

## **A Time for Submission OR Defiant Self-Vindication?**

### Review of the LSM & DCP Responses to the US Supreme Court's Decision

The worst thing that can happen to any Christian group is to be labelled a "cult." It's a rap that's hard to beat. It's like what happened to Wendy's when someone allegedly found a finger in their chilli. People stayed away in droves. After all, there are plenty of other fast-food outlets. Sales plunged. Wendy's lost money big-time. Even among those who ventured into Wendy's, no one tried their chilli no matter how highly it was recommended. Given the stigma, why take the risk? It's the same with the "cult"-label. Once you're labelled, new people won't attend meetings even once, so you have no chance to prove otherwise. Perhaps it's understandable therefore that Living Stream Ministry (LSM) and the local churches reacted strongly to their inclusion in the *Encyclopedia of Cults and New Religions*, published by Harvest House. One way to try to resolve the problem is to open dialogue with other believers so they can understand who we, in the Lord's recovery are. It's slow and painstaking, requiring grace on both sides. Alternatively, there's the hard-line strategy—sue them! Take them to the law-courts! This uncompromising hard-nosed approach has characterized LSM and the local churches' response to Harvest House's *Encyclopedia of Cults and New Religions* [ENCR]. That strategy has now run its course. It's time to evaluate the results and consider possible adjustments.

On Monday, June 18, 2007 the US Supreme Court refused to hear LSM's case against Harvest House (HH) and in so doing allowed the lower Texas Appeals Court decision against LSM to stand. Thus, the long and winding road of LSM's litigation against HH's ECNR finally ended. In response to the Supreme Court's decision, the "concerned brothers" issued a statement <sup>a</sup> calling on LSM and its Defense & Confirmation Project (DCP) to unequivocally accept the US Courts' decision and withdraw their earlier statements contesting the Judges' ruling. The same day, LSM issued a response <sup>b</sup> reacting to the high court's refusal. Two days later DCP began circulating its own retort <sup>b</sup> among supporters. Unfortunately, rather than accepting the court's decision, their responses contest and reject the legal judgment against them. In addition they are marred by serious misrepresentations of the Court's published opinion. Furthermore, instead of withdrawing earlier statements disputing the courts' findings, LSM & DCP reiterate earlier accusations of a flawed judicial decision. Below we briefly analyse the LSM & DCP responses and ask: Is this the time for defiant self-vindication? Or is it time for LSM, DCP & the local churches to submit to the legal decision of the country's judicial authorities? Isn't it time for LSM & DCP to abandon their use of lawsuits against Christian publishers (and all fellow-believers) and seek peace? Isn't it time to drop the adversarial rhetoric and initiate genuine dialogue?

**"This evil book certainly defamed us"—DCP**

**"The false and defaming statements...the real basis of the lawsuit"—LSM**

**"Passages...that refer to the church are not...defamatory"—Texas Appeals Court**

The statements above highlight the basic contradiction between the LSM-DCP responses and the judgment of the US courts. This case centered on defamation. LSM alleged that the Introduction to HH's book, ECNR, containing accusations of criminal and abhorrent behavior attributed to 'cults,' <sup>c</sup> which stigmatized them. Moreover, it asserted that by including LSM and the local churches, they were guilty by association <sup>d</sup> of such actions. In January 2006, the Texas Appeals Court decisively rejected LSM's libel claim. The judges' decision relied on their evaluation of what a "reasonable reader" would conclude. It states: <sup>e</sup>

"We cannot conclude that a reasonable reader could believe that all groups named in the book participate in the criminal activities that plaintiffs [LSM & co.] claim as the basis of their libel action. No reasonable reader could conclude that the book accuses the [local] church, and, in fact, every other church named in the book, of rape, murder, child molestation, drug smuggling, etc. As such, **the allegedly libelous statements** in the Introduction are not "of and concerning the church" and **are not actionable.**"

The Texas Court rejected LSM's "guilt by association" argument. They judged that, since the "alleged libelous statements" (criminal behavior etc.) were not directly attributed to the local churches, no libel or defamation was involved. The major reason the Court gave for rejecting LSM's claim was—**because we agree that the passages in the book that refer to the [local]**

**church are not, as a matter of law, defamatory.”** Hence LSM’s case against HH was dismissed and they are not entitled to collect any damages. On the central issue, the Appeals Court ruled that “The passages...that refer to the church **are not...defamatory.**” Subsequently LSM appealed that decision three times, and effectively, was heard at four different judicial levels. Four times the Courts ruled against LSM. Finally, on June 18, the US Supreme Court refused to hear LSM’s case. Hence, by due process, since no higher court reversed the judgment, the existing Appeals Court decision stands—no defamation and no damages.

