

Senator Orin Hatch, Republican of Utah and Senator Dennis DeConcini, Democrat of Arizona question Rev. Sun Myung Moon before a US Senate Subcommittee

June 26, 1984

United States Senate Hearing, Washington D.C.



Senator Hatch: Reverend Moon, thank you for your perspective and your testimony here today. I think it's very important and extremely articulate, and I appreciate you delivering it in English, although I know that Korean is a much more familiar language for you. I do have a few questions that I would like to ask you.

Based on your experience as a religious leader in many different countries, what is your particular view on the relationship between church and state? Should there be an attempt to have an absolute separation between church and government, or is some measure of government involvement desirable in your opinion?

Reverend Moon (Translated by Col. Bo Hi Pak): Mr. Chairman, you touched upon a very fundamental issue separation between church and state. I primarily support the separation between church and state. I'd like to say, however, there must be always some relationship between church and state. Complete separation is neither possible nor desirable. But then we must know the relationship between church and state. What is the government? Government is like a body, whereas the church is like the spirit of a man. Between the spirit and body, there must be harmonious give and take. However, we must understand which side is subject. The spirit of man is the subject of man, the body is object. Therefore, what is the government? Government is the servant of the people. Who are the people? The people are the children of God. Therefore, those people, children of God, choosing or electing the government to serve the people, therefore the church, the spiritual side of man, should be a controlling factor or an influencing factor or primary factor of man's life.

Government is there to support the well-being of the spiritual life of man. For that reason, I really know that the important thing is the understanding of this relationship between church and state.

Nowadays, however, this particular trend has been distorted or reversed. The government is becoming a tyranny, an oppressor of the church. The body is trying to govern the human mind or spirit, which is impossible. This is my very basic understanding of the separation between church and state, Mr. Chairman.

Senator Hatch: Thank you. When you first came to this country, Reverend Moon, what were your first impressions concerning the latitude your church was given in spreading your particular religious viewpoint and, of course, seeking converts? Did you generally feel free to do whatever you wanted to, with regard to your missionary efforts?

Reverend Moon: Mr. Chairman, when I first came to America in 1971, there was no organized persecution of our religion and its members. We held spiritual revivals in all fifty states, and I was even given 850 or more citations and honorary citizenships by the mayors and the governors of this nation. But then what happened? Things have changed. First, the public, particularly the media, began to perceive my opposition to God-denying communism. For some reason, anticommunism in this country is very unpopular. At the same time, for some reason, the media did not seem to like my position against communism. I have been known as an archenemy, as I said in my testimony, against communism. And there are forces who are out to destroy me. They have done that in Korea, they have done that in Japan, they sort of imported into this country the same tactics, and the same kind of message such as myths of brainwashing, myths of deprogramming, myths of a KCIA situation. All these rehashed what the Japanese communists perpetuated upon me in their criticism of me.

Under those kind of situations, a very difficult and unfavorable climate has been created. I have been under constant persecution. The "Moonie" is looked at in this country rather scornfully. My young people, my followers in this country, have heroically gone through incredible oppression and suffering. I respect them, I love them, I truly declare them the true heroes of America.

But now, gradually, we're coming out of the dark era, so to speak. However, of course, you know what I'm facing today. Now, more and more, the public is coming to realize the Unification Church is here truly to serve America, patriotically denying any type of totalitarian system or God-denying ideology. I look to the future, and I am going to be a sacrifice for the awakening of this nation to rally around-as I said, I feel deeply honored. But I want you to understand our Unification path in this country was not an easy one, it was a very difficult one; on the state level, local level and, you know, federal level, I have been mistreated in so many ways. My skin, my religion, have become a target for some reason. You know my destiny today. However, I do not regret it, because this will serve a great purpose for God and for this nation.



Senator Hatch: Reverend Moon, I understand how deeply you feel and your strong feelings about the way your church has been treated from your viewpoint and perspective, by our government, including the IRS, the prosecutors, and of course, the courts. Do you also feel that you have been mistreated by the American people themselves, apart from governmental mistreatment?

