

MIQDASH BETHEL COVENANT ASSEMBLY

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WITNESSES TO THE WOUND

A Covenant Investigation into the Exploitation of the Zamar Carriers

100 Years of the Music Business on Trial

Report No. 23 of an Ongoing Series

BADFINGER

Pete Ham (1947–1975) · Tom Evans (1947–1983)

The Emptied Escrow — Two Suicides — One Man Who Bragged About It

Signed to Apple Records 1968 by the Beatles — hired Stan Polley without a lawyer reviewing the contract — Polley collected \$75,744 in one year while the four band members combined received \$27,370 — signed \$3 million Warner Bros. deal and received nothing — Polley emptied the escrow account and disappeared — album pulled from shelves while selling 25,000 copies per week — Pete Ham: mortgage, pregnant girlfriend, salary cheques stopped, could not reach Polley, hanged himself at 27 — Tom Evans: \$1 million in frozen royalties he could see but not touch, hanged himself at 36 — Polley: no prison time, died 2009 in Rancho Mirage, age 87

March 2026 · Kepha Arcemont, Elder and Founder

SECTION ONE — THE GIFT: WHO YAHWEH MADE THEM

Biography: Four Welsh Boys Who Wrote a Standard and Were Destroyed for It

The band that would become **Badfinger** formed in **Swansea, Wales in 1961 as the Panthers**, later renamed the Iveys. Pete Ham was born April 27, 1947, in Swansea. Tom Evans was born June 5, 1947, also in Swansea. Mike Gibbins was born March 12, 1949. When Joey Molland joined in 1969, completing the classic lineup, he was the sole Liverpudlian in a band of Welshmen.

Neil Aspinall, the Beatles' chief assistant, suggested renaming the band. The name came from the working title of the Beatles' song ***With a Little Help from My Friends*** — they had called it ***Bad Finger Boogie*** during the Sgt. Pepper sessions because Lennon played the demo with an injured hand. In 1968 they became Badfinger and signed to Apple Records — the first band signed to the label the Beatles had built.

What followed was a compressed burst of extraordinary commercial and creative productivity. Paul McCartney wrote them their first hit: ***Come and Get It***, which went top ten worldwide in 1970. McCartney's one condition: record it exactly as he had demoed it. They did. Then they wrote their own: ***No Matter What, Day After Day*** (produced by George Harrison), ***Baby Blue***. They played on Harrison's ***All Things Must Pass*** and Lennon's ***Imagine***. They performed at the Concert for Bangladesh. Four top-ten hits. The imprimatur of all four Beatles. The world was watching.

And then Pete Ham and Tom Evans wrote a quiet song for themselves, almost as an afterthought on the ***No Dice*** album in 1970. Harry Nilsson heard it. He recorded it.

Without You went to number one in seventeen countries in 1971. It became one of the most covered songs in the history of popular music. In 1994, Mariah Carey recorded it and took it to number one again. The song that Pete Ham co-wrote received two Ivor Novello Awards in 1973. Pete Ham died in 1975. His daughter, born one month after his death, eventually received the royalties her father never did.

◆ *I am Kepha Arcemont, a blues-rock guitarist who has played music since age fourteen. I know what it means to write a song that matters and to feel the covenant compulsion of the gift. Pete Ham wrote Without You and died unable to pay his mortgage. That is the precise form of the wound this series documents. Not the slow extraction of royalties over decades. Not the coerced settlement. The song that went to number one. The mortgage that could not be paid. The salary cheques that stopped arriving. The man who could not reach his manager by telephone. The garage in the morning.*

Origins	The Iveys, Swansea Wales, formed 1961; renamed Badfinger 1969
Label	Apple Records 1968 — first band signed to the Beatles' label
Classic lineup	Pete Ham (lead vocals/guitar), Tom Evans (bass/vocals), Mike Gibbins (drums), Joey Molland (guitar/vocals)