## LSM & DCP Continue to Contest the Judges’ Decision

Regrettably, LSM & DCPs’ latest responses continue to contest the court’s decision and misrepresent its judgment. When LSM talks about “the false and **defaming statements** that are the real basis of the lawsuit,” it is directly contradicting the Texas Judges. Similarly it is disingenuous of DCP to assert “**This evil book certainly defamed us** both here and abroad with the most wild and **criminal accusations** of any book ever to include us.” Such statements contradict the legal ruling of the Texas courts--the courts ruled that there was no defamation, and in dismissing LSM’s case, explicitly declared that “the allegedly libelous statements...are not ‘of and concerning the Church.’” Nor is this the only time DCP challenges the courts. They also assert, “In court...both the publisher [HH] and authors failed to produce any evidence that **the libelous charges of criminal and immoral behavior** in ECNR were true concerning us.” **Even after the judges’ decision, DCP continues to charge HH with making “libelous charges of criminal and immoral behavior in ECNR... concerning us.”** DCP also refers to the “ECNR’s dangerous example of **mixing libelous charges** with the term ‘cult’ and theology to smear us.” **Again these DCP statements directly contradict the US courts’ ruling.**

Moreover, DCP’s statement contains serious misrepresentations. They state, “In court...both the publisher [HH] and authors failed to produce any evidence...” Yet, in the Texas courts **the onus was not on HH to “produce evidence** that the...criminal and immoral behavior in ECNR were true concerning us.” In fact, HH claimed all along that no such allegations “concerning us” were ever made or intended! Rather, it was LSM (not HH) which claimed the statements were “concerning us” and thus **it was LSM’s task to prove** before the courts that it had been libeled. In fact the Courts ruled that HH never made such allegations *against the local churches per se*. Clearly LSM’s evidence failed to convince the Texas judges! It is misleading for LSM and DCP to suggest that there is any significance to the fact that HH did not produce any evidence of criminal and immoral behavior by LSM and the local churches. The onus was not on HH to prove such allegations. The onus was clearly and squarely on LSM to prove that HH made these allegations. This LSM did not and (presumably) could not do so. DCP’s misrepresentation is an act of bad faith against the courts.

## LSM’s ‘Spin’—No Damages for Crimes in a Religious Context!

LSM’s statement misconstrues the Texas Judges’ decision. LSM says “the Court of Appeals in Texas overturned the decisions of the lower court, declaring the case was a ‘religious’ dispute...In essence, the Appeals Court ruled that if one party alleges criminal behavior of another party—but does it in a ‘religious’ context—it cannot be found liable for the damages caused.” Based upon this theory, LSM sounds the alarm, saying “if religious authors and publishers have free rein to use criminal accusations to attack ministries and churches simply because they disagree with them doctrinally, then all minority Christian groups are in jeopardy.” Is there any substance to this? Or is LSM simply “crying wolf”?

LSM & DCP claim their case, involving allegations of secular crimes, was dismissed because the allegations occurred in the context of a “religious dispute.” **This is ‘spin,’ contrary to the facts of the case. The Texas Court never made this argument or anything remotely similar.** In fact LSM’s case floundered because the Court rejected the “guilt by association” argument upon which it depended. <sup>f</sup> Despite the “religious context,” the Texas Court *did* specifically address *whether* there were actual allegations of the local churches engaging in criminal behavior. <sup>g</sup> They found there were no such allegations against the local church in ECNR. Hence LSM’s deduction that, due to this ruling, “all minority Christian groups are in jeopardy,” is a false alarm. LSM is simply “crying wolf”!

