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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PENGUIN BOOKS USA,)
)
 Plaintiff,)
)
 vs.) Case No. 96 Civ 4126(RSW)
)
 NEW CHRISTIAN CHURCH OF FULL)
 ENDEAVOR, LTD.,)
 Defendant.)
 -----)

DEPOSITION OF KENNETH WAPNICK
New York, New York
Wednesday, March 3, 1999

Reported by:
ELISABETH F. NASON
JOB NO. 88130

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March 3, 1999

10:15 a.m.

Deposition of KENNETH WAPNICK, held at
the offices of Epstein Becker & Green, 250
Park Avenue, New York, New York, pursuant to
Notice and Agreement, before Elisabeth F.
Nason, a Notary Public of the State of New
York.

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A P P E A R A N C E S:

EPSTEIN BECKER & GREEN, P.C.
Attorneys for Plaintiff and Foundation of
Inner Peace, Inc.

75 State Street
Boston, Masssachusetts 02109

BY: CARRIE J. FLETCHER, ESQ.
JOHN ROSENBERG, ESQ.

EPSTEIN BECKER & GREEN, P.C.
Attorneys for Plaintiff and Foundation of
Inner Peace, Inc.

250 Park Avenue
New York, New York 10177-0077

BY: FRANCES MARY MALONEY, ESQ.

Attorney for Defendant
444 Madison Avenue, Suite 701
New York, New York 10022

BY: LAWRENCE E. FABIAN, ESQ.

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A P P E A R A N C E S: (continued)

Attorney for Defendant

Baraboo, Wisconsin

BY: MONTY C. BARBER, ESQ.

ALSO PRESENT:

CAROL FORBES

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IT IS HEREBY STIPULATED AND AGREED, by
and between the attorneys for the respective
parties herein, that filing and sealing be
and the same are hereby waived.

IT IS FURTHER STIPULATED AND AGREED
that all objections, except as to the form
of the question, shall be reserved to the
time of the trial.

IT IS FURTHER STIPULATED AND AGREED
that the within deposition may be sworn to
and signed before any officer authorized to
administer an oath, with the same force and
effect as if signed and sworn to before the
Court.

1

2

3 K E N N E T H W A P N I C K, called as a
4 witness, having been duly sworn by a Notary
5 Public, was examined and testified as
6 follows:

7 EXAMINATION BY

8 MR. FABIAN:

9 Q. We will start as your counsel did
10 yesterday. I will ask you are you under any
11 medication at the present time?

12 A. No.

13 Q. Do you feel competent today to give
14 testimony in this deposition?

15 A. I do.

16 Q. Have you ever before given testimony
17 in any deposition?

18 A. No.

19 Q. Have you ever before been the
20 defendant in any lawsuit?

21 A. No.

22 Q. Are you familiar with the name --

23 MR. ROSENBERG: Objection to the form
24 of the question since he is not a defendant
25 in this lawsuit.

1

Wapnick

2

MR. FABIAN: You are quite correct.

3

Q. Have you ever been a defendant in a

4

lawsuit?

5

A. No.

6

Q. Are you familiar with the acronym

7

FACIM?

8

A. Yes.

9

Q. What do those letters stand for?

10

A. Foundation For A Course In Miracles.

11

Q. Do you have an affiliation with that

12

entity?

13

A. I'm the president.

14

Q. Am I pronouncing it correctly?

15

A. We say FACIM. We just use it as an

16

acronym.

17

MR. FABIAN: Off the record.

18

(Discussion held off the record.)

19

Q. In connection with FACIM, is it a

20

corporation?

21

A. Yes, it is.

22

Q. When was it incorporated?

23

A. 1983.

24

Q. Where was it incorporated?

25

A. State of New York.

1 Wapnick

2 Q. Is it still duly incorporated in New
3 York?

4 A. Yes, it is.

5 Q. Is it incorporated as a
6 not-for-profit?

7 A. Not-for-profit.

8 Q. Do you know who the original
9 incorporator was?

10 A. My wife and I. Her name is Gloria.

11 Q. As a non-for-profit, does it have tax
12 exempt status for the Internal Revenue Service?

13 A. Yes, it does.

14 Q. When did it receive its tax exempt
15 status?

16 A. I think the following year, 1984. I'm
17 not absolutely positive, but it was in that year.

18 Q. Who are the original members of FACIM?

19 MR. ROSENBERG: Objection to the form
20 of the question. I don't know what a member
21 is.

22 Q. Do you know?

23 A. You mean board of directors. We don't
24 have members.

25 Q. It's a non-membership entity?

1 Wapnick

2 A. Yes, it's a non-membership entity.

3 Q. Who runs FACIM?

4 A. My wife Gloria and myself.

5 Q. Are you trustees or directors?

6 A. Board of directors.

7 Q. You and your wife are the only
8 directors?

9 A. Silas Mountsier.

10 Q. Where does Mr. Mountsier live?

11 A. New Jersey.

12 Q. Do you have his exact address?

13 A. No.

14 MR. FABIAN: If we leave a space,
15 could you provide it?

16 A. Yes, I can.

17 MR. ROSENBERG: If you need it, we
18 will provide it.

19 MR. FABIAN: I'm asking.

20 TO BE FURNISHED: _____
21 _____.

22 Q. How long has Mr. Mountsier been the
23 director?

24 A. Since its inception 1988.

25 Q. Does Mr. Mountsier have a business or

1 Wapnick

2 profession?

3 A. He is a retired banker.

4 Q. Is that the same Mr. Mountsier who
5 worked for Republic National Bank?

6 A. No.

7 Q. What bank did he work for?

8 A. Citicorp. originally.

9 MR. FABIAN: Yes, I know him. Off the
10 record.

11 (Discussion held off the record.)

12 Q. Do you briefly know the background of
13 Mr. Mountsier in terms of his business life?

14 A. He has been a banker all his life as
15 far as I know.

16 Q. What banks did he work for?

17 A. CitiBank, originally Citicorp. and the
18 US Trust Company.

19 Q. Have there ever been any other
20 directors of the entity?

21 A. No.

22 Q. Do you know for what purposes it's
23 stated in the certificate of incorporation that
24 FACIM is incorporated?

25 A. Basically to teach the principles of

1 Wapnick

2 the Course In Miracles.

3 MR. FABIAN: Off the record.

4 (Discussion held off the record.)

5 Q. Have you brought with you today a copy
6 of the incorporation papers of FACIM?

7 A. No.

8 Q. Have you brought with you any minutes
9 of the board of directors meetings?

10 A. No.

11 MR. ROSENBERG: You are not suggesting
12 this was a request that we didn't comply
13 with.

14 RQ MR. FABIAN: I'm not suggesting that
15 at all. I'm going to make that request at
16 this time and you will take it under
17 advisement.

18 Q. Are you familiar with an entity known
19 as FIP?

20 A. Yes, I am.

21 Q. What does FIP stand for?

22 A. Foundation For Inner Peace.

23 Q. Was that the original name for that
24 entity?

25 A. It was originally Foundation For

1 Wapnick

2 Parasensory Investigation.

3 Q. Do you know where that particular
4 entity was incorporated?

5 A. State of New York.

6 Q. Is it still incorporated in the State
7 of New York?

8 A. Yes.

9 Q. Does it have an office today in New
10 York?

11 A. No.

12 Q. Do you know where its primary office
13 is?

14 A. Tiburon, California.

15 Q. Does it have any other offices besides
16 Tiburon?

17 A. No, I think the shared office --
18 Robert Skutch is in Mill Valley. He is the vice
19 president of FIP and Judy Skutch is in Tiburon
20 and she is the vice president, so it's a shared.

21 Q. Do you personally have any affiliation
22 with FIP?

23 A. Yes, I'm on the executive board of
24 directors.

25 Q. How long have you been on the

1 Wapnick

2 executive board?

3 A. I think roughly since 1977 or '78, I'm
4 not sure of the exact year.

5 Q. You may have just told me, but when
6 was the Foundation For Parasensory Investigation
7 formed?

8 A. I didn't tell you. I'm not sure
9 exactly when it was formed. Judy Skutch would
10 actually know that. The name was changed in 1957
11 to Foundation For Inner Peace.

12 Q. Did you participate in any way in the
13 change of name?

14 MR. ROSENBERG: Objection to the form
15 of the question. Little vague, but I think
16 the witness can understand it well enough.

17 A. Not in a formal way, but I was
18 involved in the discussion about the change.

19 Q. Who was present during that
20 discussion?

21 A. I would assume it was --

22 MR. ROSENBERG: Don't assume.
23 Objection to the form of the question. You
24 said that discussion, presuming there was
25 one. There may have been a series of

1 Wapnick

2 discussions.

3 A. Series of discussions and my memory is
4 not that precise.

5 Q. Do you remember the names of any of
6 the persons who participated in these various
7 discussions?

8 A. Judith Skutch, Robert Skutch, Helen
9 Schucman, Bill Thetford.

10 Q. As best as you can, can you just
11 recall what the various persons said with respect
12 to the change of name?

13 A. General gist of it would probably have
14 been Helen's insistence that there would be a
15 name that was more reflective of what A Course In
16 Miracles was teaching.

17 Q. In connection with that, did you have
18 in the past discussions with Helen Schucman
19 concerning what you just stated, the essence of
20 what the Course In Miracles should be teaching?

21 A. Yes.

22 Q. Do you recall the first time that you
23 had those discussions?

24 A. Probably the first time that I saw the
25 material, which was in May of 1973.

1 Wapnick

2 Q. May of '73? Could you describe these
3 circumstances of your firm receiving those
4 materials?

5 MR. ROSENBERG: Objection to the form
6 of the question. He said he saw them. May
7 be different than receiving them.

8 Q. Can you recall the first circumstances
9 of when you first saw those materials?

10 A. I'm glad I'm not a lawyer.

11 MR. ROSENBERG: Sorry.

12 A. It's a little bit of a long story.

13 Q. I would be happy to hear it.

14 A. I had first met Helen and Bill in late
15 November of 1972. I met at Bill's apartment and
16 something was said about a book that Helen had
17 written that had to do with spiritual
18 development. I was on my way to Israel at the
19 time and I wasn't -- I was offered an opportunity
20 to look at the material, but it was in a huge
21 black thesis binder like this high, and I
22 couldn't see myself schlepping it to Israel.

23 Anyway, I returned, I was in Israel
24 until May of '73, but I returned to the states
25 and I was always thinking about this book that

1 Wapnick

2 Helen had written.

3 Q. Continue.

4 A. I was interested in it. I had a
5 number of dreams about it and it was uppermost in
6 my mind to see this book, so I returned to the
7 states, the first order of business was to see
8 the book. I went down to the offices of the
9 Presbyterian Medical Center and that's when I saw
10 the course for the first time.

11 Q. Was there a time when the course was
12 actually delivered to you and you received a copy
13 of it?

14 A. Probably then I guess. I don't recall
15 specifically, but it's probably then.

16 Q. The copy that you received, can you
17 describe it, was it loose leaf, hard bound?

18 A. It was in a thesis binder, seven
19 volumes. The text was in four volumes, workbook
20 in two volumes and the teacher manual was in one
21 volume. I was given a copy. I'm not sure
22 exactly when in terms of day.

23 Q. Going back to our prior discussion
24 relating to the change of name to FIP, do you
25 recall any conversations in which Ms. Schucman

1 Wapnick

2 indicated any disaffection with or dislike with
3 anything relating to the concept of parasensory
4 or psychic parasensory in those terms?

5 A. She did not wish the course to be
6 associated specifically with anything that was
7 psychic as such.

8 Q. Do you recall her actually saying that
9 at some time?

10 A. Yes, but I couldn't give you verbatim.

11 Q. In connection with FIP, when was the
12 first time that you personally became either an
13 officer or director or had some relationship with
14 the entity FIP or its predecessor name?

15 A. When we met Judith Skutch which was I
16 think in May of '75. I think it's that, May of
17 '75.

18 Q. Did there come a time when you became
19 an officer, director, member of the executive
20 committee or some official relationship with the
21 entity?

22 A. Yes. That was again two or three
23 years after that. I don't recall the exact year.

24 Q. Do you recall whether you were asked
25 by someone to take on this affiliation?

1 Wapnick

2 A. It was the express wish of Helen.

3 Q. What was your initial official
4 capacity, I'm using that term in quotes, with
5 FIP?

6 A. It was basically -- I was not involved
7 in the administration of it, of the Foundation.
8 It was more just as consultant or I'm not sure of
9 the word I would use, but I was not involved in
10 the daily administration.

11 Q. Did there come a time when that role
12 changed?

13 A. Not really, no.

14 Q. You have mentioned that you are today
15 a member of the executive committee; is that
16 correct?

17 A. Yes.

18 Q. What is the role of the executive
19 committee?

20 A. There is a board of seven or eight
21 people, but the major decisions are being made by
22 the executive committee or the executive board.

23 Q. When you say a board of seven or
24 eight, is that a board of directors?

25 A. Board of directors.

1 Wapnick

2 Q. Do you know who those directors are
3 today?

4 A. Yes.

5 Q. Just as best as you can recall who
6 they were.

7 A. Judy, Bob and me. Judy's present
8 husband, William Whitson. Diane Temple.

9 Q. That's five.

10 A. Yes, there are -- Bob --

11 Q. That's fine. Do you recall when you
12 became a member of the board of directors?

13 A. Again, I'm not sure of the exact
14 date. I think it was 1977 or '78.

15 Q. Have there been members different from
16 who are presently on the board of directors since
17 your tenure began in 1977 or '78?

18 A. Yes, we began as a three person board,
19 Judy, Bob and I. Over the years, there have been
20 other board members.

21 Q. Do you recall the names of any of
22 them?

23 A. In the late 70s, there was Thomas
24 Thompson and Mary Beth Thompson.

25 Q. Are they still alive?

1 Wapnick

2 A. Yes, they are no longer on the board.

3 Q. Do you know where they live?

4 A. Yes.

5 Q. Where do they live?

6 A. Carmel, New York.

7 Q. Carmel, New York?

8 A. (Indicating).

9 Q. Do you have a more exact address that
10 you know?

11 A. No.

12 Q. Anybody else that you recall that was
13 formally on the board?

14 A. I don't recall. I'm not sure, but
15 Judith Skutch would know that.

16 Q. Do you recall the circumstances under
17 which they left the board?

18 A. They were living in New York and at
19 that point, Foundation's offices had moved from
20 New York to the West Coast, so it seemed better
21 to have board members who were out there.

22 Q. Do you recall whether they left under
23 unfriendly circumstances?

24 A. No, it's not unfriendly.

25 Q. In connection with this period that

1 Wapnick

2 you have been a member of the board of directors,

3 are there regular board of directors meetings

4 with FIP?

5 A. Yes.

6 Q. How often do you hold them?

7 A. There are formal meetings once a year

8 and informal meetings probably every week. We

9 speak on the phone a lot.

10 Q. Are there minutes or records kept of

11 these informal meetings?

12 A. Not that I'm aware of.

13 Q. Are there minutes or records kept of

14 the formal meetings?

15 A. Yes.

16 Q. Where are those kept?

17 A. In Judith Skutch's office.

18 MR. FABIAN: I'm always going to turn

19 to co-counsel. We have asked for those

20 documents, I am told, and have not received

21 them.

22 MS. FLETCHER: Minutes.

23 MR. FABIAN: First board of directors

24 meetings.

25 MR. ROSENBERG: We are relatively new,

1 Wapnick
2 counsel. The firm had no involvement in the
3 initial document production. If there are
4 any deficiencies that documents should have
5 been produced, we will certainly look into
6 that and fully cooperate.

7 MR. BARBER: We will get a letter. We
8 didn't know whether some of those you are
9 going to classify as confidential until we
10 see them and get them in the room.

11 MR. ROSENBERG: I think because the
12 time periods we are operating with
13 depositions coming up in San Francisco, if
14 you could get me a letter as soon as
15 possible I would like to get you anything
16 that was inadvertently not produced as soon
17 as we can.

18 MR. BARBER: We had a little of it
19 yesterday --

20 MR. ROSENBERG: I would like --

21 MR. FABIAN: The NC, we can refer to
22 this as the NCE, the new counsel excuse, we
23 will be hearing it quite often.

24 MR. ROSENBERG: Only in the second
25 time in my life without a response. I have

1 Wapnick

2 been outdone. How long is one new
3 counsel -- off the record.

4 (Discussion held off the record.)

5 Q. You indicated that you are a member of
6 the executive committee. How long have you been
7 a member of the executive board or executive
8 committee?

