



MY RECOMMENDED SANCTIONS

As defined in my dictionary, the word “sanction” under the category of *law* is “a provision of a law enacting a penalty for disobedience or a reward for obedience.”

The most recent REPORT AND RECOMMENDATION issued December 23, 2010 by Magistrate Judge Bryant is calculated to enact “a penalty [or penalties] for disobedience” of District Court Orders. While the Magistrate recommended what looks like “criminal contempt” punishments, the conflict is one of a civil nature and would justify only coercive “civil contempt” sanctions as a rule. This incongruity necessitated the filing of a formal objection with the Court which was timely done on January 11, 2011.

The actual conclusion of the Judge’s report goes as follows:

Therefore, it is the recommendation of this Magistrate Court that Messrs. McGill and Chartier, each be fined \$500, that Defendant McGill reimburse Plaintiff for its attorneys’ fees associated with the filing of this current motion and appearing in Court on December 16, 2010 and finally, that Defendant McGill and Mr. Chartier each be sentenced to serve thirty (30) days in the custody of the U.S. Marshal Service. Further, the Court recommends that twenty (20) days of Mr. Chartier’s sentence be suspended pending his good behavior. (p. 5)

From a personal perspective, the above supposed “punitive measures” are more like unto “reward[s] for obedience,” rather than some “penalty for disobedience.” “By whom we have received grace and apostleship, for obedience to the faith among all nations, for his name:” (Rom. 1:5) “**Blessed are they which are persecuted for righteousness' sake: for theirs is the kingdom of heaven. [...] Rejoice, and be exceeding glad: for great is your reward in heaven: for so persecuted they the prophets which were before you.**” (Matt. 5:10, 12) Let me take some space here to expound my thinking further by interjecting additional principles from the Bible.

“And every one that hath forsaken houses, or brethren, or sisters, or father, or mother, or wife, or children, or lands, for my name's sake, shall receive an hundredfold, and shall inherit everlasting life.” (Matt. 19:29)

“But and if ye suffer for righteousness' sake, happy *are ye*: and be not afraid of their terror, neither be troubled;” (1 Pet. 3:14) “But without faith *it is* impossible to please *him*: for he that cometh to God must believe that he is, and *that* he is a rewarder of them that diligently seek him.” (Heb. 11:6) “The LORD rewarded me according to my righteousness: according to the cleanness of my hands hath he recompensed me. For I have kept the ways of the LORD, and have not wickedly departed from my God.” (2 Sam. 22:21, 22; Psa. 18:20, 21)

“The statutes of the LORD are right, rejoicing the heart: the commandment of the LORD is pure, enlightening the eyes. The fear of the LORD is clean, enduring for ever: the judgments of the LORD are true and righteous

altogether. More to be desired are they than gold, yea, than much fine gold: sweeter also than honey and the honeycomb. Moreover by them is thy servant warned: and in keeping of them there is great reward.” (Psa. 19:8-11)

“He hath not dealt with us after our sins; nor rewarded us according to our iniquities. For as the heaven is high above the earth, so great is his mercy toward them that fear him. As far as the east is from the west, so far hath he removed our transgressions from us. Like as a father pitieth his children, so the LORD pitieth them that fear him. For he knoweth our frame; he remembereth that we are dust. As for man, his days are as grass: as a flower of the field, so he flourisheth. For the wind passeth over it, and it is gone; and the place thereof shall know it no more. But the mercy of the LORD is from everlasting to everlasting upon them that fear him, and his righteousness unto children's children; To such as keep his covenant, and to those that remember his commandments to do them.” (Psa. 103:10-18)

If we lose everything else, we should keep conscience pure and sensitive. When asked to go where there is the least danger of offending God, doing that which you cannot do with a pure conscience, do not fear or hesitate. Look the tempter firmly in the face and say, "No; I will not imperil my soul for any worldly attraction. I love and fear God. I will not venture to dishonor or disobey Him for the riches of the world or the love and favor of a host of worldly relatives. I love Jesus who died for me. He has bought me. I am the purchase of His blood. I will be true to His claims, and my example shall never be an excuse for any to turn from the straight path of duty. I will not be the servant of Satan and of sin. My life shall be such as to leave a bright track heavenward." (*Upward Look*, p. 32)

“But before all these [great earthquakes, famines, pestilences, fearful sights, and great signs from heaven], they shall lay their hands on you, and persecute *you*, delivering *you* up to the synagogues, and into prisons, being brought before kings and rulers for my name's sake. And it shall turn to you for a testimony.” (Luke 21:12, 13)
“And this gospel of the kingdom shall be preached in all the world for a witness unto all nations; and then shall the end come.” (Matt. 24:14)

The Magistrate Judge opines the following on pages two and three:

