

**AFFIDAVIT CONCERNING THE UNLAWFUL ACTIVITIES OF
VERNON HOWELL, (A.K.A. DAVID KORESH), HIS FOLLOWERS, AND OTHERS**

Following is the overall history of how Vernon Wayne Howell*, later known as David Koresh*, and his followers gained unlawfully use of the name and property of the Branch Davidian Seventh Day Adventists, and how his remaining followers have continued those unlawful actions. The testimony herein is of my personal knowledge and is true and correct.

*NOTE: For the sake of accuracy, I will be referring to him (Howell/Koresh) by the name he was going by at the time the events which are being related occurred.

1. In the early fall of 1978 I became a member of The Branch Davidian Seventh Day Adventists (hereinafter, "BDSDA"), and have been an active member ever since then.
2. The BDSDA has also used the names "Branch Davidian Seventh Day Adventist Association;" "General Association of Branch Davidian Seventh Day Adventists;" "Branch;" "The Branch;" "The Branch Association;" and have also published under the names "Universal Publishing;" "Universal Publishing Association;" "Universal Press;" "Living Waters;" "Living Waters Branch;" and "Shekinah."
3. I moved to Texas in late 1982 at the request of Lois Roden, who was at that time the president of the BDSDA.
4. I was a first-hand witness to the malicious scheme to steal the name and property of the BDSDA, and other nefarious acts by Vernon Howell (aka David Koresh), and others.
5. On April 27, 1973 Benjamin L. Roden (hereinafter, "Ben"), the first president of the Branch Davidian Seventh Day Adventists appointed three (3) people as Trustees of the association's real property, commonly known as "Mt.Carmel Center," (hereinafter, "Mt. Carmel") located about ten miles outside of Waco, Texas. Those three people were himself, Lois Roden, his wife, and George Roden, his eldest son.
6. Ben died in October of 1978.
7. In the year before his death, Ben held co-leadership of the BDSDA with his wife, Lois I. Roden (hereinafter, "Lois").
8. Shortly after Ben's death, his oldest son, George B. Roden (hereinafter, "George") contended Lois' right to the presidency of the BDSDA, which resulted in a lawsuit from which was issued a declaration that Lois was the lawfully recognized president of the BDSDA, and a permanent injunction was also issued prohibiting George from claiming to be, and attempting to act as president of the BDSDA. This was in 1979. (Exhibit 1).
9. In the document Lois filed against George she came in her position of president of the BDSDA, and with and in the names of other members of the church's *Executive Council*. All of those other members of the *Executive Council* later left the BDSDA to follow Howell.
10. Because George would not abide by the injunction, Lois, as President of the BDSDA, had to return to court in 1983, 1984, and 1985 to have George held under contempt charges for violating said injunction.

11. In late 1981 Vernon W. Howell (hereinafter, "Howell") came to Mt. Carmel, in Waco, Texas, and offered his labors to Lois Roden.
12. Howell was disfellowshipped from the Seventh Day Adventist church for moral reasons shortly before he came to the BDSDA. Never at any time did Howell actually accept any of the basic teachings and practices of the BDSDA.
13. Shortly after coming to Mt. Carmel, Howell said that he felt that he had a message for the Branch members, but it was not received then by those to whom it was presented. Rejected in his attempts to gain a following at that time, he left our fellowship, and came and went over the next year.
14. In late 1982, and in early 1983 Lois received awards for her general work. In February - March, 1983, Lois won an Award of Excellence from the Religion in Media Angel Awards (the Academy Awards of religious broadcasting).for one of her publications, *Shekinah* magazine.
15. One month after Lois won the above mentioned award, Howell returned to Mt.Carmel Center and set fire to our Adminstration building wherein was all of our in-print literature, and all of our publishing equipment. It was a total loss. He left again after not being able to draw a following.
16. In the fall of 1983 he returned again and gained a small following and announced to all at Mt. Carmel that he was naming his distinct faction "Davidian Branch Davidian Seventh-day Adventists" (emphasis added, and such hereinafter). He had added the extra word, "Davidian," in front of the name of the true and original Branch Davidian Seventh-day Adventists of which Lois Roden was still the sole president until her death nearly three years later on November 10, 1986. At this time he admitted that he set fire to the Adminstration building because "The Lord" had told him that "Lois was not to publish that magazine anymore." She continued publishing the magazine, using a commercial company to do so.
17. Howell's naming of his faction "Davidian Branch Davidian Seventh-day Adventists" was contrary to all of the former teachings of the BDSDA, and of its governing organs, *The Leviticus of the Davidian Seventh Day Adventists*, and *The Branch Supplement to The Leviticus of the Davidian Seventh Day Adventists* regarding the name of the association. (there also is a mountain of evidence, so to speak, to support this)
18. In early Spring on 1984, Howell and his followers left Mt. Carmel Center (where many of them had formerly lived) and ended up months later in Palestine, Texas, which is where his headquarters were for about the next three (3) years (until March of 1988). From there he published a few odd documents under the initials "D.B.D.S.D.A." (i.e., "Davidian Branch Davidian Seventh-day Adventists").
19. On January 18, 1984, Lois filed a contempt of court charge against George (Exhibit 2). This time she came alone in her position as president of the BDSDA, without mention of the former members of the *Executive Council*, who at this time were following the leadership of Howell under the name "Davidian Branch Davidian Seventh-day Adventists" In that court document she swears that she is the president of the BDSDA.