9 MR. ROSENBERG: Of FIP?

10 Q. Of FIP.

11 A. Since I joined, 1977 or '78.

12 Q. Presently who comprises the executive
13 board?

14 A. Judy Skutch, Robert Skutch and me.

15 Q. Do you hold regular meetings, annual
16 meetings of the executive board?

17 A. Yes, no, there are full board.

18 Q. Are there ever minutes kept or
19 resolutions made by the executive board?

20 A. No.

21 MR. ROSENBERG: At least to your
22 knowledge.

23 THE WITNESS: Not to my knowledge.
24 Right.

25 Q. Do you generally receive copies of

1 Wapnick

2 minutes of the annual board meetings?

3 A. Yes, I do.

4 Q. Getting back to FACIM for a moment,
5 does FACIM even though it's just your wife and
6 yourself as the board of directors --

7 A. No, no.

8 Q. -- and Mr. Mountsier, do you hold
9 annual meetings?

10 A. Yes.

11 Q. Do you keep minutes of those annual
12 meetings?

13 A. Yes, we do.

14 RQ MR. FABIAN: We would ask for
15 production of those minutes. Since it's a
16 third party, you will take it under
17 advisement.

18 MR. ROSENBERG: We could take the
19 position that it's a third party and make
20 you subpoena them. Unless Ken tells me I'm
21 wrong, I would like to dispense with the
22 formality and be cooperative, so if
23 Mr. Barber's letter could include those
24 requests. I'm not here committing to
25 produce any. We will look at it and I'm not

1 Wapnick

2 going to have you go through the formality
3 of a subpoena.

4 MR. FABIAN: No problem.

5 Q. Getting back to FACIM for a moment,
6 since its incorporation, what has been the main
7 purpose or goal as you see it of FACIM?

8 A. Basically it's a teaching organization
9 of the Foundation For Inner Peace. The teaching
10 organization for the course.

11 Q. Is there any written authority or
12 documentation from FIP authorizing FACIM to
13 become the teaching voice of FIP?

14 A. No.

15 Q. Is that on the basis of some sort of
16 verbal understanding?

17 MR. ROSENBERG: Let him finish the
18 question.

19 Q. Is this on the basis of any verbal
20 understanding?

21 A. Yes.

22 Q. Who did you have this conversation or
23 conversations with?

24 A. Basically it would have been with
25 Judith Skutch.

1 Wapnick

2 Q. Do you remember when you had them
3 approximately?

4 A. All the time, this was like an ongoing
5 understanding and it reflected our discussions
6 from the beginning.

7 Q. When you say it's the teaching arm,
8 what does FACIM do as the teaching arm?

9 A. We have a teaching center in the
10 Catskill Mountains. They began in Westchester
11 County where we hold workshops, classes, seminars
12 and produce teaching materials, books, tapes, et
13 cetera.

14 Q. How many people customarily are there
15 being taught?

16 A. Students?

17 Q. Yes.

18 A. I would say in the course of the year,
19 a few thousand.

20 Q. Are there specific sessions that go
21 weekly, monthly, annually?

22 A. There are -- yes, there are classes
23 that are one day workshops, weekend workshops,
24 five day workshops, two week workshops, two week
25 classes, six week classes. There are students

1 Wapnick

2 who are residents that are there all year round.

3 Q. Does FACIM receive a fee for this?

4 A. No.

5 Q. Is there any other corporation that's
6 been set up which receives a fee in any way in
7 connection with these students coming to the --

8 A. You mean a fee from the Foundation For
9 Inner Peace?

10 Q. The students, do the students pay any
11 sort of remuneration in order to come to these
12 sessions?

13 A. Yes.

14 Q. Who do they pay it to?

15 A. To us, to FACIM.

16 Q. My next question is, is there any
17 other corporation that's been set up which does
18 seminars in any way in which you are affiliated?

19 MR. ROSENBERG: You have to let him
20 finish. You are not asking if there are
21 separate corporations.

22 MR. FABIAN: Yes, I am.

23 MR. ROSENBERG: You are saying there
24 is sort of a first cousin corporation,
25 division of FACIM.

1 Wapnick

2 MR. FABIAN: Either FACIM or --

3 A. Yes, there is an institute for
4 teaching inner peace through A Course In
5 Miracles.

6 Q. When was that entity set up?

7 A. I should know that, right. I think
8 four or five years ago. I'm not sure of the
9 exact date.

10 Q. Is that set up in New York State?

11 A. Yes, it is.

12 Q. Is that a profit or not-for-profit
13 company?

14 A. Not-for-profit.

15 Q. Does that have tax exempt status?

16 A. Yes, it does.

17 Q. Do you recall when it received its tax
18 exempt status?

19 A. Within a year of the incorporation.

20 Q. Who are the controlling parties of
21 that entity?

22 A. We have a board of directors, is that
23 your question?

24 Q. Yes.

25 A. Gloria, my wife, myself, Silas

1 Wapnick

2 Mountsier, Judith Skutch is on our board and Fran

3 Maloney.

4 Q. That's a Frances Maloney who is the

5 member of this firm?

6 A. Yes.

7 Q. How long has Ms. Maloney been a member

8 of that board?

9 A. Since it began. Actually no, sorry, I

10 think within a year.

11 Q. Does that particular entity have

12 annual meetings?

13 A. Yes, it does.

14 Q. Are minutes kept at those annual

15 meetings?

16 A. Yes.

17 RQ MR. FABIAN: We would ask for

18 production of those minutes as well.

19 Q. In connection with you and your wife's

20 relationship with FACIM, do you draw any

21 salaries?

22 A. Yes.

23 Q. How much do you draw and how much does

24 your wife draw, if anything?

25 A. I draw \$50,000 and my wife draws I

1 Wapnick

2 think \$31,000.

3 Q. In connection with FACIM, what role
4 does your wife play in that entity?

5 A. She is the vice president, she teaches
6 and helps run the Foundation along with me.

7 Q. Do you receive any other type of
8 remuneration in terms of perks, cars, life
9 insurance, health insurance?

10 A. We live in a house on the property
11 right there.

12 Q. That was going to be my next
13 question. Are there any other assets that are
14 owned by FACIM?

15 A. Just the property.

16 Q. Could you describe the property for
17 me?

18 A. Roughly 96 acres, Catskill Mountains,
19 26 acres are part of the lake, rest of the
20 property is wooded and there are buildings, which
21 we do our function.

22 Q. Following counsel's example, could you
23 just briefly describe what types of buildings and
24 what purpose they serve?

25 A. There is a main building which is the

1 Wapnick

2 lodge where we hold our workshops. There is a
3 dining room, a kitchen, there is another
4 classroom. There are student apartments on the
5 second floor and staff apartments on the third,
6 fourth and fifth floor. Do you want the whole
7 property?

8 Q. Absolutely.

9 A. There is an office building where we
10 have the offices. The other buildings are really
11 residences for students and staff.

12 Q. When were these buildings built?

13 A. The large building I think was built
14 in 1916, has been renovated, et cetera, et
15 cetera. All the buildings were there when we
16 purchased the property except for two buildings
17 that we put up for additional residences.

18 Q. When you say there was renovation, am
19 I correct that it would have been FACIM that made
20 these renovations?

21 A. Yes, yes.

22 Q. Could you estimate for me one, the
23 cost of the renovations to date of the various
24 work that has been done?

25 A. Several hundred thousand dollars.

1 Wapnick

2 Q. Can you tell me as best as you can
3 recall, the purchase price of this property?

4 A. The purchase price was 1.125 million.

5 Q. Is there any financing on the
6 buildings at the present time, on the whole
7 property?

8 A. No, no.

9 Q. What was the source of funds for the
10 purchase, we will start with the purchase?

11 A. Donations.

12 MR. ROSENBERG: Off the record.

13 (Discussion held off the record.)

14 MR. ROSENBERG: I want to make sure
15 there was nothing that should be designated
16 confidential or attorneys eyes only, but I
17 believe that the price of real estate is
18 generally a matter of public record.

19 MR. FABIAN: When you file the deed
20 there are some tax stamps on it.

21 MR. ROSENBERG: I think we are fine up
22 to this point. We are reserving our rights,
23 but for the moment --

24 MR. FABIAN: We agree that if you ever
25 get to the eyes only issue, at that point

1 Wapnick

2 Ms. Forbes had to leave.

3 MR. ROSENBERG: We agree that even
4 though the protective order is formally
5 entered, the terms of it would govern until
6 later amended because I don't want to have
7 to ask Mr. Barber to leave and I want him to
8 affirm on the record that he will be bound.

9 MR. BARBER: Since we haven't seen the
10 terms of it -- Monty would agree, we will
11 both agree that you wouldn't want to reveal
12 anything that they would consider attorneys
13 eyes only to any third party.

14 MR. BARBER: No.

15 MR. ROSENBERG: Any party, but we are
16 not at that place yet. So --

17 Q. In connection with the services that
18 both you and your wife render, were there formal
19 or written employment contracts of any type?

20 A. No.

21 Q. Does Mr. Mountsier receive any
22 remuneration?

23 A. (Indicating).

24 Q. When you indicated the amount that you
25 received, is that for teaching and/or other

1 Wapnick

2 services rendered?

3 A. It's not broken down.

4 MR. ROSENBERG: Let him finish the
5 question.

6 Q. Could you then just briefly describe
7 in general all the services that you believe you
8 rendered to FACIM today?

9 A. I write the books, a couple of them
10 with my wife. I write books which we sell. I
11 produce tapes. I teach classes and workshops.
12 And along with Gloria, I manage the Foundation.
13 Administrative, correspondence, everything.

14 Q. What is the most recent book you have
15 written?

16 A. Message of the Course In Miracles.

17 Q. We will call it Message for short. In
18 connection with Message, when was that book
19 published?

20 MR. ROSENBERG: For the first time.

21 A. Probably either the end of '97 or the
22 beginning of '98.

23 Q. Who is designated as the publisher of
24 Message?

25 A. Foundation For The Course In Miracles.

1 Wapnick

2 Q. Who is designated as the author?

3 A. I am.

4 Q. Who holds the copyright on that?

5 A. Foundation does.

6 Q. Who is the publisher of that book?

7 MR. ROSENBERG: I think he just said

8 Foundation For A Course In Miracles.

9 MR. FABIAN: I misspoke.

10 Q. Is there someone that distributes the
11 book other than Foundation?

12 A. We have distributors in addition to
13 ourselves, but there are distributors.

14 Q. Give me the types of distributors and
15 where they are located.

16 A. New Leaf is one, they are in the
17 Southeast, Atlanta, I'm not sure. Book People,
18 DeVoors, American Distribution Center. That's
19 probably it.

20 Q. Let's take New Leaf, for example. Did
21 FACIM enter into either an oral or written
22 agreement by which New Leaf would distribute
23 these books?

24 A. Yes.

25 Q. What would FACIM sell the book to New

1 Wapnick

2 Leaf for?

3 A. I'm not sure of the exact amounts,
4 Gloria handles that and she negotiates
5 differently with each distributor. It would
6 roughly be a 60-40 split.

7 Q. Do any of these distributors pay any
8 amounts in advance or up front or is it done on
9 the basis of sales?

10 A. It's done on sales. 30 day net, 60
11 day net. Something like that.

12 Q. When payments are made from the
13 distributors, are they then made to FACIM?

14 A. Yes.

15 Q. Do you receive from FACIM or any
16 entity any payments yourself as the author as
17 author's fees?

18 A. No.

19 Q. Is there any document by which you
20 assign your copyright interests to FACIM?

21 A. Yes, there is.

22 Q. Is that done by writing?

23 A. Yes.

24 Q. In connection --

25 A. I'm not really sure. I think, I'm not

1 Wapnick

2 sure if it is in writing. It might be. I would
3 have to check.

4 Q. As far as you are concerned
5 personally, you have assigned whatever copyright
6 interest you have to FACIM?

7 A. Yes, yes.

8 Q. In connection with the various books
9 that you have written in the past prior to
10 Message, are there any in which you are the
11 copyright owner and FACIM is not?

12 A. No.

13 Q. In connection with various articles,
14 magazine articles or journal articles that you
15 may have written and I assume you have written
16 one or two in your lifetime, are there copyright
17 filings done in connection with those?

18 A. Uh-huh. I think actually those are
19 the property of the journal that I would have
20 published an article in, as far as I recall.

21 Q. Does FACIM itself have any journal
22 that it publishes on a regular basis?

23 A. Not a journal, no.

24 Q. What does it have?

25 A. It has a newsletter.

1 Wapnick

2 Q. That newsletter is sent to whom?

3 A. Anybody on our mailing list, anybody
4 who requests it.

5 Q. Is it given free of charge or is there
6 a charge for it?

7 A. Yes, it is, free of charge.

8 Q. Are there articles in those
9 newsletters?

10 A. Yes.

11 Q. Who writes those articles?

12 A. I do and my wife.

13 Q. Anyone else that you know who writes
14 them?

15 A. (Indicating).

16 Q. Has anyone ever asked, any other
17 magazine or entity asked for reprint rights to
18 any of those articles?

19 A. Sometimes.

20 Q. Has there ever been a time that
21 payment was paid for those reprint rights?

22 A. (Indicating).

23 Q. You have indicated that donations were
24 given for the purchase of the premises, am I
25 correct?

1 Wapnick

2 A. Right, that's correct.

3 Q. How were those donations arrived at,
4 were there solicitations for funds?

5 A. It was a married couple who were
6 friends of ours who donated the full amount.

7 Q. What were their names?

8 A. Robert and Kathleen Draper.

9 Q. Did they make a donation to FACIM
10 which then purchased the property?

11 A. Yes, yes.

12 Q. Do you recall when that donation was
13 made?

14 A. Yes. It was made in the early part of
15 1988.

16 Q. Where do the Drapers live at the
17 present time?

18 A. California.

19 Q. Do you have a --

20 A. La Jolla. I don't know the street
21 address.

22 MR. FABIAN: If you could provide us
23 with that, we would request that.

24 TO BE FURNISHED: _____

25 _____.

1 Wapnick

2 A. Sorry, it might have actually been the
3 end of '87. I'm not sure of the exact -- right
4 around that time.

5 Q. When did you first meet the Drapers?

6 A. 1984.

7 Q. Did you meet them in connection with
8 the course in any way?

9 A. Yes.

10 Q. Could you explain how that meeting
11 took place?

12 A. It was a workshop I was giving in
13 Tuscon and they attended it.

14 Q. What year was that?

15 A. 1984.

16 Q. From '84 until they made this
17 donation, be it '86, '87, whatever it might be,
18 did you meet with the Drapers from time to time?

19 A. Yes, I would say so.

20 Q. About how often?

21 A. Maybe once a year, twice a year.

22 Q. When did you first have discussions
23 with them concerning a potential donation?

24 A. They had volunteered to help us.

25 Actually at the time that we met them, we were in

1 Wapnick
2 the process of moving from one location in
3 Westchester, which is Ardsley, to Crompond, which
4 is in northern Westchester. I think they gave us
5 \$100,000, which they volunteered, to tell us to
6 buy that property. When the time came for us to
7 move because we had outgrown where we were in
8 Crompond, they had offered to buy the property
9 for us.

10 Q. I assume then there was some
11 discussions by which they knew that you were
12 going to --

13 A. Crompond, it's a suburb of Peekskill.

14 Q. Did you have conversations with them
15 by which they learned you were going to
16 potentially move into Crompond?

17 A. Yes.

18 Q. Was anyone else present besides
19 yourself, your wife and the Drapers?

20 A. I don't think so.

21 Q. Do you recall the conversation at all
22 and if so, would you please tell us as best as
23 you can?

24 A. I really don't.

25 Q. Any writings between FACIM and the

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Wapnick

Drapers with respect to any of these donations?

A. Just thank you notes.

Q. Dealing with Crompond for a moment,
how much was that purchase for?

A. I think that was \$300,000.

Q. The Drapers gave you \$100,000. Where
did the other 200,000 come from?

A. We mortgaged that.

Q. Was Crompond eventually sold?

A. Yes.

Q. How much was that sold for?

A. I think roughly \$400,000. I'm not
really sure.

Q. Was the equity of approximately
\$200,000 then put into the Catskill Mountains
property?

A. Yes, yes.

Q. Do you recall exactly how much the
Drapers gave for the Catskill Mountains property?

A. 1.125, the selling price.

Q. Does FACIM own any other property
assets other than the property and the copyright
interest in the various books you have written?

