

United States v. Sun Myung Moon

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In 1984, Sun Myung Moon, the founder and leader of the Unification Church, was imprisoned in the United States after being found guilty by a jury of willfully filing false Federal income tax returns and conspiracy. Church members and supporters decried the prosecution as politically motivated, discriminatory, and unfair.

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Federal prosecution

On October 15, 1981,^[1] Moon was indicted by a federal grand jury and charged with three counts of willfully filing false Federal income tax returns (for the years 1973, 1974, and 1975) under 26 U.S.C. § 7206 (<http://www.law.cornell.edu/uscode/26/7206.html>), and one count of conspiracy—under 18 U.S.C. § 371 (<http://www.law.cornell.edu/uscode/18/371.html>)—to file false income tax returns, to obstruct justice, to make false statements to government officials, and to make false statements to a grand jury. The prosecutors charged that Moon failed to declare as income (and pay taxes on) \$112,000 in earned interest in a Chase Manhattan bank account, and on the receipt of \$50,000 of corporate stock. The essence of the prosecution's case was that both the money and stock were his personal property. The church maintains that these were rather being held on behalf of the church by Rev. Moon. Indeed, Rev. Moon transferred the bulk of the Chase account funds to the fledgling church upon its incorporation. He did not declare this transfer as a deduction on his income tax.

One of the defenses used at trial was that the funds were not really his, but were held in trust for members of the Japanese Unification Church. The United States church had only about 300 members at the time and had not yet incorporated. Moon's lawyer argued that, after using a small portion of those funds for his family's living expenses (and declaring the portion used on his income tax returns), Moon transferred the balance to the Unification Church of America after its incorporation. Holding church funds in a minister's name is a fairly commonplace action, particularly in small churches, and some church-related or other organizations filed *amicus curiae* briefs in the case.^[2] Other organizations which filed *amicus* briefs on Moon's behalf included the National Council of Churches, the National Black Catholic Clergy Caucus, the Southern Christian Leadership Conference, the National Conference of Black Mayors, and the National Bar Association.^[3]

The court denied Moon's request to have a bench trial. Moon was convicted on all counts.^[4] On appeal, the United States Court of Appeals for the Second Circuit noted that Moon had argued that "insistence on a jury trial had the effect of punishing Moon for exercising his First Amendment right of free speech [in connection with some statements Moon had made that, it was feared, would prejudice a jury].^[5] The punishment, so the argument runs, took the form of denying Moon a benefit, i.e., a nonjury trial, that he would otherwise have been entitled to." The Court of Appeals rejected this argument, stating: "The right to trial by jury is a benefit granted an accused... which a defendant has the power to waive.... The ability to waive the benefit does not import a right to claim its opposite." The Court noted that Rule 23(a) of the Federal Rules of Criminal Procedure "does not require that the Government articulate its reasons for

demanding a jury trial at the time it refuses to consent to a defendant's proffered waiver [of a jury trial]."^[6]

Sentence

Moon was convicted on all counts in 1982, and the convictions were upheld on appeal.^[7] He was represented in the appeal by Laurence Tribe, one of the foremost constitutional law experts and Supreme Court practitioners in the nation. Moon was given an 18-month sentence and a \$15,000 fine. He served 13 months of the sentence at the Federal Correctional Institution, Danbury and because of good behavior was released to a halfway house before returning home. While serving his sentence he worked in the prison kitchen.^[8]

Takeru Kamiyama, Moon's aide and codefendant in the trial, was convicted of conspiracy, obstruction of justice and perjury and was sentenced to six months imprisonment which he served at Danbury along with Moon.^[9]

Kenneth Briggs, former religion editor of the New York Times, wrote:

Later, the group's founder, the Rev. Sun-Myung Moon, was jailed on questionable allegations, and he took his punishment in a Connecticut prison with exemplary forbearance.^[10]

Ed Farmer, a fellow inmate, said:

The Rev. Moon has a very good sense of humor. It's hard for me to think of a person as being mean or brainwashing people with the sense of humor he has. He truly loves people. I mean, he likes being with them. He likes being kidded-he likes being teased. I never saw a mean act on his part. He never asked for special treatment. He mopped floors and cleaned tables, and he helped other people when he was finished with his job.^[2] (<http://web.archive.org/web/20021128070101/http://www.tparents.org/Moon-Talks/sunmyungmoon84/OneOfUs.htm>)

