

# **FAMILY FEDERATION'S MISUSE OF THE LAW AND ITS DISSIPATION OF HUNDREDS OF MILLIONS OF UNIFICATION MOVEMENT CHARITABLE ASSETS**

Nicholas Chiaia, UCI General Counsel's Reply to Dr. Michael Mickler's account of the lawsuit *Family Federation for World Peace & Unification International ("FFWPUI") v. Moon et al*

## **Introduction/Judicial Reliance**

Reliable information about new religious movements ("NRM") is always valuable, but it is particularly so at crucial moments in the history of an NRM. These moments include the passing of a movement's charismatic leader and founder, when disagreements over succession rage and lawsuits are initiated by avaricious leaders.

Such is the case for the recently published book *REACTIONS TO THE LAW BY MINORITY RELIGIONS*. I applaud the book's editors, King's College and "Inform," for their efforts to provide information about new religions. However, in the case of Dr. Michael Mickler's chapter, in which he gives his account of the lawsuit *Family Federation for World Peace & Unification International ("FFWPUI") v. Moon et al.*,<sup>i</sup> which is pending in the District of Columbia courts (the "DC Lawsuit"), I urge the utmost caution! Dr. Mickler has been serving as a paid advocate to support the plaintiff FFWPUI. He is not an unbiased observer.<sup>ii</sup> He has likely been tasked to portray the term "Unification Church" ("UC") as unambiguous,<sup>iii</sup> deny the existence of a religious schism; and to vilify all those who refuse to surrender UM assets to FFWPUI, which the late Rev. Dr. Sun Myung Moon's ("Rev. Moon") widow, Ms. Hak Ja Han ("Ms. Han"), leads.

## **The Unification Movement's Spiritual Leadership Schism**

The Unification Movement ("UM") is split amongst multiple leaders, each of whom claims that he or she is Rev. Moon's rightful successor. The schism principally involves Ms. Han with her *Only Begotten Daughter* ("OBD") theology, and Ms. Han's now banished proxy-patriarchal-successor Sean Moon; and Dr. Hyun Jin P. Moon ("Dr. Moon"), whom Rev. Moon recognized publicly as the "Fourth Adam" in 1998 succeeding Rev. Moon as "Third Adam" and Jesus as "Second Adam." Veiling these facts under the pretense of academic objectivity, Dr. Mickler asserts that the Han-led FFWPUI is *THE* UC and *THE* beneficiary of all UM assets including those of DC Lawsuit defendant UCI. However, FFWPUI has *NO* legal right to control UCI or direct its assets.

As Dr. Mickler admits, UCI has been, since its formation, a legally independent, board-governed non-profit corporation. What he obscures, however, is that UCI board members have never been legally bound to follow any UM-related entity, including FFWPUI, and that there is no single entity called the "Unification Church." Indeed, throughout its history, UCI's board has, as a matter of religious conviction, voluntarily followed the guidance and direction of the UM's messianic leader Rev. Moon in deciding what supports the UM's mission and purpose. Likewise, recognizing Dr. Moon's 1998 succession to Rev. Moon's position, various iterations of UCI's board (not only when staffed by the DC Lawsuit defendant directors) have followed Dr. Moon's guidance and direction when making choices about supporting the UM's mission.

## **FFWPUI'S Litigious Aggression**

Nonetheless, FFWPUI has been spinning salacious tales of piracy and plunder about all those who do not support FFWPUI's view of the UM's leadership and mission. Since 2008, FFWPUI has filed more than 30 unsuccessful legal actions<sup>iv</sup> seeking control of UM assets, while wasting millions (estimated to exceed \$150 million US) in UM charitable resources. Likewise, and antithetical to UM principles and "family" values, FFWPUI has maliciously exposed those individuals who do not share FFWPUI's theological school of thought to bankruptcy and immeasurable emotional distress.

Inconsistent with his own earlier statements, and the foregoing readily available and undisputed facts, Dr. Mickler merely repeats FFWPUI's misleading mantra that it controls and is the beneficiary of all UM assets. Dr. Mickler's 2015 statements captured on video are, however, strikingly contradictory: He laments the legal independence of UCI and other UM organizations when speaking to Unification Theological Seminary alumni.<sup>v</sup> His admission in an earlier publication is likewise troubling.<sup>vi</sup>

### **UCI'S Directors Made Legal Donations to Organizations that Advance the UM'S Mission**

Since 2010, UCI has made donations to Kingdom Investment Foundation (KIF), Global Peace Foundation (GPF) and Family Peace Association (FPA). Other than current schismatic religious polity and theological differences, these organizations are no different in their UM legal association than previous UCI beneficiaries, *i.e.* Universal Peace Federation, FFWPUI, The Washington Times and the University of Bridgeport. The UCI Board have not been donating to these Han-led organizations because they are not advancing the understanding and teaching of the theology and principles of the Unification Movement; they are promoting Ms. Han's new OBD sectarian religion. An exclusively sectarian focus is anathema to the missions of the organizations Rev. Moon inspired and especially to his 1994 end-of-church-era mandate.<sup>vii</sup>

### **DC Lawsuit Rulings**

Finally, in addition to his factual omissions, Dr. Mickler omits any mention that the District of Columbia Court of Appeals ("DCCA") has instructed the lower court DC Superior Court to *avoid religious entanglement* and has directed that court to *dismiss the case* if it requires the court to make a religious determination.<sup>viii</sup> Perhaps because a pending appeal contends that precisely such basis for dismissal has materialized, Dr. Mickler now avoids any reference to the theological controversies underlying the DC Lawsuit, or to the DC Lawsuit evidentiary record.