A. Vehicles?

1 Wapnick

2 Q. Okay.

3 A. Yes, vehicles.

4 Q. How many vehicles?

5 A. We have a snowplow, we have a van and
6 we have a station wagon.

7 MR. ROSENBERG: I need to consult with
8 my client to make sure a full answer is
9 coming to that question. Can we step out
10 for one second.

11 Off the record.

12 (Discussion held off the record.)

13 THE WITNESS: I was a little thrown by
14 copyright. When you said in my books when
15 you asked if FACIM has any other assets, we
16 are in the process of completing a transfer
17 of the copyright of the course from FIP to
18 FACIM.

19 MR. ROSENBERG: Larry, we want to be
20 very clear when you say are there any other
21 assets, more than arguably that's an asset
22 certainly and we wanted to have the record
23 quite complete.

24 Q. You have indicated some real property
25 that you own, FACIM owns, you have indicated some

1 Wapnick

2 vehicles that FACIM owns. We have talked --

3 A. Office equipment.

4 Q. And office equipment. We have talked
5 about copyrights in various publications that you
6 have written and we haven't specified each one
7 yet, but at least in general we have done that.
8 Am I correct you are now indicating that shortly
9 there will be the completion of a transfer of
10 whatever copyright interest FIP has in the course
11 to FACIM?

12 A. That's correct.

13 MR. ROSENBERG: I want to be very
14 clear, I'm not sure of the precise status.
15 There has been an agreement signed, because
16 I want no distortion on the record.
17 Certainly approvals, I believe, are required
18 by state authority, because of
19 not-for-profit organizations. I know I am
20 by no means an expert on Attorney General's
21 approval, which I believe has been
22 obtained. The transfer is well along the
23 way, it may be complete.

24 I don't know the legalities, but we
25 want there to be no distortion of the record

1 Wapnick
2 that certainly the copyright in the Course
3 In Miracles and the trademarks in that name
4 are in the process of being transferred or
5 have been transferred from FIP to FACIM. I
6 would like the witness to confirm so I'm not
7 deemed to be testifying.

8 THE WITNESS: That is correct.

9 Q. I will ask you rather than hearing it
10 from counsel, is there any documentation that
11 already exists with respect to this potential
12 transfer?

13 A. This is a transfer agreement, yes.

14 RQ MR. FABIAN: We would ask for
15 production of that transfer document and any
16 exhibits or other materials relating to
17 that.

18 Off the record.

19 (Discussion held off the record.)

20 Q. In connection with this transfer of
21 which we have just had a discussion off the
22 record, when did the discussions concerning this
23 potential transfer first begin, if you recall?

24 A. Several years ago.

25 Q. Do you know who initiated these

1 Wapnick

2 conversations?

3 A. I don't know who initiated it. They
4 would have taken place between Judy and me.

5 Q. What did, as best as you recall, you
6 say to Judy and Judy say to you concerning the
7 concept of the transfer, why it was taking place?

8 A. The concept which we both agreed on
9 had to do with the succession of the copyright
10 ownership. That's why I'm not sure who initiated
11 it. In accordance with Helen's wishes, since I'm
12 the youngest of the original group, we wanted to
13 have some legal machinery, something in writing
14 that would insure that the ownership of the
15 copyright that would pass to me upon the
16 retirement and/or death of Bob and Judy.

17 Q. Is there a reflection in any of the
18 minutes of any entity over the years of these
19 discussions going on concerning the transfer?

20 A. Yes.

21 Q. You have stated that in connection
22 with the wishes of Helen. When did Helen first
23 indicate these wishes?

24 A. It was, again, it was part of like an
25 ongoing discussion and understanding that as the

1 Wapnick
2 youngest of the group and those years I was much,
3 much younger, I would be the successor in the
4 sense of maintaining the integrity of the course
5 and really being its teacher.

6 Q. Were there specific discussions by
7 which Helen indicated she wanted the copyright
8 transferred?

9 MR. ROSENBERG: Copyright transferred
10 to FIP or from FIP to --

11 Q. To anyone. Let's start with anyone.

12 A. There wasn't any FACIM at that point
13 in time.

14 Q. I understand that. Let's pick a
15 time. When is the earliest you recall
16 discussions taking place? We need a time period,
17 we can take it from relating to your testimony of
18 the youngest was going to carry on whatever you
19 were going to carry on?

20 MR. ROSENBERG: That's a different
21 question. First you asked a question about
22 copyright.

23 MR. FABIAN: I understand that.

24 MR. ROSENBERG: Which do you want?

25 Q. You testified you being the youngest

1 Wapnick

2 and certain discussions relating to that.

3 A. The best that I can recall, that's
4 what we talked about.

5 Q. Yes.

6 A. As early as as 1973 and '74, when
7 there was discussion of Helen and her husband,
8 Bill Thetford and myself living together in some
9 kind of facility where we would teach the course.

10 Q. You weren't living together, there
11 were discussions of it?

12 A. Yes, yes, there were. We never lived
13 together, Helen and Louie lived together.

14 MR. FABIAN: That's not the way I
15 heard it.

16 MR. ROSENBERG: That was so the
17 parents wouldn't be upset actually.

18 A. So there was discussion of that. The
19 philosophy of that was that again since I was the
20 youngest and Helen was always very precise about
21 her year of death. And she was precise, although
22 it ended up wrong about Bill's death. That it
23 was clear from those discussions that I would be
24 the surviving member as it were.

25 Q. When you say it was clear, do you

1 Wapnick

2 remember any specific words that Helen spoke
3 concerning this succession?

4 MR. ROSENBERG: As best as you can
5 recall.

6 A. She wrote a poem actually called
7 Continuity, which was for me, which is about
8 that.

9 Q. Was that poem ever published?

10 A. Yes.

11 Q. Where?

12 A. In the book called The Gifts of God.

13 Q. Is that poem about the succession?

14 A. Not the words, but Helen gave it to me
15 with the understanding that this was a reflection
16 of the idea that I would take over when she had
17 died.

18 Q. Has Helen, as best as you know, ever
19 described the meaning and purpose of this poem in
20 any other writings?

21 A. No.

22 Q. Have you ever discussed the meaning or
23 purpose in any of your writings?

24 A. I think there may be a discussion of
25 it in my book *Absence From Felicity*, which is the

1 Wapnick

2 biography of Helen and her story of the course,
3 I'm pretty sure that I quote that poem in the
4 book and if I had quoted it, which I think I did,
5 I would have had some discussion of its meaning.

6 Q. Do you recall whether anyone else who
7 is still living was present when these -- and I'm
8 using the term succession, when this discussion
9 of succession occurred at any time?

10 A. Judith Skutch.

11 Q. Do you recall specifically when one or
12 more of these meetings or discussions might have
13 happened?

14 A. It's hard for me to give a precise
15 answer since we met with Judy regularly and these
16 were topics which were discussed often, so --

17 Q. When you say regularly, what time
18 period are we referring to?

19 A. When we met Judy, which was in May of
20 '75. Shortly after that, we used to meet, I
21 think at least twice a week in Judy's apartment
22 in New York City. The we being Helen, Bill and
23 I. So there was ongoing discussion, talking. I
24 can't label a precise moment.

25 Q. During these conversations from '75

1 Wapnick

2 onward, let's stick with '75 to '80 for now, did
3 you ever hear Helen discuss the term copyright?

4 A. Yes.

5 Q. What do you recall of Helen saying
6 about the ownership of the copyright in the
7 course, if anything?

8 A. This was during the time period when
9 the decision had been made by us to have the
10 Foundation For Inner Peace publish the course.
11 One afternoon Helen, I think she had said
12 something to me first because we usually
13 travelled to Judy's apartment together. I'm not
14 sure of the exact date or exactly what was said.

15 But she related to me and these would
16 be her words, it said, which was her way of
17 designating the inner voice or Jesus, it said we
18 should have a copyright. The course copyrighted,
19 something like that.

20 Q. You have used it said that we should
21 have the copyright, who is the we?

22 A. Basically we saw ourselves as a
23 group. Helen, Bill, Judy and I and Bob, Judy's
24 husband.

25 Q. Were there discussions of, Helen have

1 Wapnick
2 discussions in which you were present in which
3 she indicated that she was the owner at any time,
4 of the copyright in which she specifically used
5 the term copyright?

6 MR. ROSENBERG: Objection to the form
7 of the question. There is sort of two
8 questions here, but if you understand.

9 A. I think I understand it. What's
10 difficult about answering you specifically is
11 that we were not legalistic people and we didn't
12 think along those lines. It was always clear to
13 us and to Helen that in the sense it was her
14 book. In fact, a number of times she would
15 somewhat humorously put her head in her hands and
16 say my poor course, my poor course in terms of
17 what people were doing to it in terms of
18 distorting it, et cetera.

19 It was clear, very clear that it was
20 Helen's book and Louis to this day, as of last
21 evening when I visited him, still referred to it
22 as Helen's book. When she heard this about
23 having it copyrighted, it was obviously that she
24 was transferring her ownership to or making her
25 ownership something legal and having it

1 Wapnick

2 copyrighted.

3 Q. When you say you heard it was being
4 transferred, what are you referring to?

5 A. Again when she had the experience of
6 Jesus' voice, what she sometimes referred to as
7 it, the voice, et cetera, that opened up the
8 discussion, which at that point none of us had
9 even thought of having the course copyrighted.
10 She was very clear from the beginning she didn't
11 want her name publicly associated with it.

12 So that when she got this information
13 which she shared with us about having it
14 copyrighted, it was very clear that it would be
15 the Foundation For Inner Peace, which would be
16 the copyright holder.

17 Q. Who did she get this information from?

18 A. Again this was her experience of
19 Jesus.

20 Q. Did she indicate to you in any
21 conversation that Jesus had directed her to
22 transfer the copyright?

23 A. Yes.

24 MR. ROSENBERG: In the words Jesus or
25 the phrase the witness said it said.

1 Wapnick

2 Q. Yes, I would use Jesus, I understand
3 they are interchangeable between us.

4 A. Right, right, when Helen referred to
5 it. It, the voice, Jesus, the voice, that SOB,
6 et cetera.

7 Q. Did you have any understanding when
8 Helen would refer to it that it was in fact
9 Jesus' voice?

10 A. Total understanding, yes.

11 Q. Are we talking about the biblical
12 Jesus or is there a different Jesus that we may
13 be talking about?

14 A. It was a different Jesus.

15 Q. What Jesus are we talking about?

16 A. It's a little difficult to answer
17 simply, so may I explain.

18 Q. That's what we are here for.

19 A. I think in terms of the course in
20 terms of Helen's experience, there was a distinct
21 difference between what we refer to as the
22 biblical Jesus and the historical Jesus. While
23 Helen knew the Bible very, very well, she didn't
24 like the Bible and she didn't like what it
25 taught. She didn't like the figure of Jesus as

1 Wapnick

2 MR. ROSENBERG: There is power, but
3 not that much power.

4 A. Helen was very, very bright and while
5 the course says it's simple, it never says it's
6 simple minded. Helen never for a moment believed
7 that Jesus took his finger and put it in her eye
8 and took out the eyelash. She was very clear
9 that what she was talking about again was a
10 symbol. She was the one, her mind put the
11 eyelash in her eye and it was her mind that took
12 the eyelash out. When she put the eyelash in her
13 eye, it was a symbol of obstructing her vision
14 which for her was the turning away from the
15 presence of love in her mind which she called
16 Jesus. When she asked him for help, again which
17 is a symbol of going back to that presence of
18 love which is abstract, non-specific in her mind,
19 the obstruction to her identification with that
20 presence was gone. The symbol of that
21 obstruction which was the eyelash in her eye was
22 gone too.

23 But the way that she told the story, I
24 asked Jesus for help, he takes the eyelash out,
25 just as when she tells the story of her taking

1 Wapnick

2 down the course, it almost makes it sound as if
3 there was a figure of Jesus with a microphone in
4 her mind or her brain dictating it.

5 Again, the course is simple, but not
6 simple minded. Helen, who was a very
7 sophisticated person, never for a moment believed
8 there was a physical presence of the man called
9 Jesus in her mind that was dictating this to
10 her.

11 So when I say the voice, Helen would
12 say the voice said, it was her mind giving shape,
13 her unconscious mind, giving shape to this
14 non-specific abstract presence of love that is in
15 her mind and indeed is in the mind of everyone.

16 One of the things Helen always told
17 people when they would ask her ask Jesus what I
18 should do. She would say what I do, you can do.
19 I'm not different from you, I'm no different from
20 you, also being aware that in the course it says
21 Jesus is no different than us. He is not
22 divine.

23 He is part of the sonship of God as
24 all of us are. Again, the voice that she
25 listened to is, the form of voice was her own

1 Wapnick
2 mind conceptualizing what was again an abstract
3 and non-specific experience of love.
4 Q. Are you aware of any writings that
5 have been published of Ms. Schucman which reflect
6 this analysis that you just stated?
7 A. No, never in writing.
8 Q. Are you aware of any unpublished
9 manuscripts of Ms. Schucman in which this
10 analysis is reflected?
11 A. No.
12 MR. FABIAN: Again I guess since he
13 has answered something.
14 MR. ROSENBERG: But the answer was
15 no. If the answer had been yes --
16 MS. MALONEY: Could you please read
17 back the record.
18 (The record was read.)
19 MR. FABIAN: Off the record.
20 (Discussion held off the record.)
21 A. Again depending on how you define your
22 question, one can say there are parts of the
23 course in the urtext that reflect that. I assume
24 that your question had to do something with what
25 Helen Schucman herself consciously wrote --

1 Wapnick

2 Q. First I'm asking what Helen wrote. We
3 will get to if other people wrote it.

4 A. Under her signature, that's what you
5 are talking about?

6 Q. That's correct.

7 A. No, I'm not aware of that.

8 Q. Did Helen participate in the writing
9 of the urtext at all?

10 A. That's the course, are you asking me
11 that?

12 Q. Yes, I'm asking personally if her
13 personal changes are part of the urtext. That's
14 just a general question and we will get to the
15 urtext later.

16 MR. ROSENBERG: Objection to the form
17 of the question.

18 A. I think it's confusing.

19 MR. ROSENBERG: You may want to lay a
20 foundation. I'm sure at some point you will
21 go through this meticulously.

22 MR. FABIAN: I'm not meticulous.

23 MR. ROSENBERG: I'm happy to help.

24 Q. Do you know if Helen ever asked Jesus
25 if there was a physical resurrection?

1 Wapnick

2 A. I think if I may answer you in an
3 indirect way, I think your question is coming
4 from a misconception.

5 Q. First I would like the direct answer.

6 MR. ROSENBERG: If you can answer the
7 question, I'm sure Larry will let you
8 explain.

9 Q. I will let you explain, but I asked a
10 specific question.

11 A. What was the question?

12 Q. Do you know whether Helen ever asked
13 Jesus if there was a physical resurrection?

14 A. Yes.

15 Q. How do you know that?

16 A. There was a discussion Helen and I
17 were having one afternoon and she asked me if I
18 believed in a physical resurrection. I told her
19 no, I did not, but I said I'm not the one you
20 should ask. Why don't you ask Jesus yourself.
21 That's how that happened.

22 Q. Did she in fact ask Jesus?

23 A. Yes.

24 Q. Did Jesus give a response?

25 A. Yes.

1 Wapnick

2 Q. Did Helen tell you what that response
3 was?

4 A. Yes, actually it's written down.

5 Q. Where is it written?

6 A. I think it's in a book someplace.

7 Q. Her book or your book?

8 A. No, not her book. I'm trying to think
9 where it's available. I know it's available;
10 otherwise, Monty wouldn't have seen it.

11 MR. BARBER: It's in your Absence From
12 Felicity.

13 MR. FABIAN: Off the record.

14 (Discussion held off the record.)

15 Q. I was going to ask you what was the
16 response when she asked Jesus if there was a
17 physical resurrection?

18 A. I don't specifically recall. I think
19 she wrote down what she heard and that was the
20 end of it I think.

21 MR. FABIAN: I want to take a five
22 minute break.

23 Off the record.

24 (Discussion held off the record.)

25 (Recess.)