20. On early 1985 George filed a lawsuit in the United States District Court Western District of Texas Waco Division, in Civil Action No. W-85-CA-99 against Lois Roden, Vernon Howell, and numerous others, claiming that his rights to the presidency of the BDSDA had been violated.
21. On March 28, 1985 Lois filed another contempt of court charge against George (Exhibit 3). This time also she came in her position as president of the BDSDA, without mention of the former members of the *Executive Council*, who at this time were following the leadership of Howell under the name "Davidian Branch Davidian Seventh-day Adventists" In that court document she again swears that she is the president of the BDSDA. This shows that George Roden never was recognized as being the president of the BDSDA church while Lois was alive. Nor did he succeed her in said office after her death, as has been repeatedly portrayed by the news media and other reporters and writers. This also shows that Howell was not the president, either, though his followers were recognizing him as such)
22. On June 10, 1985, Howell filed his *Answer* to George's lawsuit (United States District Court Western District of Texas Waco Division, in Civil Action No. W-85-CA-99). In that document he states that he is the president of "The Davidian Branch Davidian Seventh Day Adventist Association," and swore to it in that *Answer* (Exhibit 4). This clearly shows that there were two separate associations, with different leaders, using different names, at the same time. This was about a year and one half before Lois' death.
23. In Howell's *Answer* mentioned above in "22 ." Howell names the specific members of his distinct association at that time. He names "Clive Doyle, Edna Doyle, Raymond Friesen, Tilly Friesen, Perry Jones, Mary Bell Jones, Bob Kendrick, Janet Kendrick, and Catherine Matteson." Except for Perry Jones and Raymond Friesen (who died during the 1993 incident where they withstood law enforcement officers), all of those named people have been, and continue to be acting in the unlawful actions which gave rise to this affidavit and the criminal complaint sought against them by the Affiant hereof, Douglas Francis Mitchell (hereinafter, "I," "me," "my," "mine").
24. What is notable about the document mentioned above in "22." is that in that case George was suing them for supposedly depriving him of his right to be president of the BDSDA. Lois filed her own defense separate from that of Howell and those former Branch members who were then following Howell's leadership rather than Lois', and were named in Howell's *Answer*. Howell's's defense was not only separate from Lois', but was made from the premise that he was actually the president of a congregation other than the Branch Davidian Seventh Day Adventists. That is, the "Davidian Branch Davidian Seventh Day Adventists."
25. George's 1985 case mentioned above in "22." was dismissed on for want of George properly stating a *cause of action*.
26. Lois died on November 10, 1986.
27. At the time of Lois' death I was the only active member of the BDSDA (of which Lois was only lawfully recognized president until her death) living in the Waco area. I had personally worked with her on church work within the month prior to her death, and was sent by her

during that time to represent her and the association at an annual meeting of the Seventh Day Adventists.

28. On January 28, 1987, a probate hearing was held concerning the disposition of Lois' estate. Much of her estate consisted of things which she held in trust for the BDSDA. The parties to the hearing were George, George's brothers (Ben L. Roden Jr. and Samuel S. Roden), and me. Neither of George's brothers were active in the church's work.
29. In my petition for appointment as *Temporary Administrator* of Lois' estate (Exhibit 5), I specifically called to the attention of the court George's, and his brother Ben's opposition to Lois work in the church, and that neither of them should be appointed *Administrators*. I also specifically mentioned that "... The Davidian Branch Davidian Seventh Day Adventist Asso. President Vernon Howell, [is] not affiliated with the Association which Lois I. Roden, deceased, was President." (emphasis and brackets added). What is of note here is that Howell was not at all involved in the probate of Lois' estate as one might expect if he were claiming to be her successor as president of the BDSDA (which he later did), and as she had held all of the assests and real property of the BDSDA in trust in her name. George was only a Trustee of the real property – Mt. Carmel Center.
30. In my petition for *Temporary Administrator* I also brought to the attention of the court George's mental instability which was manifest in his action of having dug up the body of a deceased church member from the church's cemetary in order to attempt to resurrect her. I also notified the McLennan County Sheriff's office of this fact. The sheriff's investigated the matter and reported to me that George had told them that he was moving the church's cemetary, and that the backhoe had broken down, and that he could not then rebury the woman's remains, and that her coffin was in the church building covered with an American flag. George had done this a few weeks before Lois died. The judge ignored my pleadings for the need of some one to represent the church's assests, and appointed George's brother's as sole Administartors. They sold off most of what wasn't nailed down (so to speak) and left Waco with George in control of Mt. Carmel Center.
31. In late summer of 1987 I was living in Waco when it came to my attention that Howell was attempting to take out a *contact* on my life.
32. I left Waco in late October, or early November of 1987
33. On October, 30, 1987, Howell, acting in concert with certain of his followers (of whom Affiant is seeking charges against), filed a document with the Deeds Records of McLennan County, Texas (Volume 1613, Page 693), purporting to remove George B. Roden from his position as Trustee of the BDSDA property, Mt. Carmel Center. (Exhibit 6) Said document states:

"THAT I, Vernon Wayne Howell ... President of the Branch Davidian Seventh-day Adventists ..., recognized as PRESIDENT by the unanimous vote of the EXECUTIVE COUNCIL ... the governing body of the Church (according to The Leviticus of the Davidian Seventday Adventists, Branch Supplement, Constitution and Bylaws of the Church) which session of the Executive council met on October 1, 1987, expressly for the purpose of filing a vacancy in the office of President caused by the death of its former

president, Lois I. Roden, on November 10, 1986 ..." p. 1 (emphasis added)