Hits	Come and Get It, No Matter What, Day After Day, Baby Blue — four top-ten hits
Without You	Written by Ham and Evans; #1 for Harry Nilsson (1971); #1 for Mariah Carey (1994); covered by 180+ artists
Beatles connection	Played on All Things Must Pass (Harrison); Imagine sessions (Lennon); Concert for Bangladesh
Manager	Stan Polley — hired 1970 without legal review of contract; convicted fraudster; Mafia-connected
Financial statement	Dec 1970–Oct 1971: all 4 members combined \$27,370 — Polley alone \$75,744
Warner Bros.	\$3 million deal; escrow account emptied by Polley; album Wish You Were Here pulled from shelves
Pete Ham death	April 24, 1975 — age 27 — suicide — suicide note named Polley
Tom Evans death	November 19, 1983 — age 36 — suicide — \$1M+ royalties frozen, legally unreachable
Polley's consequence	Convicted 1991 — no prison time — probation — restitution ordered but never paid — died 2009 age 87, Rancho Mirage CA
Joey Molland	Last surviving classic member — died March 1, 2025

SECTION TWO — THE WOUND: STAN POLLEY AND THE SYSTEMATIC DESTRUCTION OF BADFINGER

The Manager Who Bragged He Would Break Them

Stan Polley was not a hidden predator. He was a documented one, known to investigators, named in Senate hearings, suspected by his other clients before Badfinger hired him. But Badfinger hired him without having a lawyer review the contract. ***Without a lawyer reviewing the contract.*** The covenant record notes this fact not to blame the band but to document the stumbling block with precision: four young musicians from Wales, in a music industry they did not fully understand, handed a contract by a man who had already been named in a United States Senate investigation as an intermediary between organized crime and a corrupt judge — and they signed it without independent counsel.

What Polley said about his own methods has been documented by Dan Matovina in ***Without You: The Tragic Story of Badfinger***: "When prompted, he had often bragged that anyone under his wing would be so broken emotionally and financially that if they challenged him, they'd never even attempt to sue him." **He designed the system to make litigation impossible.** He built the financial structure with the explicit goal of leaving his clients too broken to fight back. He said so. He bragged about it. This

statement belongs in the covenant record because it transforms every subsequent financial violation from negligence into deliberate covenant predation.

The Financial Statement: One Year, One Document, The Full Picture

For the period from December 8, 1970 to October 31, 1971, Polley's own accountants at Sigmund Balaban & Co. prepared a financial statement. The numbers, as documented by Matovina and confirmed in multiple independent sources, are:

DOCUMENTED FINANCIAL STATEMENT — POLLEY'S OWN ACCOUNTANTS: *Period: December 8, 1970 to October 31, 1971. Salaries and advances to client: Joey Molland \$8,339 · Mike Gibbins \$6,861 · Tom Evans \$6,211 · Pete Ham \$5,959. Net corporation profit: \$24,569. Management commission: Stan Polley \$75,744. Total to all four band members combined: \$27,370. Total to Polley alone: \$75,744. Ratio: Polley received nearly three times more than all four members of Badfinger combined.*

This is not an allegation. It is Polley's own accountants' document. It covers eleven months. In that period, Joey Molland and his wife did not have a refrigerator or a television. Despite having top-ten hits. Despite playing on *All Things Must Pass* and *Imagine*. Despite being the most decorated new British band since the Beatles. The manager took three dollars for every dollar the band received.

The Warner Bros. Deal — The Escrow That Was Emptied

When the Apple Records contract expired, Polley negotiated a new deal with Warner Bros. The headline number was \$3 million — significant enough that Polley toasted the band as future millionaires. An escrow account was established to hold the advance. Then Polley emptied it.

Joey Molland later told San Diego Union Tribune: *"We signed a \$3 million record deal with Warner Bros. and they gave us \$600,000, and we still didn't have any cash. It went all to our manager. I couldn't even buy a tape recorder."* Al Steckler, who had worked at Apple, did the arithmetic when Ham and Molland told him the advance terms: after recording costs, after Polley's cut, after splitting what remained between Collins and the four band members, *"it came out to nothing."*

Warner Bros. eventually ordered an audit. The escrow account that was supposed to hold approximately \$600,000 of advance money was empty. The label entered legal proceedings and removed *Wish You Were Here* from store shelves — an album that was selling 25,000 copies per week at the time of its withdrawal. Molland said it plainly: *"It killed the album outright. It broke up the band, and Pete died six months later."*

The subsequent four-year lawsuit between Warner Bros. and Polley tied up all of Badfinger's finances. No booking agent or prospective manager would work with them because of the restrictive contracts they still held with Polley — who would not answer the telephone. **They could not record. They could not perform professionally. They could not reach the man who held the legal rights to their career.** Their March 1975 salary cheques did not clear. Their April cheques never arrived.

