

January 15, 1966.

Joel Marangella, President,  
International Council,  
Under the Hereditary Guardianship,  
Orleans, France.

Dear Joel,

It has been a wonderful feeling knowing that you have been given the very exacting and responsible position of acting as liaison between the believers and our Guardian. I have wished many times to express my feeling, yet felt that you knew you had our whole hearted support in your service to our Guardian.

This legal case has been a growing and evolving project, and whether it fulfills what we on the outer fringes of understanding can bring about, we know that nothing can stop the POWER OF THE COVENANT, and only time will again bring the full answer, as it has in the past with those who opposed the Successorship.

We are not dismayed at any reverses, knowing full well, they are only temporary. As the 'Wori' so powerfully states, it takes only One Firm Believer, to keep the Faith alive, and Our Guardian has done this, and now he has many hundreds who are firmly upholding his appointment, such spiritual power is irresistible.

Am enclosing what I sent to Mr. Frey regarding my views on negotiating with Sans Guardian Baha'is. A letter from John Byers last evening stated that we should forward our views to you and to our Guardian also.

While in Chicago talking to Mr. Frey on the many points we have to present in our argument, and sharing with him many of my compilation on the Kit-i-Aqdas, the power of the Covenant, etc., he seemed to be getting a clear picture of our foundation. Then he said while taking me to the train, "But your Faith has the right to so many changes", well I was a bit non-plused; <sup>but</sup> believe he really now understands the difference between our spiritual foundation and our right to change the outer conditions through our Declaration and Trust, and the development of the Administrations by our Guardian. He also said, that if we could prove that those who now do not accept the Guardianship, did accept its continuence during the Day of Shoghi Effendi, it would help. I made a compilation on pilgram notes taken from Emeric Sala, wherein Shoghi Effendi spoke forcefully on the Guardianship, and also had told Mr. Frey about the answer Shoghi



OBF 001111

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Efferdi gave Mr. Sala when he asked, "What if groups leave the Faith", the Guardian's reply was "The day may come when whole National Assemblies will leave the Faith". He wanted this and also any other information we could give him on whether the Huquq had been used by any of the believers. I sent him notes on the Maxwell Notes, regarding the Guardianship, which were about two and half pages, they are very clearly stated as you know. That there are many more available if it is necessary to use them.

A letter from Mr. Orick sent to Mr. Frey stating that it took a third person to inform our Guardian of his position, made me compile about three pages of references taken from "Daily Observations at Haifa", regarding Mr. Remey's concern over the Hands rejection of the Guardianship, and the testimony given to Dr. Schaefer in his letter to him of his own deductions on his appointment.

I hope I have not taken too much of your time in expressing these things to you, but felt that you might like to know some of these things that came up with Mr. Frey. As I said to him, that no two people can agree for long on any point, that it is inevitable that separation will develop by those following their own interpretations of the writings.

Our prayers for you and your dear family and all who are serving our Guardian. With confidence that regardless of time, the Victory belongs to God.

Faithfully, in His Service,

*Maxwell Rhodes*

Copies sent to  
Mr. A.S. Petzoldt  
Franklin Schlatter  
~~John Byers~~ did not send -

January 14, 1966.

Donald S. Frey, Esq.,  
1514 Elmwood Avenue,  
Evanston, Illinois.

Dear Mr. Frey:

I am enclosing Notes taken from Mason Remy Daily Observation, showing his concern over the Hands opposition to the continuence of the Guardianship. This is in answer to Mr. Orlicks statement that it took a third person to make Mr. Remy realize his appointment.

Am also enclosing Notes taken by Mr. Sala and Mrs. Maxwell and daughter Mary Maxwell, who became the wife of Shoghi Effendi, and which show the importance of the Guardianship. There are many others who visited and which asked relatively the same questions and without exception all accepted and taught the continuence of the Guardianship during the lifetime of Shoghi Effendi.

The National Teaching Committee, under the direction of the National Spiritual Assembly, compiled three very large books to be used for institute teaching through the U. S. from 1951, to 1957. These show what we under the Guardian are upholding and teaching. The foundation being the Successor from the Will and Testament, and the Kit-i-Aqdas etc. This will show that not for one moment was it ever considered by any Baha'i that the Guardianship would not be continued. You had asked me if we could show this, and felt this to be irrefutable by them.