Based on the above, the Magistrate determines that Defendant McGill again is guilty of contempt in violating the Court's aforementioned Orders. As the principal, he is liable for the actions of his agent, Mr. Chartier. Additionally, the Defendant is directly responsible for these violations since it appears he instructed and otherwise aided Mr. Chartier to perform these acts in violation of the District Court's Orders. (pp. 2, 3)

Amazement overtakes me as I read these words, “the Defendant is *directly* responsible for these violations since it *appears* he instructed and otherwise aided Mr. Chartier to perform these acts....” (italics mine) As one man has stated, “Here is a definite assertion supported by and founded on an indefinite statement posited as a fact.” I consider this as one example of the fulfillment of Isa. 59:14, which says: “And judgment is turned away backward, and justice standeth afar off: for truth is fallen in the street, and equity cannot enter.”

Now, I would not deny I am “guilty” on a corporate level regarding violations of the District Court's Orders. As a member of the Body of Christ, I am in agreement with the direction of the Spirit of YAHWEH. Whatever my brethren do in violation of the Court's orders must be done in keeping with Heaven's inspiration. Consequently, I can only declare innocence in the sight of a holy God, and that, for my obedience to Him. I cannot accept “direct responsibility” for actions performed, because that responsibility belongs to YAH alone.

Another faulty section of the REPORT AND RECOMMENDATION is found at page three.

During Mr. Chartier's presentation in court, on both occasions, he has attempted to set out the reasoning why he and Defendant McGill are entitled to use the Plaintiff Church's name. Mr. Chartier argues that they are entitled to do so because they believe the Plaintiff Church has strayed at some level from the beliefs of the founder(s), and as

such, Defendant McGill and Mr. Chartier, as ones who more closely follow the founder(s), are now able to use the name.

While “deviation from doctrine” was one of my stated defenses early in the lawsuit, we discovered the courts do not litigate such matters since the separation of church and state forbids entering that arena. I contend the Magistrate erred in suggesting the deviation from doctrine was our basis for choosing the name of our church and religion. Mr. Chartier has been consistent in testifying that the name “Seventh-day Adventist” was given to us by God. I have penned and stated numerous times that the Almighty Creator was the author of our name “Creation Seventh Day Adventist.” Our use of the name is totally based on a divine mandate that no man, or group of men, can set aside. An earthly tribunal cannot and will not recognize the Eternal One’s authority. They may, as the District Court has done, acknowledge that Defendant McGill took the name based upon a divine revelation, but such a reason is not considered in any way lawful by the Court.

Finally, the Magistrate issues his erroneous defense of the Court’s legal position on religious freedom.

Defendant McGill and Mr. Chartier still have the freedom to practice their own religious beliefs and may form churches from South McNairy County, Tennessee to Africa and back again, so long as their church name is different and distinguishable from Plaintiff Church. (pp. 4, 5)

The Defendant objects emphatically. It is *impossible* to practice *Creation Seventh Day Adventism*, the religion, without employing the name “Creation Seventh Day Adventist” to describe the “religious observances and missionary services” of said religion. The Judge in the *SDA Kinship* lawsuit admitted that members of the SDA faith have no reasonable option for using any other name than the very name of the religion they practice.

As Mr. Chartier has testified repeatedly, the Creation Seventh Day Adventist Church has never been confused with the Plaintiffs’ Church. The Court has concluded no *actual* confusion has existed during the many years of the CSDA Church’s existence. It has been further admitted by the Court that it would be difficult to imagine anyone accidentally becoming involved with the Creation Seventh Day Adventist Church while thinking it was the Plaintiffs’ Church.

So, where lays the problem? Blame cannot be rightly cast upon the Court alone, though the Magistrate Judge, delivering his report and recommended sanctions, has certainly erred in various ways. It is the General Conference Corporation of Seventh-day Adventists and the General Conference of Seventh-day Adventists that must bear “the just vengeance of an offended God.”

Here we see that the church—the Lord’s sanctuary—was the first to feel the stroke of the wrath of God. The ancient men, those to whom God had given great light and who had stood as guardians of the spiritual interests of the people, had betrayed their trust. They had taken the position that we need not look for miracles and the marked manifestation of God’s power as in former days. Times have changed. These words strengthen their unbelief, and they say: The Lord will not do good, neither will He do evil. He is too merciful to visit His people in judgment. Thus “Peace and safety” is the cry from men who will never again lift up their voice like a trumpet to show God’s people their transgressions and the house of Jacob their sins. These dumb dogs that would not bark are the ones who feel the just vengeance of an offended God. Men, maidens, and little children all perish together. (*Testimonies for the Church Volume Five*, p. 211)

No matter what MY RECOMMENDED SANCTIONS are, it will be the Almighty YAHWEH who sanctions me, and for that, I am thankful and full of praise. May it all be to His glory, Amen.

Writing from Africa
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Pastor “Chick” McGill