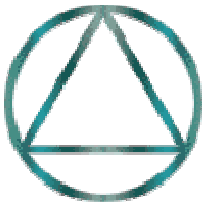

Our Primary Purpose Forum

The Voice of the Alcoholics Anonymous Minority Opinion

Edition 1 April 2005 Issue 2

"Let's look at the right of appeal. A century ago a young Frenchman DeTocqueville came to this country to look at the new Republic. Despite the fact that his family had suffered loss of life and property in the French Revolution, this nobleman-student had begun to love democracy and to believe in its future. His writing on the subject is still a classic. But he did express one deep fear for the future; he feared the tyranny of the majority, especially that of the uninformed, the angry, or the close majority. He wanted to be sure that minority opinion could always be well heard and never trampled upon. How very right he was has already been sensed by the Conference.

Therefore, I propose that we further insure, in A.A. service matters, the right to appeal. Under it, the minority of any committee, corporate Board, or a minority of the Board of Trustees, or a minority of this Conference, could continue to appeal, if they wished, all the way forward to the whole A.A. movement, thus making the minority voice both clear and loud." (Bill W. talk to the 1956 General Service Conference)

SPECIAL EDITION

This following report was sent in by the Area 46 Chairman. It became apparent from this report that not only has the fellowship not been informed about the litigations but a majority in General Service has not either. To have a majority in General Service that are still unaware of the facts around the major litigations after nearly two decades is not only sad to the minority opinion folks but for the whole fellowship itself. It is impossible to have an informed group conscience without being informed as to the facts. In response to this report our MO General Service co-editors sent in history and background material from past delegates concerning the General Service information and history from their personal experience in General Service. This entire issue will be on this topic and might be a good thing to bring to your next Home Group, District or Area meeting. At the end will be links to even more information, documents, and letters on the two most major lawsuits against AA members. This issue will be longer than usual. We hope you will take the time to inform yourselves and other AA members.

Report

Last weekend was our Area Assembly and, as promised earlier, my Home Group authored a motion concerning litigation. We worked long and hard preparing and went there on Friday excited and hopeful. Here is the motion our GSR presented on Saturday afternoon:

Motion:
That our Delegate tells the General Service Conference and specifically the General Service Board that Area 46 believes that suing AA members for any reason whatsoever is against AA principles and we think it should stop and amends made to those we have already sued.

Our GSR read excerpts from Tradition 7 and Warranties Five and Six. She's a gutsy gal and was warned that the dam might burst and it did.

First our delegate got up and said he would be embarrassed at the Conference if we passed the motion. He said that the litigation was not punitive as there was no money involved. Further he said that it was the German GSO that sued, that 'we' were not involved at all. (I wondered at all the money the

'individual in Germany' was required to pay and also the $227,000 that was reported spent by US/Canada)

Next, a past delegate got up and declared that 'intellectual property was real and that the 'individual in Germany' had stolen our property. 'We' need to protect our message. (And I wondered why they didn't think of that when the copyrights on the first two editions weren't reregistered.)

The next three people that spoke against it had nothing to say about AA principles or the truth either; nothing. There was plenty of emotion and 'chutzpah,' but no principles. Suing AA members is against AA principle all the time, but it fits in nicely in corporate America.

That night I sat down with the Delegate and the Alternate and told them I was very concerned that every single thing that was said against the motion was untrue. I let him know that I firmly believe in the 'informed' group conscience and that at that point, our Assembly was making decisions based on bad information. The Alternate agreed with me but not the Delegate.

We voted on Sunday AM and the vote came down to the majority against the motion and about 20 for it. (There were just fewer than 100 votes.) Two people spoke for the minority but not one person in the majority wanted to change their vote. I was not able to participate in any of the discussion or minority opinion as the Area Chair does not let his/her position be known.

We didn't feel too terribly bad, we didn't really expect it to pass and we were doing it to get the information out to the assembly. Still, we were disappointed that so much misinformation was given to our people, our family of AA.

The assembly ended at 10:15 and 3 hours later I was still dealing with all the people that wanted to talk about it. Many were not sufficiently informed to vote for the motion but are beginning to learn and are indeed concerned. So our efforts were not for nothing, and a few more AA members are beginning to hear the truth.

Still, I have a vision of a group of Trustees going up to Matthew with a large check and telling him that 'we' were wrong and wouldn't sue any more AA members. It gives me a chuckle.

Gary B.
Area 46 Chairman

The "L" Word

By Jim T. Past Delegate Area 65

The "L" word just might stand for "litigation" in AA today. Whether or not AA should enter into litigations has been around the discussion tables for quite some time now. Current events may find this issue front and center again. One of the main problems in discussing litigation is separating the "Principle" of whether or not we should initiate litigation from the "Personality," whether it be the 'person' in Germany, IWS, the Freidman Co., Frames of Minds, and so on. When focused on the "Personality" the main issue of litigation gets lost in emotional rhetoric. A good example of this is the chip and medallion issue of a few years back. That issue was first addressed as 'whether or not we should be litigating to protect the Circle and Triangle.' That issue was soon lost when all emphasis was placed on whether or not we should be making chips and medallions. The 'real' issue of whether or not litigations are against the Fifth Warranty was left in the dust. It is a lot easier to get 'emotional' about an issue we understand than to take the time to become informed about the nature of litigation and how it may effect Policy. When discussion is brought up regarding the "L" word, litigation, many say they don't understand the concerns; don't have any background and so on, as a 'reason' to put off discussion. Put together here is a synopsis of writings, events and correspondence that, hopefully, may shine a little more light on the subject of litigation.

AAWS's Policy Regarding Litigation:

(Note: This policy was taken out of the new 'gray' Service Manual and no one questioned, 'why.") Page S103 of the 1998 AA Service Manual, footnote: "Alcoholics Anonymous will continue to oppose unauthorized use of the registered trademarks, 'AA' or 'Alcoholics Anonymous,' whether or not used with the circle and triangle as well as our other registered marks: "The Big Book," "Box 4-5-9," "The Grapevine," "GV," "AA Grapevine," and "Box 1980." The above statement from AAWS was NOT Conference Approved. To date, there has been no approved statement regarding litigation from the General Service Conference.

Warranty Five of the Current Conference Charter, Article 12, General Warranties of the Conference and Concept XII of the 12 Concepts of World Service, the AA Service Manual, 1998, pages S28 and 72-73: "That no Conference action ever be personally punitive or an incitement to public controversy," "We have a saying that AA is prepared to give away all the knowledge and all the experience it has--all excepting the AA name itself. We mean by this that our principles can be used in any application whatever. We do not wish to make them a monopoly of our own. We simply request that the public use of the AA name be avoided by those other agencies that wish to avail themselves of AA techniques and ideas. In case the AA name should be misapplied in such a connection it would of course be the duty of our General Service Conference to press for the discontinuance of such a practice--always short, however, of public quarreling about the matter. The protection of the AA name is of such importance to us that we once thought of incorporating it everywhere throughout the world, thereby availing ourselves of legal means to stop any misuse. We even thought of asking Congress to grant us the unusual favor of Congressional incorporation. We felt that the existence of these legal remedies might prove to be a great deterrent. But after several years of deliberation, our General Service Conference decided against such a course.