## LSM & DCP Disparaging the Courts' Ruling

The LSM & DCP circulars contain disparaging comments concerning the various court rulings against them. LSM claims, the Supreme Court's refusal to hear their case "undermines a fundamental protection of the Constitution." In passing this judgment on the Supreme Court, LSM overlooks the fact that the Supreme Court is composed of some of the nation's leading constitutional experts. They, more than anyone else, are sensitive to threats to the US constitution. Evidently, they perceived no such threat in LSM's case! In fact, perhaps the opposite is true. If LSM had won this case, publishers' freedoms might have been severely constrained.

Moreover, the LSM statement faults the Texas Appeals Court for overturning the decisions of the lower court, "without it ever going to a jury trial." They further allege the Appeals Court's "decision sets a dangerous precedent and has [wrongly precluded a full airing of the facts](#) at the heart of this litigation." However, LSM fails to acknowledge that in its appeal to the courts, LSM was not guaranteed a trial by jury. Nevertheless, LSM had their "day in court." Their oral and written submissions were heard and read. Contrary to their allegations, there was indeed "a full airing of the facts" (as determined by the court) and a decision was rendered. It is disingenuous of LSM to claim, after the fact, and after four hearings, that they were not adequately heard!

DCP expresses approval for the District Courts which ruled in LSM's favor, saying "on three separate occasions the district court denied the defendants' [HH] attempts to have our case thrown out. Because judges at this level spend much time reviewing evidence and hearing oral arguments, we feel these three court rulings by two different judges reflect the strength of our case..." At the same time DCP criticizes the Appeals Court, saying, "However... after a brief oral argument, the Texas Court of Appeals overturned the three previous decisions of the lower court and granted the defendants' motion, dismissing our suit." It seems DCP wishes to use the "**three** [District] court rulings" to counter-balance and out-weigh the **one** Appeals Court decision. Yet the legal system is not a sport where we count up rulings for and against, like goals in hockey or soccer! The evident bias in DCP's commentary only serves to discount its credibility.

## A Time for Self-Vindication OR Submission?

Despite the Supreme Court's ruling ending this case, DCP continues to contest the result. They assert that "both the [Appeals Court] decision itself and the grounds cited for it were [seriously flawed](#)." They refer repeatedly to "the [flawed Appeals Court ruling](#)." LSM appealed this decision multiple times and was rejected each time. Surely, if it was indeed "[seriously flawed](#)," the ruling against LSM would've been overturned or referred back to the courts. It was not. Implicitly, the higher Supreme Courts of Texas and the US rejected DCP's claim of a "seriously flawed ruling." Yet, after multiple appeals and rejections, DCP continues its criticism of the courts.

"We accept this decision by the Court as from the Lord's sovereign hand" says DCP. Yet, simultaneously, they continue to defiantly contest the courts' decision. For LSM & DCP to continue issuing statements calling the court's decision "seriously flawed," repeating arguments rejected by the courts and putting their own "spin" on the case is disingenuous and acting in bad faith. It says (in essence) "We know the law better than the US Judges. We disagree with their decision. Therefore we reject their judgment!" Furthermore, it violates the scriptural injunction to be subject to the civil authorities appointed by God (Rom. 13:1). That surely includes the US judicial system. LSM's Blended Brothers minister about authority and submission. Yet, given this opportunity to demonstrate submission to God's deputy authority--the Judiciary, they respond with defiant self-vindication. Where is the expression of their submission? When the Children of Israel lost a military battle, they humbled themselves before Jehovah to seek the cause. LSM, DCP and the local churches have lost, not only this latest legal 'battle,' but also this 'entire litigation war.' Shouldn't this be an opportunity to humbly seek the Lord for His light and correction? Isn't it time to submit to God's sovereign hand and the US Judiciary's judgment?

