

Rutherford Uncovered

...

A Resume of the Reasons
That Lay Behind
Jim Brown's Manifesto



By Rev. Richard Felix, O.S.B.

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Foreword



Mr. Rutherford recently published a booklet entitled "Uncovered" which purports to uncover "the Roman Catholic Hierarchy, an organization put forward by the Devil for the purpose of turning people away from Jehovah God." It would seem only fair then to turn the tables and uncover the honorable "Judge" himself. Hence, the title of this publication.

The author of this pamphlet lives in Cooper County, Missouri, the very county in which Rutherford lived for fifteen years and practiced law. The author has kept close check on the activities of the "Judge" for many years, is well acquainted with many of Rutherford's former associates in the legal profession, and has carefully examined the records of the various Courts in which Rutherford worked.

The Club meeting and the characters in the story that follow are of course fictitious, but the facts and figures they give are only too true.

The contents of this booklet are copyrighted. The author however wishes it to be known that if any one desires to quote the pamphlet in part or to translate it into other languages permission for the same will be freely given upon written request.

Rev. Richard Felix, O.S.B.
Pilot Grove, Missouri
Author and Publisher

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RUTHERFORD UNCOVERED



Jim Brown looked up as I entered the Club. "Come here, George. You'll enjoy this." With that he turned to me an opened book.

"Stories, Essays, and Poems," by G. K. Chesterton—that was the book. On top of the page he held open I read: *The Fool*.

"Who is it," I asked, "you or I?" "Listen first, then judge," was his rejoinder.

At once he began to chuckle his way through that most delightful story. Chesterton, tired of brilliant people, "longed to find the refreshment of a single fool." At last he finds him, "the priceless ass, in a Club." Follows description and dialogue, Chesterton's pretended dullness. "Oh, so it is the miners who are all to be sent to penal servitude, so that we may get more coal. It is the miners who are to be shot dead, every man Jack of them; for if once they are all shot dead, they will start mining again."

Twenty minutes later, the two men were still laughing over Chesterton's fool when suddenly George grew serious. During a lull in their conversation, he had caught the drone of another voice a few feet away. A tall, watery-eyed man with a puffed, unhealthy face was seated before a small group of listeners reading from a pamphlet.

RUTHERFORD UNCOVERED

George sat up with a jerk. "Jim," he said, half jocose and half in earnest, "I wish I had Chesterton's gift of satire and I would write up this Club too."

Jim's eyes questioned. George motioned to the group of men who had attracted his attention. "Listen," said he, "and you will see how a blind man attempts to lead the blind."

Jim twisted in his chair just in time to hear the central figure of the group read from his pamphlet this statement: "The Catholic Encyclopedia above cited likens such use of images to giving honor to the flag of a nation. This shows that flag-saluting is a religious ceremony, because such saluting attributes salvation to what the flag represents. Salvation can come only through Jehovah God by Christ Jesus. (Acts 4:12). An effort is now being made at the instance of the Catholic Hierarchy to compel school children, contrary to the Bible, to salute the flag; and the purpose is to compel them to engage in a form of religion, which is in direct violation of God's law. This of itself shows that it is a subtle scheme of the wily Devil to turn creatures away from Jehovah and to thereby carry out the Devil's challenge, boastfully made to God, that he could turn them away. Job 2:4-6."

Jim Brown's reaction was startling, even to me, who knew so well his generous, fair, warm-hearted nature. He wheeled his chair round, took in the scene behind, then said quietly to the man who had been talking, "Pardon me, sir, I presume you belong to this Club."

RUTHERFORD UNCOVERED

The man nodded assent and said, "Yes sir, and the name is Jones."

"Let me ask further then, Mr. Jones, are the sentiments that you have just been pronouncing your own?"

"I'm glad," was the reply, "to see you so interested. The sentiments you have just heard are the teachings of the Bible. I was just reading them from a booklet called 'Uncovered' written by that great modern defender of Christianity, Judge Rutherford. Here they are on page 44. And, to answer your question directly: Those sentiments just read from the great leader, I myself, I am proud to say, subscribe to full-heartedly. I defend them and propagate them. This gentleman here, to whom I was reading them, I find to be quite open-minded, and I hope soon to see him at my side fighting whole-heartedly in the army of Jehovah's Witnesses."

Jim, still more quietly, presented his visiting card to the speaker, saying, "Your master has maliciously put an utterly false construction upon that paragraph cited from the Catholic Encyclopedia and you are just as maliciously seeking to propagate the same. I shall be happy to meet you, you and your new convert, at any time and place you may find convenient. Meanwhile, to show how fully I share your noble Christian sentiments, take this."

A moment later he had again wheeled round to me, leaving a resounding slap on the face of the man behind him.

RUTHERFORD UNCOVERED

Developments followed fast. The man with the stinging cheek rose from his place, looked angrily at Jim, walked over to the attendant, asked him to summon the President of the Club.

The President came. "Mr. President, this man here, presumably a member of the Club, has just now, unprovoked, insulted me publicly with a blow in the face. I demand either condign apology or then his expulsion from the Club."

The President looked at Jim.

Jim spoke, "Mr. President, this man brought the blow on himself by deliberately and emphatically insulting the flag of our country. I do not ask him to apologize. His apology if offered I refuse. I demand, first, his unconditional expulsion from this Club; secondly, I shall denounce him to the Federal Authorities as one who incites his countrymen to treason and disloyalty."

