



URANTIA BROTHERHOOD  
533 DIVERSEY PARKWAY CHICAGO ILLINOIS 60614

This letter is sent to you because of your interest in, and relationship to, the First URANTIA Society of Houston. An identical letter is being sent to all persons known to have been members of the Houston society during the past two years without reference to their present relationship to the society. Whether you are a member, a former member, an officer, a former officer, etc., you have a right to know what is happening which affects the Houston society, and why it is happening.

Due to the press of time, this letter must serve several purposes. It is both a personal letter and an official letter. First, it is to let you know of certain actions taken and proposed to be taken by URANTIA Foundation and URANTIA Brotherhood, and to set forth the reasons for them. Second, it is to give notice of a hearing to be held in Houston, Texas, in December pertaining to matters which may affect the status of the First URANTIA Society of Houston, and of its members. And third, it explains the significance of the enclosed summons to the officers and members of the Houston society to show cause why its charter should not be revoked by URANTIA Brotherhood.

On December 27, 1979, an organization was incorporated in the State of Texas under the name "First URANTIA Society of Houston, Inc." The incorporators were: Kermit Laurent, Cathy Fusco and Sue Via Brazell. Its registered agent was W. Allen Brazell. None of these names appeared on the records of URANTIA Brotherhood as being the officers of the Houston Society. The Brotherhood was advised by the officers of record of the Houston society that it had not incorporated, nor had it authorized anyone else to incorporate it, and that the incorporators were not in fact the same First URANTIA Society of Houston chartered by URANTIA Brotherhood. URANTIA Foundation was advised of these developments.

The Foundation felt that the use of its registered mark by a Texas Corporation which was not, in fact, authorized to use it was an infringement of its rights. After first requesting the Texas corporation to cease and desist using the registered mark, which request was not honored, the Foundation filed suit in the Federal District Court in Houston to enjoin such unauthorized use.

The Texas corporation defended the lawsuit upon the theory that it was, in fact, the First URANTIA Society of Houston chartered by the Brotherhood, and claimed the right to use the registered mark by virtue of its Brotherhood charter.



From a preliminary review of correspondence emanating from both sides of the Houston controversy, it appears that there was no question concerning the officers of the Houston society prior to August, 1979: they were those elected the preceding February. The schism apparently occurred about August 8, 1979, when some members of the Houston society, including the officers of the Texas corporation, claimed that the elected officers had "abandoned the membership" and "stepped forward to assume temporary offices...to preserve the integrity" of the society and to "protect the rights of members..." Since that date, two contending groups have each claimed to be the officers of, and to represent, the First URANTIA Society of Houston: one, the officers elected the preceding February and their successors; and the other, the persons "assuming" office in August, 1979, and their successors. Since there is only one Brotherhood charter issued to the Houston society, there can only be one Houston society.

The factual question then becomes: who is the "true" First URANTIA Society of Houston? Is it the group who incorporated the Texas corporation and their successors? Or is it the other group represented by the officers elected in February, 1979, and their successors?

When the request for a preliminary injunction order was heard by the Federal District Judge in Houston, she reasoned that she should not issue such an order while the Texas corporation's claim to the Brotherhood charter remained unresolved. Although the Executive Committee of the Brotherhood had considered that the officers of the Houston society were those elected in February 1979, and their successors, rather than those assuming office in August, 1979, and their successors, such determination was made upon the basis of information available to it at the time, and was not made upon the basis of any hearing. The Judge was apparently unwilling to accept this resolution of the issue, and suggested that the matter be authoritatively determined by the parties or it would be necessary for the court to litigate the issue as a preliminary matter.

URANTIA Foundation has no authority to determine matters internal to URANTIA Brotherhood, therefore it cannot determine which of the two contending Houston groups represents the true Houston society. Only URANTIA Brotherhood can do this, and it can do so only in accordance with its own administrative rules. The Foundation has requested that the Brotherhood make an official determination as to which of the two contending Houston groups represents the true Houston society and advise the Foundation of the results of such determination. This needs to be done soon in order that the lawsuit may be expeditiously pursued or quickly dismissed.

This involves a dispute within URANTIA Brotherhood. Although it occurs within a society, it is broader than the society because it affects the composition of the Brotherhood as well as both the identity and well-being of a major unit of the Brotherhood. Its effects are felt throughout the organization.

The very nature of the dispute is such that it cannot be resolved locally unless one group will relinquish its claim. There is no provision in the Houston constitution by which it may be resolved locally. But there is a provision in the Houston constitution by which it can be resolved: Article III provides:

"This URANTIA Society, while autonomous in the conduct of its local affairs, is subject to the constitution of URANTIA Brotherhood..."