Now that we are negotiating it is possible this will not be needed, but felt you could keep it in case you wished to use it. Am enclosing my own views on what negotiating might entail, but this really belongs in the hands of Mr. Remy, Joel Marangella and Mr. Petzoldt, along with Mr. Byers.

From the time of Baha'u'llah through Shoghi Effendi's day there have been those who opposed the successor, the whole family of all turned against them. The dramatic end that came to all, as described by Shoghi Effendi, indeed is history making. At the last year of Shoghi Effendi's life all came to naught. Now we have a new set, and what their fate will be, in opposition to Mason Remy will again remain for history to write. That their fate will be the same is inevitable from the writings of Baha'u'llah.

I hope to see you in Quincy.

My faith in you continues,

*Mason Rhodes*

*did not read  
to John*

Nov. 14, 1965

TO: ALL NSA MEMBERS, GUARDIAN, JOEL MARANGELLA  
FROM: F.D. SCHLATTER, NSA SECRETARY  
SUBJECT: NEW INTERROGATORIES FOR COURT CASE; NEXT NSA MEETING

Dear friends:

Attached to this memo are three pages of interrogatories that are being suggested by me for use in our legal action against Wilmette. I am sending them to all of you in hopes that they may stimulate your ideas along those lines and bring about some different interrogatories from you.

Mr. Petzoldt, in a recent note to me, requested that I ask all NSA members to send him some more questions for use in the legal case. He suggested: "Center some questions around Hands' relation to the Guardian and what authority did Hands attempt to dissolve 1st International Baha'i Council to form another."

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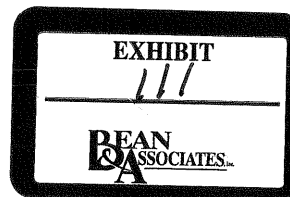
A recent note from Dr. Frain raises the question: "What's on the agenda for Xmas - Do we really need to meet?" She ~~also~~ mentioned the Guardian's having said 2 or 3 meetings, and she also indicated the cost involved in holding a meeting.

In telephone conversation with Mr. Petzoldt and Mom Rhodes last evening they indicated that it might be advisable to hold a meeting if for no other reason than to insure that the entire NSA is fully informed about the legal case and that the NSA is "together" on the affairs of the Faith. They suggested that I, as secretary, might send out a "feeler" to all members; and if there was sentiment against the holding of a meeting that a mail ballot would, perhaps, be in order.

What's your viewpoint? Please let me hear from you by Thanksgiving.

Faithfully yours,

Franklin D. Schlatter



OBF 001118

## SUGGESTED INTERROGATIVES FOR USE IN OUR LEGAL SUIT NO. 65 C 1647

1. Do you admit that according to Article II of the Declaration of Trust formulated during Shoghi Effendi's lifetime that "the purposes and objects of this Trust...are/ to administer the affairs of the Cause of Baha'u'llah for the benefit of the Baha'is of the United States according to the principles of Baha'i affiliation and administration created and established by Baha'u'llah, defined and explained by Abdu'l-Baha, and amplified and applied by Shoghi Effendi and his duly constituted successor and successors under the provisions of the Will and Testament of Abdu'l-Baha"?

2. Is it true that one of the "principles of Baha'i affiliation" at that time was (and at present still is) "loyal and steadfast adherence to every clause of Abdu'l-Baha's sacred Will"? (See Art. II of By-Laws)

3. Is it true that on page 11 of the 1944 edition of that Will and Testament it is written: "It is incumbent upon the members of the House of Justice, upon all the Aghsan, the Afnan, the Hands of the Cause of God to show their obedience, submissiveness and subordination unto the guardian of the Cause of God, to turn unto him and be lowly before him"?

4. To whom do the present members of your Universal House of Justice and the Hands of the Faith turn today?

5. Is it true that on page 14 of the Will and Testament of Abdu'l-Baha it says that the guardian of the Cause of God is the sacred head of the Universal House of Justice "and the distinguished member for life of that body"?

6. Why is there no head of your so-called Universal House of Justice?

7. Have you not, in effect, by forming (or helping to form) a Universal House of Justice without a Guardian, disavowed Abdu'l-Baha--and, ipso facto, Baha'u'llah?

