

TEXAS COURT RULES AGAINST LSM

By

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On January 5, 2006 the Texas Court of Appeals **ruled against** Living Stream Ministry (LSM) and a group of local churches. This libel case centered on a book entitled, *Encyclopedia of Cults and New Religion*, written by John Weldon and John Ankerberg and published by Harvest House Publishers. A short entry in the *Encyclopedia* focused on the local churches and Living Stream Ministry. In December 2001, LSM and a group of local churches launched a \$136M legal suit against Harvest House publishers and the authors, contending that the book was libellous and defamatory. That case has now been rejected. LSM has lost this legal case.

In its summary the court said:

“This is a libel suit brought by a Church [LSM & some local churches] against a publisher and two authors after the church was included in a book about “religious cults,” as that term is defined in the book. The publisher and authors moved for summary judgment [ie. to have the case dismissed], which the trial court denied. This interlocutory appeal followed.Because we agree that **the passages in the book that refer to the church are not, as a matter of law, defamatory**, we **reverse** the [earlier] judgment of the trial court [at the earlier judgment the case was not dismissed. So, **it is now dismissed**] and render judgment that **the church take nothing [ie. no damages, no money] from the publisher and authors.”**

The complete transcript of the court’s decision can be found at the Texas First Court of Appeals web site.

<http://www.1stcoa.courts.state.tx.us/opinions/HTMLOpinion.asp?OpinionID=82536>

NOTE: No individual believers from the Lord’s recovery were **directly** involved as plaintiffs in this legal case. In fact only LSM and certain named local churches participated in this law-suit. Yet **indirectly** all the believers associated with the local churches in the Lord’s recovery are impacted by the outcome of this case. Because of this fact we feel the saints in the Lord’s recovery should be informed, in a fair and objective manner, of recent legal developments and their implications. [Please also consult www.contendingforthefait.com for further commentary.]

WHAT DOES THIS LEGAL OPINION MEAN?

1. The Texas Court has ruled that the book, *Encyclopedia of Cults and New Religions*, did **not** libel or defame LSM and the local churches. Therefore LSM and the local churches are **not** entitled to collect any damages from the publisher, Harvest House.
2. At an earlier stage, LSM and a group of local churches “won the first round” [“*The publisher and authors moved for summary judgment (ie. to have LSM’s case dismissed), which the trial court denied.*”] The case then went forward to the “second round.” However, LSM has now “lost the second round” [“*we reverse the [earlier] judgment of the trial court*”(which refused to dismiss LSM’s case.)] So, the case brought by LSM **is now dismissed**.
3. Since Harvest House publishers has won this case they can continue to print, distribute and sell its *Encyclopedia of Cults and New Religions*, containing the entry concerning LSM and the local churches, among its list of cults. Other writers and publishers can do the same. Expect more books labeling the local churches as a “cult.”
4. It is important to note that the court’s decision focused **exclusively** on the contents of the book, *Encyclopedia of Cults*. The Texas court’s decision was **not** based upon recent events in the Lord’s recovery, eg. the issue of ‘one publication,’ anonymous E-mails, Internet web-sites etc. The court was **not** asked to consider, nor was its decision influenced by, any recent issues within the Lord’s recovery. **To suggest that LSM’s case was “undermined” by a “dissenting group” within the recovery is erroneous and amounts to accusing the Texas judges of unrighteous judgment.**
5. In a previous case, concerning the book, *The God-Men*, the courts ruled that Witness Lee and the local churches had been libeled and defamed. Damages were awarded. That case provided a basis to argue that LSM and the local churches associated with Brother Witness Lee are not a cult. Until today it was possible to say, “*To date the courts have vindicated the churches’ decision to appeal to them.*” (www.contendingforthefaith.com). In the “court of public opinion” we could argue, “*The book, called us a cult; but the courts judged that claim to be false and libelous. This proves we’re not a cult.*”
6. That argument is now undercut by the Texas Court’s decision. The courts have rejected LSM and the churches’ case. In the “court of public opinion,” people can now respond, “*Yes, you are indeed a cult. You contested the inclusion of the local churches in the Encyclopedia of Cults and New Religions, and you lost!*”

It has suddenly become much harder for the local churches and saints in the Lord's recovery to fight the "cult" label.

7. The current "leadership" in the Lord's recovery has failed where Brother Lee succeeded. In November, 1980, Brother Lee, William [Bill] Freeman, and the Church in Anaheim, successfully filed suit against author, Neil Duddy, and the Spiritual Counterfeits Project (SCP), over the publication of *The God-Men*. In that case the Judge ruled that *The God-Men* was "in all major respects false, defamatory and unprivileged, and, therefore, libelous" and awarded \$11.9M in damages. That was then; this is now. Now, after Brother Lee's departure, the "blended co-workers" have failed in their attempt to sue over the *Encyclopedia of Cults and New Religions*.
8. The Texas Court ruled that "being labeled a 'cult' is not actionable because the truth or falsity of the statement depends upon one's religious beliefs, an ecclesiastical matter, which cannot and should not be tried in a court of law." Under this legal opinion, to call the local churches a cult does not constitute libel, since it is a "religious" question. As long as this legal opinion is upheld we cannot appeal to the US courts for protection from the cult accusation. Under these circumstances, the question of whether we are a "cult" is going to be settled in the "court of public opinion," not in the law courts. This suggests that we ask, How are we perceived by the Christian community? Do we appear 'cult-like' in the eyes of others? If so, we will probably be labeled as a cult (with no legal recourse).

WHAT SHOULD BE DONE?

1. LSM and its associated group of local churches may appeal this decision to the Texas Supreme Court. The Texas Supreme Court may refuse to hear the case. Even if they hear it and if they decide in LSM's favor (two big "if's"), it only means that the case goes before a jury. (LSM gets their day in court.) That process may take years and millions of dollars. In the mean time, the Texas Court's decision stands.
2. When the Children of Israel lost a military battle, they humbled themselves before Jehovah to seek out the cause. The Lord's recovery has "lost" an important legal battle, which has far-reaching implications. Shouldn't we humbly seek the Lord to receive His light and correction?
3. Saints in the Lord's recovery and especially those leading local churches may want to consider the following questions:

- Have we in the Lord's recovery isolated ourselves from other believers thereby giving ground for misunderstanding? Have we become an 'exclusive Christian group' liable to be misunderstood?
- Have we in the Lord's recovery adopted practices (eg. 'one publication,' the exaltation of one of God's servants) which cause us to appear 'cult-like' in the eyes of other believers?
- Have we in the Lord's recovery developed teachings which have little Scriptural basis (eg. One unique 'Minister of the Age,' "one wise master-builder in each generation," "Witness Lee is the acting God"), which are offensive to believers and appear to justify the "cult" label?
- How are the teachings of the Lord's recovery being currently presented (eg. in *The Ministry* magazine)? Some observers have suggested that if the local churches wish to be accepted by evangelical Christianity they should re-examine "*the [apparently] unorthodox teachings that exist in their publications.*"
- Have we in the Lord's recovery displayed an intolerant attitude towards alternative "points of view" within the Lord's recovery? Have we tended to ostracize and isolate saints who left the recovery, providing some justification for ex-members to portray themselves as having left a "cult"?