

FREEDOM FROM RELIGION *foundation*

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May 31, 2011

**SENT VIA FAX & U.S. MAIL
(916) 323-5341**

Attorney General Kamala D. Harris
California Department of Justice
Attn: Public Inquiry Unit
P.O. Box 944255
Sacramento, CA 94244-2550

Registry of Charitable Trusts
P.O. Box 903447
Sacramento, CA 94203-4470

Dear Attorney General Harris:

There are numerous calls for apologies by victims of Harold Camping's "Rapture" crusade as well as those of us concerned on behalf of the untold numbers of people he and his organization duped. Our organization seeks to hold Camping accountable in a more tangible way: We ask you to investigate Camping's 501(c)(3) non-profit organization, Family Stations Inc., for fraud and deceit. The Freedom From Religion Foundation (FFRF) is a national nonprofit organization with over 16,500 members across the country, including over 2,400 in California. Our purpose is to protect the constitutional principle of separation between state and church.

Family Stations Inc. is an umbrella for Camping's religious projects, including a radio show broadcast worldwide and streaming online, an online repository of religious commentary, and the distribution of sectarian tracts and pamphlets. Through these endeavors, Camping convinced droves of his loyal listeners and adherents that the end of the world was rapidly approaching and that people had only until May 21, 2011, to "find" religion. He capitalized on their fears and enlisted their pocketbooks in order to spread his doomsday message to the rest of the world, spending more than \$100 million on billboards, a fleet of ad-wrapped RVs, and other advertising, according to a Family Radio employee.¹

We understand that Family Stations Inc., maintains that the primary source of the \$100 million was the liquidation of property owned by the nonprofit,² whose reported donations totaled more

¹ Caitlin Dickson, "Harold Camping Spent Around \$100 Million on Rapture Ads," The Atlantic Wire, May 24, 2011, <http://www.theatlanticwire.com/national/2011/05/harold-camping-spent-100-million-on-rapture-ads/38089/>.

² Ibid.

than \$18 million in 2009 — well before his Rapture campaign reached its zenith.³ It is not unreasonable to believe that at least that amount comprised part of the total advertising budget in 2010 and 2011. There are media reports of dozens of Camping's followers who liquidated their own assets to contribute tens and sometimes hundreds of thousands of dollars to Camping's organization, convinced (by Camping) that they would have no need for the money or material goods after May 21 and that they were needed by Family Stations Inc., in order to advertise for the proclaimed Rapture.^{4,5} Others incurred thousands of dollars in debt through extravagant purchases and family vacations, allegedly convinced (by Camping) that they should enjoy the world before its impending destruction.⁶ Some quit their jobs, sold or abandoned their homes, packed their families and moved in preparation for the "end of the world."⁷

Tragically, there are even reports that some of Camping's followers committed suicide to avoid the terror promised by the Rapture stories.⁸ A Florida man drowned in California as a result of his Rapture-related delusions, according to detectives, and in doing so, he pulled family members into the cold waters, endangering their lives as well.⁹ Perhaps one of the most horrifying stories related to the Rapture predictions comes from California, where a woman slit her children's throats and then her own in order "to prevent them from suffering through [the Tribulation]."¹⁰

In addition to those who have come forward, one can only imagine how many have thus far remained silent due to the embarrassment of losing their financial security as a result of their loyalty to a false prophet.

While questions remain as to the allocation of donations made to Family Stations Inc., Camping's victims should not be made to wait for the organization's 2010 California tax returns and Form RRF-1, which will not be available to the public until November 2011. The California Attorney General's Office has a duty to protect the public from predatory charities, and we hereby request that the Charitable Trusts Section investigate and, if appropriate, take legal action against Family Stations Inc., for its potential fraudulent misuse of charitable assets.

We ask that the Attorney General's Office also investigate potential legal action under the deceit provisions of California's Civil Code §§ 1709, 1710, and 1711, relevant portions reproduced as follows:

³ According to the IRS form 990 for Family Stations, Inc., available at <http://foundationcenter.org/findfunders/990finder/>.