--How do you explain away this statement of Shoghi Effendi's: "the Will and Testament of Abdu'l-Baha can no more be divorced from Him Who supplied the original and motivating impulse than from the One Who ultimately conceived it. Baha'u'llah's inscrutable purpose, we must ever bear in mind, has been so thoroughly infused into the conduct of Abdu'l-Baha, and their motives have been so closely wedded together, that the mere attempt to dissociate the teachings of the former from any system which the ideal Exemplar of those same teachings has established would amount to a repudiation of one of the most sacred and basic truths of the Faith."? (World Order of Baha'u'llah, p. 144)

8. Has not the NSA of the Baha'is of the United States contravened the provisions of its Trust that indicate the NSA is to "administer the affairs of the Cause of Baha'u'llah...according to the principles of Baha'i affiliation and administration...defined and explained by Abdu'l-Baha"?

--How do you explain away Abdu'l-Baha's statement on page 14 of his Will and Testament that makes the guardian of the Cause of God the sacred head of the Universal House of Justice and its "distinguished member for life of that body"?

page two---suggested interrogatives

9. Is it true that on pp. 12 and 13 of the Will and Testament (1944 edition) it is written: "The Hands of the Cause of God must be nominated and appointed by the guardian of the Cause of God. All must be under his shadow and obey his command"?

10. Is it true that on page 13 of that same Will and Testament it is written: "This body of the Hands of the Cause of God is under the direction of the guardian of the Cause of God"?

--Are there Hands of the Cause today? Under whose direction are they?

11. Is it true that on page 12 of the Will and Testament that Abdu'l-Baha said: "It is incumbent upon the guardian of the Cause of God to appoint in his own lifetime him that shall become his successor, that differences may not arise after his passing"? (emphasis supplied)

12. Does Abdu'l-Baha's Will make provision for the first Guardian to appoint a body of individuals to maintain a collective Guardianship after his (the first Guardian's) passing?

13. What is your definition of the words found in the Declaration of Trust, Article II (1949 edition) which read: "his /Shoghi Effendi's/ duly constituted successor and successors under the provisions of the Will and Testament of Abdu'l-Baha"?

--What is your interpretation of a "duly constituted successor"?

14. Did the Hands of the Faith meet the requirements for a "duly constituted successor and successors under the provisions of the Will and Testament of Abdu'l-Baha"?

15. Does the Will and Testament provide that the Hands of the Cause may ever assume "interim authority" over the Faith?

--If you maintain there is such a provision, which one is it?

--If some quotation from the Will and Testament is given, produce the Guardian's interpretation of the quotation to document your testimony.

15. In a February 29, 1952, cablegram Shoghi Effendi said of the Hands of the Faith: "Members august body invested in conformity with Abdu'l-Baha's Testament, twofold sacred function, the propagation and preservation of the unity of the Faith of Baha'u'llah, and destined to assume individually in the course of time the direction of institutions paralleling those revolving around the Universal House of Justice, the supreme legislative body of the world..." (emphasis supplied)

--Do you believe that this statement by Shoghi Effendi indicated that the Hands were to act as a collective authority in the Cause and to provide the Faith's sole leadership at any time?

--What does the word "individually" mean to you?

16. Do you use the October, 1957, letter of the first Guardian as your justification for the Hands of the Cause to assume "interim authority" over the Faith?

page three----suggested interrogatives

--Have the Hands used the following statement from that Oct., 1957 letter as their justification for assuming "interim authority" over the Faith?

"So marvellous a progress, embracing so vast a field, achieved in so short a time, by so small a band of heroic souls, well deserves, at this juncture in the evolution of a decade-long Crusade, to be signalized by, and indeed necessitates, the announcement of yet another step in the progressive unfoldment of one of the cardinal and pivotal institutions ordained by Baha'u'llah, and confirmed in the Will and Testament of Abdu'l-Baha, involving the designation of yet another contingent of the Hands of the Cause of God, raising thereby to thrice nine the total number of the Chief Stewards of Baha'u'llah's embryonic World Commonwealth, who have been invested by the unerring Pen of the Center of His Covenant /Abdu'l-Baha/ with the dual function of guarding over the security, and of insuring the propagation, of His Father's Faith."

--Are there any others used for justification?