1 Wapnick

2 BY MR. FABIAN:

3 Q. Going back now to some of the assets
4 so we can clarify this issue that we were
5 discussing earlier to give us a frame of
6 reference. Other than the physical property, the
7 contents, the vehicles, your writings and
8 whatever is going to transpire between FACIM and
9 FIP with respect to the copyright and the
10 course --

11 MR. ROSENBERG: And trademarks.

12 Q. -- are there any other assets?

13 MR. FABIAN: Trademarks of course.

14 Q. Are there any other assets that FACIM
15 owns, does FACIM have bank accounts today?

16 A. Yes, do you mean that by assets? I
17 thought you meant owning property.

18 MR. ROSENBERG: Again, I don't mean --
19 there are papers, tapes, he mentioned those
20 would be part of those as well.

21 A. Yes, I'm sure that would be part.

22 Q. Let's start with the bank accounts for
23 example. You have indicated that FACIM has
24 accounts today. Do you know the general overall
25 balances, say, on this given day?

1 Wapnick

2 MR. ROSENBERG: Is this something that
3 you want confidential or attorneys eyes
4 only?

5 THE WITNESS: Yes.

6 MR. FABIAN: Go outside.

7 MR. ROSENBERG: I'm not conceding the
8 relevance, but, I don't think that's a
9 proper objection in a deposition.
10 Mr. Barber, I would ask that since the
11 protective order hasn't been finalized, we
12 are going to designate this testimony as
13 attorneys eyes only.

14 First of all, this portion of the
15 transcript would be so designated and either
16 the portion of the transcript or information
17 from the party can be revealed to any other
18 entity except the court under record
19 sealings, but you can't talk to Ms. Forbes.

20 MR. FABIAN: Off the record.

21 (Discussion held off the record.)

22 MR. BARBER: We agree to your comments
23 regarding non-revealing any of the
24 confidential information to anyone.

25 MR. ROSENBERG: Including attorneys

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Wapnick

eyes only.

MR. BARBER: That's any confidential
attorneys eyes only.

MR. ROSENBERG: Thank you.
Mr. Fabian, with that --

(Mr. Barber and Ms. Forbes leave the
room.)

(The following portion has been deemed
confidential and bound under separate
cover.)

1 Wapnick

2 Q. Are there videotapes that contain your
3 image that have been produced or are owned in any
4 way by FACIM?

5 A. Yes.

6 Q. How many such videotapes are there?

7 A. I think three -- two videotapes.

8 Q. Who owns the copyright in those
9 videotapes?

10 A. Foundation, FACIM.

11 Q. Are these videotapes sold to the
12 public?

13 A. Yes, they are.

14 Q. How are they sold to the public?

15 A. They are sold through our catalog,
16 they are sold at our bookstore and they are sold
17 at the distributors.

18 Q. Do you recall the wholesale price or
19 the price by which you sell it wholesale to video
20 distributors?

21 A. Distributors basically get, if it's a
22 bookstore they get 40 percent. If it's a
23 distributor, I think 50 percent.

24 Q. Do you recall the approximate retail
25 or wholesale price of these videotapes?

1 Wapnick

2 A. Yes, we have a videotape of the
3 Foundation that's \$10. There is a videotape that
4 Gloria and I did about to change the course.
5 That may be \$20. It is a videotape of a workshop
6 that Gloria and I did on the real world, there is
7 a three hour version and an edited two hour
8 version. Three hour may be \$30 and the two hour
9 version may be \$20.

10 Q. Those are retail prices?

11 A. Yes.

12 RQ MR. BARBER: I don't think those have
13 all been produced to us. You may want to
14 include that in your letter.

15 MR. ROSENBERG: I have a list that Ken
16 sent me of all publications and videotapes.
17 Either later today or tomorrow I can give
18 you that list, it's fairly extensive. If
19 you wanted to request any specific items, we
20 would be happy to produce those.

21 MR. BARBER: I will put it in my
22 letter then.

23 MR. ROSENBERG: I have it with me.
24 During the break --

25 MS. MALONEY: Off the record.

1 Wapnick

2 (Discussion held off the record.)

3 Q. Are there audiotapes in which there is
4 a copyright owned by FACIM?

5 A. Yes, there are.

6 Q. How many such audiotapes are there?

7 A. At least 50, over 50.

8 Q. Are these --

9 A. Don't ask me please, all the names and
10 prices.

11 Q. Are these sold to the public?

12 A. Yes.

13 Q. For how long a period of time have you
14 been selling audiotapes?

15 MR. ROSENBERG: Meaning FACIM?

16 MR. FABIAN: Yes, I'm only talking
17 about FACIM for the moment.

18 A. Mid 1980s I believe.

19 Q. Are there separate accounts kept such
20 that we could determine from your books and
21 records, from FACIM's books and records what the
22 annual sales volume is for audiotapes and then
23 videotapes?

24 A. Yes.

25 Q. First audiotapes?

1 Wapnick

2 A. Yes.

3 Q. Then videotapes?

4 A. Yes.

5 Q. Then books?

6 A. Yes.

7 Q. Is there anything else that is sold by
8 FACIM to the public for which it receives money?
9 I'm not talking about services. I'm talking
10 about physical objects.

11 MR. ROSENBERG: Not the teaching.

12 Q. Not services. If you sold dolls or
13 shirts or anything like that?

14 A. No, no, no, absolutely not like that.

15 MR. FABIAN: No FACIM forever shirts.

16 MR. ROSENBERG: Only at the heavy
17 metal concerts.

18 THE WITNESS: We have been asked to.

19 Q. When you indicated that you have a
20 store --

21 A. I want to add the exception of that is
22 we have some postcards that they are a dime
23 apiece of the Foundation.

24 Q. In connection with the store that you
25 referred to, is that a store on the premises or

1 Wapnick

2 somewhere else?

3 A. No, no, it's on the premises.

4 Q. Have there been any discussions about
5 opening stores elsewhere?

6 A. (Indicating).

7 Q. You indicated that FACIM has a
8 catalog; is that correct?

9 A. Yes, that's correct.

10 Q. What is sold in that catalog?

11 A. Our books and tapes.

12 Q. Only FACIM books and tapes?

13 A. And the publications of FIP.

14 Q. In connection with the publications
15 from FIP, how many different publications as best
16 as you can remember, are there that are sold?

17 A. The Course In Miracles, there are the
18 two pamphlets that are now called the supplements
19 to A Course In Miracles. There are the Gifts of
20 God. That's Helen's poetry. There is an
21 electronic version of the course. There is the
22 course on audiotape. There is a videotape that
23 was made by FIP called the Story of A Course In
24 Miracles. There is an audiotape.

25 THE WITNESS: Shall I continue?

1 Wapnick

2 Q. Yes.

3 A. Audiotape of Bill Thetford reading
4 passages from the course. There is an audiotape
5 of me giving a 45 minute lecture on the course.
6 There is a videotape of me giving that same
7 lecture. That may be it. I may have missed
8 something.

9 MS. MALONEY: The concordance.

10 A. I'm sorry, a concordance, thank you.

11 Q. Do you pay FIP in advance for physical
12 properties that you buy from them that are sold?

13 A. No, it's on consignment.

14 Q. Is there a difference between the
15 price you sell a particular item for from what
16 you pay FIP?

17 A. We get I think 40 percent discount.

18 Q. From their listed wholesale price?

19 A. Their listed price, yes.

20 Q. Sorry, listed price.

21 A. Yes.

22 Q. For how long have you received this
23 40 percent discount?

24 A. Many years.

25 Q. Could you estimate in 1998 what the

1 Wapnick

2 gross sales of FIP items was at --

3 MS. MALONEY: I think before you
4 answer, is there any issue of
5 confidentiality here. That's probably a
6 public record.

7 THE WITNESS: I don't think it is.

8 A. It would be hard for me. It's not a
9 lot.

10 MR. ROSENBERG: This is the gross
11 receipts by FACIM of the sale of FIP items?

12 MR. FABIAN: Just FIP items.

13 Q. If you don't know, you don't know.

14 A. Few thousand dollars, if that. I'm
15 not sure.

16 Q. Does FACIM --

17 A. Excuse me, we only sell retail of the
18 FIP products.

19 Q. Does FACIM file with the Attorney
20 General in New York State or any other office
21 financial records for each year's income and
22 expenses?

23 A. Yes.

24 Q. For how many years have you been
25 filing those?

1 Wapnick

2 A. Since our incorporation in 1983.

3 RQ MR. FABIAN: We would ask for
4 production of those filings.

5 MR. ROSENBERG: Put it in Mr. Barber's
6 letter if you could.

7 MR. FABIAN: You will decide what you
8 want to do, sure.

9 MR. ROSENBERG: We will take it under
10 advisement.

11 MR. FABIAN: Off the record.

12 (Discussion held off the record.)

13 Q. In connection with the Foundation For
14 Teaching Inner Peace --

15 A. It's Institute For Teaching Inner
16 Peace.

17 Q. Sorry, the institute, does the
18 institute receive revenue from any sources,
19 revenue from the sale of anything, services or
20 products?

21 MR. ROSENBERG: Excluding donations?

22 MR. FABIAN: Yes, I am.

23 A. It receives no donations. It receives
24 the money, income from the teaching from the
25 class of workshops, which it then -- sorry,

1 Wapnick

2 that's what it is.

3 Q. Just so I understand, does FACIM
4 receive any money from the teaching of workshops?

5 A. The way that it is set up is that the
6 institute gives the money from the classes and
7 workshops to FACIM in exchange for the use of
8 FACIM's facilities.

9 Q. Other than the delivery of products on
10 consignment from FIP to FACIM, is there any other
11 money or assets that travel back and forth in a
12 given year, and I will take 1998 as a specific
13 example?

14 A. Yes. Those have to do with the
15 translators who come and stay at the Foundation,
16 they work with me. So those expenses are billed
17 to FIP.

18 Q. These are translators for what
19 purpose?

20 A. Translating the course.

21 Q. Are these translators --

22 A. Excuse me, I think I omitted that, but
23 I gave you the list of FIP's books that we sell.
24 It would also be the translations.

25 Q. Thank you. In connection with these

1 Wapnick

2 translators, are these translators hired on the
3 payroll of FACIM or the institute?

4 A. No.

5 Q. Are they paid as consultants in some
6 way?

7 A. By FACIM?

8 Q. Or the institute.

9 A. No.

10 Q. Are they paid by FIP?

11 A. There are different arrangements made
12 with different translators and actually Judy
13 would be a better source for that.

14 Q. When you indicated that FACIM or the
15 institute would bill FIP, what would they be
16 billing FIP for?

17 A. For their stay with us, lodging,
18 workshops and teaching materials.

19 Q. Do you recall in the past year or so,
20 how many translators have passed through your
21 premises?

22 A. I don't want to think about it. I
23 would say last year 1998, maybe 10 or 12. It was
24 a large number.

25 Q. Changing subjects slightly. To your

1 Wapnick
2 knowledge, has a license for the course, for the
3 production of the course, been given to anyone
4 other than Penguin to produce in any format?

5 MR. ROSENBERG: Could you please read
6 back the record.

7 (The record was read.)

8 MR. ROSENBERG: Objection to the form
9 of the question. Just it's a little vague.
10 License to publish excerpts, license to
11 publish the whole book.

12 MR. FABIAN: That's a fair comment.

13 Q. In connection with the course as a
14 whole?

15 MR. ROSENBERG: Meaning the book,
16 correct?

17 MR. FABIAN: Yes, I have never heard
18 it referred to as the book.

19 MR. ROSENBERG: The text.

20 A. The only possibility I'm aware of, I'm
21 not sure of the detail since I'm not involved in
22 that part of it, would be with an organization
23 called Center Link which produced an electronic
24 version of the course and I'm not really sure the
25 exact nature of the --

1 Wapnick

2 MR. ROSENBERG: I'm assuming the
3 question excluded licenses that FIP may have
4 given or consents for different
5 organizations to use that perhaps in a book
6 or something?

7 MR. FABIAN: I haven't gotten
8 excerpts yet, we talked about it as a
9 whole. We have gotten a correct answer.

10 Q. As I recall, I don't have it in front
11 of me, there was an exception in the Penguin
12 contract, an exception carved out in connection
13 with FACIM for its right to publish or produce
14 the course; is that correct?

15 A. No.

16 MR. BARBER: To use quotes.

17 A. To use quotes, but your question
18 originally was --

19 Q. Okay, sorry. To use quotes?

20 A. Yes.

21 Q. Does it have the right?

22 A. Yes.

23 Q. When FACIM uses these quotes in any
24 form, do they have any obligation to report to
25 FIP if they make use of these quotes in any way?

1 Wapnick

2 A. I don't know if I would use the word
3 obligation. I just as a matter of course do,
4 because of the nature of our relationship. But
5 there is -- I'm not aware, we have never
6 discussed an obligation in the sense of anything
7 in writing --

8 Q. When you make this report, is it in
9 writing or you call up Judy and say this is what
10 I'm doing?

11 A. Yes, this is what I'm working on and
12 what I'm doing. When I'm done with the book, I
13 send it to her.

14 Q. Does FACIM keep a list of all of the
15 books which you have published, which FACIM has
16 published, relating to the course, first relating
17 to the course?

18 A. It's in our catalog, yes.

19 Q. Is there a list of periodicals that
20 you have written anywhere that exists?

21 A. Journals, articles?

22 Q. Yes.

23 A. That are not specifically related to
24 the course?

25 Q. Yes, that's right, any -- is there a

1 Wapnick

2 total list anywhere of articles that you have

3 written say since 1980 forward?

4 A. I have a vitae that I update every

5 once in a while of articles that have appeared in

6 psychology journals.

7 MS. MALONEY: Related to the course or

8 in general?

9 MR. FABIAN: We only hear from one

10 lawyer at a time.

11 MS. MALONEY: Sorry.

12 MR. ROSENBERG: That's what I said

13 yesterday, they were ganging up and picking

14 on me yesterday.

15 MR. BARBER: We are rubbing it in.

16 MR. FABIAN: I never forget a comment.

17 MS. MALONEY: I wanted to know if it

18 was about the course or in general.

19 MR. FABIAN: This was in general.

20 MR. ROSENBERG: He said in general.

21 RQ MR. FABIAN: There is a curriculum

22 vitae that we will put on our list to have

23 produced.

24 MS. MALONEY: Quite impressive.

25 Q. Do you personally have any source of

1 Wapnick

2 income other than from what you receive from
3 FACIM?

4 A. No.

5 Q. Your wife, does she have a source of
6 income --

7 A. She has a pension from the -- she was
8 a teacher in New York City, so from New York.

9 Q. During the past five years, have you
10 personally made speaking engagements in which you
11 personally received a fee?

12 A. Yes.

13 Q. Do you retain that fee yourself or
14 does it go to FACIM?

15 A. Most of the time it goes to FACIM.
16 With a couple of exceptions.

17 MS. MALONEY: Can I just -- off the
18 record.

19 (Discussion held off the record.)

20 MR. ROSENBERG: Could you please read
21 back the record.

22 (The record was read.)

23 Q. Perhaps we could spend a few minutes
24 since we haven't yet with just your background.
25 Can you tell me where you were educated, if at

1 Wapnick

2 all?

3 A. I grew up in Brooklyn, I graduated
4 from high school in Brooklyn, I went to Lafayette
5 College in Pennsylvania, where I got a bachelors
6 in psychology and a Ph.D. in clinical psychology
7 from Adelphi University in Garden City.

8 Q. When did you get the Ph.D.?

9 A. 1978, graduated from college in '63.

10 Q. Subsequent to receiving your Ph.D.
11 degree, did you have any working experience?

12 A. I did.

13 Q. Can you briefly describe that?

14 A. I ran a school for disturbed children
15 in Staten Island. I ran a program for disturbed
16 children in Long Island in Jericho. I was the
17 assistant, chief psychologist in the Harlem
18 Valley State Hospital, New York State.

19 Q. Was that your last employment before
20 FACIM, the Harlem Valley Hospital?

21 A. No. It was my last employment before
22 I saw the course. Actually, I had a small
23 private practice in those years and then I
24 continued that. For a few years, I was an
25 instructor in psychiatry at the Columbia

1 Wapnick

2 Presbyterian Medical Center.

3 Q. When was the last time you had any
4 private practice?

5 A. Quite a while ago. I occasionally
6 will see an old patient once in a while, but I
7 have not had a regular practice for many, many
8 years.

9 Q. Before 1980?

10 A. No, I would say I still had a practice
11 up until the time we went to Roscoe, so that
12 would be '88. It was dwindling somewhat because
13 I was occupied.