The President deliberated. Then he spoke, "The rules of this Club specify that, just as each member is admitted by majority vote, so likewise he may not be expelled except by majority vote. Tomorrow evening at 8:00 o'clock, I shall hold a meeting. Each of you, Mr. Jones and Mr. Brown, shall have full freedom to present his case. Can I count on your appearance?" Both men accepted.

Telephones were busy that night and the next day. At the appointed hour the Club's assembly-room was crowded. Preliminaries over, Mr. Jones was called and spoke as follows:

"Gentlemen, on the facts pertinent to this case there is, I believe, no quarrel. Yesterday evening I

RUTHERFORD UNCOVERED

read to a fellow-member a passage on page 44 from this booklet entitled 'Uncovered' written by Judge Rutherford, copyrighted 1937, and published by the Watch Tower Bible and Tract Society with headquarters in Brooklyn, New York and branch offices all over the world. While I was reading Mr. Brown turned from a neighboring table to inquire whether I myself shared the ideas expressed by the passage I had read. I affirmed. Mr. Brown then did two things: First, he presented his visiting card; secondly, he gave me a painful blow in the face. I summoned our President, and demanded that Mr. Brown either apologize for the insult or be expelled from this Club. That demand I here and now repeat. Since Mr. Brown refuses to apologize for infringing, injuriously and insultingly, this my right as an American, to speak freely what I will, I repeat my claim that his name be erased from the roster of this Club. I have spoken."

Jim rose and spoke as follows: "Mr. President do you know the contents of that Rutherford passage which Mr. Jones claims the right to propagate in this Club? I cannot think you do. I yielded to your suggestion yesterday evening only because I felt you did not know what Rutherford says, what Mr. Jones defends. Further I am fully convinced that the members of this Club labor under the same ignorance. Hence I ask you, Mr. President, to read aloud the passage in question. But before you read, let me specify the statements I wish you to notice. Why? Because for our present purpose Rutherford's attitude toward the Catholic Hierarchy and all other forms of organized

RUTHERFORD UNCOVERED

religion is simply irrelevant and non-existent. The constitution of this Club bars any religious test in admitting members. Protestants, Jews, and Catholics sit in this Club side by side with men of no religious affiliation. Hence in listening to the passage, I ask you to confine your attention to this one question: Does Rutherford maintain, or does he not maintain, that flag-saluting is a subtle scheme of the Devil and a direct violation of God's law? Is it wrong to be patriotic? Is it a sin to celebrate the Fourth of July? Is it a crime to salute the Stars and Stripes, that and that alone, is the question."

Jim Brown stood at respectful attention while the President read: "The Catholic Encyclopedia above cited likens such use of images to giving honor to the flag of a nation. This shows that flag-saluting is a religious ceremony, because such saluting attributes salvation to what the flag represents. Salvation can come only through Jehovah God by Christ Jesus. (Acts 4:12). An effort is now being made at the instance of the Catholic Hierarchy to compel school children, contrary to the Bible, to salute the flag; and the purpose is to compel them to engage in a form of religion, which is in direct violation of God's law. This of itself shows that it is a subtle scheme of the wily Devil to turn creatures away from Jehovah and to thereby carry out the Devil's challenge, boastfully made to God, that he could turn them away. Job 2:4-6."

No sooner had the President read the passage just quoted than Mr. Smith, a prominent attorney and an old West Pointer who served as a Captain in the World

RUTHERFORD UNCOVERED

War and now heads the local unit of the American Legion stood up and said, "Mr. President! Does Mr. Brown yield?" Jim nodded.

CAPTAIN SMITH

"Mr. President, up to this moment my sympathies have been with Mr. Jones. His appeal impressed me as an appeal to American freedom of speech. But under that passage which you, Mr. President, have just read, my mood of sympathy froze to ice. Mr. Brown is right, incontestably right. That passage does say and says it clearly that flag-saluting is an invention of the Devil, that flag-saluting, this most ordinary, everyday sign of love of country, was invented by the Devil to turn creatures away from God. Is there any red-blooded American in this land today who would stand for a statement so dastardly and disloyal as that!

"The situation Mr. Brown has uncovered, the situation this Club finds itself in, the situation our country finds itself in makes my blood boil. Mr. President, we are here confronted with a situation which is, I verily believe, unparalleled in history. The author of that passage not only propagates treason—that has been done before—but he claims immunity for his treasonable propaganda from the very flag he is tearing down. I should like to hear what other members of the Club think of this matter."

Mr. Langford, the County Superintendent of Schools, then quickly arose and requested the privilege of the floor.

RUTHERFORD UNCOVERED

MR. LANGFORD

"Mr. President, I wonder if our Club members really realize what a menace this mountebank is right here in our own county. I am hardly exaggerating when I say that a ton of this treasonable stuff has been unloaded on the schools of this one county alone. The phenomenon amazed me. Every school I visited was flooded. Millions, literally, of American citizens are giving up their hard-earned cash to support this new enemy of our flag. And let no one believe that the passage read here this evening stands alone. Perfidy is part of Rutherford's gospel. It is warp and woof of all his publications. Let me read to you just one sentence here on page 55 of another recent Rutherford pamphlet entitled 'Protection.' It sounds thus: 'All worldly rulers practice some kind of religion, and, whether they know it or not, they are against God and His kingdom.' You can, if you care, find the same idea all through his writings.