## A Time for War OR Peace? More DCP 'Attack Books'?

Rather, than submit, DCP plans to fight on. "We must continue to...fight," they defiantly declare. DCP tells supporters, "We remain undaunted in our determination to expose the evils of this book. We still feel that this book must be dealt with....We must continue to stand and fight by writing....If we publish the real story of ECNR, it will make for some very shocking reading and will come out as an exposé of unqualified authors and an irresponsible publisher..." Defeated in the law courts, DCP evidently plans to publish an "Attack Book," an exposé "dishing the dirt" on HH and ECNR. Perhaps before launching this offensive they should ask—Who do we expect to convince? Having taken HH & ECNR to court and lost, LSM & DCP lack the credibility of objective observers, offering an unbiased evaluation of HH & ECNR. Won't they be perceived as HH's defeated legal adversaries, seeking revenge via the printing press? Doesn't their compromised position disqualify them? They won't convince anyone, except their own supporters! What's more, they risk further alienating the wider Christian community. DCP's declaration, "We must continue to...fight," makes for good rhetoric, but its latest publishing endeavour is doomed to failure from the start. Furthermore such hard-nosed adversarial rhetoric is counter-productive to genuine dialogue.

## Time for Re-evaluation?

Six years ago, LSM and approx. 100 local churches took Harvest House to Court for libel. Despite countless man-hours and millions of dollars in litigation expenses, LSM's legal misadventure has achieved little that's positive, but plenty that's negative. It has caused the cult-label to adhere more firmly and has earned the Lord's recovery a dubious reputation as "the suing church." Copy-cat LSM-supporters in several cities have launched legal actions against their own local churches. Nor does it appear that LSM & DCP are ready to abandon the use of litigation. Recently both organizations, plus some of their officers, were named in an Ohio lawsuit<sup>h</sup> involving the Church in Mansfield. During the HH litigation, the list of recruits to the LSM cause is conspicuously short—Fuller Theological Seminary and maverick 'cult-busters' like the "Bible Answer Man," (CRI's Hank Hanegraaff) for example. On the contrary many now question the local churches' orthodoxy. Recently 60 Christian leaders issued an 'Open Letter'<sup>i</sup> calling on LSM and the local churches to discontinue their use of lawsuits and re-examine their teachings. The influential *Christianity Today* pointed out the paradox, saying "*the Local Church implicitly sabotages its argument—that it is a legitimate member of the body of Christ—when it treats fellow members as if they were not, by taking them to court.*"<sup>j</sup> Yet LSM and DCP, undaunted by the collateral damage from their legal crusade, defiantly declare, "We must continue to...fight"! Isn't it time to drop this uncompromising adversarial approach and begin to dialogue with our Christian brothers? Such a discussion needn't be centrally co-ordinated and orchestrated from Anaheim, CA. Why not begin at the grass-roots level of the saints and the local churches?

Recently 95 Great Lakes area brothers issued a statement<sup>k</sup> distancing themselves from LSM & DCP's hard-line confrontational approach. They declared, "We feel the practice of resorting to the legal system is now yielding bitter fruit among us in the form of groups of local church members suing other members. Surely this is a shame to the Lord and a defeat to us. This is wrong. Therefore we...call [on] LSM and those local churches involved to cease their legal action against Christian publishers and other local churches. **We also exhort all believers in the local churches to forsake the use of lawsuits and threats of litigation** against individual believers, local churches and Christian organizations." At least in North America not all the local churches are marching in lockstep to LSM's beat. A number are abandoning the Blended Brothers' "band-wagon," concerned that it's replicating the sad history of the Exclusive Brethren. Some are opting out of the "LSM program," determined to be genuine local churches, "each answering to the Lord" (while fellowshipping with other authentic local churches) and initiating dialogue with the wider Christian community.