Pete Ham — The Mortgage, the Baby, the Telephone, the Garage

By April 1975, Pete Ham had recently purchased a £30,000 house in Woking, Surrey. His girlfriend Anne was pregnant with his child. His salary cheques had stopped. He had tried repeatedly to reach Polley by telephone and could not. Badfinger's funds were frozen. Their album had been pulled. Their career was legally immobilized. He had no income, a mortgage he could not pay, a child arriving, and no legal recourse — because the restrictive contracts with Polley made it impossible for any other manager or agent to take them on.

Dan Matovina documented what Ham's situation looked like in those final months: *"He had no outlet for his music. His career was locked up in lawsuits that he had nothing to do with. He was prevented from playing, putting out music, doing anything. He was shut down, financially and creatively. He was suddenly penniless and had no recourse to do anything."*

In the early morning of April 24, 1975, after spending the evening with Tom Evans, Pete Ham hanged himself in his garage studio in Woking. He was 27 years old. He was three days short of his twenty-eighth birthday. He left a note. The note named his girlfriend and her son. It expressed love. And then the postscript:

"Anne, I love you. Blair, I love you. I will not be allowed to love and trust everybody. This is better. Pete. P.S. Stan Polley is a soulless bastard. I will take him with me."

His daughter Petera was born one month later. She eventually received the royalties from ***Without You*** that her father wrote and never lived to collect. In May 1975, Warner Bros. terminated its contract with Badfinger. Apple deleted all of Badfinger's albums from its catalog. **Polley walked away with nearly \$100,000 net from the band he had destroyed.**

Tom Evans — Eight Years Later — The Money He Could See But Not Touch

After Ham's death, Tom Evans spent eight years trying to survive and to keep some version of Badfinger alive. He and Joey Molland alternated between cooperation and conflict, at times running separate touring bands both using the Badfinger name. The legal battles continued. The Apple publishing royalties — from ***Without You*** and the entire pre-Warners catalog — remained frozen in litigation until 1985.

Ironically, at the time of his death, Tom Evans had more than a million dollars in publishing royalties that were frozen at Apple, legally unreachable while the litigation continued. He could see them on the ledger. He could not touch them. He was virtually penniless. Evans' wife Marianne later said he had told her: *"I want to be where Pete is. It's a better place than down here."*

On the evening of November 18, 1983, Evans and Molland argued by telephone about the ***Without You*** royalties — Evans was receiving some income from the song, and Molland, former manager Collins, and Gibbins were all seeking a share. The argument apparently ran long. The next morning, November 19, 1983, Tom Evans hanged himself

from a willow tree in the garden behind his home in Richmond, England. He was 36 years old. He left no note.

The Apple royalties he had been fighting to reach were unlocked in 1985 — two years after his death. In 1994, Mariah Carey recorded *Without You* and took it to number one again. Pete Ham's estate reportedly received royalties exceeding \$500,000. Tom Evans' estate received its share. Both men were dead. Both had died unable to access what their song was worth.

Stan Polley — The Accounting

Stan Polley was convicted of swindling in 1991 — not for what he did to Badfinger, but for a separate fraud against another client. He received no prison time. He served a period of probation. He was ordered to make restitution. He never paid it. He died on July 20, 2009, in Rancho Mirage, California. He was 87 years old. He had outlived Pete Ham by 34 years and Tom Evans by 26 years. He died in comfort, in a retirement community in the California desert, having never served a day in prison for what he did to the men whose deaths his accountants' documents record in precise numerical detail.

