

DESCRIPTION OF THE COURTROOM SCENE

Testimony was given by witnesses from each side by Judge Bill Logue eleven of the twelve jurors chosen. (One juror became ill, and was unable to continue, and thus the trial proceeded with only eleven jurors by mutual consent)

Perhaps it was providential that in a case of this religious nature, all the jurors were Christian men and women, well qualified to render a just decision. After their decision was rendered, two of the Jurors made it known that each session in the jury room was opened and closed with prayer. All of them were of the opinion that Tom Street's trusteeship is illegal, and that the property should be returned to Davidians.

Some humor was injected into the scene when part of the testimony termed "hearsay" when Mrs. Eaken (Sister Houteff) testified that Brother Houteff appointed her vice-president, and that part of her testimony was ruled out under the dead man's statute, after which she admitted that she was elected vice-president by the remaining members of the Council.

Among those present in the courtroom were Elder L. E. Rodgers, the local Seventh-day Adventist pastor, two of his church members, and Elder Bob Thrower, Conference Evangelist, who was conducting a two-week revival in Waco, and both of their wives, all of whom ridiculed the Davidians for being in court -- showing their divided condition, Elder Rogers was seen talking to Judge Logue at length in the courtroom, the afternoon before the charge was given to the jury.

Former Davidians present were, Mr. & Mrs. Fayne Worth, Mrs. Tim Worth, Mrs. Vanoy Smith, Mrs. Eaken (Sister Houteff), her mother, Mrs. Sophie Hermanson, H.C. Sealey, and Mrs. Donaldson.

Other Davidians on hand were, Mr. & Mrs. Wesley Green, Mr. & Mrs. Charles Haylock, Mr. & Mrs. H. G. Warden, Mr. & Mrs. George Saether, O.A. Atwood, W. J. Barton, Mr. & Mrs. Emil, John H. Betz and Jerry Strickland.

Quite a large representation from the Branch group now living on Mt. Carmel and headed by, Ben L. Roden, who has an option with Tom Street to buy New Mt. Carmel, were also present. It has been reported to the Committee that he decided not to buy, the property after hearing the evidence presented.

Mr. Roden claims that he, too, intends to set up an Association to carry out the original purpose of the Davidian Movement, and provide facilities for all who have paid second tithes to the movement since its inception, regardless of their present beliefs. He said that the elderly Davidians should be furnished the security for which they were assured under the second-tithe system; and in the courtroom, restated his willingness to unite with other Davidian factions to make it a reality. With each of the factions wishing to work out this project, it would seem that they could get together in a joint program and accomplish their desires.

Several of his adherents were present in the court room and offered some evidence for each of the lawyers. Marie Smith, came from Odessa with V.W. Johnson, and her son, Grubbs Smith, flew down for the jury's decision. Mrs. V. W. Johnson, Helen Rogers, Mr. & Mrs. Perry Jones and children, Miss Edith Rosselot, Mr. & Mrs. R. C. Gallman, Mr. & Mrs. Phillip Florreich, Mr. & Mrs. R.C. Green, Dr. & Mrs. W. T. Bucholz, Mr. & Mrs. George Roden and children, Mrs. Ben Roden and daughter, Rebekah, were present during the four days of testimony.

Different groups of young lawyers sat in daily to observe, as the six lawyers representing the parties involved, presented their evidence and cross-examined the witnesses. A number of curious visitors, besides News Reporters came and went. Several articles regarding the trial appeared in the Waco newspapers.

MAIN POINTS BROUGHT OUT IN THE TESTIMONY OF WITNESSES IN THE COURT

1. "The membership of this Association shall be composed only of persons who subscribe to the whole credenda and embody in their lives the whole agenda of the aforesaid Association. "--The Leviticus p.5: 2.
2. Those who rejected Brother Houteff's teachings were not members, and thus had no authority to dissolve the Association.
3. No one could be found who had actually seen any proxy votes for the March 11, 1962 session. One witness, who cast 35 votes in that session, testified that he had not actually seen the proxies, but someone had told him that he had 35 proxy votes."
4. There was not a quorum, even of the members listed in 1961, in attendance at the March 11, 1962 session. Therefore, the vote to dissolve the Association was entirely illegal.
5. As a part of the select number of 75, the council members paid themselves huge, so-called wage adjustments. Mrs. Eaken (Sister Houteff) admitted that she received \$20,000.00. Sister Hermanson testified that she received over \$10,000.00. Neither of them could remember the amount that was paid to Brother and Sister T. O. Hermanson. The family stands to receive some \$10,000.00 more from the second tithing fund, should the Judge decide to sustain the trust agreement, and Tom Street sells the property and distributes the proceeds.
6. Heirs of deceased persons were not entitled to receive credits due a member, yet Mrs. Eaken (Sister Houteff) testified that she received \$8,000.00 as Brother Houteff's part in the so-called wage adjustment, in spite of the fact that she was not a legal heir.
7. Mrs. Eaken, (Sister Houteff) testified that E. T. Wilson had resigned as Vice President of the Association before Brother Houteff's death, thus leaving a vacancy for the council to fill. (Who knows the real facts?)

8. Testimony revealed, that according to The Leviticus, the Council could not administer the affairs of the Association, and that the prophet-president, was the chief administrator of the Association and chairman of the Council, without which, they were powerless to act in creating, or filling a vacancy. The President, only, appoints the Council. The Leviticus, page 6.

9. To be legal, the Council must consist of seven members, one of which is the chairman, the Prophet-President, and without which the Council cannot function, and cannot call sessions, as the Code is written by him, according to The Leviticus, p. 9, Section 1 (a) and Sections 3 and 4.

10. Testimony showed that Sister Houteff and her Council departed from the teachings of the Prophet-President, thereby separating themselves from the Association, while those holding to the original teachings represented the true Association.

11. The Leviticus, by Brother Houteff, was accepted by the Court as the rule for determining the legality of the council's action, and as the rule of faith for a successor organization.

12. Evidence presented in testimony indicated that the second tithe was originally intended to be, at least in part, social security for those who paid it, and that all who have ever paid second tithe should benefit from it---not just the favored few who followed Sister Houteff and her Council in their private interpretation and departure from Brother Houteff's message.