17. Do you maintain that the interpretation of the words "Chief Stewards" is limited to the meaning established by or for the Hands of the Cause? (That is, do you feel that the only interpretation which could be given those words would show that the Hands were to become the "interim authority" over the Faith until a Universal House of Justice was established?)

18. Who interpreted the meaning of "Chief Stewards" to be "interim authority" over the Faith?

--Do the writings of Baha'u'llah, Abdu'l-Baha, or Shoghi Effendi make such an interpretation authoritative and binding upon the institutions and believers of the Faith?

19. Is it true that on page 13 of the Will and Testament, it says of the Guardian and his Hands of the Cause: "He /The Guardian/ must continually urge them /The Hands/ to strive and endeavor to the utmost of their ability to diffuse the sweet savors of God, and to guide all the peoples of the world...?"

--What does the word "continual" mean to you?

--Would you accept this dictionary definition of the word "continual": "1. Characterized by continuity; continuous; 2. Occuring in steady, rapid, but not unbroken, succession"? (Webster's New Collegiate Dictionary)

--Have the Hands of the Faith accepted the continual urgings of the Guardian of the Cause of God following the death of Shoghi Effendi?

--Whose directions have the Hands followed?

Faithfully submitted,

*Franklin D. Schlatter*  
Franklin D. Schlatter  
11/13/65

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

Box 182  
Santa Fe, New Mexico

515 East Cherry  
Roswell, New Mexico  
February 2, 1966

Mr. Donald S. Frey  
Counsellor at Law  
1514 Elmwood Avenue  
Evanston, Illinois 60201

Dear Mr. Frey:

Thank you very much for your response of January 29th in which you indicate the lack of much specific precedent for attacking the Wilmette assembly on the basis that they have no right to the names they presently use because they violated their Trust. I very much appreciate your efforts in investigating the matter; and now, in light of recent developments, I would like to present an idea or two which may be applicable to the case.

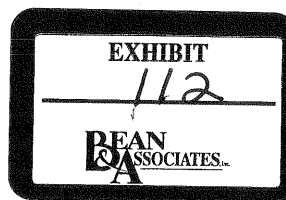
First, the 'recent developments': The present Guardian of the Faith was recently quoted by Joel Marangella (in a letter to John Byers dated Jan. 22): "The Hereditary Guardianship is the Baha'i Faith of today outside of which there is no Baha'i World Faith. There are a number of groups working against the Guardianship. We should have no relations with them. We should ignore the activities of the Haifa group.... We should not recognize them in any way. The thought of making a compromise is abhorrent."

Joel Marangella, in the same letter, commented: "Also, most importantly, with respect to the legal case, this statement is the basis of our position."

In view of the above, I am more convinced than ever of the impossibility of negotiating a settlement with Wilmette outside of court. For this reason, I personally would like to suggest a precedent-making approach along the following lines (based upon a most inadequate knowledge of the law--which is your bailiwick):

Both parties admit that there can be only one Baha'i Faith, that there can be only one national administrative body over the Faith in the United States. Obviously, then, if both organizations are different, it holds that both organizations cannot rightfully call their organizations Baha'i. One or both of the contending organizations must be wrong.

In the matter of a trademark, then, is the matter simply one of who registers the name first, or is the matter more significant than that? We contend that the matter is more significant. We maintain that the "product" (the organizations and what they represent) is what must be considered--and only in those terms is the name important.



OBF 005155

F.D. Schlatter to Mr. Donald Frey  
February 2, 1966

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Wilmette contends that the public must be kept from being confused. We desire the same end. Wilmette, in their suit against us, maintain that we are infringing upon their trademark. The question, however, is more than maintenance of a trademark. The question is one of proper labeling. That is, the "product" (or that which is offered to the public) should, in fact, be what the label implies. And it seems to us that in this light, those legal precedents established for the proper labeling of merchandise are most applicable in this case. For if one of the two NSAs involved is falsely advertising its "product" (the religion it espouses), then it can confuse the public and cause acceptance of the improper product.

The distribution of falsely advertised merchandise is barred; and an organization portraying itself to be what, in reality, it is not, also should be barred.

There cannot be two Baha'i Faiths. Furthermore, that organization which meets the qualifications for representing the Baha'i Faith in the United States is not necessarily the one which claims to meet the qualifications; it is the one which does meet the qualifications. (The contents of the package--the product--must conform to the label employed.)