What is of note here is they purported to be acting within the parameters "Constitution and Bylaws of the Church." Yet those actual Bylaws state "the president chairman of the Executive Council is the sole and chief administrator of the affairs of the Association, ... he alone, therefore, has the sole authority to grant credentials and licenses, and to fill vacancies that may occur in the Association's offices." *Branch Supplement*, p.10. AND,

"The Executive Council, therefore, occupies the office as counselors of the affairs of the Association, to the President, who is the chairman of the Executive Council, but the Executive Council (For example the cabinet of the President of the United States Government) without the president-chairman of the Association has no authority to grant credentials and licenses, and to fill vacancies, such as the office of vice president, much less the office of the president." *Branch Supplement*, p.13. THEREFORE,

Those people who were named in Howell's 1985 *Answer* mentioned above in "22." and "23" as being members of the "The *Davidian* Branch Davidian Seventh Day Adventists" were in this document posing as members of the Executive Council of the BDSDA, even though they had left their positions thereon more than 3 1/2 years before to follow Howell who was then president of the DBDSDA.

34. About a week or so after I left Waco (late October - early November 1987) because of the threats against my life, Howell and some of his followers entered the Mt. Carmel property heavily armed, and had a prolonged gunfight with George. Howell and his followers were arrested. They stated that they were attempting to get pictures of the deceased woman and her coffin to present to law enforcement personnel. This was more than 9 months after I had already informed the sheriffs and the probate court of the situation, and after the sheriffs had already investigated the matter.
35. During the time between the gunfight mentioned above in "34." and the ensuing criminal trial of Howell and his followers, George was involved in a civil lawsuit regarding taxes on the Mt. Carmel property (in which George was not doing very well).
36. Due to George's mental state (he was diagnosed with *Turret's Syndrome*, a condition where one is known to use foul language uncontrollably and other unpleasant symptoms), and his frustration over the matters with Howell and the tax case, George wrote some unsavoury things about the Texas Supreme Court judges and a local Federal judge in a court document he filed in the tax case. This brought upon him contempt of court charges, and he was put in jail for six months on March 21, 1988.
37. On March 23, 1988, with George (the last remaining original Trustee of the BDSDA's property – Mt. Carmel Center) out of the way (and me also), a number of Howell's followers moved from their headquarters in Palestine, Texas on to Mt. Carmel Center, and set armed guards at the entrance. They had already stopped going under the name Davidian Branch Davidian Seventh Day Adventists, and had usurped the name Branch Davidian

Seventh Day Adventists.

38. On December 15, 1988, Clive Doyle, and Woodrow Kendrick (both whom were former members of the BDSDA's *Executive Council*), in concert with other followers of Howell filed a document in office of Deeds Records of McLennan County, Texas, entitled "RESOLUTIONS", under the heading, "BRANCH DAVIDIAN SEVENTH DAY ADVENTIST" (Volume 1651, Page 330) (Exhibit 7). Said document was filed under the pretense that said people, and others in concert with them were,

"... the Executive Council of the BRANCH DAVIDIAN SEVENTH DAY ADVENTIST ..."

Said document contains the following statement,

"RESOLVED that Vernon Wayne Howell of Waco, Texas, be and hereby is recognized as the President and Trustee of the aforesaid association, and as President and Trustee of the aforesaid association's related organizations, including Living Waters, the Universal Publishing Association, and the Branch Organic Agricultural Association, and that the former actions of Vernon Wayne Howell performed on behalf of the aforesaid associations hereby are ratified by the aforesaid Executive Council ..."

39. The act mention above in "38." was done under the pretense that those mentioned therein, and those other former members of the BDSDA who, in 1984, severed their allegiance to the BDSDA and the president thereof, Lois I. Roden, to give their allegiance to Howell and his new association (the Davidian Branch Davidian Seventh Day Adventists) were still bona fide members of the BDSDA, and, as their individual cases may be, still members of the *Executive Council* of the BDSDA. The purpose filing of said document was to further their scheme to wrongfully and unlawfully have themselves, and their president, Howell, recognized as members of the BDSDA, and entitled to the use of the original Association's name(s) and the property.

What is of particular note here is that Howell never attempted to lawfully challenge Lois' rights to the presidency of the BDSDA during the three (3) or so years after he started his distinct association under its unique, new name before she died, and not until everyone who could oppose him was out of the way, which was over four (4) years after he started his faction.

40. Around 1990 Vernon W. Howell changed his named to "David Koresh."
41. On April 24, 1994, eleven people (6 of whom were named in Howell's 1985 *Answer* mentioned above in "22." and "23." filed a documnet entitled "CERTIFICATE OF RESOLUTION 4/22/94" (Volume 1809, Page 6, Deeds Records of McLennan County, Texas) wherein they purported themselves to be "the surviving members of the General Association of the Branch Davidian Seventh Day Adventists", and "Trustees for said Association and are authorized to perform acts and services in the name to this Association and for its benefit."