SECTION THREE — THE THREE WITNESSES (DEVARIM 19:15)

Corroboration of the Record

WITNESS One: *Wikipedia (Badfinger article; Pete Ham article; Stan Polley article): confirms financial statement figures (Polley \$75,744, four members combined \$27,370) from Polley's own accountants Sigmund Balaban & Co., December 1970–October 1971; confirms Polley named in 1971 Senate investigation hearings as intermediary between organized crime and a corrupt judge; confirms Ham suicide April 24, 1975, age 27, suicide note naming Polley; confirms Apple royalties frozen until 1985 (after both deaths); confirms Polley convicted 1991, no prison time, restitution never paid, died 2009 Rancho Mirage age 87; confirms Evans suicide November 19, 1983, age 36; confirms Gibbins death 2005; confirms Molland death March 1, 2025.*

WITNESS Two: *Dan Matovina, Without You: The Tragic Story of Badfinger (Frances Glover Books), as documented across multiple independent sources: confirms Polley bragged 'anyone under his wing would be so broken emotionally and financially that if they challenged him, they'd never even attempt to sue him'; confirms escrow account emptied; confirms Ham's final months — no outlet for music, career locked in lawsuits, financially and creatively shut down; confirms Ham unable to reach Polley by telephone in his final months. Corroborated by Ultimate Classic Rock, Loud Sound/louder.com, and the Andrew Goutman Record.*

WITNESS Three: *Joey Molland direct testimony (multiple interviews): San Diego Union Tribune — 'We signed a \$3 million record deal with Warner Bros. and they gave us \$600,000, and we still didn't have any cash. It went all to our manager. I couldn't even buy a tape recorder.' Rolling Stone 1989 — the withdrawal of Wish You Were Here 'killed the album outright... it broke up the band, and Pete died six months later.' Reuters 1997 — 'I just kind of blindly trusted the business people we had.' Tom Evans' wife Marianne*

(documented in multiple sources): confirmed Evans said 'I want to be where Pete is. It's a better place than down here.'

SECTION FOUR — THE COVENANT ANALYSIS

The Torah Charges — Applied to Badfinger

Charge One: No Lawyer, No Witness — Vayikra 19:14

"You shall not curse the deaf or put a stumbling block before the blind, but you shall fear your Elohim: I am Yahweh."

— Vayikra (Leviticus) 19:14

Badfinger hired Stan Polley in November 1970 without having a lawyer review the contract. At the time of signing, some of Polley's other clients had already come to suspect him of mishandling their finances. His name had appeared in Senate investigation hearings. The publicity from those hearings had caused several of his clients to sever ties with him. None of this was known to Badfinger or their original manager Bill Collins when they signed. **Four young musicians from Wales, in a foreign industry, handed a contract by a man who had already been named in organized crime investigations, with no independent legal counsel to stand between them and the paper.** The stumbling block was placed before men who could not see it. ***I am Yahweh.*** The witnessing is permanent.

Charge Two: The Wages of the Hired Worker — Vayikra 19:13

"You shall not oppress your neighbor or rob him. The wages of a hired worker shall not remain with you all night until the morning."

— Vayikra (Leviticus) 19:13

The wages remained. Not until morning. For years. The financial statement prepared by Polley's own accountants covers eleven months in which Polley received \$75,744 and the four members of Badfinger combined received \$27,370. The March 1975 salary cheques did not clear. The April cheques never arrived. The \$3 million Warner Bros. advance was placed in escrow and removed. The Apple publishing royalties were frozen in litigation until 1985 — two years after Tom Evans' death. **The Torah's standard is not that wages are eventually released after the worker dies. The standard is that they are paid at the appointed time, without reduction, without diversion, without frozen litigation.** Every month from November 1970 until Polley's fraud was forced into partial settlement in 1978 is a separate violation of ***lo ta'ashoq*** — do not oppress.

Charge Three: The Emptied Escrow — Vayikra 19:11

"You shall not steal; you shall not deal falsely; you shall not lie to one another."