Should a firm offer for sale a food product which it claims has ground beef within it, when, in reality, that firm has placed a substitute for ground beef into its product, the company has violated civil laws. The company is forbidden to distribute such merchandise. The same type of ruling should hold true for the "spiritual food" offered for distribution by a religious organization.

The case of NSA vs NSA is a precedent inasmuch as the "product" and the organization itself are indivisible. It is apparent that in cases involving marketable items such as food stuffs the court can levy "cease and desist" orders on the merchandise; and the violating organization can still continue to use its established name. But in the matter of two organizations laying claim to U.S. leadership of a Faith which can be but one in number--according to its tenets (and admitted by both contending organizations)--only one organization can be recognized.

But according to what principle will the decision be made? The organization with the greatest numbers may not be upholding the fundamental tenets of the Faith; therefore, popularity should not be the factor employed. Nor should possession of the properties be considered, especially if the possessor is there in violation of that which it represents. Neither of these apply. The decision must be rendered in favor of the organization which faithfully and fully upholds all of the fundamental teachings of the Faith--regardless of whether people like them or not. The fundamental teachings will be those established in the Founder's writings and/or those recognized by the duly-appointed interpreters to be essential to the unity and continuity of the Faith. The organization which should be recognized is the one which repre-

F.D. Schlatter to Mr. Donald Frey  
February 2, 1966

page three

sents the Orthodox Faith. Any other organization, regardless of its size, must be recognized as a religious body outside the Baha'i Faith and therefore unqualified to employ the trademarks associated with the Faith.

I hope that the above remarks may be of some service to you in the prosecution of our legal case with Wilmette. Thank you for all that you are doing on behalf of the Faith.

Sincerely yours,

Franklin D. Schlatter,  
Secretary

*Legal memorandum*  
*"settling with Wilmetts"*

515 E. Cherry  
Roswell, New Mexico  
February 18, 1966

TO: ALL NSA, GUARDIAN, AND JOEL

SUBJ.: ENCLOSED COPY OF LETTER OF 2/14/66 FROM MR. FREY TO J. GILSON.

Dear friends,

The enclosed copy of a letter of Feb. 14, 1966, from Mr. Frey to sans-Guardian attorney Gilson is sent you to keep you posted on the latest developments in the legal case. The following points are given in the way of clarification and elaboration:

- 1) Negotiations for an out-of-court settlement of the legal actions were started, as you know, in accordance with the Guardian's letters. The first step was a meeting between Mr. Frey and sans-Guardian lawyers.
- 2) At this meeting, sans Guardian lawyers requested a memo giving our ideas as to how the two groups could co-exist without confusion of names.
- 3) The enclosed memo was prepared by Mr. Frey with the assistance of Mr. Petzoldt, M. Rhodes, and with the agreement of J. Byers. Guidance was provided by the general approach from the Guardian, transmitted by Joel in his letter of 22 January which said:

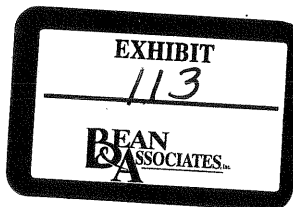
"The Hereditary Guardianship is the Baha'i Faith of today outside of which there is no Baha'i World Faith. There are a number of groups working against the Guardianship. We should have no relations with them. We should ignore the activities of the Haifa group... We should not recognize them in any way. The thought of making a compromise is abhorrent." ....

Grateful consideration was also given to the thoughtful suggestions on this matter sent by NSA members to the Guardian

- 4) In our legal counsel's opinion, there is nothing in the memo of 2/14/66 which would prove restrictive to us in the future; we have given away none of our freedom of action.
- 5) This is simply one step in what may be a tedious and difficult negotiation. Mr. Frey expects the sans-Guardian lawyers will counter with criticism of our approach and may make a counter proposal.

Yours faithfully,

*Franklin D. Schlatter*  
Franklin D. Schlatter,  
Secretary





2500 Vermont Street  
Quincy, Illinois  
October 12, 1966

Charles Mason Knapp  
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 as 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, awaiting 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?

Hurmet Baha'i Love and Greetings  
Faithfully yours,

cc: Mr. Joel Marangella  
Mr. John B. Byers  
Mr. Franklin D. Schletter

A. S. Petzoldt, Chairman, Legal Committee



OBF 005326