14 Q. When was the last time you worked for
15 any institution other than FACIM such as the
16 Harlem Valley Hospital?

17 A. There was a while that I was receiving
18 money from FIP.

19 Q. We will deal with that in a second.

20 A. No, okay. Well, Harlem Valley
21 Hospital was my last full time job as a
22 psychologist.

23 Q. When did that terminate approximately?

24 A. It terminated in the fall of '72.

25 Q. Do you recall approximately how much

1 Wapnick

2 you were making at that time?

3 A. 31,000, 32,000.

4 Q. Let's begin to trace after you were
5 working for the Harlem Valley Hospital, did you
6 at some point become employed by or get paid in
7 some form by FIP?

8 A. No.

9 Q. Never?

10 A. Much later, sorry, yes.

11 Q. When was that?

12 A. That might already have been in the
13 early 80s.

14 Q. Do you recall was that by written
15 agreement or just some understanding with Judy?

16 A. I think it's in the minutes. I think
17 it would be reflected in the minutes.

18 Q. What services were you rendering to
19 FIP?

20 A. It was basically all the work I was
21 doing with the course. The teaching and then in
22 time, I was working with the translators.

23 Q. Do you recall when you first began
24 working with translators?

25 A. Sometime in the 80s, mid 80s is when

1 Wapnick

2 the program began.

3 Q. Were you actually an employee of FIP
4 in the sense there were withholding taxes or were
5 you paid on a consulting basis?

6 A. It wasn't that much. I don't think
7 there was withholding at that point.

8 Q. Between the fall of 1972 and the early
9 80s, did you receive any source of income from
10 any work other than private patients?

11 A. No. Sorry, up until -- no, I did not.

12 Q. Were you seeing private patients
13 during that entire time from your termination at
14 the Harlem Valley Hospital till the time you
15 began work with FIP?

16 A. A period of time I was in Israel not
17 working. I stopped when -- in the fall of '72
18 and I think I began seeing patients probably in
19 the latter part of '73, maybe early part of '74.

20 Q. When did you go to Israel?

21 A. '72, the end of '72.

22 Q. For how long?

23 A. Five months, that's when I came back
24 and first saw the course. Then I went back for a
25 month and a half, which would have been

1 Wapnick

2 had not done it then, it was within a few days.

3 Q. At the time you received it, do you
4 recall whether there was any copyright notice on
5 the document in any place?

6 A. No, it was in manuscript form and
7 there were very, very few copies. I was one of
8 the very, very few who actually had it.

9 Q. Did Helen or Bill say anything to you
10 about distribution of that particular document?

11 A. Helen was very, very, very protective
12 of that document.

13 Q. My question was --

14 A. Nobody was allowed to see it without
15 her express approval.

16 Q. My question was, did she say to you
17 not to distribute?

18 MR. ROSENBERG: Answer what she said
19 as opposed to characterizing it.

20 A. Sorry.

21 Q. I'm asking for your specific
22 recollection of conversations. If you have none,
23 you can make other statements.

24 A. I don't have a specific recollection
25 except the feeling was very clear that this was

1 Wapnick

2 not to be shown to anybody without her approval.

3 Q. Did you personally show that copy to
4 anybody at any time in the future?

5 A. No, sorry.

6 Q. That particular copy that was received
7 by you.

8 A. Not in that time frame. But

9 subsequent, but not that time frame.

10 Q. Did you read the entire material that
11 was delivered to you?

12 A. I did.

13 Q. Over how long a period of time?

14 A. My first reading was relatively
15 quickly, which as anyone who knows the course,
16 was not too quickly. But I just wanted to see
17 everything. Then I read it much more carefully
18 and I have been reading it ever since.

19 Q. Prior to your receiving the course,
20 did Helen make any statements to you concerning
21 what the course was all about, whether at that
22 meeting or prior meetings?

23 A. No, there was that meeting in Bill's
24 apartment, which I mentioned earlier, which
25 something was said about a book on spiritual

1 Wapnick

2 question.

3 Q. When I asked you the question did
4 Jesus speak to you, could you explain to me who
5 you mean, who you mean as Jesus when you
6 responded to my question?

7 A. It was an experience within my mind.
8 It was certainly not an external voice. But it
9 was an experience of a very loving authoritative
10 presence that was clearly not of this world. And
11 that presence took the shape of words I would
12 experience. At first I did not identify it
13 specifically with Jesus. Then there was a long
14 period of time when I did. Now I would
15 characterize it in a sense of more abstract than
16 that.

17 Q. When you say now, are you saying 1999?

18 A. For the last several years I would
19 say.

20 Q. Let's go back then. When you first,
21 using your definition, however you choose, of
22 Jesus, I'm just using that as a phrase, when
23 Jesus first spoke to you, how would you define
24 Jesus at that first speaking, the first time he
25 spoke to you?

1 Wapnick

2 A. Again, as I'm saying, I was -- I did
3 not identify that presence with Jesus at that
4 time. If you are asking me when did I first
5 believe it was Jesus, it was the time I was
6 reading the course for the first time.

7 Q. When you believed it was Jesus, could
8 you define for me or explain to me who Jesus was
9 or is at that time in your mind?

10 A. That is a little hard to say. I was
11 raised Jewish. So I had no real connection with
12 the biblical Jesus at all. And to me, Jesus was
13 a symbol and it was certainly not the New
14 Testament Jesus or the Christian Jesus. It was a
15 presence, there was a presence in a form that I
16 could relate to that was of a love that was not
17 of this world. That's the best I can do with
18 it. It was not identified with a personality as
19 such.

20 Q. Have you ever written in any book or
21 periodical that Jesus spoke to you?

22 A. I'm sure I have. I don't recall
23 specifically, but I'm sure I have.

24 Q. Do you recall other than this first
25 instance, the next time that Jesus spoke to you?

1 Wapnick

2 A. When I first became aware of that
3 presence as Jesus, it was constantly after that.
4 So I couldn't --

5 Q. Do you recall some of the things that,
6 when you first became aware of that presence as
7 Jesus, that Jesus said to you? Let me ask a
8 different question. Did Jesus ever say anything
9 to you about the course?

10 MR. ROSENBERG: At any time?

11 Q. As you were first reading the course.

12 A. I'm sure he did, but I have no
13 specific recollection.

14 Q. After you completed the course, the
15 first time, do you recall anything specifically
16 that Jesus said to you?

17 A. No, not -- it's become -- no, because
18 it's become like a blur in the sense that as a
19 constant experience. And the specific quote
20 information unquote, was very non-important to
21 me.

22 Q. Between the years 1975 and 1990, I
23 believe you have testified that at least during
24 that period you have written certain things which
25 you said at least in part, that Jesus has spoken

1 Wapnick

2 to you; is that correct?

3 A. Uh-huh.

4 Q. Do you recall in any of those writings
5 whether you defined who Jesus was when he was
6 speaking to you between 1975 and 1990?

7 A. I don't -- I'm sure I did, I don't
8 recall what exactly it was that I would have
9 said.

10 Q. Do you recall without looking at the
11 writings, how you defined Jesus during this time
12 period in any of these writings without saying
13 it's in this book or that book?

14 A. I suspect in the early years, since my
15 first students, as it were, were Roman Catholics,
16 I did a lot of work in New York City for the
17 Archdiocese, not work in terms of pay, but I kind
18 of spoke to a lot of religious groups, nuns and
19 priests.

20 Even before the course was actually
21 published, without mentioning the course by name,
22 I would use the New Testament Jesus as a vehicle
23 for conveying what it was we wanted to say. I
24 actually ended up being rather good at it in the
25 sense that taking statements that my audience and

1

Wapnick

2

my students and patients could understand and

3

relate to and giving them a different meaning

4

that would be more consistent with what I took to

5

be a more loving message. So anyway.

6

Answering you, I would say that in my

7

earlier writings, my earliest writings, I would

8

not have made and did not make the distinction

9

that I make now between -- if you had asked me

10

earlier between the biblical Jesus and the

11

historical Jesus. And indeed in a reprinting of

12

my earliest book, I added a preface in which I

13

explained why that was the case.

14

Q. When did you reprint your earliest

15

book with this preface?

16

A. The earliest book was Christian

17

Psychology and Course In Miracles, that was in

18

'78 and the reprinting was 1992, '93, '91,

19

something like that.

20

Q. What is your recollection of what the

21

preface said about Jesus and your definition of

22

Jesus?

23

A. I made it very clear that the Jesus of

24

the course was not a biblical Jesus and I

25

explained why, because of the radically different

1 Wapnick

2 teachings that you find in the course than you
3 find in the New Testament. I also explained why
4 it was the language that I used in the early
5 years would seem to suggest that it was, but
6 indeed it really was not.

7 Q. It was simply rationalization or was
8 there something more to it than rationalization?

9 A. No, I have seen my work as a ladder
10 and looking at my work from 1978 to the present,
11 each subsequent book or tape set, in a sense, is
12 more advanced than the preceding ones, so that my
13 thought about that is that when I'm done, that
14 there would be like a whole process of work, of a
15 work that would help students right at the
16 beginning of their work, students who may come to
17 the course from a Christian, traditional
18 Christian background and lead them up to what the
19 course is really teaching.

20 Q. In this preface when you were talking
21 about the historical Jesus; is that correct, you
22 were now describing a difference between the
23 biblical Jesus and the historical Jesus?

24 A. Yes.

25 Q. Who is the historical Jesus?

1 Wapnick

2 A. We know very, very little about the
3 historical Jesus, which is the whole point
4 actually, that the biblical writers actually
5 added their own understanding, their own
6 presentation, their own ego thoughts and that
7 nobody knows what the historical Jesus --

8 Q. Was the historical Jesus resurrected?

9 A. No. I think you have to understand
10 from the point of view of the course and that's
11 what we are talking about, that the physical --
12 the resurrection in the course is defined not as
13 a physical event, it's defined as the total
14 healing of the mind and has absolutely nothing to
15 do with the body. I think that's a very
16 important distinction actually. The sum of a lot
17 of what I teach these days is that point, because
18 I think a lot of misunderstanding that people
19 have with the course is they confuse the biblical
20 Jesus with the Jesus in the course.

21 One of the key differences is the
22 biblical Jesus is totally focused on the body,
23 the miraculous birth, miraculous life and
24 miraculous death, physical birth and ascension,
25 all body oriented, which is the antithesis of

1 Wapnick

2 what the course teaches, so again my work is
3 really reflective of that.

4 Q. Other than people who might be
5 teachers and students at the defendant, Endeavor,
6 are you aware of any other individuals who have
7 written and disagreed with your discussion or
8 analysis of the biblical and the historical
9 Jesus?

10 A. Yes, I am.

11 Q. In connection with the course?

12 A. Yes, I am.

13 Q. Who are those individuals?

14 A. They are --

15 Q. When I ask you --

16 A. One would be Robert Perry, he is one.

17 MR. ROSENBERG: Remind me to ask you
18 that tomorrow.

19 A. He would be one.

20 Q. Who is Robert Perry, is he affiliated?

21 A. No.

22 Q. Who is he, is he a professor, a
23 teacher, a businessman, who is he?

24 A. I think he began as a teacher, his
25 profession I think was a teacher. He has an

1 Wapnick

2 organization in Arizona.

3 Q. Do you know the name of that?

4 A. Circle of Atonement.

5 Q. In the Circle of Atonement, do they
6 teach or study the course?

7 A. Yes.

8 Q. What has he written that you are
9 familiar with?

10 A. I'm not sure of the exact titles, but
11 he did write a book on Jesus. Actually I think
12 it was called Our Elder Brother or something like
13 that. I'm not quite sure.

14 Q. Is there anyone else who has done any
15 writings who would disagree with your analysis --

16 A. I'm sure that there are, but I don't
17 remember.

18 Q. In connection with the teaching of the
19 course, are you aware other than at Endeavor and
20 through FIP or FACIM and the Circle of Atonement,
21 are there any other groups, foundations,
22 institutes, that teach the course?

23 A. I would say that I know there are
24 organizations. I don't know if they are
25 foundations or institutes. Other groups.

1 Wapnick

2 Q. We will use the term groups. What
3 other groups are you aware of? Is it more than
4 10?

5 A. Oh, yes. I think there are,
6 throughout the country and the world there are
7 groups.

8 Q. Hundreds?

9 A. I would probably say thousands.

10 Q. Are you aware of any writings or can
11 you point me in any direction which would
12 indicate whether there are 10 people, a thousand
13 people or a million people or more that read the
14 course on a regular basis?

15 MR. ROSENBERG: If you know.

16 A. I can only tell you that there have
17 been about 1.3 million books out there. How many
18 people are reading it, following it,
19 understanding it, I have no idea.

20 Q. When you say 1.3 million people, is
21 that through the world or just in the United
22 States?

23 A. I think that's worldwide.

24 Q. Do you know how many have been sold in
25 the United States?

1 Wapnick

2 A. Do not. I would say that the bulk of
3 that would be. Actually Bob Skutch would have
4 that information.

5 Q. To the best of your knowledge, is
6 FACIM or FIP or any entity with which you are
7 affiliated seeking to open centers or any
8 facilities outside of the United States in order
9 to teach the course?

10 A. FIP and FACIM are not. Is that your
11 question?

12 Q. Is there any entity affiliated --

13 A. I think the Endeavor Academy.

14 Q. -- with which you are affiliated?

15 A. No, no, no. I'm only affiliated with
16 FIP and FACIM.

17 Q. Is there any discussion in any of the
18 minutes of FIP or FACIM of potentially opening
19 centers outside of the United States to try to
20 expand the teaching of the course?

21 A. No.

22 Q. In any of the writings that have been
23 published by Helen Schucman, has she ever
24 discussed her understanding of who Jesus was or
25 is, whether it's the biblical or the historical

1 Wapnick

2 Jesus?

3 A. No, no.

4 Q. In your discussions with Helen at any
5 time, did she ever discuss this, I will call it
6 issue, just for the of sake of discussion, with
7 you?

8 A. Yes.

9 Q. When was the first time that you
10 discussed this?

11 A. That's hard for me to say since we
12 discussed Jesus a great deal. I can tell you one
13 story which would I guess be illustrative.

14 MR. FABIAN: I love your stories.

15 MR. ROSENBERG: You never say that
16 about mine.

17 MR. FABIAN: I don't like your
18 stories.

19 A. When I thought about the Christian
20 Psychology at the Course In Miracles, Helen did
21 the editing of that with me in that book, in the
22 original preface to it, it was written for a
23 specific audience, this Catholic audience that I
24 was working with for people who knew Jesus from
25 the Bible and the purpose of the pamphlet at that

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Wapnick

discussion we had had about that. There were others, but that was one which was a highlight, just because of Helen's --

Q. In connection with your conversations with Helen relating specifically to Jesus having spoken to Helen and dictated the course in whole or part, did Helen ever indicate to you which Jesus she believed she was speaking to, the historical or the biblical?

A. No. Only until the discussions that we have had like '77, '78, that kind of thing, it was not an issue for her. Actually if I could just say something about that. One of the things that people have asked me afterwards is why did you ask Helen this question about Jesus or that question about Jesus. My answer was it was not of interest to Helen or to me any of the so-called historical facts about Jesus. What was important to Helen is her experience right now of Jesus.

Q. Do you think that it matters to the public which is reading the course whether it's the biblical or historical Jesus?

MR. ROSENBERG: Objection to the form

1 Wapnick

2 of the question. I don't know if he can
3 know what matters to the public.

4 MR. FABIAN: I'm asking his opinion.
5 That's all he meets with, lots of students.

6 A. For most people, it's not really an
7 issue. I think some students have made it into
8 an issue, which, because of that, I in response
9 have made it into an issue. So that a lot of
10 what I do when I teach and my books really come
11 in reaction to what I'm hearing from students in
12 terms of their lack of understanding of what the
13 course is saying.

14 Q. Is there any student that you can
15 remember in particular that has indicated that he
16 or she had a problem with whether it was the
17 biblical or the historical Jesus who spoke to
18 Helen?

19 A. I'm not sure I understand your
20 question.

21 Q. Is there any student in particular
22 that you remember his or her name that you have
23 taught and had conversations with you that
24 indicated that he or she had a problem with
25 whether it was the biblical or the historical

1 Wapnick

2 Jesus that spoke to Helen?

3 A. I can't think of a specific name.
4 It's been an issue I can tell you. But I see
5 thousands of students each year, so I'm sorry.

6 Q. Prior to your writing this
7 introduction, I can't remember the name of the
8 book, which one was it, '92?

9 A. Christian Psychology and the Course In
10 Miracles.

11 Q. Thank you, I knew you knew it better
12 than I do. Has any student ever raised the issue
13 with you or discussed the issue with you of
14 whether it was the biblical or historical Jesus?