Concerned Brothers

June, 2007

## FOOTNOTES:

- We are grateful for the comments of several lawyers & law-students on the issues this article addresses.
- a. “concerned brothers” “LSM gets Caesar’s Final Answer—‘No’!” Posted on the Internet (June 20, 2007): [http://www.concernedbrothers.com/Legal/Supreme\\_Court\\_Rejects\\_LSMs\\_Appeal.pdf](http://www.concernedbrothers.com/Legal/Supreme_Court_Rejects_LSMs_Appeal.pdf) We employ “LSM” as a short-hand phrase to cover LSM, the Local Church and the approx. 100 local churches, who were plaintiffs.
  - b. LSM’s & DCP’s Statements are reproduced as Appendix A & Appendix B, below. To our knowledge, neither statement has yet been posted on an LSM or DCP-sponsored website, rather these statements were distributed by E-mail. They’ve since been posted on public Internet forums. We have no reason to doubt their authenticity.
  - c. The Courts declared that "Being labeled a 'cult' is not actionable," it argued, "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." Probably in view of this, the LSM-DCP case focused upon the criminal and abhorrent behavior alleged associated with ‘cults’ in the Introduction of ECNR. The main passage which was the focus of most of LSM’s claims says: “When people are manipulated in different ways for ulterior motives, as cults are shown to do in this Encyclopedia, is not this to be condemned? Those cult leaders or gurus who have encouraged their followers to oppose moral convention, denied their followers blood transfusions and medical access, encouraged prostitution for making converts, sometimes raped women, beaten their disciples, molested children, practices black magic and witchcraft, engaged in drug smuggling and other criminal activity, including murder—do they not deserve the condemnation of us all? And such things have occasionally happened even in what many people regard as the ‘respectable’ cults.” [ECNR, Introduction]
  - d. The legal equivalent to the everyday term, “guilt by association” in this context is the “group libel doctrine,” which holds that “a plaintiff has no cause of action for a defamatory statement directed **to some or less than all of the group when there is nothing to single out the plaintiff.**” The Texas Court held that this was the case in LSM’s lawsuit against HH. Hence the judgment states that “nothing in the book [ECNR] singles out the [local] church as having committed the “immoral, illegal, and despicable” actions alleged in its petition. Simply being included in a group with others who may have committed such “immoral, illegal, and despicable” actions does not give rise to a libel claim.”
  - e. *Harvest House Publishers, et al. v. The Local Church, et al.*, available at <http://www.1stcoa.courts.state.tx.us/opinions/HTMLOpinion.asp?OpinionID=82536>.
  - f. The Texas Court declared: “The publisher [HH] and authors, however, argue that the characteristics of cults—including the criminal acts that the church contends are provable as false...—**cannot reasonably be interpreted to defame every group in the book.**” In other words, the publisher [HH] and authors argue that the second element of a defamation claim—that a defamatory statement was made *concerning the plaintiff*—**cannot be met. We agree.**” The Court then concluded that since the statements are not concerning LSM & the Local Church, they are not defamed by it. Note that “guilt by association” (group libel doctrine) was invoked.
  - g. The only allegations which the Court declared it was incompetent to address were (1) the issue of theologically being labeled as a ‘cult’ [see note ‘c’ above.] (2) Where the alleged “offense” concerns the speaker’s religious beliefs, which cannot be proved true or false in a US court, e.g. an *allegation that one is an idolator and accepts occult powers is not actionable*. However, most of the “secular crimes” mentioned in ECNR’s Introduction are not excluded and can be addressed by the Courts. [see note ‘c’ above]
  - h. See: The Court of Common Pleas, Richmond County, OH. This case, No. 2007-CV-0080 names LSM Inc, and Benson Phillips (LSM President), DCP and Dan Towle (former DCP President), along with Tim Knoppe & others as third-party “counterclaim defendants” with allegations of behind-the-scenes “interference,” “conspiracy” and “defamation.” Of course, at this stage, nothing has been proven in this case centered on “The Church in Mansfield,” OH.
  - i. 60 Evangelical Christian Scholars’ Open Letter, January 9, 2007 — Their News Release States: “More than 60 evangelical Christian scholars and ministry leaders from seven nations have signed an unprecedented open letter ([www.open-letter.org](http://www.open-letter.org)) asking the leadership of the “local churches” and Living Stream Ministry to withdraw unorthodox statements by their founder, Witness Lee. **The letter also calls on the movement’s leaders to renounce their decades-long practice of using lawsuits and threatened litigation to respond to criticism and settle disputes with Christian organizations and individuals.**”
  - j. *Christianity Today* March 2006, Vol. 50, No. 3, p. 27
  - k. “Great Lakes Brothers’ Response to an ‘Open Letter’ by 60 Evangelical Scholars.” Posted on the Internet: <http://www.concernedbrothers.com/Evangelical%20Scholars/60ScholarsResponseToFinalVersionForFJ.pdf>

## **APPENDIX A. LSM's Statement**

ANAHEIM, CA, June 20 - A ruling this week by The United States Supreme Court electing not to grant review of a Texas Court of Appeals decision in the libel case filed by Living Stream Ministry (LSM) and the local churches v. Harvest House Publishers and the authors of the Encyclopedia of Cults and New Religions (ECNR) undermines a fundamental protection of the Constitution. The Texas Court of Appeals decision has already been criticized by a federal district court in Wisconsin.