The dramatic story of this debate and its conclusion may be found in our history book. Alcoholics Anonymous Comes of Age-- (starting on page 123). Those early Conferences believed that the power to sue would be dangerous thing for us

to possess. It was recognized that a public lawsuit is a public controversy, in which our Tradition says we may not engage. To make our legal position secure, it would have been necessary to incorporate our whole Fellowship, and no one wished to see our spiritual way of life incorporated. It seemed certain that we could confidently trust AA opinion, public opinion, and God Himself to take care of Alcoholics Anonymous in this respect."

A Few Quotes from one of our co-founders, Bill W. regarding AA's Public Relations:

"Our public relations are AA's life lines to reaching the alcoholic. One serious public relations calamity could always turn thousands away from us to perish--a matter of life and death indeed!" Bill also wrote, "The future poses no greater problem or challenge to AA than how best preserve a friendly and vital relation to all the world about us. Success will rest heavily upon right principals, a wise vigilance, and the deepest personal responsibility on the part of every one of us. Nothing less will do."

"We are sure there must be a million alcoholics who would join AA tomorrow if only they knew what we do. We keenly realize that any fundamental disunity among us could instantly disillusion tens of thousands who would again turn their faces to the wall. Hence, those disruptions common to great wealth, power or controversy ought never be for us. Too many of the millions who don't yet know would surely die."

Should the Conference be discussing Litigation?

Article 11 of the Current Conference Charter: "The General Service Conference. Its General Procedures: The Conference will hear financial and policy reports of the General Service Board and its related corporate service. The Conference will advise with the Trustees, directors and staff members upon all maters presented as affecting AA as a whole. The Conference may also discuss and recommend appropriate action respecting serious deviations from AA tradition or harmful misuse of the name Alcoholics Anonymous.

By whose authority were litigation actions in the past taken? Those lawsuits were commenced on the authority of the AAWS Directors, consistent with its right of decision. "Right of Decision" is best defined in Concept III which states, in relevant part, "…that we ought to trust our responsible leaders to decide within the understood framework of their duties, how they will interpret and apply their own authority and responsibility to each particular problem or situation as it arises." (From a 4/22/91 letter regarding litigation questions; answered by the GSO Service Director/Legal Council, Tom J.)

AAWS in Litigation--A Past Delegate's View:

(Dean R. Panel 37- Area [OK] was a past delegate when he wrote this. He is now serving as Trustee-at-Large and no longer holds this view)

"It does seem to me that in defending our Tradition (6) we are at a risk of breaking another Tradition (10). Since we have already started litigations in some areas, do we not stand at risk that at some point in time these actions will become public? These copyrights and logos are owned under the name of AAWS Inc. or AA Grapevine, Inc. which are both legally licensed corporations within the state of New York. But even though the copyrights and logos may be in the corporate entity, AA is still drawn into the controversy because of the name we carry. Also, any time we leave the negotiation room, we lose part of the options to resolve those differences without 'public controversy.' Public Controversy will come about with the initiation of court action and it makes no difference if our cause is just or right." (From a letter to Jude H. from Dean R. 1991)

Litigation and Anonymity:

Question: If AAWS goes into litigation, can the General Service Board and AAWS give the AA membership a 100% guarantee that AA members names, including Conference members names, will not leave the GSO for any reason; will not be involved in a subpoena and will never have to testify in a court room? Answer: The limited experience that we have so far is that anonymity can be protected in a legal situation, but making a 100% guarantee of what courts of the United States will do would be impossible. From the Regional Forum Report, Southeast Regional Forum Biloxi MS (the next year the General Service Board got Indemnity Insurance.)

The Cost of Litigation:

It was reported that in 1988 alone, an additional $188,000 had been spent on legal fees defending our material (although this case didn't go to court).

One can only imagine, with two litigation actions that have already gone to court, the incidents in Mexico and Germany and so on, how much the litigations has cost the Fellowship. Hundreds of thousands of dollars have already been spent, perhaps millions.

Another Conference Looks at Public Controversy:

In 1953, the General Service Conference looked at a situation similar to those which face AA regarding 'taking' legal action on those that may abuse our name, copyrights and so on. On pages 123 thru 128 in Alcoholics Anonymous Comes of age is written the history of whether or not we should protect ourselves 'legally.' Back then the General Service Board was excited about the prospect of obtaining a congressional charter, an act of congress which would protect the AA name. It was thought that the mere existence of such a charter would restrain nearly all those who might be tempted to misuse the AA name. A legal bludgeon of that size and weight could easily be used on any who might still defy the law. It looked like a grand idea and those at the headquarters were all for it. But the conscience of Alcoholics Anonymous, its General Service Conference, had other ideas. The Conference pointed out to us how foolish it would be to incorporate AA's way of life as a legal instrument with which to attack anyone, no matter what the provocation. We would not be content with such an instrument for purposes of pure restraint. Under enough provocation, we would be bound to

start public lawsuits and thus enter the field of public controversy. It would be like building a war machine on the theory that it would always stay home and never fight. The Conference at that time thought they ought to forget about the questionable advantages of legality and controversy and we at the headquarters saw that the conscience of AA, acting through the delegates, was wiser than we were. A delegate from Mississippi, back at that Conference in '53, reporting from his committee said, in part; "It would implement the spiritual force of AA with a legal power, which we believe would tend to weaken its spiritual strength. When we ask for legal rights enforceable in courts of law, we by the same act subject ourselves to possible legal regulation. We might well become endlessly entangled in litigation which, together with the incidental expense and publicity, could seriously threaten our very existence." From that General Service Conference of 1953, the final foundation was laid for Tradition 10, "Alcoholics Anonymous has no opinion on outside issues; hence the AA name ought never be drawn into public controversy."

History of Litigation:

(The copyright to the First Edition of the Big Book was lost (lapsed) in 1967 and the Second Edition copyright was lost (lapsed) in 1983. This was reported to the General Service Conference in 1986. In the two years following, AAWS and The AA Grapevine registered or renewed our registration of 6 logos between the time the copyright to the Second Edition was lost (1983) and when it was reported to the General Service Conference (1986). However, prior to the 1986 Conference and in the two years following there was a rush of registration for 15 logos as either trademarks or service marks. Also to note 'litigation' was first mentioned in the Quarterly Report from GSO 1988, that in 1988, "On the advice of legal counsel we will expeditiously take all appropriate legal action with respect to trade mark violation, including litigation if necessary, regarding Nan Robertson's book AA-Inside Alcoholics Anonymous, which in its present form, gives the impression it is allied with AA and also threatens to be harmful to our interests."