While Moon was in prison, Unification Church members launched a public-relations campaign. Booklets, letters and videotapes were mailed to approximately 300,000 Christian leaders in the United States. Many signed petitions protesting the government's case.^[11] Among the American Christian leaders who spoke out in defense of Moon were conservative Jerry Falwell, head of Moral Majority, and liberal Joseph Lowery, head of the Southern Christian Leadership Conference.^[12] Among the other people who protested the government's prosecution of Moon were Harvey Cox, a Professor of Divinity at Harvard and Eugene McCarthy, United States Senator and former Democratic Party presidential candidate.^[13]

Supporters regard the tax case as politically motivated. The prosecutors offered to drop the case in return that Moon surrendered his green card, which he chose not to do. The official website of the American Unification Church, unification.org, says:

When the indictment was handed down, Reverend Moon was in Korea. His lawyers recommended that he not come back to America, since there is no extradition treaty between the United States and the Republic of Korea. However, he did not follow their advice. He was, after all, a man of God, not a criminal fleeing the law. He immediately returned to the United States. He told his counsel: "I will not abandon my mission in America. That I will never do."^[3] (http://www.unification.org/rev_mrs_moon.html?131,29#anchor9077827)

A United States Senate subcommittee, chaired by Senator Orrin Hatch, conducted its own investigation into Reverend Moon's tax case and published its findings in a report which concluded:

We accused a newcomer to our shores of criminal and intentional wrongdoing for conduct commonly

engaged in by a large percentage of our own religious leaders, namely, the holding of church funds in bank accounts in their own names. Catholic priests do it. Baptist ministers do it, and so did Sun Myung Moon.

No matter how we view it, it remains a fact that we charged a non-English-speaking alien with criminal tax evasion^[14] on the first tax returns he filed in this country. It appears that we didn't give him a fair chance to understand our laws. We didn't seek a civil penalty as an initial means of redress. We didn't give him the benefit of any doubt. Rather, we took a novel theory of tax liability of less than \$10,000 and turned it into a guilty verdict and eighteen months in a federal prison.

I do feel strongly, after my subcommittee has carefully and objectively reviewed this case from both sides, that injustice rather than justice has been served. The Moon case sends a strong signal that if one's views are unpopular enough, this country will find a way not to tolerate, but to convict. I don't believe that you or I or anyone else, no matter how innocent, could realistically prevail against the combined forces of our Justice Department and judicial branch in a case such as Reverend Moon's.^[4] (http://www.unification.org/rev_mrs_moon.html?131,29)

Jeremiah S. Gutman, president of the New York Civil Liberties Union, called the prosecution "an indefensible intrusion in private religious affairs."^[15] The *New York Times* and the *Washington Post*, which had both been critical of Moon, expressed concern about the government's prosecution of him and the consequences it might have for other religious groups.^[16]

Afterwards

Michael Tori, a professor at Marist College (Poughkeepsie, New York) suggested that Moon's conviction helped the Unification Church gain more acceptance in mainstream American society, since it showed that he was financially accountable to the government and the public.^[17] In 1991 Pulitzer-prize winning reporter Carlton Sherwood wrote a book in Sun Myung Moon's defense, *Inquisition: The Persecution and Prosecution of the Reverend Sun Myung Moon*. Sherwood mentions opposition to Moon by the news media, major Christian denominations, and members of the government including Representative Donald Fraser and Senator Bob Dole. Sherwood characterizes this opposition as unfair, dishonest, and mean-spirited. He concludes that the federal prosecution of Moon on tax charges was unjust, citing the court's refusal to allow Moon's fellow defendant Takeru Kamiyama to provide his own translator, its refusal to allow the two men a bench trial rather than a jury trial, possible tainting of the jury, and the unusual length of Moon's sentence, 18 months, for a tax case. He also mentions that Moon could have avoided the trial if he had remained outside of the United States.^{[18][19]}

Sherwood sums up his views by writing:

The Unification Church, its leaders and followers were and continue to be the victims of the worst kind of religious prejudice and racial bigotry this country has witnessed in over a century. Moreover, virtually every institution we as Americans hold sacred the Congress, the courts, law enforcement agencies, the press, even the U.S. Constitution itself was prostituted in a malicious, oftentimes brutal manner, as part of a determined effort to wipe out this small but expanding religious movement.^{[18][19][20]}

References

1. "Rev. Moon Indicted On Tax Charges", *Pittsburgh Press*, October 15, 1981, p1
2. The organizations filing *amicus* briefs were the Center for Law and Religious Freedom; the American Civil