In that document they state:

"Whereas, the General Association aforementioned [BDSDA], did come under a militarystyle attack on Febuary 28, 1993, by the B.A.T.F., and underwent a siege and blockade for the next 51 days by the FBI culminating in a fire on April 19, 1993 which destroyed our headquarters, and resulting in the death of our president/prophet and 81 other members, it is hereby agreed upon:

"1. Since, according to the Leviticus and by-laws of the General Association (Pg. 9-11) it clearly states that the Executive Council of said Association would consist of a President, Vice-President, Treasurer, a Secretary and three alternate council Members. Since the office of President can only be filled by God with someone directly inspired to do so, and since all other officers are to be appointed by the President, then it has been decided by the General Assembly members not to reorganize as aforementioned in this document." [brackets added]

From this it is clear that they were attempting to circumvent the original BDSDA's governing laws. There is no provision in the governing organ of the BDSDA which gives anyone, members or not, the right to disregard its governing laws.

42. Also in the "Certificate Of Resolution 4/22/94" they state:

"3. The Association of survivors meeting in Waco, Texas have unanimously agreed that the undersigned individuals shall act in the capacity of trustee in order to deal with matters of business on behalf of the Association and other surviving members scattered around the world." (emphasis added)

Koresh's remaining followers willingness to disregard the governing laws of the original Association is further seen in said document by their pretensive act of wrongfully attempting to appointing themselves as "Trustees" of the Association. The governing laws of the BDSDA clearly states that the President of the Association, alone, has the right to fill any vacancies in the original Association, and not the *Executive Council*, or the general members of the Association.

43. On April 15, 1996, Koresh's remaining followers filed a lawsuit for title to Mt. Carmel Center (Case No. 96-1152-3, District Court of McLennon County, 74th Judicial District). Their claim was based on *adverse possession* of the property. What is of note here is that they filed as "Trustees of the Davidian Seventh Day Adventists Association." An *adverse possession* suit must be filed against the titled owners of the property. How could they be *adverse* to themselves?

44. When Koresh's remaining followers filed their suit mention above in "43." they only serve two persons directly: to wit, George Roden, who was in a facility for the mentally impaired, and Amo Bishop Roden, a person who was never a member of the Original association, and whose primary connection with the matter was through George Roden, and his false claims to the presidency of the BDSDA. Other prospective defendants (such as me) were named as "Unknown" and were served by means of publication in the *Waco Farm and Labor Journal*, a publication which is subscription only (approximately 1200

subscriptions), with no general circulation. I only became aware of the suit around October of 1997.

45. I joined that lawsuit on January 1998 as a defendant. (Exhibit 9)
46. I filed a separate *Petition for Injunction* on March 1998, seeking to prevent them from continuing to use our identity and property (Case No. 98-841-3, District Court of McLennon County, 74th Judicial District). (Exhibit 10) I also sought for a temporary injunction which would prevent them from holding their annual *memorial service* on the church property. The judge, Alan Mayfield, denied my request for a temporary injunction of that nature. But instead joined the two cases into one, and issue a temporary injunction prohibiting any of the parties from establishing a residence on the property, and from interfering with the other use of the property. It did little good in protecting me from abuse by Koresh's followers and their agents.
47. On or about February 22, 1998, Clive Doyle encouraged one Robert Arnold (a.k.a., "Andrew"), a reported follower of David Koresh, to move on to My. Carmel Center. Clive Doyle, gave him a document in the name of the "Davidian Association" appointing him "security guard" and "grounds keeper" for the property. Said person has never been a member of the DBDSDA. He actually claimed to be a "Moslem-Buddhist." That man destroyed a structure on the property which I was using for distributing some of the church's literature to visitors. He harassed any of the visitors there who would talk with me, and attempted to run me over with a tractor. He posted a very occultic looking symbol on a sign at the entrance to the property. I was told that he had a "6 page arrest record." I was sitting in my van on day reading my Bible. He came up to me, took the Bible from my hand and threw it on the ground and punched me in the face. I reported this to the court, but the judge wouldn't do anything about it. The sheriffs said that they (for some reason they could not tell me) remove him from the area.
48. The joining of the two cases together greatly delayed my injunction case which, by its nature, had priority over many other types of cases, and was scheduled to go to trial in a couple of months. As a result the case was continued under the priority of the *adverse possession* suit which caused a 6 month delay.
49. On February 11, 1999, during the course of the property trial, Koresh's followers filed a document with the Secretary of State of Texas which was titled, "Appointment Of Trustees." (Exhibit 11) They then obtained a certified copy of that document to present in the trial. What's notable about this is that the Secretary of State's office does not check to see if what is stated in the document is true or not, but only certifies that such is on file.
50. In December of 1999, shortly before the case was to go to trial, George Roden (a defendant) died. On a request from Koresh's followers' attorney, the judge order an indefinite continuance. They asked for the continuance under the pretense that they were going to check and see if to see if any of George's relative were interested in the case. They never reported to the court any attempts they may have made.
51. Because of the above mentioned delay, I asked for a severance of the two cases so that my *Petition for Injunction* (in which George was not a party) could finally go to trial.