This decision brings to an end a legal struggle that began December 14, 2001, when Harvest House Publishers initiated legal action against one of the local churches. The churches and Living Stream Ministry (LSM) responded by filing a suit for libel. The Harvest House suit was dismissed in district court in 2002, while the local churches and LSM's lawsuit continued forward in Texas. There, on three separate occasions two district court judges denied the defendants' attempts to have the case thrown out.

However, without it ever going to a jury trial, the Court of Appeals in Texas overturned the decisions of the lower court, declaring the case was a 'religious' dispute -- despite ECNR's allegations of secular crimes. In essence, the Appeals Court ruled that if one party alleges criminal behavior of another party - but does it in a 'religious' context - it cannot be found liable for the damages caused.

Because reviews at the US Supreme Court level are discretionary, its decision to deny review cannot accurately be considered as an endorsement of the prior Appeals Court ruling. Neither can it appropriately be viewed as a rejection of the central theme of the LSM lawsuit. In fact, there is no court ruling at any level that has substantiated or validated any claims published in ECNR concerning Living Stream Ministry or the local churches. On the contrary, the evidence in the case, including several admissions under oath by the authors of the ECNR, demonstrate that there is not, nor has ever been, any factual basis for any of the false and defaming statements that were the real basis of the lawsuit.

In the past several years, many qualified Christian researchers and theologians have carefully investigated the teachings, practice, and history of LSM and the local churches and have expressed their belief in both the Christian orthodoxy and practice of both groups. Among these are Fuller Theological Seminary, Christian Research Institute, Answers in Action, The Institute for the Study of American Religion, and the Evangelical Christian Publishers Association. See for example, [www.lctestimony.org](http://www.lctestimony.org)

Many constitutional scholars and religious experts share the concern of LSM and the local churches that the Texas Court of Appeals' decision sets a dangerous precedent and has wrongly precluded a full airing of the facts at the heart of this litigation. The detrimental effects will not likely be limited to the local churches and believers in the United States, but may be especially troublesome for those in countries that can be hostile toward the Christian faith - where innocent believers may suffer as a direct result of this ruling. Beyond the damage resulting to Living Stream Ministry and the local churches, if religious authors and publishers have free rein to use criminal accusations to attack ministries and churches simply because they disagree with them doctrinally, then all minority Christian groups are in jeopardy.

Living Stream Ministry and the local churches it serves remain committed to the biblical truths represented in our publications and to the oneness of the Body of Christ. We will continue to seek genuine Christian fellowship with a broad spectrum of believers eager to know the truth in love.

## **APPENDIX B. DCP's LETTER** circulated among supporters

June 22, 2007

Dear Saints,

This week the United States Supreme Court declined to hear our appeal in the libel suit against The Encyclopedia of Cults and New Religions (ECNR). This means that we have come to the end of our legal options at this time in dealing with this book. In this letter we would like to review with you: why we litigated over ECNR; a brief history of the controversy and the significance of the courts' decisions; examples of facts uncovered by our litigation; the strong support we have received and its significance; and our attitude and course going forward.

### **Why We Litigated over ECNR**

This evil book certainly defamed us both here and abroad with the most wild and criminal accusations of any book ever to include us. After one year of the authors' and publisher's rebuffing our attempts to resolve their horrific misrepresentations through Christian fellowship, we were left with two courses of possible action: to do nothing and allow the lies to spread or to stand up in the Lord and fight for the truth and practice of the Lord's recovery ministered to us by our senior coworkers, Brother Nee and Brother Lee. Our rising up to fight should be a clear sign that we will not accept such accusations.