15 A. Prior to that?

16 Q. Prior to that.

17 A. Prior to 1992?

18 Q. Prior to your writing that particular
19 introduction or preface?

20 A. '78.

21 Q. Between '78 and '92 when you wrote
22 that preface, do you have any student, I don't
23 care whether you remember their name?

24 A. I'm sure people did, but --

25 Q. Do you believe based upon your

1 Wapnick

2 experience, that it's important that people
3 believe that it's Jesus who dictated this
4 material to Helen?

5 A. No, I have always maintained that.

6 Q. Why not?

7 A. Because then you end up with the same
8 kind of situation people have experienced for
9 2,000 years. You know, that if you don't believe
10 or confess in the Lord Jesus Christ as your Lord
11 and Saviour, you can't be saved. We have always
12 maintained right from the beginning starting with
13 Helen that what was most important was the
14 message of the course, that was the central
15 thing, the message of the course, not necessarily
16 Jesus. Because to use the course as a weapon
17 against people who don't have an experience with
18 Jesus or believe in Jesus, seems to be very in
19 opposition to what the whole spirit of the course
20 would be.

21 Q. You have indicated that you were
22 raised as a Jew, as was I. Were you bar
23 mitzvahed?

24 A. I certainly was.

25 Q. Did you study in Hebrew school the

1 Wapnick

2 Hebrew language?

3 A. I went to yeshiva for eight years.

4 Q. In Brooklyn?

5 A. In Brooklyn.

6 Q. Which one?

7 A. Yeshiva of Flatbush.

8 Q. Did you practice Judaism after that
9 for a period time?

10 A. I never really practiced it. My
11 parents were conservative, but had a cultural
12 identification with Judaism, but not a real
13 experience. We went to shul on high holidays and
14 seders and Passovers.

15 Q. Do you recall, what time period did
16 you go to Yeshiva?

17 A. Elementary school, 1949, '50. No,
18 '48, I graduated I think in '55.

19 Q. Are there any other writers that you
20 are aware of who are writing either books or
21 periodicals relating to the course who have
22 picked up and are writing about the difference
23 between the historical and biblical Jesus as it
24 relates to the course or any other Jesus other
25 than yourself?

1 Wapnick

2 A. There probably are. Outside of Robert
3 Perry that I just mentioned --

4 Q. I'm not asking for people who disagree
5 with you, only are there any who agree with you
6 who are writing?

7 A. I'm sure that there are people who
8 agree and people who don't agree. I'm not aware.

9 Q. You are not aware of anybody in
10 writing who hasn't agreed with you?

11 A. No. I'm not saying there are not.
12 I'm just saying I'm not aware of them.

13 Q. As a matter of fact by creating this
14 issue of biblical or historical Jesus, this gives
15 you a basis for teaching and attracting people to
16 come to these seminars, doesn't it?

17 A. Not necessarily, no.

18 Q. Do students come to hear you lecture
19 and speak so they can listen to your definition
20 of Jesus and how it relates to the course?

21 MR. ROSENBERG: Do you mean is that
22 why they come?

23 MR. FABIAN: I'm asking, yes.

24 A. This may sound funny, but I think
25 people would come to hear me speak on anything.

1 Wapnick

2 Frankly that's been my experience, and it doesn't
3 matter what the topic is.

4 Q. What other topic have you spoken on
5 since 1990?

6 A. Anything relating to the course. I
7 give workshops on relationships, that's a big
8 thing in the course, on forgiveness, miracles, on
9 the metaphysics of the course, on the language of
10 the course, on Jesus, you know.

11 Q. I misunderstood, do you speak on other
12 subjects in the course?

13 A. No, sorry.

14 Q. Do you talk about the Knicks or
15 anything?

16 A. I could do that especially after last
17 night's game.

18 MR. FABIAN: I asked Kate to tell me
19 about it.

20 A. I'm very good on the Brooklyn Dodgers
21 actually. No, I don't speak on anything outside
22 of the course.

23 Q. Are there specific lectures or
24 seminars in which you speak on the biblical or
25 historical issue of Jesus?

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Wapnick

A. Occasionally we may do like maybe one a year. Let me just say actually that the workshop may be on Jesus or the role of Jesus or the importance of Jesus, so the whole workshop would not be simply on contrasting the biblical and the historical, that would be an aspect. But the focus would be much more the focus of the role of Jesus here on the Course In Miracles.

MR. FABIAN: This would be a great place for me to stop. I'm not going to finish today. When do you want to stop?

MR. ROSENBERG: If you get to 4:30 and say -- off the record.

(Discussion held off the record.)

(Luncheon recess: 12:32 p.m.)

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Wapnick

A F T E R N O O N S E S S I O N

(Time noted: 1:43 p.m.)

K E N N E T H W A P N I C K, resumed and
testified as follows:

THE WITNESS: There was a book I
omitted in your question did I know of any
books that dealt with the historical versus
biblical Jesus. I forgot I authored,
co-authored a book with a Catholic priest
which was a dialogue which was the Christian
course's view of Jesus versus the Catholic
view.

MR. FABIAN: What was that priest's
name?

THE WITNESS: Father Norris Clarke.

MR. FABIAN: What was the name of that
book.

THE WITNESS: A dialogue -- Course In
Miracles in Christianity

EXAMINATION BY (Cont'd.)

MR. FABIAN:

Q. I believe you stated in your testimony
that the historical Jesus if I can use a verb,
did not resurrect or was not resurrected as

1 Wapnick

2 opposed to the biblical?

3 A. In the physical sense that is depicted
4 in the Bible.

5 Q. In the course itself, does not Jesus
6 speak of his crucifixion and resurrection?

7 A. Yes, he does.

8 Q. How do you explain the conflict
9 between the position that you have asserted and
10 the statement in the course that Jesus gives
11 about his own crucifixion and resurrection?

12 A. In the course he redefines
13 resurrection again. As I mentioned this morning,
14 it's the awakening from the dream of death. In
15 fact, there is a section in the teacher's manual
16 called what is the resurrection in which he
17 explicitly states that the resurrection is the
18 awakening from the dream of death. Then he also
19 explains that the resurrection precedes the
20 crucifixion, because we are not talking about a
21 physical event. We are talking about a change of
22 mind. So that the resurrection can only precede
23 the crucifixion which is what the course states,
24 if you understand by resurrection that it's an
25 awakening from the dream of death.

1 Wapnick

2 Everything in the course, I just want
3 to point out, has to do with the mind. Nothing
4 with the body. It all has to do with the change
5 of mind from the thought system of the ego to the
6 thought system of the holy spirit, so --

7 Q. In the various texts that I have read
8 in which Helen Schucman is writing herself, in
9 which others are writing of Helen Schucman and it
10 says that Jesus spoke directly to Helen, then
11 words to the effect that Helen was simply a
12 scribe, which Jesus did she hear from as you
13 understand it?

14 A. All right, can I --

15 Q. You can say whatever you want. If it
16 takes a long time to answer that, I'm not trying
17 to limit you to a yes or no.

18 A. It's a difficult issue as is obvious
19 already from our discussion in terms of who Jesus
20 is and what he is. When I was in college I took
21 a Shakespeare course. On an exam, I was asked
22 who said oh, what a robe in peasant slave am I.
23 The correct answer would be Hamlet. If I'm on a
24 quiz show about English literature and I'm asked
25 what writer said oh, what a robe in peasant slave

1 Wapnick

2 so I will say as Jesus says in the course, you
3 will have to produce all the documents because I
4 will admit to having said that. But I'm only
5 speaking within the context of the illusion and
6 the dream.

7 Q. Before you go on, when is the first
8 time in writing that you recall that you say so
9 that the public can see it, that when I speak of
10 Jesus, I being Ken Wapnick, or when Helen spoke
11 of Jesus, she was speaking and I was speaking of
12 the illusion or the dream?

13 A. I don't know if I can say the first
14 time, but I can tell you the first major
15 treatment of that theme because in my book on
16 Helen, *Absence From Felicity*, where I devote a
17 whole chapter. After spending a good part of the
18 book talking about Helen's relationship with
19 Jesus which I also felt was extremely important
20 for people to understand, I then have one of the
21 concluding chapters of the book discuss exactly
22 what I mean by Jesus, what Helen meant by Jesus
23 and then I corroborate it by telling various
24 stories such as the one I told you about the
25 eyelash. That book Monty probably knows better

1 Wapnick

2 than me the date, 1991 or '92. I'm sure I had
3 spoken about that earlier on tapes in workshops,
4 but in terms of the book, I'm not sure.

5 I might say, I did write a book Love
6 Does Not Condemn, which is more of a scholarly
7 book. I probably discussed Jesus in that book
8 too. That was written a little earlier, but
9 again, I'm not sure.

10 Q. When you say you discussed Jesus, you
11 discussed Jesus as an illusion or a dream?

12 A. Yes, as an illusion, a figure.

13 Q. Is that the terminology that you use
14 in Absence From Felicity, an illusion or dream or
15 is the language different from that?

16 A. I'm not really sure. I suspect it is
17 because that's how I talk. I'm sure I would have
18 said at least illusion, but probably dream. I
19 have a very good model for a way of presenting it
20 and that model is the course itself, because in
21 the course you have different levels of discourse
22 in which it appears on the level of the words
23 that in the course it's contradicting itself.

24 There is one very specific example
25 where Jesus as the speaker says that. He says in

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Wapnick

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one place, I have said you have many problems and

3

there are many solutions. In another place I say

4

you have only one problem and one solution. Then

5

he says in prayer, this is not contradictory,

6

what he means by that is that in the process of

7

prayer or the process of going from our

8

consciousness within the dream to our awareness

9

of who we are as God's son, it is a process and

10

there are stages along the way and I speak to you

11

here on this stage and then I say something

12

different here and here and there.

13

There are different places in the

14

course where clearly contradictory things are

15

said. He would say the mind attacks. Other

16

places says the mind does not attack. Other

17

places say the body attacks. Other places say

18

the body does not attack. Each of those

19

statements is true within the context of the

20

teaching of that specific section, but if you

21

take those statements out of context, side by

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side, they clearly contradict each other and I

23

have used that as a guide for myself in my own

24

teaching.

25

Q. If someone were to read the course and

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Wapnick

2

the preface or introduction to the course as it

3

now exists without ever taking a course from you

4

or without ever having read any of your books,

5

would they be aware that the Jesus referred to is

6

the Jesus of illusion or dream?

7

A. From the preface?

8

Q. I'm asking if they only read the

9

preface, if they read the preface, would they be

10

aware that the Jesus referred to in the course --

11

A. No, but the preface is not the course,

12

no, no.

13

Q. If they read the course alone, would

14

they be aware that the Jesus referred to is the

15

Jesus of dream or illusion?

16

A. I think it would be quite obvious -- I

17

think if someone read the course very carefully

18

and thoughtfully, which is what it said, it says

19

it should be studied and read carefully, I think

20

yes, it would be clear. I'm not making all this

21

up, so that it comes from the book.

22

Q. Are there any writings of Helen,

23

unpublished manuscripts or anywhere that indicate

24

that the Jesus referred to is an illusion or

25

dream?

1 Wapnick

2 A. No.

3 MR. ROSENBERG: Objection to the form
4 of the question. Since one of the issues is
5 is the course a writing of Helen and the
6 witness has already testified that --

7 MR. FABIAN: Other than the course.

8 A. Other than the course. Helen never
9 wrote about the course.

10 Q. Are there any writings of Helen
11 anywhere?

12 A. Sorry. No, no.

13 Q. Are there any writings of Judith
14 Skutch-Whitson which would reflect that the Jesus
15 referred to in the course is the Jesus of dream
16 or illusion?

17 A. I'm not aware of that, I don't know.
18 Judy is not a writer, so I have not seen. She
19 might have written something like an oral or
20 interview, but I'm not aware of it.

21 Q. Any other writer, anybody else who has
22 put those words in writing where they interpret
23 that the Jesus of the course is the Jesus of
24 dream or illusion?

25 A. I'm not aware of that. Again, it

1 Wapnick

2 doesn't mean that they don't exist, but I'm not
3 aware of that.

4 Q. I understand, I just want to know from
5 you. In *Absence From Felicity*, is there not a
6 comment or statement to the effect that Helen
7 asked if Jesus had been resurrected and the
8 answer was yes?

9 A. Yes. I explained to you, the
10 circumstances, yes.

11 Q. There came a time I understand, when
12 you met Mr. Thetford?

13 A. Yes.

14 Q. When did you first meet him?

15 A. With Helen.

16 Q. That was approximately what year?

17 A. In the late fall of 1972, it was his
18 apartment actually.

19 Q. Do you know whether Mr. Thetford ever
20 received any copies of the course in the early
21 1970s?

22 A. Well, he received it as it was being
23 typed, so that starts in 1965.

24 Q. Do you know whether in fact
25 Mr. Thetford received at least 12 copies that he

1 Wapnick

2 distributed to other people?

3 A. I can't answer that because -- can I
4 explain it?

5 Q. Of course, you can explain anything.

6 A. I can't answer yes or no without
7 explaining. There were copies made by Helen and
8 Bill, so it wasn't that Bill Thetford received
9 the 12 copies.

10 Q. You are quite right, that's the wrong
11 way of saying it. Do you know if Bill Thetford
12 had at least 12 copies that he distributed to
13 other people?

14 A. I'm not sure if there were 10 or 12.
15 Certainly not more than 12, but 10 sticks in my
16 mind. There were 10 or 12 copies made of Helen's
17 second typing, that's one of the ones that I had
18 received.

19 Q. Do you know other than yourself who he
20 transmitted these 10 or 12 copies to?

21 A. Some of them I do, yes.

22 Q. Could you just tell me who you
23 remember.

24 A. Yes. One went to Helen obviously, one
25 went to Bill. One went to a man by the name of

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Wapnick

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Cal Hatcher, who is diseased, an administrator in

3

the medical center and a very close friend of

4

Helen. One went to Father Michael. One went to

5

the Association of Research and Enlightenment.

6

That's the Cayce organization, Edgar Cayce

7

organization. Not all the copies were

8

distributed, I know that. Who else received, I

9

don't know. As I mentioned earlier, Helen was

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very protective of anybody getting the written

11

material so she didn't like anybody to see it

12

unless basically she specifically approved it,

13

so --

14

Q. Do you know of any writings by

15

yourself or anyone else which indicate that Helen

16

was very protective of who received copies of the

17

course, have you --

18

A. Besides myself?

19

Q. Have you stated that --

20

A. I have stated that, I'm quite

21

positive, in Absence From Felicity. I certainly

22

have said that many times during lectures and

23

workshops and such. It was almost a joke among

24

us, how Helen felt about us.

25

MR. ROSENBERG: Explain what you mean

1 Wapnick

2 by a joke.

3 THE WITNESS: What I meant was we took
4 it very seriously, but we used to kid her
5 about it.

6 Q. I understand.

7 Did you after you received your copy,
8 I may have asked you this before but I don't
9 recall, did you in turn make any copies and
10 distribute them to anyone else?

11 A. No, no.

12 Q. Do you know whether Mr. Hatcher made
13 any copies and distributed them?

14 A. I can't say for certain, but knowing
15 his relationship with Helen and also knowing how
16 he felt, I'm probably 99.9 percent positive he
17 did not do it.

18 Q. Father Michael, this almost mythical
19 figure that I have heard about --

20 A. Ask me questions and I will tell you.

21 Q. -- was he the physical or the
22 biblical --

23 MR. ROSENBERG: Or the historical.

24 Q. Father Michael was in fact a member of
25 some ministry?

1 Wapnick

2 A. Catholic priest.

3 Q. Who was in California or New York?

4 A. In New York.

5 Q. Father Michael received how many
6 copies, if you know?

7 A. One copy.

8 Q. Do you know whether Father Michael
9 distributed it to anybody?

10 A. I would bet he wouldn't.

11 Q. Has Father Michael to your knowledge,
12 did he ever speak publicly about the course and
13 his understanding of the course?

14 A. No, I'm sorry. Yes, my answer is yes,
15 I know he did not.

16 Q. How do you know that?

17 A. I know him very well. He, shortly
18 after the course was actually published and made
19 available, he became rather distraught over the
20 criticism that was being levelled against the
21 course by various Roman Catholics and he began to
22 distance himself from it.