52. On a motion from Koresh's followers, my injunction suit was dismissed before it came to trial for "lack of jurisdiction." The judge's order was full of contradictions, and the cases that he cited as the basis for his actions were all out of context (none even addressed the specific issue of jurisdiction that was actually before him). I was almost finished with my appeal to his ruling when the other case came to trial.
53. During the pre-trial proceedings I had presented so much evidence to the fact that they could not win on their *adverse possession* claim, that on the Friday before the trial started they announced that they were not pursuing that cause of action, but were instead seeking to be recognized as the bona fide Trustees of the church.
54. Even though Koresh's followers presented all of their above mentioned documents to the jury during the trial, the jury ruled against them. My testimony, along with others, and their own answers to the questions asked them by me and the other defendant (Amo Bishop, who was also opposed to me and them) defeated their case.
55. Immediately after George's death I had filed a document in the county's records office stating that I was the rightful successor trustee. (~~Exhibit 12~~) Though at the trial both of the other parties' claims to being trustees of the church's property were allowed to come before the jury, the judge refused to allow my claim in court. I was only allowed there to defend against the others' claims. The jury ruled against them at my request. (Exhibits 13 & 14).
56. After my case was dismissed the judge removed the temporary injunction which prevented any of the parties from establishing a residence on Mt. Carmel Center, and Clive Doyle (and later Koresh's father) moved mobile homes on the property before the trial started.
57. After receiving the jury's verdict I filed a motion for a *Verdict on the Judgement* (Exhibit 15). In that document I also sought for *additional findings* which included an injunction against Koresh's followers from using the church's identity and property as such issues came before the jury in the live pleadings (documents) and in oral testimony. Although this was most proper and called for under the circumstances, the judge would only render the barest judgement of the jury's verdict. That is, that neither Koresh's followers, nor Amo Bishop were the rightful Trustees. That judgement was rendered on October 6, 2000 (Exhibit 16)
58. I was told by officers in the court building early in the pretrial proceedings that the judge probably would not rule against Koresh's follower because of the backlash he would get from his fellow church members (he is an elder in a Mormon church in Waco).
59. Immediately after the trial I left Waco, out of fear of repercussion from the other parties. The sheriffs there would not take any criminal complaints from me regarding the conspiracy, criminal trespass, fraud, perjury, filing of false documents in the county records office, etc., etc., Koresh and his followers had been and are involved in without something from the court to act upon. And the judge would not deal with the real issues at hand. The district attorney would not even talk to me without something from the sheriffs.
60. During the course of the trial I was interviewed by the local TV stations, and by different people from the *Waco Tribune-Herald* newspaper. In each and every interview I told the reporters that I was representing the BDSDA members who did not follow Koresh (or

George Roden), but remained loyal to Lois I. Roden. I also told them of the true history of the situation. Though those reporters heard my testimony, none of the entities they represented would accurately report what I told them. There seemed to be a different set of reporters for each interview. The ensuing stories in the *Waco Tribune-Herald* grossly distorted almost everything I told them. They refused to let the public know that there were actually Branch Davidian Seventh Day Adventists who did not join Howell/Koresh's unique faction. (Exhibit 17) It was from their series of articles called "The Sinful Messiah" which came out the day before the 1993 incident, and the days following the initial shootout that the name "Branch Davidian" came into use. At no time prior to that has the BDSDA ever use that form of the name. Following is an excerpt from an edited version of that article which is posted on the internet at the *Waco Tribune-Herald's* website,

"The Sinful Messiah

"The Waco Tribune-Herald Series, Fort Worth Star-Telegram/March 3, 1993

"By Mark England and Darlene McCormick

"Waco - If you are a Branch Davidian, Christ lives on a threadbare piece of land 10 miles east of here called Mount Carmel.

"He has dimples, claims a ninth-grade education, married his legal wife when she was 14, enjoys a beer now and then, plays a mean guitar, reportedly packs a 9mm Glock and keeps an arsenal of military assault rifles, and willingly admits that he is a sinner without equal."

Waco Tribune-Herald(emphasis added)

While that may be true of Koresh's followers, it is certainly not true of we BDSDA's who rejected all of his claims, and who know that he was a separate and distinct association before he usurped our identity and property. During the course of the property trial I repeatedly asked one of its authors (Mark England) if he knew that Koresh was actually under the name "Davidian Branch Davidian Seventh Day Adventists" for a number of years. He said "Yes." I then asked him why that fact was never made known in their newspaper. He had no answer for me. I also asked him why won't he and his paper correctly portray the fact that I was saying that I was representing those BDSDA who remained loyal to Lois Roden. He had no answer.

61. As part of our religious duties we pay what is known as a "second tithe." The purpose for of the second tithe is

"To promote the assembling of the people for religious service, as well as to provide for the poor" ... the second tithe ... is actually a divinely ordained, long-range contribution to one's own welfare. Formerly it was used to forward our Academy work and to pay some of its back debts. But now, as the Association grows and expands, the use of the second tithe is likewise expanding.

"In the first place, it now takes care of that part of the educational work, where the first tithe can not legitimately be used. And in the second place, it takes care of the needs of the worthy poor. In short it is actually the original and only true mutual insurance policy for all Present Truth believers..." *The Symbolic Code* , Vol. 9, Nos. 1-12, (1943), published by

Victor T. Houteff (emphasis added).

62. In the mid-1960s the Texas Appellate Court ruled that as the second tithe funds had been invested in the Church's property (Mt. Carmel Center) that the members had a *trust* right in the property itself. And said ruling lead to Ben Roden acquiring title to Mt. Carmel Center. Under the leadership of Ben and Lois Roden our *second tithes* were also invested in the church's literature and literature distribution work (which was one of the main outreaches of the church).
63. Right before Lois' death in 1986 she had printed up around \$25,000 dollars worth of her *Shekinah* magazines and other literature. Most of that literature was on Mt. Carmel Center when Howell move his followers on the property on March 23, 1988. An eye witness states that Howell had a large bonfire and it looked as though he was burning the many boxes of Lois' literature.
64. Even though it is a judge's duty to preserve a trust, Judge Mayfield has refused to acknowledge the harm that has been and is continuing to be done to the church's second tithe trust fund through the theft of our identity and property. There is much more to this matter.
65. In 1983, I shared a two bedroom house on Mt. Carmel Center with Vernon for a week or so. One day he came into the living room with his shirt off. Over his breast bone he had tattooed a small "+" (which looked like a cross). I asked him about it. His reply was, "Oh, I used to be into that."