In the late 30's, Sister Ignatia gave pins for years of sobriety. Then in the 40's and 50's there were various coins given for sobriety. In the 60's poker chips were given.
Meanwhile, our logo, the Circle and Triangle was registered in 1956. This was renewed in 1973. In the early 70's some of the chip and medallion manufactures got permission from GSO to put the Circle & Triangle on their products. In the late 80's several AA's complained to GSO of the infringement of our logo being used on chips and medallions. (GSO may or may not have been aware that permission had been granted several years before, as indicated above)

GSO mailed out letters to approximately 170 vendors who were using our logo, asking them to 'cease and desist.' All but two vendors either stopped using our logos or changed their design so as not to infringe. After repeated efforts to settle out of court, AAWS Inc. brought action against the remaining infringers. This was documented in a late 1988 GS0 Quarterly Report. Also, the "Sober Times," a non-AA publication featured a front-page article titled, "AA to Fight Trademarks Infringement," in its Feb. '90 issue. Some AA's alarmed by this kind of publicity, initiated a vigorous dialogue over the next two years with delegates, the General Service Board and AAWS on whether to litigate or not; whether litigations where in violation of the 10th Tradition and 5th Warranty. The first of such letters was from Don H. then DCM of District 71/Area 65 in 1990. The first time this was presented to the General Service Conference was at a 'sharing session' on the Conference Floor by then panel 41 Area 65 delegate. There were no comments by either the General Service Board or AAWS at this time. Two delegates requested her background material; one was Lynette from AZ, which is interesting to note with the current actions coming from AZ regarding litigation today.

From the litigation controversy, the Fellowship chose to make an issue of 'should we have chips and medallions or not?' thus avoiding, intentionally or not, the 'real' issue of litigation itself. An ad hoc committee was spawned to study the chip and medallion issue. The result of the 1993 General Service Conference was against either of our service corporations producing chips or medallions.

This ad hoc committee also recommended that the General Service Conference find that litigation is a violation of Warranty V; that the General Service Board take steps to make all policies and practices conform to the spirit of the Warranties; and for the General Service Board to develop a new policy statement for inclusion in the AA Service Manual which reflects the spirit of this committee's report. Then a similar proposal was made to the Conference on Friday afternoon by a Conference member who, in essence, stated the same as the ad hoc's recommendation. It was withdrawn after a member of AAWS read a statement which said AAWS would immediately begin a thorough review of its policies regarding our marks, will do everything possible to avoid initiating litigation and will prepare a revised policy to avoid initiating litigation and also will prepare a revised policy statement to be ready for next year's Conference. There was no Conference vote taken on this AAWS proposal. The proposal stood.

The next day, after the close of the Conference, during the General Service Board meeting, AAWS produced this revised policy statement. Its first part specified that they expedite a prompt withdrawal of all pending court activity dealing with protecting our logo. The threat of losing the then current court battle with Friedman Co. stemmed from the earlier permission granted in the 70's.

Several weeks later the Fellowship was informed that we would discontinue using the Circle and Triangle logo officially and remove it from our literature. The reason given was to avoid confusion and/or implied affiliation with others using our logo, since its use outside AA was no longer challenged. A 5/24/93 letter from the General Service Board Chairman to the General Service Board requesting permission to give up the logo and for them to respond to this matter in 48 hours initiated this action. It was later found out that this had already

been activated by the GSO Services Director's signature on a legal "Consent Judgment" to Friedman and Associates on 5/13/93. Then, still later, it was discovered that AAWS knew before the 1993 General Service Conference that they were going to lose the court battle and, in fact, had to put the Circle and Triangle into the public domain as part of the agreement with the Friedman Co. AAWS did not inform the Conference of this fact or the General Service Board even though the Conference, as a whole, was looking into the issue of litigation.

The General Service Board Chairman formed another ad hoc committee in 10/93 to look at policies of copyright and trademark protection. This was an ad hoc committee of the General Service Board and made up of delegates, staff members, the GSO office manager and Service Director (fox in the hen house). This ad hoc committee recommended to the 1994 General Service Conference:

1) That AAWS follow the policy on identifying marks and copyright as guidelines until the 1996 Conference, allowing time for the Fellowship to consider the concerns surrounding this issue; and this policy be reviewed at the 1996 Conference.

2) The information and questions about these issues be furnished to the Fellowship at large and input be sought at the group level. Regional Forum workshops and delegate presentations within each Area could be possible avenues for dissemination of this information. Specific questions should include our society's responsibility to AA's intellectual properties, basic message and the AA name itself.

3) That litigation is a matter for thorough and cautious consideration and should not be undertaken without consultation with the General Service Board.

This was turned down by the General Service Conference by a vote of 89 to 30. Again, the Conference decided to 'trust' their trusted servants to do as they saw fit. (sigh)

Several delegates prepared a Censure of the General Service Board to present to the '94 Conference. The purpose of this measure of an 'official reprimand' was that it was felt the General Service Board, on many occasions, had not maintained enough over sight of AAWS, their wholly owned service corporation, as the Concepts suggest. They felt the Board had allowed AAWS to be the tail wagging the dog. However the General Service Board Chairman confided with 2 of the concerned delegates at the 1994 Conference, proposing a plan which he would present at the 1994 July Board meeting.

The plan was to appoint a liaison committee between the General Service Board and AAWS to oversee AAWS'' litigation activity. The AAWS Board rejected this plan when presented with it at the 1994 July General Service Board meeting. The General Service Board then took no action. News of the failure of this plan and the breach of trust that the General Service Board asked for at the end of the 1994 General Service Board Conference revived the Censure again. The Statement of Censure was mailed to the General Service Board with a dead line for response on 9/1/94. There was no response and the rest of the action is another topic.

In Feb. of 1995, the Maryland Area 29 sent the following item to be placed on the 1995 Agenda of the General Service Conference, "The Conference recommends that the General Service Board and its subsidiary Boards, AA World Services, Inc. and The AA Grapevine, Inc. initiate no litigation."
The request was turned down by the Trustees Conference Committee. It was brought up as a "Floor Action" at the 1995 General Service Conference by the then delegate from the Maryland Area. The Floor Action was voted down with a 'refused discussion.'

In Feb. of 1996, the Tennessee Area 64 made a similar request that "The General Service Board, AAWS and the Grapevine initiate no litigation and this request for a Conference Agenda item was turned down by the Trustees Conference Committee.

At the 1996 General Service Conference, panel 45/Area 65 Delegate made a Floor Motion, action #2, "Propose a Conference recommendation that the General Service Board and its subsidiary boards, AA World Service Inc. and The AA Grapevine, Inc. initiate no litigation regarding the protection of copyrights or trademarks. This Floor Action was voted down 123 to 1.

In Jan. of 1997, a past delegate from Area 65 submitted the following item to be placed on the 1997 Conference Agenda, "That the underlined sections, in the statements below, of paragraph 6 of Warranty Five of the 1994-95 AA Service Manual, page 72 and the 1st paragraph of Warranty Five, page 73, be footnoted/endnoted to indicate, "This no longer applies."