The Constitution of URANTIA Brotherhood, in turn, makes the Judicial Committee the "supreme arbitrating body of URANTIA Brotherhood" and gives it jurisdiction over:

"all matters pertaining to the affairs of URANTIA Brotherhood and ... all differences between ... any URANTIA Society and any member thereof or between any members or groups of members."

Thus, the Judicial Committee has both the authority and the duty to determine for the Brotherhood which of the two contending groups represents the First URANTIA Society of Houston.

The Judicial Committee has determined that the most equitable way to make such determination is by holding a full and fair hearing in Houston during non-working hours insofar as possible so that all interested persons will have an opportunity to attend and participate if they so desire.

This letter is your official notice of such hearing. If you are an officer, or only a member, you are invited to attend the hearing in person, or by counsel, or both. Upon your request, you will be given the rights of a party and, as such, you may present relevant evidence on any material issue before the committee. If you wish, you may simply come to observe. You should decide what to do after consulting legal counsel, as your relationship with both the Houston society and with the Brotherhood may be affected by the results of the hearing.

As we see it now, the core problems to be resolved are:

- 1) Which of the two contending groups represents the true Houston society;
- 2) The interrelated problem of whether or not the Houston society is incorporated, or--to put it otherwise--whether the Texas corporation is the same legal entity as the First URANTIA Society of Houston chartered by the Brotherhood;
- 3) Whether or not the Houston society has legally signed a licensing agreement with URANTIA Foundation; and



- 4) (Only if the Houston society has not signed a valid licensing agreement) whether or not the Houston charter should be revoked by URANTIA Brotherhood (see below).

The Judicial Committee is determined to remain open and objective about all matters before it, to make only those determinations required by the circumstances, and then only upon the basis of a preponderance of the evidence supporting the findings. Your assistance in bringing evidence and presenting facts will be appreciated.

It is anticipated that the original stages of the hearing will focus upon the facts and circumstances leading to the incident of August 8, 1979, when the second group of "officers" assumed "office," and upon subsequent events relevant to the election of officers in the society prior to the incorporation of the Texas corporation on December 27, 1979.

Should the committee determine, upon the basis of the evidence, that the incident of August 8, 1979, or any other action before December 7, 1979, had the legal effect of transferring leadership of the Houston society from the officers elected in February, 1979, to those assuming office in August, 1979, or to their successors, then it would follow that the validity of the Licensing Agreement purportedly executed on December 7, 1979, is suspect. It would therefore become necessary for the committee to determine the validity of the Licensing Agreement.

There is further the possibility that, even if the committee finds that the officers elected in February, 1979, served out their term, the evidence might possibly show that there was no valid execution of the Licensing Agreement in December, 1979, because of a failure to follow appropriate administrative procedures.

Thus there are two lines of findings which might invalidate the Licensing Agreement. Should either of these lines of findings be made, then the committee must consider what action should be taken because of Houston's failure to execute a valid Licensing Agreement.

You were notified last year of a request by the Charter Committee of URANTIA Brotherhood to revoke the charter of the Houston society for conduct contravening the spirit and purpose of URANTIA Brotherhood by its failing and refusing to execute or support the Licensing Agreement with URANTIA Foundation, thereby jeopardizing the rights of the Foundation to its registered word, mark and symbol. The Judicial Committee ceased to pursue this matter when it was advised by URANTIA Foundation that the Licensing Agreement had been executed. Both the Foundation and the committee were acting upon information and belief that the Licensing Agreement had been lawfully executed by the Houston society. Should it appear during the hearing that this assumption was incorrect, and that the Licensing Agreement was not lawfully executed by the Houston society, then it would become the duty of the Judicial Committee to require the officers and members of the Houston society to show cause why its charter should not be revoked as requested.



In such instance, the question of the revocation of the Houston charter may be considered at the same hearing as the other matters discussed above. All necessary determinations are to be made upon basically the same evidence. The entire schism in Houston appears to hinge upon this single issue: the execution of the Licensing Agreement. It would be unnecessarily redundant to conduct a second hearing to inquire into the same facts examined at the first hearing.

To provide for this contingency, and in order to resolve the entire Houston dispute in a single hearing, the committee has decided to summon all members and officers of the Houston society to show cause why the charter of the First URANTIA Society of Houston should not be revoked for the reasons stated by the Charter Committee, reported above. A summons is enclosed. Of course, if the Judicial Committee finds that the Licensing Agreement HAS been properly executed by the Houston society, then there would be no basis for such revocation, and this phase of the hearing would be omitted.