The Bible speaks of ancient Babel (Babylon) as being founded by Nimrod. His son was named Tammus. According to the traditions of sun worship (which originated in Babylon), Tammus died and was resurrected at the time of the winter solstice. Tammus became a symbol of Lucifer, and the sun worshippers (Luciferians) would tattoo a "+" over their breast bone, the seat of the emotions (symbolic of their love for Lucifer). This was done in antagonism to the law of God which prohibited make of mark and cuttings upon one body, for mankind was in the image of God. There is much more which can be said about the influence of the occult with Koresh and numerous others (that is, other than his followers) in the current situation.

66. In Lois' October 19, 1986 will which was prepared by George and presented to her to sign (and which he attempted to enter at Lois' probate hearing), she crossed out the word "President" in three (3) different places wherein George had typed in said word in connection with his own name. In two (2) of three (3) afore mentioned places she wrote in the words "George Roden, Trustee" (emphasis added). This also shows that Lois would not recognize George as the president of the BDSDA, nor as her successor. Though this will was not allowed by the court, it a part of the file. (Case No. 860731-PRI, Probate Court of McLennon County, Texas)
67. The curious thing about George's 1985 case is that though it was dismissed for want of George properly stating a cause of action, the court records are no longer in the Waco court where the case was heard. They were moved to a historical records division of the federal district court in Fort Worth, Texas. They say that this was done to preserve those records,

their being of historical significance.

What is strange about this is that very few people know about the fact that Vernon was actually representing himself as being the leader of a group distinct from that of Lois or George. To gain access to those records one has to make an appointment to view them and go to Fort Worth. Stranger still is that even though these records are a part of the federal court records, the fact of Howell/Koresh claiming to be the leader of a group distinct from the BDSDA has never been made public by any government agency, nor news agency, despite the fact that they have been notified of this by various people, including myself. George even mentioned this in another court case in Waco after Howell moved onto Mt. Carmel Center. Even the so-called researchers and experts who have written on the history of Howell/Koresh and the BDSDA church have missed, ignored, or suppressed this matter. For some, this has been intentional for they have intended on portraying the BDSDA in as bad a light as possible.

To show that Vernon's intentions for coming to the Branch was to stop Lois from publishing her and Ben's teachings consider his own words from a tape which he sent to the field about a year after Lois died, entitled *The Seven Thunders - Written or Not*. Note: non-italicized statements in brackets “[]” are mine. All of my statements therein are true and accurate, as is this transcription.

"1983, 10 days prior to Atonement a very very special message came to us at Mount Carmel Center. A message which God by His own word entitled the Serpent's Root - the Serpent's Root. Because of the title and because that the Branch's had for years been slacking in their Bible studies which Brother Roden and Sister Roden had consistently been telling them that they must study that they may know truth the message took everyone by surprise. George B. Roden has presently as it appears received Mount Carmel Center and its assets. The decease of Sister Roden should be a shock to many people. But as this tape is being sent to all the Branch's who had professed to be in the present truth, I would like to review a few things that were stated by the seventh angel, before all this trouble and all this shame came about.

"In 1983 after returning from Odessa, Texas after doing work out there for Mrs. Roden, I came back to Mount Carmel upon her request. I had been having some trouble in regards to... uh... certain things [masturbation – he talked about this openly in his meetings]. I had been on Mount Carmel for quite a while without any type of social life [fornication]. Even George would probably admit that I even talked with him on this subject a couple of times. So, upon my return to Mount Carmel, and after certain complications, I had a discussion with Sister Roden. I had been uh... doing certain things [masturbation] in my own life which I never were able to, in my own strength, seem to overcome. But one thing I had done when I first came to Mount Carmel, I never realized the magnitude and enormity of the sin, and that was talking about a messenger derogatory and even like jesting.

This I had done [with Clive and others in the printing room, especially] and the Lord had rebuked me on it. And so I came to Sister Roden and I came to apologize. And upon apologizing,

that day, this message came. It was that simple. [This is not true, for he first presented his message more than one year before, and kept referring to the fact that all had rejected him the first time, and were in the trouble with George, etc., because of previously rejecting him.]

My mind saw panoramic views of Scripture and as I was verbally explaining these things that I had seen to Sister Roden, she told me, she says, you have to present this to the class. And then began this message, and here we are today. Sister Roden, as everyone will avouch, was very strong in this message and not once did she ever write anything against the doctrine of this message [Not true]. And not once did she ever raise her voice against this message [not true]. Not once. She insinuated things [regularly]. She insinuated. But just like we had learned under the Serpent's Root message in Ezekiel 14 that those who fail to progress with the present truth properly weighing every point of evidence will fall.