— Vayikra (Leviticus) 19:11

An escrow account is a third-party holding vessel for funds that belong to specified beneficiaries. Stan Polley established the Warner Bros. advance escrow and removed the money. The account was audited. The money was gone. **The Torah's prohibition on theft is direct and unconditional.** Polley stole the escrow. Warner Bros. sued. The band was destroyed in the legal crossfire. The album was pulled. Pete Ham died six months later. The theft did not merely take money. It took the commercial vehicle — the released album, the income, the career momentum — that might have given Pete Ham the resources to pay his mortgage and wait for the legal situation to resolve. **The theft of the escrow is entered as the proximate cause of the destruction that followed.**

Charge Four: The Cry That Was Not Heard — Devarim 24:14-15

"You shall not oppress a hired worker who is poor and needy... You shall give him his wages on the same day, before the sun sets... lest he cry against you to Yahweh, and you be guilty of sin."

— Devarim (Deuteronomy) 24:14-15

Pete Ham cried against Stan Polley. He named him in his suicide note. The cry was not made to a court, to a union, to a regulator, to the press. It was made in the final document of a man who could not reach his manager by telephone, could not pay his mortgage, could not perform or record, had a pregnant girlfriend and an empty bank account, and chose to leave through a different door. **Lest he cry against you to Yahweh, and you be guilty of sin. The Torah anticipated this cry. It forbade the conduct that produced it. It named the guilt of the one who makes the hired worker cry.** Stan Polley was guilty of sin in the Torah's specific legal language. The covenant record does not require a criminal conviction to enter the charge. The note, written in a garage in Woking in the early morning of April 24, 1975, is sufficient testimony.

Charge Five: The Oppressed With No Comforter — Kohelet 4:1

"Again I saw all the oppressions that are done under the sun. And behold, the tears of the oppressed, and they had no one to comfort them! On the side of their oppressors there was power, and there was no one to comfort them."

— Kohelet (Ecclesiastes) 4:1

Tom Evans had more than a million dollars in publishing royalties frozen at Apple. He could see them. Accountants could verify them. His name was on them as co-writer of **Without You**. He could not reach them while the litigation continued. He was, by multiple accounts, virtually penniless. **On the side of the oppressors there was power: the contracts, the litigation, the frozen accounts, the restrictive clauses that made it impossible to work, the legal structures that put the money precisely where the artist could see it but not touch it.** On the side of the oppressed: no comforter. The man who had written one of the most beautiful ballads in the English language — **Without You** — hanged himself from a willow tree in his garden, unable to

live without what had been taken. Kohelet saw it. ***I saw all the oppressions that are done under the sun.*** The covenant record confirms it.

SECTION FIVE — THE LIVING WITNESS: KEPHA ARCEMONT, 2026

A Blues Guitarist Reads the Record

Without You. Harry Nilsson took it to number one in 1971. Mariah Carey took it to number one in 1994. It has been covered more than 180 times. It is one of the most recognized ballads in the history of English-language popular music. Pete Ham co-wrote it with Tom Evans and received two Ivor Novello Awards for it in 1973. He died in 1975 unable to pay the mortgage on a £30,000 house. His daughter was born one month after his death. **This is the covenant wound stated in its most precise and irreducible form.** Not a complex accounting dispute. Not a nuanced bilateral account. A man wrote one of the most beautiful songs ever written. He could not pay his mortgage. He died at 27 three days before his birthday with a note naming the man who had taken everything.

◆ *I have been playing music since I was fourteen. I have spent more than I have received. I have trusted people in the industry who did not deserve the trust. I have signed things I did not fully understand. I know what it means to carry the gift and not have the business tools to protect what the gift produces. Pete Ham was me, in a different era, with more talent and worse luck and a manager who was documented organized crime-adjacent and who bragged about designing his financial structures to make litigation impossible. He tried to call Polley. Polley would not answer. He had a pregnant girlfriend and a mortgage and no salary cheque. He named Polley in a suicide note and went into the garage. I think about that garage. I think about what the covenant record owes Pete Ham and what Pete Ham's daughter deserved to grow up with. The covenant sees it all. The covenant holds it permanently.*

Stan Polley died in 2009. He died in Rancho Mirage, California — a desert retirement community in the Palm Springs area, known for its golf courses and spa resorts. He died in a warm climate with no prison record on his personal file for what he did to Badfinger. He died 34 years after Pete Ham and 26 years after Tom Evans. He received probation for an unrelated fraud conviction in 1991. The restitution he was ordered to pay he did not pay. He was 87 years old. **The covenant record does not close when the perpetrator dies in comfort. It remains open. Yahweh's record of what Stan Polley did to Pete Ham and Tom Evans does not require a California obituary to be complete.**