### **A Brief History of the Controversy and the Significance of the Courts' Decisions**

From January 2001 to December 2001, we attempted to contact Harvest House Publishers and its authors, John Ankerberg and John Weldon, sending them six letters (posted on [contendingforthefaith.org](http://contendingforthefaith.org)) seeking Christian fellowship to resolve this controversy. While we were still seeking an amicable resolution to this dispute, Harvest House initiated legal action against us by filing a lawsuit in Oregon on December 14, 2001. With the statute of limitations running out, we sought the court's intervention by filing a libel suit against the publisher and authors on December 31, 2001. Their suit in Oregon was quickly dismissed by the district court.

Our defamation suit continued forward in Texas, and on three separate occasions the district court denied the defendants' attempts to have our case thrown out. Because judges at this level spend much time reviewing evidence and hearing oral arguments, we feel these three court rulings by two different judges reflect the strength of our case in terms of both the law and evidence. However, before the case could get to trial, Harvest House appealed the court's denial to the Texas Court of Appeals. After a brief oral argument, the Texas Court of Appeals overturned the three previous decisions of the lower court and granted the defendants' motion, dismissing our suit. It declared, despite ECNR's allegations of horrific secular crimes, that the case was merely a "religious" dispute. Both the decision itself and the grounds cited for it were seriously flawed.

The Appeals Court ruled, in essence, that if one party accuses another party with allegations of criminal behavior – but does it in a "religious" context – it cannot be found liable for the damages it caused. We believe, as do a number of constitutional scholars and religious experts, that the Texas Appeals decision set a dangerous precedent. Their decision has already been criticized by a Federal District Court in Wisconsin. As a result of the Court of Appeals decision, it is possible that, after being out of publication now for five years, ECNR could be published again with even more misrepresentations or that others may try to follow ECNR's dangerous example of mixing libelous charges with the term "cult" and theology to smear us.

While we felt it was necessary to appeal to the Texas Supreme Court and the U.S. Supreme Court, we fully realized that the likelihood that our case would be heard was remote when we submitted our petitions. Such reviews are discretionary and at the US Supreme Court level, for example, the ratio of cases accepted for review is only about 1 out of every 100. Yet, after much prayer, fellowship, and consultation we felt to go forward.

First, the Texas Supreme Court and now the U.S. Supreme Court have declined to review the flawed Appeals Court ruling. This means that neither court reviewed the merits of our case or passed judgment on the Appeals Court ruling. Their failure to review is by no means an endorsement of that faulty ruling. In addition, nothing in any court ruling in this case has validated or substantiated even one word published in ECNR concerning the local churches or Living Stream Ministry (LSM). On the contrary, the evidence in the case, including several admissions under oath by Mr. Ankerberg and Mr. Weldon, the authors of ECNR, make it clear that there never has been any factual basis whatsoever for any of the false statements that were the subject of our lawsuit.

We believe that we have exercised the highest level of responsibility, both as members of the Body of Christ and as citizens of this country, in how we have conducted ourselves in this effort, including our appeal to the highest court in the land, as the apostle Paul did in his day by appealing to Caesar (Acts 25:11, 26:32). We feel much confirmed in the Lord that it is right to “stand therefore” (Eph. 6:10-14).

### **Examples of Facts Uncovered by Our Litigation**

In at least eight different manuscripts from the early 1980s through early 1999, authors Ankerberg and Weldon concluded, “Theologically speaking, Witness Lee and the Local Church do not constitute a cult, or strictly speaking, a non-Christian religion”. Weldon, even after ECNR had been published three times and in the same month that Harvest House sued us, admitted to a fellow anti-cultist that he did not know whether the local churches were a “cult” and that “to prove it would require a lot more time and space than we have.” During the same time, Ankerberg and Weldon prepared a revised chapter for a second edition of ECNR containing the words, “The Local Church...is unique among the groups in this encyclopedia. It is not a cult in the negative sense of the term, nor do the characteristics of cults in the Introduction generally apply to them.”

John Ankerberg and John Weldon have a reputation among some evangelicals as scholars, but the facts we uncovered show that several of their claimed scholarly achievements are a sham. Between the two authors, they have at various times claimed a PhD and at least four other doctorate degrees and five master’s degrees. However, between the two of them, there is only one master’s degree earned from a truly accredited institution. Weldon’s instructions to a secretary employed by John Ankerberg to select from his manuscript the most “damning” and “damaging” quotes to “really hit these guys hard” and to show their “demonization” belies the scholarly trappings of the book and resulted in a grossly distorted portrayal of LSM and the local churches.