"Lest you should consider me an alarmist, let me quote to you briefly from an article in the Literary Digest. Speaking of the results of this angle of the Rutherford propaganda we are told that in many instances parents refuse to permit their children to salute the Stars and Stripes because to them it is the *devil's banner*. A year ago the first such case in Pennsylvania startled the newspapers. *If you kill me I won't salute!* quavered an eleven-year-old school-boy. He was expelled. Soon after, in Canonsburg, Pennsylvania, a teacher was dismissed for refusing to honor *the flag of horror and hate*. Followed

RUTHERFORD UNCOVERED

similar instances of zeal and its punishment in Secaucus, New Jersey; Shelburne Falls, Massachusetts; and Los Angeles. An eight-year-old Lynn, Massachusetts lad was driven from school. Soon authorities found mere expulsion inadequate to stem the mounting tide.¹

"The amount of this sort of literature scattered across our country is almost unbelievable. These copies of 'Uncovered' and 'Protection' that I have here in my hand are only two out of 252,577,146 similar copies and publications that have come from the Watch Tower printing presses. Last year alone the number ran to 22,577,146.² Besides these blatant brochures Rutherford publishes two papers, The Watch Tower and The Golden Age. Each appears twice a month. Calumny and insulting cartoons fill every page. The Golden Age is published simultaneously in twelve different languages. It is claimed that these two papers have a combined reading list of several million people.

"In this connection the Literary Digest tells us further, "Tucked away in a corner under the Brooklyn end of the Brooklyn Bridge between two warehouses is an eight-story, white, oblong building—the power-house of Jehovah's Witnesses. An electric sign above winks out in ruby lights the word—Riches. Here 196 Witnesses known as the Bethel Family toil for Judge Rutherford and the Lord. Their riches are \$15.00 a month. For this sum they print and mail literature, make the 35,000 pounds of ink used annually to print \$700,000 worth of books."³

1. Literary Digest, May 2, 1936. p. 18.
2. cf. Consolation, Dec. 29, 1937. p. 32
3. Literary Digest, May 2, 1936. p. 18.

RUTHERFORD UNCOVERED

"The same pernicious work is carried on by means of the radio, portable phonograph records, and public address systems. Equipped with sound devices, cars go up and down our highways and through the streets of our towns and cities blaring forth the biased and bigoted message of this charlatan. Free speech, by all means, but when that blessed privilege is abused to vilify our fellowmen, to breed discord, to cavil at constituted authority, to prepare the soil for Communism, and to sow into the minds of our children the seeds of disloyalty to our flag and to our country, then liberty becomes license and free speech forfeits its right to freedom because it fails to fulfill the function assigned it by the Founding Fathers of our glorious Republic. For some strange reason this impudent enemy of our flag and of our religious institutions appeals to millions of adult Americans. That he should be let loose like an avalanche on the impressionable minds of American children seems to me a piece of inconceivable stupidity."

As soon as Mr. Langford ceased speaking, Mr. Graham, the dapper little radio editor of the Daily News motioned for recognition.

MR. GRAHAM

"Mr. President, I rise merely to add a word about the radio activities of Rutherford. By means of electrically transcribed records, Mr. Rutherford at this time is ranting over one hundred and thirty-eight radio stations in different parts of the United States. On many of these stations he is holding forth three or more times

RUTHERFORD UNCOVERED

a week. All told he has been giving over four hundred addresses via the radio every week all winter long.

"A short time ago Mr. Rutherford transcribed this very booklet entitled 'Uncovered' into six quarter-hour records and has added a great many more stations to his original one hundred and thirty-eight to carry these special broadcasts. The Rutherford broadcasts, commonly called the Watch Tower Programs, are made up mainly of silly interpretations of Scripture, gratuitous charges against the various churches—Catholic, Protestant, and Jewish—which he commonly refers to as 'The Organized Forces of Satan,' and repeated protestations against those who revere and respect the flag of our country or pay outward deference to the officials of our country. Why any station would accept programs that are offensive to so many people is more than I can understand.

"Neither is this work of Mr. Rutherford confined to the United States. In the same way and by means of electrical transcription Rutherford is on the air in nearly every country of the world. In Australia, for instance, the Watch Tower Programs are carried regularly at the present time by seventeen stations.

"The radio programs of Mr. Rutherford are all commercial programs, that is, paid for at the regular commercial rates. I have no hesitation in saying that Rutherford's radio activities alone have reached the enormous sum of one-half million dollars every year for the past several years.

"The Radio Commission of Canada and the Radio Commission of England banned the Watch Tower Pro-

RUTHERFORD UNCOVERED

grams from the air long ago because of their offensive nature. It is a matter of common knowledge that neither of the national chains will accept any of the Rutherford programs on a chain basis.⁴ Just why the Federal Radio Commission does not take a hand in this matter is quite beyond me.

"The decision of the District Court of Appeals of the District of Columbia which was later affirmed by the Supreme Court upheld the right of the Federal Radio Commission to force from the air the Rev. Bob Shuler of unsavory broadcasting fame in these words: 'If it be considered that one in possession of a permit to broadcast in interstate commerce may, without let or hindrance from any source, use these facilities, reaching as they do from one corner of the country to the other, to offend the religious susceptibilities of thousands, inspire political distrust and civic discord, and be answerable for slander only at the instance of the one offended, then this great science, instead of a boon, will become a scourge, and the nation's theatre for the display of individual passions and the collision of personal interests. This is neither censorship nor previous restraint, nor is it a whittling away of the rights guaranteed by the first amendment or an impairment of their free exercise.' It would seem then that the Federal Radio Commission has the power, and who will say that Rutherford is not more offensive than ever Bob Shuler was.