- Liberties Union; the New York Civil Liberties Union; and American Baptist Churches in the U.S.A. See *United States v. Moon*, 718 F.2d 1210, 83-2 U.S. Tax Cas. (CCH) paragr. 9581 (2d Cir. 1983), *cert. denied*, 466 U.S. 971, 104 S. Ct. 2344 (1984) (headnote).
3. Raspberry, William, "Did Unpopular Moonie Get a Fair Trial?", *Washington Post*, April 19, 1984
 4. See generally *United States v. Moon*, 718 F.2d 1210 (2d Cir. 1983) *cert. denied*, 466 U.S. 971, 104 S. Ct. 2344 (1984), at [1] (http://scholar.google.com/scholar_case?q=%22Sun+Myung+Moon%22&hl=en&as_sdt=3,44&case=12224048458076525145&scilh=0).
 5. The statements, made on October 22, 1981 at a rally at Foley Square in New York City, and which were reportedly reprinted in an advertisement in the *New York Times* on November 5, 1981, were as follows: "I would not be standing here today if my skin were white or my religion were Presbyterian. I am here today only because my skin is yellow and my religion is Unification Church. The ugliest things in this beautiful country of America are religious bigotry and racism." *Id.*
 6. *Id.*
 7. <http://www.telegraph.co.uk/news/obituaries/9517193/The-Rev-Sun-Myung-Moon.html>
 8. Moon's Japanese Profits Bolster Efforts in U.S. (<http://www.washingtonpost.com/wp-srv/national/longterm/cult/unification/profit.htm>) *Washington Post* September 16, 2008
 9. Moon Conviction Upheld by Court (<http://query.nytimes.com/gst/fullpage.html?res=9A05E7DB1038F937A2575AC0A965948260&sec=&spn=&pagewanted=print>), *New York Times*, September 14, 1983
 10. Beliefnet.com (http://www.beliefnet.com/story/11/story_1149_1.html)
 11. The Unification Church Aims a Major Public Relations Effort at Christian Leaders (<http://www.christianitytoday.com/ct/2001/augustweb-only/8-6-35.0.html>) *Christianity Today* April 19, 1985.
 12. Introvigne, Massimo, 2000, *The Unification Church Studies in Contemporary Religion*, Signature Books, Salt Lake City, Utah, ISBN 1-56085-145-7, excerpt (<http://www.signaturebooks.com/excerpts/unification.htm>)
 13. Moon's financial rise and fall (<http://www.thecrimson.com/article/1984/10/11/moons-financial-rise-and-fall-pbab/?dsq=48682316#comment-48682316>), *Harvard Crimson*, October 11, 1984
 14. As noted above, the court record differs from Senator Hatch's assertion regarding "tax evasion," as Reverend Moon was charged with and convicted only of willfully filing false returns and conspiracy.
 15. Robert Parry, 1 October 1998, consortiumnews.com, Moon's Dark Shadow (<http://www.consortiumnews.com/1990s/consor25.html>)
 16. Introvigne, 2000 p25
 17. Church urges Christian unity: Valley seminary open since 1975 (<http://www.poughkeepsiejournal.com/projects/cultures/lo121103s2.shtml>) *Poughkeepsie Journal*, 2003-12-11 "Michael Tori, a professor in Marist College's religious studies program, said the Unification Church has gained more acceptance in mainstream society for several reasons. One reason was Rev. Moon's indictment in the early 1980s for tax evasion. The indictment showed Moon was financially accountable to the government and to the public, Tori said. Another reason the church has gained greater acceptance is that it has taken on several universally accepted causes such as the importance of family values in society and the formation of the Interreligious and International Peace Council. The church has also given financial support to institutions such as the University of Bridgeport in Connecticut and made acquisitions such as the purchase of the *Washington Times*."
 18. Review (<http://www.iclnet.org/pub/resources/text/crj/crj-jrnl/web/crj0133a.html>), J. Isamu Yamamoto and Paul Carden, *Christian Research Institute Journal*, Fall 1992, page 32
 19. Shooting for the Moon (http://www.firstthings.com/article.php3?id_article=5765), Dean M. Kelley, *First Things*, October 1991
 20. Review (<http://weberjournal.weber.edu/archive/archive%20A%20%20Vol.%201-10.3/vol.%209.3/9.3book%20reviews.htm#Inquisition>), Candadai Seshachari, *Weber Journal*, Fall 1992

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