Warranty Five, pages 72 and 73, paragraph 6 and paragraph 8 respectively reads: "We have a saying that AA is prepared to give away all the knowledge and all the experience it has--all excepting the AA name itself. We mean by this that our principles can be used in any application whatever. We do not wish to make them a monopoly of our own. We simply request that the public use the AA name be avoided by those other agencies who wish to avail themselves of AA techniques and ideas. In case the AA name should be misapplied in such a connection it would of course be the duty of our General Service Conference to press for the discontinuance of such a practice-always short, however, of public quarreling about the matter."

This request for placement of this on the Conference Agenda was turned down by the Trustees Conference Committee.

This can be continued by the AZ Area.

They requested that the litigation issue be presented at the General Service Conference as a 'presentation topic.' This was refused last year and, I think, the year before by the Trustees Conference Committee. The Committee said that the then Chairman of the Board, Gary G. would be making a presentation at the 2001 General Service Conference stating AAWS's case 'for' litigation.

The following is a report by Tom J. from our New Your General Service Office followed by a response to the report from a Past Delegate:

(Edited for some spelling and spacing only)

LITIGATION

(OR, IF THE SUIT FITS, WEAR IT)

"Litigation," according to the *American Heritage Dictionary*, is simply defined as "Legal action or process." *Black's Law Dictionary*, with predictable ponderousness, describes it as a "Contest in a court of justice for the purpose of enforcing a right." In any case, to many "litigation" is synonymous with "lawsuit," and there is no particular benefit to distinguishing between the two terms here. Many of us have had some passing experience with litigation on a small scale: e.g., pleading "not guilty" to a parking ticket before a local traffic court; or exercising a right to a fair hearing before some governmental, administrative body in order to qualify for unemployment benefits; or seeking restitution for a minor loss by initiating an action in small claims court; and so on. Few, however, have been involved in lawsuits of any magnitude (except, possibly, divorce court, which seems to attract more and more litigants each year). Hence, the view of lawsuits most familiar to us is that which is portrayed on television - both as a dramatization and live coverage - with all of the attendant mystery and formality. The stakes are enormous: large sums of money in civil matters; and extended incarceration, or even death, in criminal matters. The perception available to us through the lens of the TV camera is indeed sobering - almost foreboding.

In reality, however, one of the great societal phenomena, one which evolved almost in lock-step with the evolution of man himself, was the development of a judicial structure. (Recall King Solomon sitting as a court of equity in order to determine the rightful mother of an infant). And with its development, individual notions of justice, equity and fair-play were gradually subsumed into a common understanding; rights, responsibilities and remedies became defined; and speculation, regarding these matters, was gradually replaced by codification - but in a way that allowed for flexibility and changing perspectives. Violence and self-help were no longer acceptable - nor necessary - as a means of settling disputes. There was a better way.

By the end of the twentieth century, at least in the United States, earlier constraints on access to the judicial process have been entirely eliminated. Hence, any citizen whether a natural person or a corporation (corporations, as creatures of the state, are considered citizens), has a right to avail himself, herself, or itself to our court process. Thus, today, in our fast-paced world of business and commerce, thousands upon thousands of differences, which were not susceptible to nay other attempts at resolution, are reconciled, daily, under auspices of our court systems. Three considerations ensure that, in almost all cases, the judicial process is, in effect, a court of last resort: litigation is expensive, both in direct expense and in the soft costs attributable to the diversion of resources necessary to support litigation; litigation is always a much more protracted process than out-of-court (without commencing litigation) solutions - indeed, in some instances where the matter is tried, a resolution may not occur for several years; and, most civil procedures codes provide for penalties in cases of spurious lawsuits.

Recently, respecting, A.A.'s involvement as a litigant, questions have been raised as to its acceptability - or even its permissibility - under the Traditions and Concepts. One member, for example, felt that A.A. simply should not appear in court, under any circumstances. I then described a recent event to him: A.A. World Services, Inc. (A.A.W.S.) was named as one of the defendants in a personal injury case in Louisiana, where the plaintiff was suing for millions of dollars, because of serious injuries he sustained at a local A.A. picnic: A.A.W.S. felt that it was improperly joined as a party defendant; A.A.W.S. then hired counsel, appeared in court, and successfully raised its defenses; and, if they had not done so, the plaintiff would have been awarded a substantial default judgment against A.A.W.S. The member agreed that, upon reconsideration, it is proper to defend ourselves when sued.

I then hypothesized the following 2 scenarios: A.A.W.S. purchases a $1 million computer that proves to be defective and not repairable. The manufacturer, who has provided A.A.W.S. with a warranty, refuses to honor it. All attempts at negotiations meet with failure, and it is clear that the manufacturer will not relent. A.A.W.S.'s attorney advises them that they would most likely prevail if they sued on the warranty. Should A.A.W.S. commence an action against the manufacturer or "eat" the $1 million (and, if $1 million seems like a small enough amount to "eat," change the facts so that the hardware costs us $2 million)?

In scenario #2, the real estate market takes a dramatic upswing, and A.A.W.S. has 9 more years on a lease at a very favorable rental. The landlord attempts to buy out our lease, but, for what he is willing to offer, moving would be far too disruptive to the continuity of services that A.A.W.S. provides to the Fellowship. One day, based on an alleged breach of the lease (which is, in fact, untrue) the landlord locks A.A.W.S. out of its offices, and threatens to have all of its property removed in the street. Should A.A.W.S. ask its attorneys to both obtain a restraining order from court to prevent further harm by the landlord, and commence legal action for re-entry into its premises? Here, too, the member conceded that, where A.A.W.S. was confronted with the loss of substantial sum of money, or unlawful ejectment from its offices - either of which events would seriously impair A.A.W.S.'s ability to provide those services which help carry the message - resort to the courts was appropriate.

However, it may be argued that, if A.A.'s Traditions and/or Concepts proscribe involvement in litigation, even as a defendant, then any such appearance, for any purpose, would be inappropriate. By failing to appear when sued, A.A.W.S.'s only defense would be a reliance on Providence. It does not require a great deal of foresight to see that such an extreme policy would be ruinous: one lawsuit, even where the claim was completely without merit, might result in the loss of all of our assets; and, our ability to provide necessary services would cease. Bill comments on such a narrow focus in Concept IX:

We shall surely suffer if we cast the whole job of planning for tomorrow onto a fatuous idea of Providence. God's real Providence has endowed us human beings with a considerable capacity for foresight, and He evidently expects us to use it.

The notion that A.A. ought to stand by, passively, while it is sued out of existence is, in my view, absolutely unsupportable. There remains however, the question of the appropriateness of A.A. initiating litigation.