"Even before the Radio Commission was formed, no less a person than Herbert Hoover, Secretary of Commerce in charge of radio regulation, told an assembled

⁴ cf. Hearings on McFadden Bill, H.R. 7986.

RUTHERFORD UNCOVERED

group of petitioners for a broadcasting license: 'Let there be no religious controversy. The government will not stand for that.' But controversy we have in the Watch Tower Programs and that in the most smelly and offensive manner possible. I heartily indorse everything that Mr. Langford has said on this subject."

The next speaker to seek recognition from the chair was Dr. Schneider, Professor of Hebrew and Lecturer in Comparative Religion at one of the leading Lutheran seminaries of the Middle West.

DOCTOR SCHNEIDER

"Mr. President, I have been following the Russellite-Rutherford movement for a number of years as a curious example of religious pathology, much as a student of psychology might be interested in the abnormalities of that science.

"Mr. Rutherford is President of the International Bible Students' Association. In that capacity we would naturally look for a man of even balance, good judgment, and profound learning. Certainly we would expect the head of the International Bible Students' Association to be thoroughly conversant with the languages in which the Bible has been written. As you are well aware, most of the Old Testament was written in the Hebrew tongue and most of the New Testament in the Greek language. I have no explicit information on the point but judging from the fantastic, far-fetched, and often idiotic meanings attached by this gentleman to divers statements in the Bible it is plainly evident that he

RUTHERFORD UNCOVERED

knows little or nothing about the languages in which the Bible was written. I doubt very much whether he could read a chapter in the Hebrew or Greek originals if his very life depended upon it. Apparently Mr. Rutherford's knowledge of the Bible would seem to be limited to 'Smith's Dictionary of the Bible' and to his predecessor, Pastor Russell's books entitled 'Studies in the Scriptures.' And yet, this is the man who heads the International Bible Students' Association and poses as authority in matters scriptural.

"When Pastor Russell died in 1916, Mr. Rutherford stepped into his shoes, elaborated further the prophetic theories of Russell, and has ever since sought to keep the brethren on the trigger-edge of expectancy relative to future events. In 1923 Rutherford appointed the year 1925 as the time when the world would come to an end. Since the final crack-up did not come to pass as predicted, Rutherford would now have us believe that a special season of grace has been extended by the Lord so that the remnant of the faithful may be gathered. Later on, Rutherford evidently thought that 1930 would mark the end of things. I should like to read you a press dispatch from Los Angeles taken from the Cleveland Plain Dealer under date of March 24, 1930:

'A \$75,000 Spanish mansion commanding a superb mountain view and lying almost within a stone's throw of the ruins of California's first mission awaits the coming of King David, slayer of Goliath. Judge Rutherford, owner of the mansion in San Diego and President of the International Bible Students' Association and Watch

RUTHERFORD UNCOVERED

Tower Bible and Tract Society admitted today that he was not quite sure when King David would appear but added that everything is ready for him when he does. Judge Rutherford has deeded the property to King David, preferably, but he included any of the Kings and Prophets mentioned in the eleventh chapter of Hebrews as alternatives. David, Gideon, Barak, Samson, Jephthah, Joseph, and Samuel are the biblical characters who will find a great welcome at the hands of Judge Rutherford and his associates if they ever become residents of Southern California. I purposely landscaped the place with palms and olive trees so King David and these princes of the universe will feel at home when they come to offer man the chance to become perfect, said the Judge.'

"I ask you, gentlemen, could anything be nuttier than that. I feel constrained, Mr. President, to add one more word concerning Rutherford's ideas about the physical universe. Most of his ideas on that subject have been borrowed from Vail's theory of Cosmogony published in 1874. The world has travelled a long way in matters scientific since 1874 but Mr. Rutherford seemingly is unaware of that fact. Some one should tell the gentleman that Dr. Robert Andrews Milliken of California Tech and Sir James Jeans of England have long ago knocked the theories of Vail into a cocked hat. No high school student today could possibly be led to believe the bunk set forth in Rutherford's book 'Creation' based as it is on Vail's discredited ideas.

"We live in a wonderful age, gentlemen. Prophets we have aplenty—self-appointed and self-anointed.

RUTHERFORD UNCOVERED

First came Dowie, 'the messenger of God's Covenant.' He said so. It must be true. Then simple Aimee. She says so. It must be true. Father Divine puts in his claim for the colored people. 'Peace. It's wonderful.' And last but not least Jehovah God's own witness, Mister Rutherford. He says so. Who would dare doubt it. They all run true to form. It's fun, great fun, gentlemen.

"In yielding the floor, Mr. President, I should like to suggest that my good friend, Judge Pender here, could tell us quite a few things about Mr. Rutherford if he chose to do so. I happen to know that Judge Pender spent his early days as an attorney in Cooper County, Missouri and knew Mr. Rutherford quite well at that time. I am sure that we should all like to hear from Judge Pender."

The suggestion met with instant applause. Judge Pender, who is fast approaching the biblical term of three score years and ten but who looks fully twenty years younger, responded readily.

JUDGE PENDER

"Mr. President, I could tell you many things indeed about the gentleman in question. In defense of my own profession, I want to make clear, first of all, that Mr. Rutherford is not a Judge. He has never been duly elected to that office and has no claim to that title.