When Sister Roden's message came did Brother Roden stand up and say, oh this is true, everybody accept it. No, he did not, he said you must study on your own. George had for quite some time been stating that Sister Roden was a type of William Miller. Ok, I'll admit that, but only in the light of Ezekiel 14 which tells us that if a man comes to a prophet with an idol in his heart and the stumbling block of his iniquity before his face God will, read it for yourself, deceive that prophet.

Those who had placed all their faith in William Miller's experience not properly weighing Biblical evidence for the foundation of their faith were just simple tares in Satan's heavy half to eventually flood the church out. That's the way the devil always does it. Every time a new message comes that supersedes the past message, many do not ask is it truth, but they say by whom does it come. And if it does not come through the channel that they wish they will excuse themselves with their own investigation. That's why when the Passover was called in 1984, there was two classes; those who entertained themselves up at the church house, wearing weapons on their sides [He's referring to George and his followers whom Howell had made numerous death perdictions about], and those who humbly sat and learned day by day the lessons taught by the Spirit of God down at Perry's house [not at Lois' house were regular Church meetings were held – Perry Jones' daughter, Rachel was Howell only legal wife, and Perry was his first ardent supporter. Perry died the day of the shoutout in 1993]. And if we can bring to the attention of the people, we would like for you to remember that Sister Roden came to those studies, didn't she? Yes. [For the same reasons that I did, to try and recover those who were being deceived by Vernon]. And she kept coming back. And when we had to go and we had to get a place down at the black church, who kept coming to the meetings? Sister Roden. [to prove him wrong] And now that she is deceased, which God foretold she would be, if certain members did not accept the present truth by investigating it. We'll admit, and I'm sure that those at Mount Carmel know, that she was coming out to Palestine to all the meetings [to, again, point out his errors, by teaching the truth through her publications which they would not investigate because Vernon had told them not to]. She told people that we had the Lucifer message. [This was much more than an insinuation] Finally she became more bold in her own deception. [of rejecting his message] And the Lord let her rest.

“ . . . One day I was walking with Sister Roden up towards the barracks. I used to do a lot of work around there and people will admit it, and I'm sure George will too in his honesty. I had

been helping George take down his trailer house, because he had made a recent deal with Sister Roden in regards to a certain trade — he was trying to get means to go to Israel. What took place was that as I was walking up there, she was making a statement about a certain thing, and I said, 'Well George says,' and I explained what George has said. She says, 'Well you don't mind what George says.' I said, 'Well ... He is going to be the next messenger ...' She says, "George ain't gonna be anything." Excuse me, she said, 'George isn't gonna be anything until he learns how to be obedient and to take orders.'

“ . . . So then what took place, 1983, a message came. But it did not come to George. All the time I had been working for Sister Roden I had been learning things. . . . So what happened was, what happens is that in 1983, the message came — *The Serpent's Root*, and Sister Roden accepted it [this is not completely true — she told people that they would have to investigate it for themselves, and allowed him to present his message]. She has never purported anybody's message, Branch's, never, never. She didn't purport George in the beginning. Once she saw he was teaching error, she shut him down. This message wasn't the same. She's the one that wrote the first letter called *Blow Ye The Trumpets In Zion*.

In Odessa I just simply quoted it out of my mouth as God was revealing it to me, and she wrote it all down [True. But, after examining what was written, she would not sign it, and Vernon, or one of his followers (more than likely Perry Jones) had to forge her signature on it. It doesn't even closely resemble hers] *It was money from her that published it.* [This is not accurate to the facts.] *She wrote the letters. But I had my faith in her, because she was the one that kept moving me forward.* [This is a gross distortion. She could not stop him or those who were mesmerized by him]

But as I kept becoming more and more grounded on the message, she started changing [she was awakening to his deceptions]. *She was discussing one day about printing Shekinah magazine again [after he had burned down the publishing house]. And the Lord told me to tell her not to publish it, that that phase of the work was to no longer be in existence anymore. The magazine had to become more doctrinal from the Branch doctrine instead of from worldly scholars. Well. When I gave her this information, she got upset. And I said, Sister Roden, this is what the Lord has said. Well, she says, 'The Lord wants the work to be done too, and the Shekinah magazine is an important magazine.'* I said, 'But Sister Roden, you know, you started this message and you want me to give this message, and the Lord has told me to tell you **not to publish the magazine anymore.**'

"We had bought 'en several gallons of gasoline. And Sister Roden took all the cars away from us [this was certainly not the action of someone who supposedly had given her right to leadership to him, or anyone else]. But we're not going to go into that. So I had the key to the gas tank. And I had been doing a lot of work around there, so the Lord informed me that I was to keep [steal] the key. So as I was getting gasoline one day, she said to give her the key [because she had lawful control of all Branch property, since she was the president]. I says, 'well, Sister Roden, I can't do that.' [He couldn't except her leadership]. *She turned and got real mad. I couldn't understand it. [I could because, I was an eye witness to this event, and that which preceded it.]*

*“People know, people that were there they understand what was going on. Changes were taking place, that a new message was coming. A wonderful message, a wonderful revelation. So what took place was that **she in rebellion turned away and she published the magazine.** [This is absolute proof, from Vernon’s own words, that Lois did not pass the leadership to him, but openly opposed his teachings]*

“ ... They believe in dead prophets. They believe in idols, graven images, and molten images. ... Why does George and everyone treat us so bad for? If I’m deceived, why don’t people write letters to me and show me where I am in error? Why don’t you do that Branch’s? Why don’t you show enough Christian love to show me where I am wrong as far as the doctrine.

