictated a letter to Mr. Gilson, legal representative for the Wilmette group, informing him that because of the Guardian's instruction and desires, the Baha'is under the Hereditary Guardianship, were stopping all litigation and that they, the Baha'is under the Hereditary Guardianship, would comply with the Injunction stipulations regarding their activities. Copy of this letter will be sent to all members of the N.S.A., Joel Marangella and the Guardian.

An explanation of the meaning of the Injunction, as it applies to future Baha'i activities, will be drafted by Mr. Frey and made available to the Guardian, Joel Marangella, all N.S.A. Members and Baha'is of the United States under the Hereditary Guardianship.

Meeting was concluded at approximately 5:00 P.M.

Respectfully submitted,

Madeline Byers Recording Secretary

Copies to:
The Guardian, Joel Marangella,
all N.S.A. Members and
Edward Schlatter

August 14, 1966

under the Hereditary Guardianship

Second Conseil International Baha'i
 sous le Gardiennat héréditaire

Orleans, France
 21 August 1966

President: Joel B. Marangella

Vice-Presidents in order
 named by Second Guardian:

Monte Derakhchen	The National Spiritual Assembly of the
Newsiah Ali Siyid	Baha'is of the United States of America
John B. Byers	Under the Hereditary Guardianship
Jeanne Barrett	Franklin Schlatter, Secretary
Jean Donat	Santa Fe, New Mexico, U.S.A.
Bernard Filion	
Clarence M. McClymonds	

THROUGH: Mr. John Byers, Third Vice President
 Second International Baha'i Council
 Mansfield, Ohio

Dear and faithful co-workers in the service of the Guardian,

This is just a brief acknowledgement of the receipt of the minutes covering your meeting with Mr. Donald Frey on 13 August which your Recording Secretary so kindly forwarded to the President of the Council. The extra copy furnished was immediately dispatched to the Guardian and I am confident that he was made very happy when he read that your Assembly had terminated all legal proceedings against the Wilmette Group. Your Assembly is to be commended for its instant compliance with the Guardian's instructions which you may be sure will bring its spiritual reward. While it is often-times difficult to discern them, God's ways are different from those of men and this is why we, as faithful Baha'is, are so fortunate to have the guidance of God's representative on earth.

Assuredly, God will recognize the loving and devoted labors offered up by the faithful friends for the victory of His Cause and the triumph of His Covenant and bless these efforts in ways known only to Him.

May all of your efforts and energies now be devoted to the propagation of God's Holy Cause.

Faithfully, your spiritual brother in the
 service of the Guardian,

 Joel B. Marangella, President