"The statutes of our State provide that in the absence of the regular Presiding Judge of our circuit courts the members of the local bar shall select one of their

RUTHERFORD UNCOVERED

members to take the place of the regular Judge until he returns. Thus it comes about in every court of our commonwealth that all the members of the local bar are privileged to preside over the circuit court from time to time. In this way it happened that in all the years that he was a member of the Cooper County bar of Boonville, Missouri, Mr. Rutherford presided over the local court on four different occasions each time for one day only. On two of these occasions no cases came before the jurisdiction of the court. On each of the other two occasions only trials of a minor nature came up.⁵

"This is the sole claim that Mr. Rutherford has to the title of Judge. If this entitles him to that name, then practically every lawyer in the State of Missouri is a Judge. It may flatter the vanity of Mr. Rutherford to pose before the public as a Judge but that is a self-assumed title, nothing more. It amuses me to see what a flood of crocodile tears the 'Judge' can shed when lamenting the lot of those poor deluded people who call their Priests by the endearing name of 'Father' when he, with far less rhyme or reason, wants the world to call him 'Judge.'

"After learning this afternoon of the purpose of this meeting I went through my files and picked out a number of other items that I thought might be of interest concerning J. F. Rutherford, Joe, as we commonly called him, Joe the 'Judge' if you please. Bear with me briefly and I will give you a few of the more salient points.

5. Circuit Court Records. Cooper County, Missouri. Feb. 17, 1897. cf. Book 20, p. 576; July 3, 1899. cf. Book 22, p. 73; Mar. 15, 1905. cf. Book 25, p. 213; Mar. 29, 1905. cf. Book 25, p. 239.

RUTHERFORD UNCOVERED

"The Rutherford family came from Morgan County, Missouri. James Colvin Rutherford and his good wife, Lenora Strickland Rutherford, the parents of our 'Judge' lived all of their married life of nearly fifty years on the little farm that they owned three and one-half miles north of Versailles, Missouri. They were honest, hard-working people, respected by every one. Both were active members of the Freedom Baptist Church located less than a mile from their home and it is in the little cemetery near that church where both lie buried.

"The father died July 11, 1912. The mother passed away October 9, 1926. The mother was an invalid the last three years of her life. At the time of her death she was blind and receiving help from the government in the form of a pension for the blind, as the records of the Probate Court in Versailles will show.⁶ The 'Judge' came home and preached a funeral sermon over the remains of his dead mother. The Versailles Leader⁷ pronounced it 'an impressive address.'

"James Rutherford and his wife reared a family of eight children, three sons and five daughters. Three of the daughters, Mrs. Flora Chism, Mrs. Lena McDaniels, and Mrs. Anna Neville, are now dead. Of the two daughters still living, Mrs. Ella Newkirk resides in Tipton, Missouri and Mrs. Virginia Ross in Versailles, Missouri. W. P. Rutherford, the oldest son, died in the West a few years ago, I am told. The youngest son, James B., commonly called Bert, was living in Kansas City at the time of his mother's death. Our

6. Book 16, p. 458.
7. Oct. 15, 1926.

RUTHERFORD UNCOVERED

'Judge,' the second son in the family, was born November 8, 1869.

"If Rutherford's claim to be a Judge is so questionable, you might well ask, was he ever a lawyer at all? Yes, J. F. Rutherford is a lawyer, but one it would seem who has never had any professional training in Law. You will search in vain to find his name on the registry books of any of the accredited Law Schools of his native state, Missouri.

"The records of the Circuit Court of Morgan County⁸ at Versailles, Missouri and of the Circuit Court of Cooper County⁹ at Boonville, Missouri reveal the fact that our 'Judge' was duly engaged at different times to serve as official Court Stenographer in these two counties. Familiarity with legal forms and legal procedure derived from his experience as a Court Stenographer evidently gave young Rutherford the idea that he had sufficient smattering of the law to be an attorney himself. Accordingly, we find him making formal application to practice before the bar at Boonville, Missouri. A committee of five members of the Boonville bar was appointed to examine the young man to see whether his knowledge of the Law was ample enough to admit him to practice. The committee reported favorably upon the applicant and on the strength of their report J. F. Rutherford was granted a license to practice law in the State of Missouri on May 5, 1892.¹⁰

8. Book 12, p. 416.
9. Book 19, p. 181.

10. Court records, Cooper County, Missouri. Book 19, p. 84.

RUTHERFORD UNCOVERED

"What kind of lawyer was Mr. Rutherford? Reputable, reliable, an honor to his profession? I will answer that question by citing a case that came before the Circuit Court of Cooper County February 4, 1896, the Honorable Dorsey W. Shackelford, Judge of said Court, presiding. The case concerned the possession of a cash register sold on a time payment plan by the National Cash Register Company of Dayton, Ohio to one Charles Merstetter, a saloon-keeper in Boonville, Missouri and on which David Nicholson of Boonville had levied a writ of attachment. Mr. J. F. Rutherford was attorney for the Interpleader, namely, the National Cash Register Company, and William Muir Williams, afterwards Judge of the Supreme Court of Missouri, was attorney for Mr. Nicholson. The writ of attachment was served by Deputy Constable Wright, but Mr. Rutherford was determined that writ or no writ Mr. Wright should not take possession of the cash register. I quote verbatim from the transcript of testimony on file in the Cooper County Circuit Court.¹¹ Mr. Wright, the deputy constable, is on the stand; Mr. Williams interrogating:

Mr. Williams: You may state what took place between you and Mr. Rutherford; all about the levy of that writ.