The Executive Committee is well aware of the provisions of the Constitution of URANTIA Brotherhood assuring the autonomy of local societies. It respects and supports that autonomy. It will recognize and deal with whomever the Houston society elects as its officers. If the Houston society can, and will, resolve this problem on its own, then the Brotherhood will accept its decision. It will recognize either group of officers which the entire society decides is, and has been, its officers. It will treat the Licensing Agreement as being validly executed or not validly executed as a clear majority of all Houston members decide. If these matters are resolved before the hearing, there can be no question of your autonomy.

But absent a resolution of these problems by yourselves, they must be resolved, either by a court or by the Brotherhood. The constitution of URANTIA Brotherhood, to which the Houston society is subject, gives the Judicial Committee both the power and the duty to resolve all the relevant issues.

The Federal District Court has suggested that the legitimacy of the claim of the Texas corporation to the Houston charter be resolved by the organizations involved, instead of by the Court. We agree. Thus the Brotherhood, acting through the Judicial Committee, has no moral choice but to proceed with the hearing and resolve the disputed issues as soon as possible. We call upon the understanding, the good will, the support and the prayers of all members of the First URANTIA Society of Houston in this endeavor.

The Judicial Committee will conduct a full and fair hearing to inquire into the matters raised in this letter, and will make findings of fact sufficient to resolve the relevant issues of fact and law. The committee will be sworn and evidence will be taken under oath or affirmation. Formal rules of evidence will be followed only insofar as is necessary to maintain order in the proceedings and to limit its scope to relevant matters. Evidence will be taken in open sessions; the deliberations of the committee may be in closed session. Although every effort will be made to reach findings in Houston, the committee reserves the right to recess from time to time and place to place to take evidence or to deliberate.

A record of the hearing will be made, and a copy may be purchased by any party at cost.

The hearing will convene at 7:00 P.M. on Friday, December 12, 1980, at the Shamrock Hilton, 6900 Main, in the Boardroom on the third floor, in Houston, Texas. It may recess and continue from day to day until its work is completed.

It is our prayer that this matter will be concluded in a manner that is in the best interest of all parties, that it will serve to put the Houston schism behind us, and that all parties will unify in the spirit of Brotherhood to fulfill the goals and purposes of our organizations.

Sincerely,

Duane L. Faw, Chairman  
Judicial Committee

Scott M. Forsythe, Secretary  
Judicial Committee

DLF/sk  
Encl.- Notice of Hearing



JUDICIAL COMMITTEE  
URANTIA BROTHERHOOD

NOTICE OF HEARING & SUMMONS TO SHOW CAUSE

To: OFFICERS AND MEMBERS OF FIRST URANTIA SOCIETY OF HOUSTON

On August 15, 1979, the Charter Committee of URANTIA Brotherhood filed with the Judicial Committee of URANTIA Brotherhood a petition for the revocation of the Charter issued by URANTIA Brotherhood to First URANTIA Society of Houston. This action was based upon the failure and refusal of First URANTIA Society of Houston to execute or support the Licensing Agreement between URANTIA Foundation and the URANTIA Societies approved by the Executive Committee of URANTIA Brotherhood and submitted for ratification and signature to the Houston Society in November, 1977. Such refusal is alleged to contravene the spirit and purpose of URANTIA Brotherhood by jeopardizing the rights of URANTIA Foundation to its registered word, mark or symbol.

YOU ARE HEREBY NOTIFIED THAT A HEARING UPON THE ABOVE PETITION WILL BE HELD BEFORE THE JUDICIAL COMMITTEE AT:

SHAMROCK HILTON (BOARDROOM ON THE THIRD FLOOR),  
6900 MAIN, HOUSTON, TEXAS

AT 7:00 P. M. ON FRIDAY, DECEMBER 12, 1980, or as soon thereafter as practical, to continue from day to day and place to place until completed.

The OFFICERS of the First URANTIA Society of Houston ARE HEREBY SUMMONED TO APPEAR at such Hearing and SHOW CAUSE, if any there be, why said petition should not be granted, and why said Charter should not be revoked.

This Hearing is being conducted pursuant to Section 5.6 and other relevant provisions of the Constitution of URANTIA Brotherhood of which First URANTIA Society of Houston is now a part. The Society is entitled to representation by counsel in all proceedings relevant thereto, of which this hearing is the first.

Failure to appear will result in the Hearing's proceeding without any defense which the Society may have. The Hearing may result in the revocation of the Charter of First URANTIA Society of Houston, in which case all members thereof would cease to be members of URANTIA Brotherhood by operation of law. However, should the charter be revoked, the failure to appear will NOT jeopardize the right of any member to petition the Judicial Committee for special dispensation under Section 5.7 of the Constitution of URANTIA Brotherhood.

Issued: November 19, 1980.

  
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Duane L. Faw, Chairman