23 Q. He remained in the priesthood however;
24 is that correct?

25 A. Absolutely.

1 Wapnick

2 Q. The Association of Research and
3 Enlightenment, how many copies did they receive?

4 A. One, one copy.

5 Q. Could you tell me what that
6 organization is or was to the best of your
7 knowledge?

8 A. It was an organization founded by
9 Edgar Cayce who is probably the greatest American
10 psychic, he died in the 40s, and the organization
11 has devoted itself to making his readings
12 available to the public. He has a huge building
13 in Virginia Beach in the library.

14 Q. The beginning of your prior testimony
15 about Helen and her feelings about psychics, how
16 did it happen that this copy was sent?

17 A. I have to tell a little history. At
18 the time that the course began, which was in
19 September of 1965, Bill Thetford had no interest
20 in anything psychic, he had no interest in
21 anything religious or spiritual. Let me
22 backtrack a little.

23 In the summer preceding of taking down
24 the course, Helen began to have a lot of
25 experiences that we would term psychic,

1 Wapnick
2 visionary, psychic, et cetera, et cetera. Bill
3 became very interested in that and fascinated and
4 he began to do a lot of reading in the area to
5 see if there were other people who have the same
6 kinds of experiences that Helen was having.

7 As a result of his investigations, he
8 came across Edgar Cayce and he began to read a
9 lot of Edgar Cayce and became very interested.
10 He then wrote to Edgar Cayce's son, Hugh Lynn
11 Cayce, who had survived his father and was at
12 that point running the ARE, he dragged Helen
13 physically, I'm sure he had to drag her, to see
14 Hugh Lynn Cayce, because I'm sure he felt it
15 would be good for Helen to see that other people
16 do this kind of thing. At this point she had not
17 started writing the course down.

18 Q. In the notebooks?

19 A. Yes, I think they went down to see
20 Hugh Lynn in maybe September, October. I should
21 know that, I'm the great scholar on this.

22 At any rate, they went down to see
23 Hugh Lynn Cayce prior to the process beginning.
24 They became friendly with Hugh Lynn Cayce and
25 Helen liked him. He was very real, down to

1 Wapnick

2 of it.

3 Q. These 10 or 12 copies on it, by the
4 way, did they have any copyright notice on them?

5 A. No.

6 Q. Any trademark notices?

7 A. No.

8 Q. When was the first time, by the way,
9 that you recall seeing a trademark notice or ACIM
10 or A Course In Miracles on any document?

11 A. It probably --

12 MR. ROSENBERG: By trademark notice,
13 you mean the circle with the R?

14 Q. Or TM or R.

15 MR. FABIAN: He knows more than you do
16 about trademarks.

17 THE WITNESS: I have good teachers
18 here.

19 MR. ROSENBERG: How do you think he
20 learned.

21 A. I don't know specifically. I'm pretty
22 sure it would not have been at least until the
23 1990s, sometime in the early 90s, but I'm not
24 sure.

25 Q. Just to change direction for a change

1 Wapnick

2 of pace. When was the first time you remember a
3 discussion coming up about applying for a
4 trademark for ACIM and A Course In Miracles?

5 A. I guess it would have been sometime in
6 the early 90s, '91. I'm really not sure. I
7 doubt very much if it would have been in the 80s,
8 but early 90s, '90, '91, I'm not sure.

9 Q. Would it be reflected in any of the
10 minutes of any entities we have discussed, FACIM?

11 A. It would not be in FACIM's minutes.
12 It might be in FIP's.

13 Q. Do you recall where you were the first
14 time or what group you were with the first time
15 you remember it being discussed, it being the
16 issue of the trademark, not Jesus?

17 MR. ROSENBERG: I was going to say
18 that, but you are ahead of it.

19 A. What do you mean by it?

20 MR. FABIAN: Small I.

21 A. I really don't. I could hypothesize,
22 but I don't know.

23 Q. Do you remember who presented the idea
24 of hey guys, we need a trademark or let's apply
25 for one?

1 Wapnick

2 A. I suspect it might have been Judy, but
3 I couldn't say for sure.

4 Q. Was there an idea that you presented
5 to anyone at any point, the concept of the
6 trademark?

7 A. To Judy you mean?

8 Q. To anyone about the trademark before
9 hearing it from Judy.

10 A. I don't think so. I'm not positive.

11 Q. At the time of the incorporation of
12 FIP in its prior name, was it represented by
13 counsel, was FIP represented by counsel?

14 A. I assume it was, but I was not there.

15 MR. ROSENBERG: I ask you not to
16 assume, if you know or don't know.

17 A. I don't know. I was not present then.

18 Q. You were on the board of directors of
19 FIP in the early 90s?

20 A. But my answer to the question that I
21 was not there was for the Foundation For
22 Parasensory Investigation.

23 Q. But that's the prior name of FIP?

24 A. Yes, that's right.

25 Q. At some time, you became a member of

1

Wapnick

2

the board of directors of FIP, I believe?

3

A. That's correct.

4

Q. Do you remember whether at that time

5

FIP had access to or had general counsel?

6

A. Yes.

7

Q. Do you know who the attorney was at

8

that time?

9

A. I really don't know. You would have

10

to ask Judy.

11

Q. How about from the time of its

12

incorporation, did FACIM have counsel?

13

A. Yes.

14

Q. Who was that counsel?

15

A. We began with Ardsley attorney Mary C.

16

Iabattari. When we moved up to Roscoe, we

17

retained a local attorney, Michael Davidoff. He

18

then merged with another law firm, Drew

19

Garigliano & Davidoff. Then we retained Epstein

20

Becker & Green. I'm not sure when.

21

Q. Was it in the 80s or 90s?

22

A. No, 90s. You meant FACIM, right?

23

Q. Right, FACIM. We got past FIP. We

24

got into FACIM.

25

As a member of the board of directors

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Wapnick

of FIP, do you recall that there were discussions at the board meeting or an executive meeting concerning the issue of trademark?

A. Yes.

Q. Do you recall specifically any of those meetings in which the issue was discussed?

A. I'm sorry, I don't.

Q. Do you recall what any particular member of the board said about the trademark prior to your obtaining a trademark?

A. Not specifically, no.

MR. FABIAN: Excuse me one second.

Off the record.

(Discussion held off the record.)

Q. Now, I assume there came a point in time when Judith Skutch-Whitson -- may I just refer to her as Judy so I don't have to pay for a very long record there?

MR. ROSENBERG: Off the record.

(Discussion held off the record.)

Q. Did there come a point in time when Judy received a copy of the course for the first time?

A. Yes, but not that copy.

1 Wapnick

2 Q. Do you know when she received a copy
3 for the first time?

4 A. Yes.

5 Q. When was that?

6 A. I was there. I don't know the exact
7 date, but it was late May, I think, of 1975.

8 Q. Anybody else present?

9 A. Yes, Douglas Dean.

10 MR. ROSENBERG: Who else?

11 Q. Tell me everybody else that was
12 there.

13 A. Helen, Bill Thetford and I were
14 there. Then Judy and Douglas Dean.

15 Q. Where were you?

16 A. Sorry?

17 Q. Where were you?

18 A. At Columbia Presbyterian Medical
19 Center at Helen's and Bill Thetford's offices.

20 Q. Which version, to use that word, of
21 the course did he receive, meaning was it part of
22 this first or second retyping by --

23 A. No, this was the final version,
24 actually, prior to publication, so there are a
25 lot of steps along the way, but that was the

1 Wapnick

2 final version. This was after Helen and I had
3 edited and gone through it. It had been
4 retyped. That's the version.

5 Q. In what format was it, was it hard
6 cover, loose leaf?

7 A. It was bounded in thesis binders.
8 Actually, I'm not sure. I think that's how it
9 was. My copies were thesis binders, so I'm
10 assuming Judy's were.

11 Q. When you are saying my copies, it's
12 your copies of that particular version?

13 A. Yes, but I had multiple copies.

14 Q. On your multiple copies, had a
15 copyright notice been affixed?

16 A. No.

17 Q. On the copy that Judy received, was
18 there yet a copyright notice?

19 A. No.

20 Q. Prior to Judy receiving this, had
21 there been any discussion about the course and
22 what the course is?

23 A. It actually happened all at once on
24 one afternoon.

25 MR. ROSENBERG: This is the call I

1 Wapnick

2 needed to take.

3 Off the record.

4 (Discussion held off the record.)

5 MR. FABIAN: Mr. Wapnick asked to
6 clarify something.

7 THE WITNESS: What I mentioned a
8 moment ago that I had multiple copies of the
9 final version, I really meant two or three.

10 Q. What did you do with your two or three
11 copies?

12 A. What did I do?

13 Q. Yes.

14 A. I kept them.

15 Q. Still have them today?

16 A. I probably have two copies. I'm not
17 really sure how many were given to me, but I
18 really had them for holding and then if Helen
19 wanted somebody to see it, I would have it.

20 Q. Do you recall during this time period
21 that Helen wanted anybody to see your copies?

22 A. I don't recall specifically, or Judy
23 might have said something.

24 Q. There came a time, did there not, when
25 Judy left New York and went to the bay area?

1 Wapnick

2 A. That's correct.

3 Q. Do you recall when that was?

4 A. It was the late 70s. '78, '79, I'm
5 not really sure.

6 Q. At the time Judy goes to the bay area
7 or any time she is in the bay area, are there
8 more than one copy of the course delivered to her
9 that she takes out to California?

10 MS. MALONEY: Objection to the extent
11 that you know. You weren't in the bay area,
12 were you?

13 A. No, I don't know.

14 Q. Did you ever go out to the bay area in
15 the late 70s?

16 A. Middle 70s, yes.

17 Q. Was Judy out in the bay area by that
18 time?

19 A. She was not living in the bay area at
20 that time. We went out there with her, Helen,
21 Bill Thetford and I and Louie, but she was not
22 living out there.

23 Q. At that time in '75 or a later date,
24 were there public meetings held in which the
25 course was discussed?

1 Wapnick

2 MR. ROSENBERG: Objection to the form
3 of the question. Public meeting. If you
4 could be a little more specific, I don't
5 know what that means.

6 Q. Was there a group gathering of more
7 than five people in which the course was
8 discussed?

9 A. Yes, yes, yes.

10 Q. Approximately when was that for the
11 first time?

12 A. It happened two different times, we
13 went out for one month in 1975. Then we did a
14 repeat performance in '76.

15 Q. In 1975, do you remember the month
16 approximately?

17 A. It would have been in the summer, I
18 think it was July.

19 Q. Did you all stay in different places
20 or in one place out there?

21 A. We stayed in one building, it was a
22 place where you could rent an apartment for a
23 month, so I had a room, Bill had a room and Helen
24 and Louie had a room.

25 Q. Using my term public meetings, in '75,

1 Wapnick

2 how many of these public meetings did you hold?

3 A. It's hard to say. Three or four. It
4 wasn't a large number.

5 Q. Do you remember where they were held?

6 A. One I think was held in that apartment
7 house, they had a meeting room I think. I seem
8 to have some recollection of that. There was one
9 that was held at a ranch called the New Age Ranch
10 north of San Francisco. I say New Age because
11 there was nude bathing there.

12 MR. FABIAN: Off the record.

13 (Discussion held off the record.)

14 A. There was a meeting then, there was a
15 meeting there. I don't recall where the other
16 meetings were.

17 Q. Do you recall at these three or four
18 meetings approximately how many people came and
19 attended besides your own little group?

20 A. 30, 40.

21 Q. At each one?

22 A. Yes, but my memory is not -- you are
23 not talking about hundreds, and it wasn't five.

24 Q. Were there any writings, any
25 announcements that were sent out by which these

1 Wapnick

2 people learned that these meetings were going to
3 take place?

4 A. I don't think so. Judy would be a
5 better source, she was the organizer. I can't
6 say it was publicly announced in a newspaper or
7 anything like that.

8 MR. ROSENBERG: Just testify what you
9 know.

10 A. It was word of mouth, but I really
11 don't know.

12 Q. Do you remember speaking to people and
13 talking about these meetings that were going to
14 take place?

15 A. You mean telling people?

16 Q. You personally.

17 A. No, no.

18 Q. Who spoke at these various meetings at
19 your group as I call it?

20 A. Basically Helen, Bill and I. Judy
21 might have said some things too.

22 Q. Do you recall what you spoke about
23 during these meetings?

24 A. Yes. I spoke third and I'm not sure
25 everything that I said. Among some of the things

1 Wapnick

2 that I said I know was when Helen and Bill spoke
3 about the experience and most of what was talked
4 about was how the course came to be written. It
5 usually fell to me to explain what the course
6 said, Helen and Bill tended to never do that.
7 But one of the things that I would say after
8 Helen and Bill had spoken, when the word Jesus
9 was never used. I was the one who introduced the
10 word Jesus.

11 Q. Any reason why Jesus was never said by
12 Helen or Bill?

13 A. Yes.

14 Q. What was that reason?

15 A. Helen was always very uncomfortable to
16 talk about Jesus and Bill was extremely
17 uncomfortable talking about Jesus.

18 Q. I believe there has been some
19 testimony as to why Helen was uncomfortable. Why
20 was Bill uncomfortable?

21 A. Again, I can only speak --

22 Q. Let me ask you another way. Did you
23 ever have any conversations with Bill in which he
24 expressed why he was uncomfortable in using the
25 word Jesus?

1 Wapnick

2 A. I think so. It's hard -- we spoke a
3 great deal. We were together all the time so --

4 Q. What is your recollection of what Bill
5 said concerning that particular subject?

6 A. I think his belief was that this was
7 and I think this might have been the word he
8 might have used, but again my memory is not all
9 that sharp on it, that it was not Jesus, it was
10 like the Christ mind or the higher self with a
11 capital S and not Jesus. He was always again,
12 very uncomfortable with that and his belief was
13 that it was not Jesus.

14 Q. Did he express that to you that his
15 belief was that it was not Jesus?

16 A. I think so. I'm not absolutely
17 positive.

18 Q. Do you know if he ever expressed that
19 to Helen?

20 A. I could say this, I'm sure that it
21 was. But no, I know he discussed with Helen his
22 discomfort around it. Whether he actually said
23 to Helen I don't believe that Jesus is speaking
24 to you, I would doubt that. But I know the issue
25 came up and I have written about it in my book

1 Wapnick

2 actually.

3 Q. Were you ever present when Helen spoke
4 to Bill and said Jesus spoke to me?

5 MR. ROSENBERG: Could you please read
6 back the record.

7 Q. Were you ever present when Helen spoke
8 to Bill and said Jesus spoke to me or words to
9 that effect?

10 A. I have to answer in a roundabout way.
11 Let me ask you first. No, I was not present when
12 she did that.

13 Q. You have said that Bill and Helen also
14 spoke at these meetings and who spoke first?

15 A. It was Helen.

16 Q. What did Helen speak about at these
17 meetings?

18 A. Helen would basically speak about her
19 background and the events that preceded the
20 course coming through and her writing it down.
21 And her experience of that.

22 Q. During the course of the statements
23 that she made to the public, did she indicate
24 words to the effect that Jesus had dictated these
25 words to her?

1 Wapnick

2 A. No, no.

3 Q. Let me finish. Did she use the term
4 it instead of Jesus?

5 A. She might have done that. She would
6 have said a voice, but she would never have said
7 Jesus. She did not say Jesus.

8 Q. Do you recall her saying a voice as
9 opposed to it, I-T?

10 A. She probably did both.

11 Q. Did Helen ever indicate to you in any
12 conversation what she meant by the voice?

13 A. Yes.

14 Q. What did she say?

15 A. It was always clear to her and between
16 us that the voice was Jesus. Her experience.

17 Q. At this time when Helen was speaking
18 in 1975 at these three or four meetings, how long
19 did she speak for?

20 A. Maybe 15, 20 minutes. I'm really not
21 sure. It was a long time ago.

22 Q. Did she ever indicate during the
23 course of these statements that she was making
24 that the it or the voice was a dream or an
25 illusion?

1 Wapnick

2 A. No.

3 Q. Did she ever indicate words to the
4 effect that the it or a voice she referred to as
5 a metaphorical voice?

6 A. No.

7 Q. What did Bill talk about?

8 A. He talked about his own background,
9 which was a very interesting one, so he told his
10 professional background and how he ended up --
11 where he started from and how he ended up with
12 Helen and the course.

13 Q. Would you disseminate or hand out any
14 copies of the course to people that wanted them
15 at these meetings?

16 A. Absolutely not.

17 Q. None was ever handed out?

18 A. Not that I'm aware of, but I would
19 seriously doubt it. Very seriously.

20 Q. After speaking at these meetings which
21 maybe there were 100 people total in three or
22 four meetings, 150, somewhere in that range, did
23 any of these people ask how do we get copies of
24 the course so we can read it?