Mr. Wright: I had the writ of attachment. I went to Mr. Culverhouse. He had the keys to what was at a certain time Charley Merstetter's saloon. I read the writ of attachment to him, and he told me that he had

11. Cooper County Circuit Court. Permanent File. No. 5113.

RUTHERFORD UNCOVERED

the keys to the saloon and he would go up there and open it. And I went up and levied on the cash register. It was sitting behind the bar. I picked it up and carried it from behind the bar. And just as I was starting out with it Mr. Rutherford came in and he says to me: Harry, you are inexperienced in this business and probably I can advise you. It was a kind of confidential talk he was giving me. He had a roll of papers in his hands and he says: I dare say that Mr. Williams if he saw these would be willing to let me have the cash register as I think I can produce books in the case to show that I am in possession of it. I says: If I am in the wrong, I will give in. I am willing to go with you to Mr. Williams and we will find out and I am willing to leave the cash register here.

Mr. Williams: What did you do afterward?

Mr. Wright: Well, I was gone. When I came back the door was closed and I understood that Mr. Rutherford had taken the cash register over to his office.

Mr. Williams: What took place then between you and Mr. Rutherford in his office?

Mr. Wright: I went into Rutherford's office and he said: If you want that cash register you will have to go to Sedalia for it because it is on the way there now. And I says: I'll run the risk of looking anyway. And the cash register was concealed in the second office covered up with a lot of papers and a whole lot of stuff back there, and I deliberately got a couple of boys and we carried it to Mr. Gibson's office.

RUTHERFORD UNCOVERED

“Upon the conclusion of the testimony the Jury under the instructions of the Court returned a verdict against the Interpleader, namely, the National Cash Register Company. The case was appealed to the Kansas City Court of Appeals and on January 11, 1897 that Court handed down a decision reaffirming the decision of the Cooper County Circuit Court. I quote herewith and verbatim the final paragraph in the decision by the Kansas City Court of Appeals:

‘On the undisputed evidence, it is clear that the deputy constable made a valid levy on the machine, when he seized the same at the saloon building. In pursuance of an attachment writ against Merstetter, the officer took the register into his actual possession and was carrying it away when stopped by interpleader’s attorney, who suggested that the deputy was in the wrong and that before proceeding further he had better advise with Williams, plaintiff’s counsel? The deputy adopted this course and went to consult with said attorney, leaving interpleader’s counsel at the building where the machine was. During this brief absence, interpleader’s agent seized the property and concealed it in his office. The facts established by undisputed testimony show a valid levy and unquestionably prove that the officer did not intend to abandon the same while he went to consult the lawyer. And it is equally clear that interpleader’s attorney, at the time, so understood it. It would be trifling with justice, and offering a premium to what appears sharp practice to hold that the constable intended to, or did, in effect, abandon the levy which he had already made. In our opinion, the trial

RUTHERFORD UNCOVERED

court correctly instructed the jury to find against the interpleader and its judgment will be affirmed. Signed: T. A. Gill. All concur. Kansas City Court of Appeals’¹²

“Legal Ethics knows of nothing more reprehensible than for an attorney to be accused by a Court of Appeals of *trifling with justice and offering a premium to what appears to be sharp practice.*

“It is interesting to note that this upholder of the law was himself twice fined for contempt of court, once on August 8, 1894 in the Circuit Court of Morgan County¹³ at Versailles, Missouri, and again on May 15, 1895 in the Circuit Court of Cooper County¹⁴ at Boonville, Missouri.

“The next item from my files concerning ‘Judge’ Rutherford is a clipping from the New York Times under date of May 9, 1918. The clipping reads as follows: ‘Charged with spreading doctrines calculated to promote unrest and disloyalty among the men of the army and navy, six leaders of the International Bible Students’ Association, which was founded by the late Pastor Charles T. Russell, were arrested yesterday afternoon in Brooklyn by United States Marshal James M. Power. The arrests were made at the Bethel, the headquarters of the society at 122 Columbia Heights, and among the men taken into custody was ex-Judge Joseph F. Rutherford, who is said to be the successor of Pastor Russell as the head of the organization. The Federal Grand Jury indictment, under which Rutherford and his associates were

¹². cf. Missouri Appeal Reports. Vol. 68, p. 441 l.c. p. 447.
¹³. cf. Court Records, Morgan County, Missouri. Book 13, p. 251.
¹⁴. cf. Court Records, Cooper County, Missouri. Book 2, p. 376.

RUTHERFORD UNCOVERED

arrested, charged them with *unlawfully and wilfully conspiring to cause insubordination, disloyalty and refusal of duty of the military and naval forces of the United States.*'

"Under date of June 7, 1918, the same New York Times brings us the following item: 'The members of the International Bible Students' Association are possessed of the faith once delivered unto the Saints, and to be shot for being a conscientious objector is a quick method of entering the presence of the Lord, are two assertions made in a letter written to Hans Insberg, who refuses to do military duty at Camp Devens, Mass. The letter bears the stamped signature of Joseph F. Rutherford, the present head of the Russellites, and was produced as evidence yesterday afternoon at the trial of himself and eight associates in the United States District Court in Brooklyn, before Judge H. B. Howe.'