⁴ "Rapture Hangover: Can Harold Camping Come Out To Play?" Gothamist, May 22, 2011, http://gothamist.com/2011/05/22/rapture_hangover_where_the_hell_is.php.

⁵ Matthias Gafni, "An Insider's Look at Family Radio and Its Leader Harold Camping," KansasCity.com, May 20, 2011, <http://www.kansascity.com/2011/05/20/v-print/2890976/an-insiders-look-at-family-radio.html>.

⁶ Annalyn Censky, "May 21 End of the World: Harold Camping's \$72M Business," CNNMoney.com, May 19, 2011, <http://money.cnn.com/2011/05/19/news/economy/may-21-end-of-the-world-finances-harold-camping/>.

⁷ Matthias Gafni, "An Insider's Look at Family Radio and Its Leader Harold Camping."

⁸ "Teen Kills Herself Ahead of Foretold Rapture," Associated Content from Yahoo! - RT, May 25, 2011, http://www.associatedcontent.com/article/8089625/teen_kills_herself_ahead_of_foretold.html?utm_source=feedburner.

⁹ Matthias Gafni, "Florida Man's Drowning in Antioch Lake Related to Rapture Prediction, Detective Says," Contra Costa Times, May 25, 2011, http://www.mercurynews.com/top-stories/ci_18140764?nclick_check=1.

¹⁰ "Cops: Woman Tries to Kill Children, Self to Avoid 'the Tribulation'" KTLA News, March 19, 2011, <http://www.ktla.com/news/landing/ktla-palmdale-woman-attempted-murder,0,3939586.story>.

- §1709 – One who willfully deceives another with intent to induce him to alter his position to his injury or risk, is liable for any damage which he thereby suffers.
- §1710 – A deceit, within the meaning of the last section, [is] (1) The suggestion, as a fact, of that which is not true, by one who does not believe it to be true.
- §1711 – One who practices a deceit with intent to defraud the public, or a particular class of persons, is deemed to have intended to defraud every individual in that class, who is actually misled by the deceit. Cal. Civ. Code § 1709-1711.

Few of Camping's devoted followers questioned his sincerity, taking him at his word that he truly believed that the Rapture would occur on May 21, 2011, sweeping the believers off to heaven before the world ultimately ended. However, Camping's actions suggest otherwise. What his conduct reveals is a man confident that the world would remain come May 22, for otherwise, what would lead his organization to request an extension in Minnesota to file their nonprofit paperwork on Nov. 15 rather than the original July 15 due date (which falls a full 55 days after the alleged Rapture was to occur)?¹¹ Media interviews with employees of Family Stations confirm that they were operating under standard procedures in the weeks and days leading up to May 21 and fully expected to come to work on Monday, May 23, and program producers took no action to modify their scheduled work.^{12,13}

We also ask that the Attorney General's Office investigate potential legal action under California's Civil Code §§ 1573, which defines constructive fraud as

any breach of duty which, without an actually fraudulent intent, gains an advantage to the person in fault, or any one claiming under him, by misleading another to his prejudice, or to the prejudice of any one claiming under him. Cal. Civ. Code § 1573.

Camping, as the principal officer of Family Stations Inc., owes a fiduciary duty to the contributors harmed by his solicitation and advertising campaign. (See Cal. Bus. & Prof. Code § 17510.8¹⁴) Additionally, we ask that the Attorney General's Office investigate potential legal action under California's Business and Professions Code § 17500¹⁵.

¹¹ Annalyn Censky, "May 21 End of the World: Harold Camping's \$72M Business."

¹² Ibid.

¹³ Matthias Gafni, "An Insider's Look at Family Radio and Its Leader Harold Camping."