According to the Conference Charter, the General Service Board (G.S.B.) ". . . is essentially custodial in its character." And, although it is entrusted with the custody of A.A.'s property, it is not an operating corporation.[1] The relationship between G.S.B. and A.A.W.S. is frequently described as analogous to a parent company (G.S.B.) and a wholly-owned subsidiary (A.A.W.S.), respectively, and that description is certainly sufficient for these purposes. As a by-product of that relationship, title to the bulk of A.A.'s assets is held by A.A.W.S., and those assets are comprised mostly of personal property (which includes money) and intellectual property (copyrights, trademarks, and service marks - A.A., at present, owns no real property). Additionally, the Grapevine has title to some of A.A.'s property). Thus A.A.W.S. is not only the fiscal agent for G.S.B., but, to the extent that it has title to A.A.'s property, it holds such title as an agent for G.S.B. In turn, the ultimate responsibility that G.S.B. has respecting such property interests is to oversee the property for the benefit of the Fellowship as a whole. Under the law, trustees are required to ". . . discharge (their) . . . in good faith and with that degree of diligence, care and skill which ordinarily prudent men would exercise under similar circumstances . . ."[2] In fact, the statute also provides that an action may be brought against a trustee for "(t)he neglect of, or failure to perform, or other violation of his duties in the management and disposition of corporate assets committed to his charge."[3] Indeed, Concept IV recognizes that ". . . the conduct of our world services is primarily a matter of policy and business." And, although " . . . our objective is always a spiritual one, (our) . . . service aim can only be achieved by means of an effective business operation. (The) trustees must function almost exactly like the directors of any large business corporation." Care must be taken, then, not to anticipate precisely the same action and perspective on the part of G.S.B., in the conduct of its business, as we would expect on the part of Conference participants, during the Conference. And there is no lesser a spiritual aim in either pursuit - the former has to engage in arms-length business transactions on a regular basis, while the latter operates within the protective environment of a "within A.A." activity. The nature of negotiation and compromise are frequently quite different in a purely business arena as compared to what happens during a Conference debate - and both are essential to our primary purpose. Competing interests, where both have positive attributes, are a fact of life in modern society: for example, does one's right to free speech permit the person to shout "fire" in a crowded theater, when there is no danger. The potential harm to life and property in the event of a stampede is deemed to outweigh the otherwise inalienable right of the individual to freely express himself. The Board, too, must reconcile its business activities and its legal responsibilities with the Concepts and traditions, on a *case-by-case basis,* such a responsibility cannot tolerate a perception limited to blacks and whites.

In his discussion or Warranty Five, in Concept XII, Bill illustrates his notion of public controversy by referring to how we avoid potential quarrels with the medical profession or the clergy by sticking to our primary purpose; or how we avoid contentious responses to those who would criticize or ridicule us. He notes here that we do not seek to publicly punish those who violate our Traditions, and we avoid engaging in public, intra-Fellowship disputes. Referencing Bill's admonitions to today's panoply of public issues, we can all appreciate that, as a society, A.A. has no opinion on the abortion issue, nor, indeed, on who would make the best governor of Louisiana - both of which are as controversial as they are public.

Bill's further commentary on Warranty Five is less precise in its meaning. For example, he makes it clear just how important the A.A. name itself is: we can ". . . give away all of (our) knowledge and experience . . . all excepting the A.A. *name* itself". He then goes on to point out how fortuitous it was that the Conference decided not to seek a "Congressional incorporation" for A.A. What Bill may have meant by "Congressional incorporation" is confusing, since, at the time the Concepts were written, G.S.B., A.A.W.S., and the A.A. Grapevine were already incorporated. Bill, whatever he may have meant by "Congressional incorporation," was ***not*** referring to the existing boards. Additionally, what seems to be implied by the commentary is that, concomitant with such "Congressional incorporation," would be the power to sue. And, ". . . the power to sue would be a dangerous thing for us to possess." Indeed, the statute pursuant to which G.S.B., A.A.W.S. and the Grapevine were all incorporated, provides, as to each of A.A.'s corporations, that it ". . . shall have power . . .to sue and be sued in all courts and to participate in actions

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1 Concept VIII

2 New York State Not-For-Profit Law, Section 717.

3 Id., Section 720

and proceedings, whether judicial, administrative, arbitrative or otherwise, in like cases as natural persons."4

Before seeking to reconcile these apparent inconsistencies, certain facts must be noted: the first of A.A. trademarks was registered in 1956, well before the Concepts were written; each of the books written by Bill, prior to his development of the Concepts, and each pamphlet published for sale, during the same period, was registered with the Copyright Office. There are no valid purposes for registering copyrights, trademarks and service marks other than to put the world on notice as to ownership, and to provide an enhanced legal basis for defending against infringement. Should we really accept the notion that, if someone had flooded the market with pirated Big Books - whether before or after the Concepts were written - that the Board would have, or should have, failed to take legal action, if necessary, in order to halt the infringement? Would such an unlawful infringement have been acceptable if, thereby, there was insufficient income to support A.A.'s vitally-needed services? Or, would such an event have been acceptable if the pirated version substantially modified our message? Without trying to answer these hypotheticals specifically, I think that it is amply clear that the board(s) would have to have the latitude to decide what course of action to take - including an infringement action, if indicated. If the board(s) decided to initiate legal action, they would assume the obligation to take whatever steps necessary to avoid the lawsuit from developing into a "public controversy." And, such an objective ought not to be difficult of achievement: with the thousands of legal actions suffocating court calendars on a daily basis, it is almost presumptuous of us to assume that our affairs, in this regard, would rise to the level of public interest, much less public controversy. Indeed, for the boards to avail themselves of the judicial process, where indicated, is not a resort to some sleazy, unsavory, non-spiritual business practice, as one member implied; rather it is to enjoy the full range of benefits that the state provide for all of its citizens.5

Today, we have learned that, in some countries, the first one to register a trademark (the name "Alcoholics Anonymous," for instance) owns it. In consequence, there was reason for concern when, in 2 instances, a bogus A.A. was starting to develop alongside of the bonafide entity. Hence, a few years ago, we encouraged all those attending the World Service Meeting to register our marks, on our behalf, in their respective countries - especially the name, "Alcoholics Anonymous." and the mark, "A.A." Again, what would we do if a similar problem occurred here? Does the board have a responsibility for taking appropriate steps to pressure the fellowship, its message, and its assets for the alcoholic seeking help or not? Concept VI states that the boards ". . . are the active guardians of our Twelve Traditions; Concept III asks that ". . .we . . . trust our responsible leaders ***to decide***, within the framework of their duties, ***how they will interpret and apply their own authority and responsibility to each particular problem as it arises***(emphasis in original); "and, Concept X states that "(e)very service responsibility should be matched by an equal service authority. . ."

In view of the foregoing, one must conclude, then, that the most reasonable construction of Bill's commentary in Warranty Five provides that we always seek to avoid public controversy; that A.A., the spiritual entity, ought not be incorporated and become a legal entity, and ought not have the power to sue. That is, Bill's reference and concern is directed to the Conference and the Fellowship or society of Alcoholics Anonymous, and ***not*** to the existing boards. It is impossible to apply any such naked restriction on the boards' power to sue (or undertake any other legally permissible action) and, at the same time, have any expectation of reconciling Concept XII with Concepts I through XI - such a narrow interpretation would present an impassible barrier to any attempt at harmonizing the Concepts.