SECTION SIX — THE COVENANT VERDICT

Yahweh's Record on Badfinger

This report enters the most severe verdict in the extended series. Two covenant musicians died directly as a result of what is documented here. The financial statement is in the record. The suicide notes are in the record. The bragging is in the record. The emptied escrow is in the record. The frozen royalties are in the record. The comfortable death in a California desert retirement community is in the record. All of it is in Yahweh's permanent account.

COVENANT CHARGE ONE: Badfinger hired Stan Polley in November 1970 without independent legal counsel reviewing the contract. Polley had already been named in Senate investigation hearings as an intermediary between organized crime and a corrupt judge. Several of his other clients had already severed ties due to financial concerns. The band did not know. Vayikra 19:14 — stumbling block before the blind. The judgment is entered for every financial transaction that flowed from that unsigned-by-counsel contract.

COVENANT CHARGE TWO: From December 1970 onward, Stan Polley collected \$75,744 in one eleven-month period while the four members of Badfinger combined received \$27,370. He held their salaries until they did not clear. He emptied the Warner Bros. escrow account. He disappeared when the band needed to reach him. Vayikra 19:13 — wages withheld. Vayikra 19:11 — theft. He bragged that he designed his financial structures to make litigation impossible. The judgment is entered for every stolen dollar, every frozen cheque, and every month of litigation he forced on men too broken to fight back.

COVENANT CHARGE THREE: Pete Ham, age 27, died in his garage on April 24, 1975, unable to pay his mortgage, unable to reach his manager by telephone, unable to record or perform due to restrictive contracts, with a pregnant girlfriend and no salary cheque. He named Stan Polley in his suicide note. Devarim 24:14-15 — lest he cry against you to Yahweh, and you be guilty of sin. The cry was heard. The guilt is entered. His daughter Petera received the Without You royalties her father wrote and never lived to collect. The judgment covers the gap between what he wrote and what he received.

COVENANT CHARGE FOUR: Tom Evans, age 36, hanged himself on November 19, 1983, with more than a million dollars in publishing royalties frozen at Apple that he could see but legally could not touch. Kohelet 4:1 —

the tears of the oppressed, and they had no one to comfort them. On the side of their oppressors there was power. The Apple royalties were unlocked in 1985, two years after his death. The Mariah Carey royalties arrived in 1994, eleven years after his death. The judgment is entered for every month the money sat frozen while the man who wrote the song could not survive.

FINAL ENTRY — STAN POLLEY: Convicted 1991, no prison time, restitution never paid, died 2009 age 87 in Rancho Mirage California. He bragged that his financial structures were designed to leave his clients too broken to sue him. Two of his clients died by suicide. The covenant does not require a criminal conviction to enter its verdict. It requires a witness. Yahweh witnessed every transaction documented in this report. The record is sealed. The account is permanent.

"Vengeance is mine, and recompense, for the time when their foot shall slip; for the day of their calamity is at hand, and their doom comes swiftly."

— Devarim (Deuteronomy) 32:35

Vengeance is mine, says ***Yahweh***. The covenant does not put the sword in the hand of the covenant witness. It puts the record in the permanent account and leaves the recompense to the one who sees all and forgets nothing. Pete Ham named Stan Polley in a suicide note. That note is in the permanent record. ***Yahweh read it before it was found in the garage***. Tom Evans said he wanted to be where Pete was. That longing is in the permanent record. The frozen million dollars, the willow tree, the emptied escrow, the financial statement from Polley's own accountants — all of it is in the permanent record. ***For the day of their calamity is at hand, and their doom comes swiftly***. The covenant is patient. The record does not expire. ***Selah***.

SERIES NOTES

Extended series continuing. Report No. 23 is the most severe verdict in the series to date. Two covenant musicians died by suicide directly attributed to the documented financial predation of one manager. The financial statement is on record from Polley's own accountants. The suicide notes are on record. The restitution was never paid. The covenant record is complete.

Selah.

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