In January 2021, the DCCA stayed the DC Superior Court's October 2018 and November 2020 orders and expedited its review of those orders. A decision has not yet been issued by the DCCA, but the appellate court's action follows the U.S. 2<sup>nd</sup> Circuit Court of Appeals' November 5, 2020 dismissal of Sean Moon's case on First Amendment grounds. In that 2<sup>nd</sup> Circuit case, FFWPUI itself argued (contrary to the position it takes in DC) that the New York court was constitutionally precluded from adjudicating Sean's claims based on ecclesiastical abstention.

### **CONCLUSION**

Dr. Mickler, on behalf of FFWPUI, has enshrouded the UM's religious schism with scandalous accusations and omission of highly material information. His feigned impartiality is all the more troubling, given that he identifies as a church historian and is currently the director of the FFWPUI's Sunhak Institute of History, an entity that not only has censored and rewritten important portions of UM theology, but is also used as a tool by FFWPUI to attack through misinformation.<sup>ix</sup> His misleading explanations in his chapter should not be relied upon by any conscientious observer. UCI's directors acted lawfully when making donations to organizations that support the UM, and they have been prudently managing UCI's assets creating great value for the UM's benefit. Only by asking courts to choose—impermissibly--*THE* UM leader and to interpret UM theology does FFWPUI contend otherwise. But the U.S. Constitution's First Amendment precludes courts from making any such judgments. Dr. Mickler is part of the problem, not the solution, when he now spreads FFWPUI's false narrative. Surely, he can live up to what one reasonably expects from a PhD and head of an accredited U.S. academic institution.

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<sup>i</sup> See DC Court of Appeals docket for *Hyun Jin Moon et al v. The Family Federation for World Peace and Unification et al*: <https://efile.dcappeals.gov/public/caseView.do?csIID=64996>.

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<sup>ii</sup> See deposition of Michael Mickler on April 10, 2018 in *The Family Federation for World Peace and Unification et al v. Moon, Hyun Jin et al.*; see also DC Superior Court public website for case “2011 CA 003721 B”: <https://eaccess.dccourts.gov/eaccess/home.page.2>.

<sup>iii</sup> Unification Movement (“UM”) and Unification Church (“UC”) are interchangeable terms, with the same meaning. Even Plaintiff FFWPUI’s leader Ms. Han admits this:

“Q. Do people use the terms "Unification Church" and "Unification movement" interchangeably?

A. Yes.”

See July 13, 2018, Sworn Testimony of Ms. Hak Ja Han. See video at 09:55:08: <https://www.youtube.com/watch?v=T2L-M5hqyVg&list=PL3prIGdLTTn8-6ZiF91MPxu1RtQ2m381l>.

Moreover, the Unification Church has never referred to a particular legally cognizable organization:

“The Unification Church (UC) refers to an international constellation of churches and related non-profit organizations and for-profit businesses that derive from the messianic ministry of Sun Myung Moon.”

See Oct. 24, 2017 Dr. Mickler expert report; available at DC Superior Court public website (endnote ii).

Since 2009, the term has been weaponized legally and disingenuously invoked to mislead the legal system. From 2009 to 2012, flaunting Rev. Moon’s messianic authority, Sean Moon claimed to be THE legal head of a monolithic organizational structure like the Catholic or Episcopal Churches. In doing so, he sidelined major UM providential developments and formally changed the name of all “Family Federation” organizations to “Unification Church.” FFWPUI bases the DC Lawsuit on this narrative. In 2013, immediately following Rev. Moon’s death, Ms. Han ousted Sean and reverted back to the name “Family Federation.” She likewise disavowed Sean’s purportedly official “UC” memos that were used as a factual basis for the DC Lawsuit. Ironically, just last year, Ms. Han changed Family Federation’s name to the “Heavenly Parent Church.”

<sup>iv</sup> The 30 or more lawsuits include an involuntary bankruptcy, groundless property encumbrances, and numerous unsuccessful civil and criminal claims against Dr. Moon and his supporters in the U.S, Brazil, Paraguay, Mongolia, Japan, and Korea.

<sup>v</sup> May 25, 2015, UTS Governance Symposium (Part 3): <https://www.youtube.com/watch?v=nd5R1E8F0cw>

<sup>vi</sup> “The Unification Church (UC) refers to an international constellation of churches and related non-profit organizations and for-profit businesses that derive from the messianic ministry of Sun Myung Moon.” Oct. 24, 2017, Michael Mickler expert report; available at DC Superior Court public website (see endnote ii).

<sup>vii</sup> From Rev. Sun Myung Moon’s autobiography:

“In May of [1954], we . . . hung out a sign that read “Holy Spirit Association for the Unification of World Christianity.” We chose this name to signify that we belonged to no denomination, and we certainly had no plans to create a new one.”

“It was necessary to hang out a church sign, but in my heart I was ready to take it down at any time. As soon as a person hangs a sign that says “church,” he is making a distinction between church and not church. Taking something that is one and dividing it into two is not right. This was not my dream. It is not the path I chose to travel.”

*As a Peace Loving Global Citizen* (2009), pages 121-123.

<sup>viii</sup> See *Family Fed’n for World Peace & Unification Int’l v. Moon*, 129 A.3d 234, 253 (D.C. 2015). (“Going forward, if it becomes apparent to the trial court that this dispute does in fact turn on matters of doctrinal interpretation or church governance, the trial court may grant summary judgment to avoid excessive entanglement with religion.”).

<sup>ix</sup> See <http://familyfedihq.org/2017/11/inauguration-of-the-sunhak-institute-of-history-usa/>; see also pgs. 233-247 of *The Split of the Unification Movement* by Dr. Jongsuk Kim (2017), for an explanation of changes to key sacred UM texts, revising and editing volumes of content, removing positive references of Dr. Moon and negative references to Ms. Han by Rev. Moon.