Tom J. G.S.O.

(Response to Tom J.'s article)

LITIGATION

(OR, THE PARADOXICAL NATURE OF "RIGHTS")

--By Dennis B. – Past Delegate Panel 41, Area 36

This writing comes in response to a written report entitled "Litigation: Or, if the suit fits, wear it." This report was provided for the Long Range Planning Committee of the A.A. General Service Board at the November 1991 meeting. In order to respond in a more understandable manner, a copy of that report has been reproduced with line numbers and is attached.

The "subtitle" of the paper under consideration, in line 2, while indicating an interesting sense of humor, also evidences a blatant disregard that smacks of either smug complacency or outright egoism. In any case, it appears the writer cares little for the threshold over which the reader must traverse in considering the matter at hand. To invite your reader to engage in a debate is an altogether poor approach to a sensitive issue.

In lines 6 - 9 we are treated to a definition of the title word, litigation. It is interesting to note that the definitions quoted are of the most benign nature. In a brief review of four dictionaries, including those noted, the words "contest" or "controversy" appear in all but the one preferred by the author.

Barron's Law Dictionary, Copyright 1991, contains the definition that finds the most widespread use within

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4 Id., Section 202 (a) (2)

5 We, of course, have taken full advantage of the opportunity to be tested as a non-profit organization, as to all 3 of A.A.'s corporations.

Alcoholics Anonymous. It defines "litigation" as: *a controversy in court; a judicial contest through which legal rights are sought to be determined and enforced. The term applies to* ***civil actions****. 34 Federal Supplement 274, 280*. When one considers the term in the context of this definition, the resultant perspective is considerably altered from that invited by the report to the committee.

The discourse intended to describe the perception of the average person is adequate to that particular task. Unfortunately, for the writer, it is not the public at large we are interested in. The concern expressed by AA members comes not from a poor understanding of lawsuits. It finds its genesis in the understanding AA members have of controversy.6 How many times we remember charging off to do battle having thought little about the resultant discord. With amazing consistency we found ourselves awestruck when the full impact of our willingness to champion a cause left us standing among the ruins.

We drunks probably know more about what drives a person, or institution, to engage in litigation than most people. That self-righteous sense that we must be treated fairly permeates our past, and to some degree present, lives. The attitude of possession is also a hallmark of ours. And so, too, we know how slowly the realization dawns that, even though we had won the victory, we had lost all that really had value. The first paradox being that as we excessively protected that which we felt was ours, we increased its value to those who would take it from us. And so, rather than presenting a defense - we created a desire.

The next two paragraphs, lines 24 through 48, provide us with a rather prejudiced view of world experience which, not surprisingly, results in a code of ethics administered by a reasonable judicial system. One which, it is implied, had its basis in religion. It is, however, not the intent of this response to address the origination, composition or actions of the U.S. court system. The temptation to pick up the lance and tilt at the windmill of "origins" is certainly there. We will, however, forego it at the moment because it has no bearing on the question before us. In any event, it is a task best left to those within the legal system - should they wish to do so.

Upon reaching line 50, one is pleased to finally be at the real matter; "should Alcoholics Anonymous enter into litigation in defense of its copyrights and trademarks?" The description is of a situation that is common to many who have been involved in service work for some time. When we do not communicate, to our members, the nature of our efforts on their behalf they tend to overreact. For anyone to say that A.A. should never be in court is as ludicrous as the idea that we should always be in court.

The two following paragraphs are in the same vein. The idea is to present this adversarial member with scenarios which can only be answered, reasonably, in a manner that agrees with the point of view of the person posing the question. There are two important points which are alluded to, in this portion of the paper, which ought to be stated clearly. First, there are a significant number of A.A. members who confuse simplicity with simplemindedness. In so doing they respond to far-reaching issues with characteristically shallow thinking. In fewer words; under-thinking plus overreacting equals a simpleminded approach. In this illustration we see it evidenced by the A.A. member in his perspective in lawsuits. It ought not come as any great revelation when we bump into it on the other side of the fence as well. Just like alcoholism, poor judgment is no respecter of a persons position, responsibility, or even intelligence.

Secondly, Alcoholics Anonymous needs to follow some advice given centuries ago. It was given when the question was also one of how to participate in society without losing ones principles. "Give unto Caesar the things that are Caesars', and unto God the things that are Gods" was the advice of that time, and it still holds true today. The point, then, is well taken that Alcoholics Anonymous will need to make some use of legal process <u>at some times</u>.

The text in lines 85 through 101 is, again, a welcome and refreshing return to the real matter at hand. The final point in this section is also well taken. It would be contrary to spiritual laws to simply lay down the life of a fellowship out of some misplaced sense that this constitutes a non-controversial approach to life. Somewhere in our literature the point is made: ". . . both God and nature abhor suicide." The quote from Bill, concerning foresight, stands as an important signpost here. We will return to it later in this paper.

We move now to lines 118 - 125. The inference here is that by not entering into litigation on trademark or copyright "violations", the Trustees would be negligent. The sledgehammer used to drive home this particular viewpoint is the specter of a lawsuit against the trustees which would maintain they had not ". . . discharged (their) . . . in good faith and with that degree of diligence, care and skill. . ." in failing to enter into litigation.

By this point in the report, it is painfully clear that there is only one point of view which is acceptable to the author. Therefore, in the section previously noted we find absolutely no reference whatsoever to an exchange of perspective between the board and the conference. This should come as no surprise since the willingness to engage in litigation, without consulting widely as to the implications within the fellowship, has been clearly seen.

As a matter of fact, for the trustees to engage in legal action which might bring the organization they represent into conflict with its own principles might well form a basis upon which

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6 "We ceased fighting everyone and everything" - Big Book
"Nobody loves to controvert more than us drunks." - Bill W.

legal action could be considered. The failure to consult, or invite comment, could be seen as "lack of diligence" in some circles. I want to be very clear, here, that the preceding statement is not intended as a threat. As is pointed out in the example noted in lines 135 - 138, one need not exercise a possible action simply "because it's available." By that, I mean the trustees do not need to agree to enter into litigation simply because they have it available to them as trustees of a legally incorporated entity.

From line 126 to line 141 the report sets the tone, and makes a case for, the idea that the board is somehow on a different plane of existence than the members of the conference or the average A.A. member. The "triple threat" to any society comes when a significant segment of that society begins to cry, "We are different," "You don't understand," and "It's our right." History is replete with societies whose decline began with just such cries from those who would lead them.

One can't help but wonder, by this point in the report, whether the author has forgotten who constitutes the makeup of this Fellowship. There is perhaps no group of people who have used those exact phrases to any greater extent. Time and time again we uttered those words to anyone who would listen. We were engaged in an all out attempt to be able to drink with impunity. So, too, there seems to be a desire here to be able to "sue with impunity."