"Under date of June 22, 1918, the same New York Times brings us this further information: 'Seven of the eight members of the various organizations founded by the late Pastor Charles Taze Russell, who were convicted of conspiracy to cause insubordination, disloyalty and refusal of duty in the military forces of the United States, were sentenced individually yesterday by Judge H. B. Howe, in the U. S. District Court in Brooklyn, to serve twenty years in prison on each of the four counts in the indictment against them. This would make the term eighty years in all for each convict, but the judge decided that the sentences might run concurrently, so that the prisoners can look forward to their release as if they had been sentenced to but one term of twenty

RUTHERFORD UNCOVERED

years. Those sentenced were Joseph F. Rutherford, President of the International Bible Students' Association, and successor to Pastor Russell, etc., etc. In the opinion of the court, said Judge Howe, the religious propaganda which these defendants have vigorously advocated and spread throughout the nation, as well as among our allies, is a greater danger than a division of of the German Army.'

"After serving nine months of this sentence in the Federal Prison at Atlanta, Georgia, Rutherford along with Eugene Debs and a host of others was released on May 16, 1919.

"Conviction of their leader filled the Witnesses of Jehovah with rage and they have ever since labored under a persecution complex seeking to fix the responsibility for their trouble upon the Catholic Church. But with what truth we shall allow one of their former associates to say, namely, Mr. B. E. Remaley of Portland, Oregon. On page 53 of 'Rays of Reason,' he writes: 'No one knows better or should know better than the officials of the Watch Tower Society who were sentenced and served nine months in the Atlanta Penitentiary that the offense was not on account of religious faith or doctrine but on account of the Espionage Act, and they were amenable.'

"Commenting upon Rutherford's conviction his home-town paper, The Boonville Weekly Advertiser, under date of June 28, 1918 remarked: 'Rutherford went east a few years ago and got mixed up with the religious organization known as the Russellites and in

RUTHERFORD UNCOVERED

which he became a prominent figure. His zeal in the cult led him into trouble with Uncle Sam and now he suffers the consequences. A little less *Religion* and more Americanism would have led him and his associates in a different field. The room for a disloyal person in this country is growing smaller all the time, and the surroundings are getting hotter and hotter for him.'

"Gentlemen, I thank you for your patience."

THE PRESIDENT SPEAKS

"Judge Pender, your remarks have been enlightening indeed. In the name of every one here I thank you most sincerely.

"Gentlemen, Captain Smith has just handed me a Resolution for ratification by this Club if it meets with your approval. The Resolution reads as follows:

The Civic Club of Brownville, gathered in full assembly, hereby declares:

1. We denounce Judge Rutherford as a propagator of treason against the flag of our country.
2. We invite all Americans, individually and by organization, to warn their representatives, Federal and State, of the inevitable consequences that will follow if America continues to permit this impostor to poison the body politic.
3. We hereby call on our own authorized representative to champion this our Manifesto on the floor of Congress.

RUTHERFORD UNCOVERED

4. In order to honor the man whose noble indignation originated this Declaration, a man whose only son died in battle to defend our common flag, we plead that this Resolution be known to our country and to world as *Jim Brown's Manifesto*."

A dozen men leaped up at once to indorse the motion. The next moment saw it carried by acclamation, while Jones and his friend left the hall in a hurry.

THE PRESIDENT SPEAKS AGAIN

"Gentlemen, the hour is growing late. I feel however that there are two other gentlemen here present this evening from whom we ought to have a word before we go, two gentlemen who served our country nobly as chaplains in the World War. I refer, of course, to the Rev. Frank Jenkins and to Father Duffey. Brother Jenkins, would you kindly say a word?"

BROTHER JENKINS

"Mr. President, I would only refer to a point raised by Mr. Langford. Wherein lies the damnable fascination of Rutherford's appeal? Certainly not in his mastery of the Bible. Granting the right of private interpretation, which I myself uphold, granting that right in its fullest extent, no sane man can accept the stupid and fantastic meanings which this impostor reads into the sacred page. Just because the example is so familiar to everybody, I choose his comment on Nimrod, the mighty hunter before the Lord. Many Club members here spend their days of vacation hunting big game up in Canada or in

RUTHERFORD UNCOVERED

our own Rockies. When we call them Nimrods, we are using a scriptural proverb, intelligible to the whole world, Christian, Jew, or atheist. Now suppose Mr. Rutherford himself should visit our Club. We should probably point out to him the hunting trophies, the bear-skins, the moose-horns, which adorn our halls and tell him proudly of the Nimrods among us. 'Nimrods,' he exclaims, 'you dare call them Nimrods?' 'And why not,' we answer. 'Because to call men Nimrods is the same thing as calling them Enemies of God. Don't you know that Nimrod pretended to be even greater than Jehovah God himself, that his powers, audacity, and boastfulness made him an object of worship by others of mankind, that he was the chief agent whom the devil used after the flood to turn the people away from the Creator?' 'Where in God's world,' we ask when he stops for breath, 'where did you get these preposterous ideas?' 'Where,' he says. 'Why, from the Bible, of course, where it says, Nimrod was a mighty hunter before the Lord. Before the Lord means he pretended to be even greater than Jehovah.'

"Gentlemen, I must let you imagine the rest of the dialogue. I have simply quoted Rutherford's own phrases, as they stand here on page 13 of his pamphlet entitled 'Protection.' I ask but one question: Of all so-called scriptural proofs, have you ever heard one more dense and muddle-headed? When you become a mighty hunter in the sight of God, you thereby pretend to be even greater than God Himself! Hannah, the mother of Samuel, poured out her soul 'before the Lord.' Did she thereby pretend to be greater than God? David was a mighty dancer 'before the Lord.' Did he thereby pre-

RUTHERFORD UNCOVERED

tend to be greater than God? His wife rather thought he was humbling himself too much. And David retorted that since it was 'before the Lord' he would become still more vile and base in his own sight and would continue to play 'before the Lord.'