Reverend Moon: When I came to America, I certainly expected certain opposition, because I came to America not for the status quo, but for change centered upon a God-centered world view. However, I do not blame the American people. I believe in American people, I love American people. I rather blame the circumstances, between government and media, as having created such an incredible distorted image. As I mentioned, many myths have been created, many untrue stories have been perpetuated. And all these brought the misinformation, or disinformation, to the American public. True information has not been given out to the people. The people rather are victims of ignorance of the truth about our movement, about me. But I do have great Americans who supported me, who understood me. I salute them, Mr. Chairman, upon this occasion.

Senator Hatch: Thank you, Reverend Moon. I'd like to ask you just one more question. I'd like you to know that I'm fully aware of your ongoing litigation, and will understand if you prefer not to answer until you've had time to consult with your lawyers. But I'd like to know-just for the record here today-were you, or were you not, the owner of the Chase Manhattan Bank funds and the stock you were accused of owning in the government's case against you? And if not, then who did that money and stock belong to?

Reverend Moon: Mr. Chairman, I would like to ask all the good people in this room the common-sense question: If you want to cheat the government and you happen to have cash, would you like to bring it to a Chase Manhattan Bank account, under your name? I don't think so. You would rather go to Switzerland, or the Cayman Islands-anywhere-if you really want to defraud the government or cheat the government of taxes. This is absolutely untrue, but was perpetuated by the persecution by the government. The government has been trying to find, for a long time, some cause to blame me. They found a cause here.

To make a long story short, I say to you, the money and stock belonged to the church. The donors at that early time, in the pioneering stage of our movement in the United States, asked me to permit my name to be used as an initial account of our church for the international movement, because for them, my name is the embodiment of the church. For that reason, they asked me whether they could use my name. I told them, "Upon your wishes, I will grant that permission." That is what actually happened. In 1976, when our church founded the foundation in this country, we turned over that account into an official corporation

known as "The Unification Church International."

In other words, the Chase Manhattan Bank account has been transferred, in its entirety, to the account of the Unification Church International. Under that name, that operation is still continuing for the sake of the world.

As you know, I understand according to the legal description, what I have done. It is a common practice in this country that mainline leaders of the religious community, pastors, are doing as a time-honored practice. Furthermore, I understand also--I hope I'm not wrong--in the Catholic Church, they always require to have certain property under the leadership's name, a so-called "Corporate Sole." As you can see, what I have done was absolutely normal, absolutely proper, but the government could not find any other reason to come after me, so they used me and prosecuted me, knowing they could win the battle by exploiting my unpopularity with the public in this country. That was precisely what happened, Mr. Chairman.

Senator DeConcini: It concerns me, Reverend Moon, whenever the Internal Revenue Service is involved in enforcing our laws because I have, on many occasions, objected to some of their tactics--on the other hand, the IRS has also been attributed with many convictions on tax cases from individual Americans who have escaped many other alleged offenses. I wonder, if in your judgment or opinion, you feel that the Internal Revenue here has sought to bring action against you for violating our income tax because of any other actions other than the religious affiliation of your church?

Reverend Moon: Senator, yes. As you know, the other witnesses so eloquently testified already to the incredible encroachment of the IRS in every phase of human life in this country. But in our case, in the Unification Church case, we are an extraordinary target to them, for some reason. We can see many reasons why they are doing it, but they are doing it.

For example, an IRS agent came to our church, staying several months, years--using our offices, and scrutinizing our church operations. That is only one particular example. There are many other examples of unreasonable treatment by the United States government and the IRS agency. Particularly in my own tax situation, for example, in order to be a very law-abiding citizen, I employed a very important CPA, Price Waterhouse, to be my advisor. I want to be correct, I don't want to make a mistake about this. And I have more than one lawyer advising me.

I faithfully followed a law-abiding and reputable firm's recommendation, and still they go after me, and they got me.

Senator DeConcini: Did those firms recommend that the accounts be in your name?

Reverend Moon: Absolutely! Particularly when I came to this country, I did not even understand one word of English at that time. I was, in a way, helpless. I was relying on professionals--the best professionals available in this country.

And I followed every step of the way such as the CPA, the lawyers, and for them, there is absolutely nothing improper in what I am doing.

Senator DeConcini: Except in the face of the law now. And the conviction of course, subject to appeal. I guess appeal has been had. In fact, your advisors turned out to be wrong isn't that correct?