*Don’t tell me because I went to bed with this person, or because I used to drink beer, or I used to smoke cigarettes. That stuff ain’t gonna hold worth anything in the judgment. **Everybody is saying I’ve got all these wives and stuff. Tell me who my wives are. Come here and point them out.** People always like to talk. [He could honestly make that statement because he didn’t actually consider the other women to be his "wives", but rather "concubines"]*

*“ . . . ’LORD. When thy hand is lifted up, they shall see, and be ashamed for their envy at the people.’ Those who are envious at us, **their own fire that they caused, they wanted to cook us,** right? They are going to be consumed. But the Lord is going to ordain peace for us, for we give all the Lord the credit for all the work that the Lord has done for us. We admit that we have allowed other people to rule us and to boss us around, that were not inspired, verse 13, but they are going to be dead. Well George and Sister Roden and Jane [George’s sister] all got mad when I was at Mount Carmel when I told them if you don’t listen to this message **you will die.***

*. . . How come they are dead in verse 14 of chapter 26? You know why they are dead? Because **they are going to kill the Lord’s messenger** [him, Vernon]. **You wait and see. They are going to kill.** ... Yea, God is going to smite a person. [He is speaking of himself.] **But he is going to smite those who smote him.** ... And like George and Jane told me one day at the courthouse, Jane is standing there and she says we are gonna crucify you. Well, that which you do, do quickly.”*

Excerpts from, *The Seven Thunders — Written or Not?*, by Vernon Howell, late 1987 - early 1988

The last time that I saw Vernon, in 1987, he told me that Lois had told him that he was “going to burn in hell.” He just laughed as he said it.

I swear before God Almighty, and under the penalty of perjury of the State of Texas, and of the United States of America that the foregoing is true and correct to the best of my knowledge.
Dated: December 17, 2002

Douglas Francis Mitchell

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

To whom these presents shall come. Greeting:

By of the authority vested in me by the Archivist of the United States, I certify on his behalf, under of the National Archives and Records Administration, that the attached reproduction(s) is a true and correct copy of documents in his custody.



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Regional Director	
NAME AND ADDRESS OF DEPOSITORY	
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

FILED

JUN 10 1985

CHARLES W. VAGNER, Clerk
By *[Signature]* Deputy

GEORGE B. RODEN

vs.

LOIS RODEN, LYNDON OLSON,
BILL LOGUE, VERNON HOWELL,
CHARLES PACE et al.

CIVIL ACTION NO. W-85-CA-99

MOTION TO DISMISS OF DEFENDANT VERNON W. HOWELL AND
HIS ANSWER TO PETITIONER'S ORIGINAL, AMENDED AND
SUPPLEMENTAL PLEADINGS

NOW COMES VERNON W. HOWELL, President of The Davidian Branch Davidian Seventh Day Adventist Association, and Clive Doyle, Edna Doyle, Raymond Friesen, Tilly Friesen, Perry Jones, Mary Bell Jones, Bob Kendrick, Janet Kendrick and Catherine Matteson, members of The Davidian Branch Davidian Seventh Day Adventist Association, hereinafter referred to as Defendants in the above styled cause with their Motion to Dismiss and Motion for a More Definite Statement and their Answer to Petitioner's Pleadings thus far as follows:

I.

Defendants move the Court to dismiss the above styled action for the petitioner's failure to state a claim upon which relief can be granted, the same being apparent from the face of the various pleadings of the petitioner. Fed. Rules Civ. Proc. 12(b)(6).

II.

In the alternative, Defendants would show the Court that Petitioner's pleadings are so vague, indefinite and ambiguous that the Defendants cannot reasonably frame a responsive pleading thereto. Defendants therefore move the Court to order that the Plaintiff plead a more definite statement with respect to the above mentioned Defendants and that if Plaintiff has not done so within ten days

the date of the Order of this Court, that the above styled motion be stricken. Fed. Rules Civ. Proc. 12(e).

III.

Defendants answer to the Original Complaint of the Petitioner is that the Defendants are without sufficient information on which to form a belief as to the truth of the allegations because of Petitioner's failure to serve any one of the above mentioned Defendants with a copy of the Original Complaint and therefore move the Court to dismiss the above styled action with respect to them for the reason of improper service.

IV.

Defendants answer the Amended and Supplemental Pleadings of the Petitioner with a General Denial with respect to the legal and factual allegations of the Petitioner.

Respectfully submitted,

Vernon W. Howell

VERNON W. HOWELL
Defendant pro se

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing motions and answers have been sent by U.S. Mail, Certified, Return Receipt Requested to:

George B. Roden
P. O. Box 2032
Waco, Texas 76703

on this the 10 day of June, 1985.

Vernon W. Howell

VERNON W. HOWELL

THE STATE OF TEXAS))

COUNTY OF McLENNAN))

BEFORE ME, the undersigned authority, on this day personally appeared Vernon W. Howell, who after being by me duly sworn, states that he is the President of The Davidian Branch Davidian Seventh Day Adventist Association, and is in all things capable of making this affidavit. That the statements contained in the foregoing instrument are true and correct.

Vernon W. Howell

VERNON W. HOWELL

SUBSCRIBED AND SWORN to before me by the said Vernon W. Howell, this the 10 day of June A. D. 1985.



RUBY MAY
Notary Public, State of Texas
My Commission Expires Dec. 31, 1988

Ruby May

Notary Public in and for
McLennan County, Texas

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