¹⁴ "Notwithstanding any other provision of this article, there exists a fiduciary relationship between a charity or any person soliciting on behalf of a charity, and the person from whom a charitable contribution is being solicited. The acceptance of charitable contributions by a charity or any person soliciting on behalf of a charity establishes a charitable trust and a duty on the part of the charity and the person soliciting on behalf of the charity to use those charitable contributions for the declared charitable purposes for which they are sought. This section is declarative of existing trust law principles." Cal. Bus. & Prof. Code § 17510.8.

¹⁵ It is unlawful for any person, firm, corporation or association, or any employee thereof with intent directly or indirectly to dispose of real or personal property or to perform services, professional or otherwise, or anything of any nature whatsoever or to induce the public to enter into any obligation relating thereto, to make or disseminate or cause to be made or disseminated before the public in this state, or to make or disseminate or cause to be made or disseminated from this state before the public in any state, in any newspaper or other publication, or any advertising device, or by public outcry or proclamation, or in any other manner or means whatever, including over the Internet, any statement, concerning that real or personal property or those services, professional or otherwise, or concerning

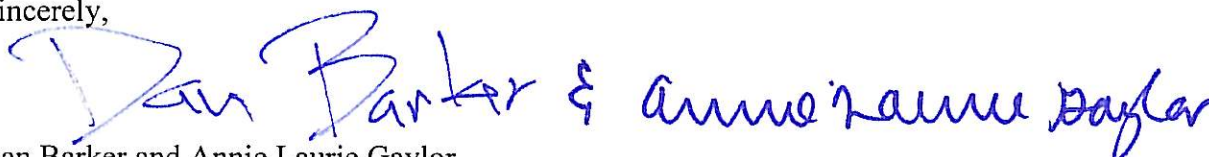
Camping's actions and the actions of Family Stations seem to show that they neither behaved nor conducted business as if they sincerely believed that the world would end on May 21, and they continued to solicit donations up to, on and after that date. This willful deception removes it from the purview of entanglement doctrine protection, as the Attorney General and the courts will have no reason to delve into the interpretation of the laws, policies, or practices of Camping's religion. *Hancock v. The True and Living Church of Jesus Christ of Saints of the Last Days*, 2005 UT App 314; 118 P.3d 297; 529 Utah Adv. Rep. 33 (2005). Camping did not commit deceit and fraud in being wrong about the date of the Rapture; the question to be determined is whether he may have committed deceit or fraud in persuading his followers to donate often large sums of money to his organization based on a claim — that the world would definitely end on May 21, 2011, and that he needed to advertise this "fact" — while objectively conducting his business as though he knew it to be untrue.

The magnitude of the devastation wreaked upon the lives and livelihoods of Camping's and Family Stations' followers warrants attention by the office charged with protecting the public against the illegal actions of corporations and nonprofits. We urge you to investigate the actions and finances of Family Stations Inc., and evaluate whether further action under California's Civil Code §§ 1709, 1710, and 1711; California's Business and Professions Code §§ 17500 and 17510.8; or any other pertinent sections of California law would be appropriate in this matter.

If self-proclaimed "prophets" are fraudulently enriching their coffers at the expense of their impressionable members, the Attorney General's Office must take action.

We respectfully request a response, in writing, at your earliest convenience, and we appreciate your prompt attention to this matter.

Sincerely,



Dan Barker and Annie Laurie Gaylor
Co-Presidents

any circumstance or matter of fact connected with the proposed performance or disposition thereof, which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading, or for any person, firm, or corporation to so make or disseminate or cause to be so made or disseminated any such statement as part of a plan or scheme with the intent not to sell that personal property or those services, professional or otherwise, so advertised at the price stated therein, or as so advertised. Any violation of the provisions of this section is a misdemeanor punishable by imprisonment in the county jail not exceeding six months, or by a fine not exceeding two thousand five hundred dollars (\$2,500), or by both that imprisonment and fine. Cal. Bus. & Prof. Code § 17500.