Reverend Moon: That is the very reason the religious community is protesting against the improper injustice wrought upon us. In other words, under the circumstances through which I became a victim, no one is safe, no one in this country is safe. You just give me your tax return, they have a way to prosecute you tomorrow. This kind of situation.

Senator DeConcini: I appreciate, Reverend Moon, the great amount of authority and power that the Internal Revenue Service has. But, I also appreciate the American system of justice where we are tried by our peers, by jurors, and you had such a trial, did you not? Let's say that [the IRS] did do something improper. Weren't you protected by the fact that you had your day in court with ample opportunity to refute the charges, to be heard by a jury of peers? And yet they came to the conclusion that indeed there was a violation of the law. It seems to me that there are two different problems here. One may be [the IRS] picking on someone because they dislike you, which is unfair and shouldn't happen. And yet the other is the criminal justice system that tries people in, I think, probably the most impartial way of any country that I know of. I don't know of a better way, and it seems like we ought to distinguish the two and focus perhaps only on the IRS and not on the criminal justice system. Because if you've been persecuted by the criminal justice system, you've been persecuted by the American people, and you've testified that you don't feel that way, that it's the government arm that has done something wrong to you.

Reverend Moon: Mr. Senator, I do still have respect for American judicial system, but I have great misgiving about the deed of the government--not only the IRS, Justice Department, prosecution and so forth. For example, if I understood correctly, I'm sure the constitutional scholars can answer you much better than me, I understood that the jury system in this country is organized for the added protection for the defendant.

So I did not want a jury trial. That was a constitutional right I could claim. I wanted to be judged by the law, by good judges, and the government punished me in forcing the jury trial upon me. What kind of justice is that? You know, they really used the Constitution against me instead of protecting me.



Senator DeConcini: Are you saying that a trial by one single person, a judge, is a more fair trial than a trial by a jury of impartial citizens?

Reverend Moon: Not in every case, Mr. Senator, but in my case. Because we knew of the conspiracy by some officials to get me. They can only get me by going the route of jury.

Exploiting the unpopularity of my mission, perpetuated by misinformation unfortunately. Jesus Christ got the jury trial and he got the verdict.

This is the reason I wanted to be tried by a decent judge.

Senator DeConcini: Mr. Moon, you may make any equations you want to with your outstanding leadership as to Jesus Christ, but I take offense to that. We're not here comparing religions, we are here trying to find out something about the system.

My point is this, that I have read about this case and I have some very deep qualms about the Internal Revenue [Service] as I have had for many years and I realize that the government is run by people, and that people have certain biases. But I find a contradiction here, Reverend Moon, in that you indicate that our jury system is not acceptable to you, that is provided by our Constitution. I suspect that had that jury system found you not guilty, you would find it very acceptable. And it seems to me that if your complaint here before the Congress is that someone has picked on you and done something that they shouldn't, it ought to be an inquiry into the Justice Department and Internal Revenue service and not blaming a jury. Unless you have some proof to offer here that this jury was tampered with and that indeed there was some violation of the law on behalf of the prosecutor or the investigator as to the individual jurors.

Now I have not yet heard that from you nor have I seen that reported as a result of the covering your trial, and I think it's important that we distinguish whether or not you're really calling into question the fact of a fair jury trial in your case or in our criminal justice system.

Reverend Moon: May I say this to you sir, that prior to the jury trial we conducted a survey by an objective professional company in regards to public opinion. [They inquired] "Maybe you will become a member of the jury for the Reverend Moon case, what would you do?" It turned out that 60% of the people who participated in that survey stated: "I would convict Reverend Moon regardless." Mr. Senator, if you were in my position under those circumstances, would you want a jury trial?

Senator DeConcini: Well, my answer to that is that I would ask for a different place to have the trial, maybe that was petitioned by your attorneys, I don't know.

Reverend Moon: I want you to understand that the media really did a thorough job. There's no place I can go that can give me a fair trial.

Senator DeConcini: If that's the case then I take it that you would set yourself apart from all other citizens

based on the publicity and the media presentation of your church and your problem is that it was impossible to have a fair trial in the United States of America. Is that a fair statement?