The narration begun on line 143 and ending on line 152 is, again, of a particularly myopic viewpoint. It certainly encompasses the "issues" perspective of entering into controversy. It does not, however, mention an example which speaks more directly to the matter at hand, i.e. copyrights and trademarks. As a part of the discussion on controversy in A.A. Comes of Age[7], Bill notes the following:

"Considering how most of us have really loved controversy, this denial of the privilege of attacking something or somebody in public is no small achievement for the naturally aggressive people that we are. To make our survival as a fellowship sure, we have often gone far in the opposite direction. Years ago, for example, we stood in great fear of the misuse of the A.A. name by A.A.'s and outside groups who wanted to use it for their own money-raising, controversial, or publicity purposes. And we reflected that the bigger A.A. grew, the greater the temptation would surely be. Therefore we felt we had to find a way legally to protect the precious name of our society.

Certainly this is the context in which we currently find ourselves. The prospect which gives birth to the idea of litigation, as an effective deterrent, addresses itself directly to the development of a way to protect our name (i.e. integrity and relevancy). A most worthy and responsible exercise of ones duty.

The review of incorporation and its legal ramifications contained in lines 154 - 169 indicates, to this writer, a lack of understanding of both legal matters and A.A. principle. The supposed "confusion" about the intent of Bill in Warranty Five is nothing more than a smoke screen setting the stage for later comments.

As a matter of fact, the quote noted on lines 155 - 157 is provided as an "A.A. saying" in the A.A. Service Manual. That portion of Warranty Five is explicit in describing how we might relate ourselves to this concern[8]:

"We have a saying that "A.A. is prepared to give away all the knowledge and all the experience it has -- all excepting the A.A. name itself." We mean by this that our principles can be used in any application whatever. We do not wish to make them a monopoly of our own. We simply request that the public use of the A.A. name be avoided by those other agencies who wish to avail themselves of A.A. techniques and ideas. In case the A.A. name should be misapplied in such a connection it would of course be the duty of our General Service Conference to press for the discontinuance of such a practice -- always short, however, of public quarreling about the matter. (Underlining mine)

I find it difficult to miss the real meaning of this piece of writing. We ought not *give* away our name, but we do realize there are those who might attempt to *use* our name for their own purposes. Anyone who professes to know a bit about law and legal process ought to be cognizant of the fact that one party using, or possessing, something does not necessarily mean they came by it through the act of giving.

Moving on to the supposed confusion about "Congressional incorporation" (lines 158 - 164) provides yet another example of myopia. Incorporation, for those who have studied law history, as is alluded to earlier in the report, was initially done as a matter of legislation. In that sense it was, in effect, both narrow and conservative. The incorporation we enjoy today is of a much broader and more "liberal" manner.

First of all, the correct nomenclature here is a "Congressional Charter[9]. The reference, then, was to a legislative action which would establish Alcoholics Anonymous as a "nation within a nation." In that sense, each group of Alcoholics Anonymous would have legal powers and be a subsection, or sub state, of the Society. This, of course, is where the reference to lawsuits has its greatest implication in this illustration. Imagine, if your heart will stand it, all our groups having the power to sue. To say that chaos would result is not unlike describing the sky as "blue." It does state the case, but it certainly doesn't come near indicating the breadth of the

[7] A.A. Comes of Age, page 125, ¶ 3

[8] A.A. Service Manual, page 72, ¶ 5

[9] A.A. Comes of Age, page 126, ¶ 3

experience. This is all alluded to in Bills description in A.A. Comes of Age.

In lines 165 to 169 we are told that the board(s) indeed has the power to sue. As noted earlier, having the power to take an action does not require that action be taken. That is unless one wishes to conform to a "cranky-minded" mentality, as described by William James10; "What shall I think of it?" a common person says to himself about a vexed question; but in a 'cranky' mind "What must I do about it?" is the form the question tends to take." It would appear that the writer of the report wishes us to remain as collectively 'cranky-minded' as we were before our entry into Alcoholics Anonymous.

To paraphrase an old A.A. saying "there is a solution." Bill provides us with the following experienced-based suggestion11:

"The Conference thought we ought to forget about the questionable advantages of legality and controversy and rely upon group and public opinion for our ultimate protection. After long debate, we at the Headquarters saw that the conscience of Alcoholics Anonymous, acting through the delegates, was wiser than we were. So the Congress of the United States was never asked to incorporate A.A."

It is interesting that the committee recommendation that contained the conferences feeling on this matter, also contained the following quote12: ". . . keeping in mind the high purpose of the General Service Conference as expressed by the Chairman last year when he said, "We seek not compromise but certainty," your Committee unanimously recommends that Alcoholics Anonymous does not incorporate."

The Conference, it would appear, felt that this solution was something rather concrete and not something nefariously arrived at. A case might also be made that there was evidence of more trust in a Power Greater than ourselves which did not have to pass anyone's Bar Exam.

Again, the idea that one takes responsible action only in order to position oneself on more advantageous legal ground surfaces in lines 175 - 178. There appears to be absolutely no recognition of the spiritual advantage of carrying out those responsibilities *to oneself or ones own fellowship,* the indication of a positive sense of self. Certainly we registered trademarks and copyrights while Bill was with us. Let us not forget that we also **forgot** to reapply for the copyright to the original Big Book. Using the inference made by the author in this context, we would then 'forget' to reapply for those same rights as they came due.

As a matter of act, when it comes to the lost copyright to the First Edition, we have an excellent example of how much we have to fear. The very suggestion provided by the conference in its deliberation previously noted was used to good effect. To be sure, some books were sold by those who had reproduced the First Edition. The potential impact of this has been virtually nonexistent.

The real import of that experience was really in the realm of financial support. While the 'party line' was a concern for the misuse of our basic text, a very strong case could be made that it was simply a matter of lost publishing income.

The previously described simplemindedness surfaces in lines 189 - 191. To suggest that because the U.S. court system is overburdened with cases at the moment, we have little to fear from public controversy surfacing around AA initiated litigation stands as a prime example of under-thinking. To say that this would be an exercise in "casting ourselves and our future on some fatuous idea of Providence" is an understatement of the highest order.

I would also agree that the use of the judicial process does not necessarily imply that the business at hand is sleazy, unsavory, or unspiritual. However, when the legal process is used contrary to the wishes of those concerned, or the public at large (which in this case would be the A.A. Fellowship), and that use is not widely communicated, then I think it reasonable for those involved to be described as having an attitude which incorporates those uninviting traits.

The cry, "We have the right!" is presented again in lines 204 - 212. Certainly the board has the right to decide and execute. I don't think that anyone has seriously challenged that aspect of the current situation. The members of the Fellowship, who have commented, to the best of my knowledge have done so in the vein of correcting an action or decision already made.

It is here, however, that we find the paradox of 'rights'. Just as the author of the report being responded to demands that the board have the 'right' to decide whether to sue or not, so too, those who are of a different opinion demand their 'right' to appeal the decision.