"Not to tire you, I pause. Rutherford's private interpretation is idiotic. Mr. Langford's question returns with full force. How explain that this idiot in Scripture interpretation has duped so many of our people."

THE PRESIDENT SPEAKS

"Thank you, Brother Jenkins. And now, may we have a final word from you, Father Duffey?"

FATHER DUFFEY

"Mr. President, promises must be kept. I made a promise to Brother Jenkins. I promised him on the way here tonight that I would no longer urge Rutherford upon him as a classical example of the consequences of private interpretation of Scripture. But that promise of mine does not keep me from commending the manly, genuinely patriotic speech which my friend has just made.

"Gentlemen, this is a memorable hour in the history of our Club, a memorable hour it may be in the history of our country. As it is getting late, I conclude with a Proposal: Call another Meeting soon to devise energetic and concerted action on *Jim Brown's Manifesto*. America may be asleep, but that sleep is the sleep of a lion. Call forth the American Legion, the Women's Auxiliary, the Veterans of Foreign Wars, the Daughters of the

RUTHERFORD UNCOVERED

American Revolution. Wake each house where hangs enshrined the picture of father, son, or brother who died that the flag might live. The winds of patriotic indignation, gathering from Maine to California, from Canada to the Gulf, will scorch the brow of this new Benedict Arnold. Down with Arnold! Up with the Stars and Stripes!"

Having set the next Meeting for two days later, the Club dispersed. I walked home with Jim. He was silent, and I understood.

But as we parted, he said: "No need to praise the noble way our Club responded this evening. Through it all I could see a smile on the face of my young lad who lies dead in France. 'Lafayette, we are here!'"

Noting his deep emotion, I said: "Jim, before you go to bed read over once more that essay of Chesterton."

He paused a moment, then said: "George, I understand you. You're afraid I ascribe too much importance to the fool in this case. Maybe I do, but this enemy of the Stars and Stripes shall once again, God willing, wear the stripes of a convict. By my martyred boy I swear it!"

WHAT RUTHERFORD SAYS

GOVERNMENT

"The politicians from Roosevelt down are not the least bit concerned about Almighty God." (CONSO-LATION. No. 471. p. 20).

"No honest man understanding the conditions in the United States can claim that it is a satisfactory government." (GOVERNMENT. 2,457,000 Edition. p. 13).

"Often a young man who is simple yields to the seductive influence of an enticing harlot who sings songs and exhibits herself in public places. The United States appears to be in the class of such simpletons." (ENEMIES. First printing, 1,000,000 copies. p. 278).

"The ruling powers have become more selfish and oppressive of mankind. Jehovah will see to it that such powers as now dominate mankind shall no longer endure." (CURE. First printing, 10,000,000 copies, p. 27).

THE AMERICAN LEGION

"The un-American American Legion make liberty and democracy look like what the cat dragged home." (GOLDEN AGE. No. 446. p. 49).

"Flag saluting is in direct violation of God's law." (UNCOVERED. p. 44).

THE ASSOCIATED PRESS

"If the Associated Press had been in existence in the days of Jesus Christ, it would have been against Him." (GOLDEN AGE. No. 451. p. 196).

RELIGION

"Religion is the deceptive and subtle scheme of Satan the Devil, and was brought forward and employed by the Devil to deceive men and to reproach Jehovah God." (CURE. p. 12).

"The practice of religion has proved beyond all doubt that it is a racket of the very worst kind." (CURE. p. 9).

PROTESTANTISM

"The record of Protestantism is that of inquisition, persecution of the true followers of Christ Jesus, and prosecution of cruel wars of conquest, dabbling in the political affairs of the nations, and of teaching and practicing false doctrines that are defamatory of the name of Jehovah God and of Christ Jesus. . . . Its leaders are ignorant of God's organization, have substituted man-made theories and practices for the Word of God, and have turned millions of professed Protestants into ignorance and superstition." (CURE. p. 8).

THE JEWISH RELIGION

"The Jews' religion holds out no hope for mankind." (CURE. p. 11).

"The Roman Catholic Hierarchy, the Protestant clergy, and the Jewish rabbis walk hand in hand, participate in the politics of the world, support wicked and selfish organizations that oppress the people, and persecute everyone who dares to tell the truth of and concerning God's kingdom." (WHO SHALL RULE THE WORLD? p. 24).

CATHOLICISM

"The pope is the devil's masterpiece. He is the visible representative of the devil in this world." (CONSOLATION. No. 473. p. 4).

"The Roman Catholic Hierarchy is the wickedest organization of hypocrites that has ever existed upon the earth." (GOLDEN AGE. No. 430. p. 368).

"It is generally held among them (the Catholics) that at least one daughter out of every family should be given to the church. Many of these candidates for virginity are committed to cloister prisons from which they never come forth. There, in many if not in all instances, they serve the purposes of celibate priests, and for a show make many prayers which rise no higher than the ceiling, unless it be the agonized prayers of some who, realizing that they have been trapped, resist the efforts made to violate their chastity, and who suffer a heroic martyrdom for their sincerity." (GOLDEN AGE. No. 466. p. 702).

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To counteract the nefarious work of Rutherford and his Witnesses of Jehovah and at the same time to present the truths of our holy religion to all the world in a plain and popular way, a number of earnest men and women have banded together in an association known as the "Defenders of the Faith."

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