Reverend Moon: This is why my option was to be tried by the judge. As I said, I believed in the judicial system of this country. I thought I could have fair trial by the judge. As you know, when I was indicted I was in Korea. I returned to this country to face the trial voluntarily, even though knowing Korea and the United States have no extradition treaty, because I am innocent. I wanted to come to face the trial, I wanted to get a fair trial, I wanted to be vindicated. Those were my wishes. The reason I am saying this to you because it's not only me. So many people like me and behind me in history, there are many others—many ethnic groups, many foreigners, many Americans, oppressed Americans, they shall be condemned like me in the future. In this way government can clearly get those innocent people so that I feel our movement must stop injustice once and for all.

Senator DeConcini: Mr. Chairman, I will cease and I thank the Chairman for his courtesies. I can only say that having been a prosecutor and prosecuted literally dozens of defendants, never once have I won where the jury returned the verdict and the defendant said "yes, I'm guilty." I think it is most inherent in human nature, to want to defend yourself, and I admire you Reverend Moon for defending yourself. That's part of our system and you have every right to do that and to continue to claim your innocence regardless of any change in the appeal system. But I also have to say for the record that I think there is a contradiction here. You can't have it both ways; you can't have the freedoms of America when the jury trial turns out the way you want it, and you cannot condemn the whole system when it turns out that it doesn't favor you. It seems to me like your grievance here is more with the Internal Revenue Service, one that I'm very sympathetic with. Many constituents have had problems with the Internal Revenue Service and that's where the complaint should lie, not with our criminal justice system and trial by jury, because, standing your conviction, the little bit I know about it, you had a fair trial. And unfortunately it didn't turn out that way in your beliefs, and the followers', but there still may be a problem with what underlying investigation and prosecution brought you to the trial and that to me is worthwhile delving into. Thank you, Mr. Chairman.

Senator Hatch: Well, if I could add something to it. I used to defend some of these cases in federal court and I can't ever recall a case when the defendant in his best interest for his own protection, asked for a non-jury trial where the prosecutor came in and demanded a jury trial. Now I am sure there are instances and the prosecution apparently has the right to do it. But one of the constitutional issues that was raised in this case rightly or wrongly, and I think rightly is, whether or not the defendant has the right to make that determination. And I think it is the case of first impression which has basically been denied by the lower court. And certiorari has been denied by the Supreme Court, but it has not resolved that question.

My concerns with your case, Reverend Moon, of course are based on the United States Constitution, specifically the First Amendment. Now, I believe, among other things, that the trial judge should have cautioned and instructed the jury to not, under any circumstances, substitute the lay views of the jury members for the good faith position taken by your own church. I think that was a mistake, I think it was wrong, I think it was legal error. I think it was constitutional error. In fact the judge specifically instructed the jury to disregard religion entirely in this matter. And I don't know ...I'm sure he did that. In my reading of the sterile record, I believe that he did that because he was worried about this backlash and this problem that Reverend Moon had with a large majority of the people in America at that particular time and perhaps the prejudices that existed at the time. So he probably did that for the best of purposes.

But in this particular case, whether you were entitled to hold these funds in trust, or these properties in trust, was a major issue and in this particular case you can't divorce that from the consideration of religion. And, I can't blame you for not wanting a jury trial when the polls were showing most people in this country were somewhat prejudiced against you. I don't know that I can blame the prosecutor for demanding a jury trial knowing that fact. But I think it's a significant constitutional issue whether the defendant in a country where the defendant's rights are always held paramount over the rights of the prosecution, and that his rights should be solicitously guarded, that he should not have the right to have a trial before a duly nominated and confirmed sitting federal judge.

So those are great issues, and I did not interpret, Senator DeConcini, [Rev. Moon's] comments to mean that he doesn't trust the jury system in this country. I think he does. I think what he was concerned about was whether he could get a fair trial with the attitude that was permeating our media, rightly or wrongly, and our country with regard to his own church. And I think his point is a good point, coming from a minority religion which is now the fifth largest in the United States of America, but in its day was a distinct minority religion. I know that some of our church leaders [the Mormon Church] did not have a very good opportunity for a fair trial and would not have had under those circumstances. So I hope you're not criticizing the criminal justice system of this country or the jury system, in which both Senator DeConcini and I have profound belief. But I do think this in a unique situation that really deserves some constitutional consideration.

Reverend Moon (through Colonel Pak): Mr. Chairman, Reverend Moon asked me to thank you for your comments, also Senator DeConcini, thank you for your care and concern. And we both thank you.