25 A. I'm sure some people did and they

1 Wapnick

2 having these meetings.

3 A. It's possible it might have happened
4 during the course of the California trips.

5 Q. You don't know?

6 A. I don't know that. Judy would be a
7 better source for this.

8 Q. After these meetings, which was, when
9 was the first time you were discussing the
10 copyright notice or the copyright itself was
11 discussed?

12 A. Unfortunately, it's like a blur about
13 what happened when. I definitely know that we
14 discussed it. I can't state whether it was prior
15 to the California trip, during or after.

16 Q. Ms. Criswell that you have referred
17 to, what is her profession?

18 A. She is a psychologist.

19 Q. As a psychologist, do you know whether
20 prior to '75 or '76 when she was printing out
21 these copies she had written any books?

22 A. I don't know.

23 Q. Do you know whether she indicated to
24 anybody of this group that hey guys, there should
25 be a copyright notice on here or you should file

1 Wapnick

2 a copyright notice?

3 A. I don't know. I don't know.

4 Q. Do you know who first contacted the
5 copyright office in connection with obtaining a
6 copyright?

7 A. I do.

8 Q. Who was that?

9 A. Robert Skutch.

10 Q. How do you know that?

11 A. I was around all the time.

12 MR. ROSENBERG: Specifically meaning
13 did someone tell you, did you read it.

14 A. That was his task. In a sense, the
15 five of us would meet regularly, Bob, Judy, Bill,
16 Helen and I.

17 Q. In New York or California at this
18 time?

19 A. New York, still '75.

20 Q. Just so I'm clear on the time, is it
21 before or after you spend that month of meetings
22 in '75?

23 A. That's --

24 Q. That you don't remember?

25 A. Sorry, I don't remember.

1 Wapnick

2 Q. It's written in some book somewhere?

3 A. Actually Bob and Judy would know more
4 than I do, so I write different kinds of books.
5 So there was discussion and in the sense this was
6 like a division of labor, you know, and Bob who
7 had a certain amount of business experience, he
8 was the logical person to handle that, so that's
9 what he was going to do.

10 Q. Were you present when he first
11 contacted the copyright office?

12 A. Physically present? No.

13 Q. But you do know that he contacted the
14 copyright office?

15 A. I do know that he contacted.

16 Q. Are you sure it was Robert Skutch as
17 opposed to Judith Skutch?

18 A. I'm absolutely sure.

19 Q. Were you ever a participant in a
20 conversation in which Mr. Skutch indicated what
21 happened when he contacted the copyright office?

22 A. Yes.

23 Q. Was anyone else present during these
24 conversations or excuse me, conversation or
25 conversations?

1 Wapnick

2 MR. ROSENBERG: Meaning the one he had
3 with Mr. Skutch or the one that Mr. Skutch
4 had with the copyright office?

5 Q. During the one he had with
6 Mr. Skutch.

7 A. Again I'm a little vague, I'm
8 reasonably sure that other people were involved,
9 Helen and Bill and Judy, because she was married
10 to him.

11 Q. What do you recall that Mr. Skutch
12 related?

13 A. I can't tell you verbatim, but I know
14 what the general --

15 Q. What was the general --

16 A. The general idea.

17 Q. -- idea?

18 A. General idea was there were two issues
19 involved, as I recall. Did you say something?

20 MR. BARBER: No.

21 A. One was that Helen very clearly did
22 not want her name on the book. That was both her
23 own feeling and what she felt was her guidance by
24 Jesus. So she was very clear about not to have
25 her name on the book. I remember something that

1 Wapnick

2 Bob was told that you had to have a name, you
3 just couldn't have anonymous with no name on the
4 copyright application. So I remember that the
5 way that was going to be worked out and he had to
6 ask Helen if that was all right. That was an
7 issue. Whether Helen would agree to have her
8 name be on the copyright application and the way
9 that it was resolved it would be anonymous and
10 then I think in brackets, Helen Schucman. That's
11 what I remember. I remember that the focal point
12 of the discussion which is what sticks in my mind
13 was how was Helen going to feel about that after
14 having expressed herself very clearly that she
15 did not want her name.

16 Q. The assignment that you referred to to
17 FIP, did that take place before or after
18 Mr. Skutch had this conversation with the
19 copywriters?

20 A. Preceded it.

21 Q. Do you know whether the assignment
22 took place before or after Ms. Criswell began
23 pumping out the various copies?

24 A. I'm not sure because I'm not sure when
25 the whole issue arose. Sorry. Actually no, I

1 Wapnick

2 suspect since she did it relatively quickly, I
3 remember that, that the conversation and the
4 copyright registration would have had to be done
5 before that.

6 MR. ROSENBERG: Before that meaning
7 before Ms. Criswell --

8 A. Before Ms. Criswell had started
9 printing.

10 Q. Does that refresh your recollection
11 that the assignment took place after Ms. Criswell
12 pump --

13 A. Before the copyright.

14 MS. MALONEY: Objection. Already
15 answered.

16 A. No, that would have happened earlier.
17 I think what I'm not clear about is whether it
18 happened before the California trip or not. I
19 think there is no question that it had to have
20 occurred before Eleanor started printing the
21 course, making those copies.

22 Q. You indicated that someone indicated
23 to Mr. Skutch that you couldn't have anonymous
24 alone on whatever the application form was; is
25 that correct? Do you know who that someone is?

1 Wapnick

2 A. Someone from the copyright office. I
3 don't know the person's name.

4 Q. Do you know whether Mr. Skutch or
5 anyone other than Mr. Skutch, contacted the
6 copyright office and indicated at any time that
7 Jesus Christ was the author?

8 A. I don't know anything about that. I
9 don't know what Bob actually said.

10 Q. Are you aware of any writings by
11 anyone in which it's indicated that someone,
12 either Mr. or Mrs. Skutch contacted the copyright
13 office and had first indicated that it was Jesus
14 Christ who was the author?

15 A. Any published writings like in a book
16 or something?

17 Q. Yes.

18 A. I'm not aware of that. I know --

19 MR. FABIAN: My question was are you
20 aware of it.

21 A. No, I'm not aware of it.

22 Q. Do you know any people that have
23 alleged that other than Endeavor?

24 A. Other than Endeavor.

25 MR. ROSENBERG: If they care to

1 Wapnick

2 copyright that allegation as their own
3 original creation, we would probably agree
4 to that.

5 MS. FORBES: No, we would just give it
6 away for free.

7 Q. Did there come a time when these 300
8 copies were distributed?

9 MR. ROSENBERG: Can we call those the
10 Criswell copies, is that what you are
11 referring to?

12 MR. FABIAN: Criswell copies are
13 good.

14 A. Yes, yes.

15 Q. Do you know to whom they were
16 transmitted?

17 A. Not specifically.

18 Q. Were they distributed as a result of
19 further meetings that were held?

20 A. I don't know.

21 Q. You said there was another series of
22 meetings in 1976, were you present during that
23 time period?

24 A. Yes, but by that time of course, it
25 was already published.

1 Wapnick

2 Q. How many meetings were held in this
3 1976 period?

4 A. I don't recall that. We stayed in the
5 same place, that's all I know for a fact. The
6 two summers blend in my mind.

7 Q. Did you stay about a month again or
8 was it a different period of time?

9 A. No, it was a month.

10 Q. Anybody other than the three of you
11 speak?

12 A. It's possible, but I have no
13 recollection. We were the center. We were the
14 kind of three ring circus as it were. There
15 could have been other speakers, but I don't
16 recall.

17 Q. Did you keep the same order of
18 speaking?

19 A. I don't remember.

20 Q. You seem to indicate there was a
21 particular order the first time.

22 A. The first time yes, but I don't
23 recall. I really don't know Larry, I'm sorry.
24 Judy might have a better recollection.

25 Q. Did you speak generally on the same

1 Wapnick

2 area about what the course, the content of the
3 course?

4 A. I think so. Yes, I never felt people
5 were particularly interested in my own life,
6 so --

7 Q. Did Helen during this 1976 period,
8 speak of how the course was dictated to her?

9 A. I suspect so, I don't recall
10 specifically, but I suspect so.

11 Q. Again, so the record is clear, during
12 these particular series of meetings, do you
13 recall Helen ever saying words to the effect that
14 the voice referred to was an allegorical or dream
15 Jesus, it, or Jesus?

16 A. No, but she never mentioned Jesus, so
17 it wouldn't have made sense to speak as an
18 allegory or symbol, because she didn't speak what
19 he was a symbol of.

20 Q. You indicated it she was referring to
21 was Jesus?

22 A. I said that Helen didn't.

23 Q. Did you indicate during these 1976
24 meetings that this was a dream or allegorical
25 Jesus?

1 Wapnick

2 A. I doubt it.

3 Q. I assume Bill didn't indicate that?

4 A. Right, right. He certainly didn't.

5 MR. FABIAN: Five minute break.

6 Off the record.

7 (Discussion held off the record.)

8 (Recess.)

9 BY MR. FABIAN:

10 Q. If we could spend a few moments so I
11 could begin to understand the various versions of
12 the course and how it all started. Let me ask it
13 this way. Did you ever have any conversations
14 with Helen as to her receiving a dictation from
15 Jesus, it, the voice, however you wish to define
16 it? Did you ever have those conversations?

17 A. Yes.

18 Q. In the course of those conversations,
19 did Helen indicate that she heard directly from
20 Jesus and wrote certain things down as a result?

21 A. Yes.

22 Q. Can you tell me what she said to you
23 concerning what she wrote down and what she heard
24 from Jesus without having to quote every word?

25 MR. ROSENBERG: Do you want an

1 Wapnick

2 aggregate?

3 MR. FABIAN: Yes.

4 A. I don't understand the question.

5 MR. ROSENBERG: What Helen told you

6 about that.

7 A. What Helen told me about it.

8 Q. Yes.

9 A. It's, again, would have to be like an
10 aggregate. This was an issue that we discussed
11 all the time. We were together all the time so
12 it's hard to -- I could say read my book, but I
13 guess that's not fair.

14 MR. FABIAN: I have read it.

15 THE WITNESS: You read it.

16 MR. FABIAN: Now I want to hear what
17 you have to say about it.

18 A. Every word in that book is true.

19 Q. Which book is that?

20 A. She was always very clear to me that
21 the voice was Jesus. She described it. I'm not
22 sure if this was her words, but I have used this
23 image for 25 years because it is based on what
24 she said. It was almost like having an internal
25 tape recorder in her mind. I'm not sure if that

1 Wapnick

2 heard the voice of Jesus for some period of time
3 before she began to write things down?

4 A. Yes.

5 Q. Did she indicate to you how long she
6 had heard this voice?

7 A. She did, a few weeks. Two or three
8 months, something.

9 Q. How did it happen, did she ever tell
10 you how it happened that she began to write the
11 words down?

12 A. She was accustomed to hearing this
13 voice and one evening, the voice said this is A
14 Course In Miracles, please take notes. There was
15 no explanation as to why that was said at this
16 time.

17 Q. Were there particular times that she
18 would listen to the voice and do the writing or
19 did it happen at random?

20 A. In general it happened randomly.
21 However, she was very busy, she had a full-time
22 job and they were very busy at the medical
23 center, so most of the dictation, most of her
24 writing down occurred in the evening, but it
25 would happen other times too.

1 Wapnick

2 Q. This narrative that you are giving me,
3 is this on the basis so I don't have to ask you
4 again, of what she told you over a period of
5 time?

6 A. Yes, yes.

7 Q. Do you recall how many notebooks were
8 eventually filled up?

9 A. It's like 27, 28. Mid to upper 20s.

10 Q. Do those notebooks still exist?

11 A. They do.

12 Q. Where are they today?

13 A. In a safe in my closet. Fireproof
14 safe in my closet.

15 Q. How did it happen that you acquired --
16 you I assume is FACIM or you personally?

17 A. No, me personally. There was no FACIM
18 at that time.

19 Q. I'm asking today who has them?

20 A. I personally.

21 Q. I'm asking this question just so I
22 understand the ownership of that particular
23 series of notebooks. Do you own them personally?

24 A. Yes. Helen gave them to me.

25 Q. Could you describe the circumstances

1 Wapnick

2 under which she gave you personally the
3 notebooks?

4 A. Yes. The notebooks were all over the
5 place. They were in Helen's drawers, I think she
6 had a couple up in the medical center in closets,
7 in files, she had them all over the place. One
8 day I said to Helen I think we should have these
9 all in one place. She said I agree with you, you
10 take them, I don't want them. I'm not saying
11 word for word, but that was the gist of it.

12 Q. Approximately what year was that?

13 A. Probably '74.

14 Q. You have had possession of them since
15 '74?

16 A. Yes. Also I just might add that it
17 also went for all the other versions.

18 MR. ROSENBERG: Wait.

19 Q. I'm listening, go ahead. I was
20 listening.

21 A. It was not.

22 MR. ROSENBERG: How did you know it
23 was going to come.

24 A. It told me.

25 Q. Can you explain why you are laughing?

1 Wapnick

2 MR. ROSENBERG: Who would ever ask a
3 question that ridiculous.

4 A. Anyway, so the urtext, all other --
5 you want me to --

6 Q. Let's go through it step by step. The
7 steno pads, did there come a time when another --
8 I'm going to use the word version, that there was
9 a version without indicating any changes, I'm
10 just using that as a word, a version other than
11 the steno pads existed?

12 A. Yes.

13 Q. What was the next version that existed
14 that was created?

15 MR. ROSENBERG: After the steno pads?

16 Q. Yes.

17 A. That's the version that I call the
18 urtext.

19 Q. How was the urtext, how did it come
20 about?

21 A. Helen wrote down the course in these
22 notebooks which nobody was able to read except
23 Helen. She would dictate to Bill Thetford up at
24 the medical center whenever they had time and
25 again, this was in a period when they were very,

1 Wapnick

2 very busy, so whenever they had time in their
3 day, she would dictate to Bill what she had
4 written down and Bill would type it out.

5 Q. Do you know what time period this
6 involved?

7 A. This is 1965 through '72.

8 Q. At the same time the steno pads were
9 being created?

10 A. Probably the next day.

11 Q. There was dictation the next day?

12 A. Yes.

13 Q. To Bill Thetford?

14 A. That's right. This is basically the
15 same time.

16 Q. Did you ever speak to Bill Thetford
17 about the creation of the urtext?

18 A. Yes.

19 Q. Between the steno pads and the urtext,
20 were there any changes in the actual words that
21 were written?

22 A. Yes.

23 Q. If I were to ask you those changes,
24 are we going to spend days and weeks or is there
25 some document that would indicate all the changes

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Wapnick

from steno pads to Bill Thetford typing?

A. There is no documents.

MR. ROSENBERG: There is a few things,
could you please read back the record.

MR. FABIAN: From steno pads to Bill
Thetford's typing.

MR. ROSENBERG: The question is, were
there any changes. I'm wondering whether
this gets into the attorneys eyes only.

THE WITNESS: Yes, it does. Well, it
depends what you are asking me.

MR. ROSENBERG: How about generally?

MR. FABIAN: What I'm trying to
determine and I'm going to try to determine
through this series of questions is one of
the issues is assuming a court determined
that these were the words of Jesus, then
somebody is going to argue that there was
some human change that was made under
various legal decisions that probably have
no application anyway. Therefore, I --

MR. ROSENBERG: You mean that
governing legal authority that will be
dispositive of the case.

1 Wapnick

2 MR. FABIAN: I want to know what those
3 changes are and that's what I'm going to be
4 asking about.

5 MR. ROSENBERG: That's an important
6 and highly germane area of inquiry, but I
7 think we are going to have to call it
8 attorneys eyes only with all respect to
9 Ms. Forbes.

10 MR. FABIAN: I don't have any problem
11 with that, because I'm not going to need to
12 look at any documents. That's fine with me.

13 (Ms. Forbes leaves the room.)

14 MR. ROSENBERG: This is attorneys eyes
15 only material and that while Mr. Barber,
16 while certainly permitted to be present,
17 will not discuss this testimony with anyone
18 else.

19 MR. BARBER: Yes. My earlier comment
20 that I will not reveal any attorneys eyes
21 only certainly applies to all eyes only.

22 MR. ROSENBERG: We appreciate that.

23 (The following portion has been deemed
24 confidential and bound under separate
25 cover.)