Now we can see, in stark relief, why the ability, or desire, to sue is so intrinsically tied to controversy. Another way to state the case would be to say, "whenever someone draws a line of responsibility, authority or property they provide the opportunity for polarization." To restate an earlier point: "in presenting a defense against loss of our logo, we create a desire to take it from us.

The final paragraph, lines 214 - 223, is simply 'more of the same'. The entire report has been one rife with myopic and unimaginative views. It is absolutely amazing to think that someone would associate an A.A. board's unwillingness to enter into litigation as contrary to the spiritual principles

[10] Varieties of Religious Experience, Lecture I
[11] A.A. Comes of Age, page 126 - 127
[12] A.A.Comes of Age, page 127, last paragraph

described in the Twelve Concepts. And yet, that is the suggestion of the author of the report. (Lines 222 -223)

This has been a lengthy reading and my hat goes off to those who have been able to wade through it. Certainly there has been a strongly presented opposition to the viewpoint presented in the report reviewed. It is hoped that this will serve to broaden the range of perspectives considered. And, most importantly of all, invite further comment on the question of litigation to protect our copyrights and trademarks.

I would suggest one more consideration. We may do well to peruse the experience our friends in religion have had with symbols and symbolism. For centuries they have valiantly fought the battle to retain the validity of their 'marks,' and often going to lengths much greater than courts of law. To what degree of success? Have their 'logos' retained the integrity they fought for, or have they lost sight of the reason for the symbol - only to get caught up in the battle to preserve it?

Perhaps the lesson is that when we fight to preserve that which we think will bring people toward us; we unknowingly provide a barrier against our hearing their plea for help, all the while robbing ourselves of the time to extend an invitation to come join us.

And finally I would like to include this very moving letter by a past Regional Trustee to the members of the General Service Board from the Archives of the GSO Watch website, now hosted by the AAMO website. He was the only Trustee to visit and meet with members of Section Mexico.
Dennis M. Co-Editor

July 19, 1995 letter to the members of the General Service Board.

June 19, 1995

TO: The General Service Board
FROM: Jacob H.
RE: Seccion Mexico

Dear Board,

I would like to report to you on my recent trip to Mexico. I will be writing a more formal report to the Fellowship later this summer. For now, I would like to share a few moments of that incredible weekend spent with fellow A.A.'s.

I was invited to speak by Seccion Mexico members. J. and I arrived in Talazacala (a two hour drive from Mexico City) about 10:00 AM. There were about 300 or more people registering. I thought, about right for a Regional Forum. Then they started to come - they came 6-8 in the back of old pickups - they came in overcrowded and overheated buses - they came on foot and they came by car. When the Service Round-up started at noon four thousand people were in the armory. And, believe me, they didn't come to hear me! This is the normal amount present at their Service Round-ups.

There was no need for preliminary presentations describing the functions of various Boards and GSO. It was obvious from the fact that almost every GSR and DCM carried a well worn and much used Service Manual. These servants knew exactly what the GSO and the Service Boards were about. A wonderful weekend ensued. On Saturday, June 10, reference was made to the fact that 60 years ago, on that very day, our AA Fellowship began. The moment of incredible spiritual emotion came at precisely 4:00 PM on Sunday Afternoon. The lights were turned out and 4,000 candles were lit to commemorate July 3, 1955, at 4:00 PM when the Alcoholics Anonymous was turned over to the Fellowship at the Convention in St. Louis.

On the previous Friday we had a tour of their General Service Office. We were introduced to the various Staff members from GSO and "Dimension" Magazine. Our constant companion was Alberto P. who serves as their "Dimension" Magazine Controller. From the General Manager to the Grapevine Editor, Staff and all the others involved, responsibilities were shared. It was most interesting to note that the Financial Statement showed that the groups fully supported their GSO. There was no income from literature.

A poignant moment was a visit to their little literature room. It was all but empty. This brought to mind the amount of literature produced by our GSO. It brought to mind the amount of literature that our Intergroups/Central Offices carry. The literature room in a GSO, which services 30,000 alcoholics, was almost empty. As you are aware, their literature was confiscated by the Police. It was then put in a building with guns, narcotics, and so on. This is where the A.A. literature message is in Seccion Mexico today. There were some pamphlets that were in transit and had not been impounded by the Federals. These were taped and officially stamped so no one would use them. They even have no access to their own General Service Conference reports, which were bought and paid for by their own groups because it had the name Alcoholics Anonymous on it and they are not allowed to use the name.

On Saturday night we had a meeting with the Delegates, Trustees and Chairman of the General Service Board. I will go more into this at a later writing but I would like to share one particular incident. All the Delegates there were very well versed in our A.A. Service Manual, Traditions and Concepts. One Delegate, who quoted various Concepts, Conference Charter passages and Traditions pertinent to their situation, asked how could this have happened; how could the General

Service Conference in the USA/Canada not address this issue? I had to honestly tell him that the General Service Conference in the USA/Canada did not care.

These hardy souls - some 2,500 groups (now over 3,500 groups—Ed) and about 30,000 members carry the message but without the sustaining message of the literature. Alcoholics will die this night in Mexico City and towns throughout Mexico.

This is not about legalities, business practices, licensing agreements, By-Laws or Conference Charters. This is not about 'controlling' countries by dictating to them that there shall be no autonomy to decide their service structure. What this is about is at the very spiritual foundation of Alcoholics Anonymous world wide. It is about the fact that the literature of Alcoholics Anonymous belongs to the World Wide Fellowship of Alcoholics Anonymous. No member or Group should be denied literature because of restrictive distribution practices or exorbitant prices.

Concept Nine delineates the General Service Board as the leaders of AA World Wide. In that capacity you have the authority to resolve this tragedy taking place in Mexico. If you do not then I can only assume you are prejudiced or that you have made a decision as to who is AA and who isn't.

As you dine in opulent splendor at the Hotel Coronado and accept the accolades from the stadium throng, perhaps you might ponder a moment to consider the terrible injustice happening in Mexico.

In Service,
Jacob H. - Past Northeast Regional Trustee

Seccion Mexico 1995 Conference

To see more information on the lawsuits in Mexico go to:

http://gsowatch.aamo.info/mex/index.htm

To see information on the German lawsuits go to:

http://gsowatch.aamo.info/ger/index.htm

Please send any comments, General Service reports concerning minority opinion issues, questions, or any other communications to:

oppf@aamo.info

We are very grateful to http://aamo.info/ for hosting our newsletter.

"In granting this traditional "Right of Appeal," we recognize that minorities frequently can be right; that even when they are partly or wholly in error they still perform a most valuable service when, by asserting their "Right of Appeal," they compel a thorough-going debate on important issues. The well-heard minority, therefore, is our chief protection against an uninformed, misinformed, hasty or angry majority."

(From Bill's comments on Concept V "The Right of Appeal.")

Thank You,

Dennis M.
OPPF Co-Editor