Harvest House’s editorial process did not include any substantive editing or fact checking of ECNR. In fact, no one on the editorial staff of Harvest House read the book before it was published. Furthermore, Harvest House’s President, Bob Hawkins, Jr., testified that he did not read the complained-about sections of the book and that no steps were taken to validate the authors’ research after receiving our letters of protest that clearly indicated the potential bias of the primary author.

Throughout this controversy, Harvest House, Ankerberg and Weldon have steadfastly refused to meet with us as Christian brothers. Harvest House responded to our first offer to travel to Oregon for Christian fellowship with a letter from their attorney. While we were continuing to negotiate with them in good faith, the publisher surreptitiously filed a lawsuit against us. Thus, Harvest House initiated the use of litigation. Harvest House and its authors received numerous protests about the libelous nature of



ECNR's inaccuracies but continued its republication even long after our lawsuit was filed. In court and under oath at deposition, both the publisher and authors failed to produce any evidence that the libelous charges of criminal and immoral behavior in ECNR were true concerning us, yet they would not and have not admitted that the charges are false.

### **The Strong Support We Have Received and Its Significance**

As you know, whenever others have taken the time to investigate either the details of our case or the details of what we believe, we have found warm support. We purposely determined that in addition to fighting the defamatory book, we would also seek out genuine believers with the hope of making ourselves better and more accurately known than in the past. The Lord has blessed this aspect of the whole endeavor very much indeed.

Despite the legal disappointment, we are in no way disappointed with the overall outcome to date. No court victory could result in a positive affirmation of our Christian faith and practice; however, during the course of this litigation many have taken up our invitation, often at great personal cost, to honestly research and evaluate our teachings, practice, and history. Some of these include: Fuller Theological Seminary, including president Richard Mouw, Dean of Theology Howard Loewen, and Professor of Theology Veli-Matti Kärkkäinen; Christian Research Institute and its President Hank Hanegraaff, aka the "Bible Answer Man"; Answers in Action and its Director Gretchen Passantino; The Institute for the Study of American Religion, headed by Dr. Gordon Melton; John Van Diest, editor at Tyndale Publishing; and the Evangelical Christian Publishers Association, which includes all of the major Christian publishers. See for example the material posted at [www.lctestimony.org](http://www.lctestimony.org) and the friend-of-the-court briefs posted at <http://www.contendingforthefait.org...-al/index.html>.

The recognition of these and many other evangelicals over the past five years that the saints in the Lord's recovery are genuine believers and that the recovery is a genuine move of the Body of Christ will spread and affect many more in the time to come. We hope to add to this number in the days ahead and will continue to aggressively seek opportunities for fellowship with fellow believers. We should pray for this.

### **Our Attitude and Course Going Forward**

We continue to believe that the Lord led us to bring this matter to the courts. The chances of another wild and irresponsible book coming from mainstream Christendom at this time seem small. We have to testify that we have seen the Lord's hand move strongly in too many details of this endeavor to have anything except the utmost faith in His continued leading. The Lord has, in His sovereign care for us, done much more than we expected. At the same time, we remain concerned for the churches and believers here and for the hundreds of thousands of believers in countries that can be hostile toward the faith who may suffer directly as a result of this ruling.

We accept this decision by the Court as from the Lord's sovereign hand and we remain undaunted in our determination to expose the evils of this book. We still feel that this book must be dealt with for the sake of the truth and for the sake of those in China and other countries who do not share in the freedoms we enjoy. We must continue to stand and fight by writing and by further aggressive contacts with the Christian public. If we publish the real story of ECNR, it will make for some very shocking reading and will come out as an exposé of unqualified authors and an irresponsible publisher who behaved very badly while trying to vindicate something that they knew to be wrong. On the side of aggressively contacting others, we see the Lord's hand opening doors and feel we must go forward. We are full of confidence, not in ourselves but in the truth and life with which we have been commissioned.

In any case brothers, we feel to do what the Lord led us to do from the beginning—to stand up and fight for the truth as far as He enables us to go on, with the confidence that ultimately the Lord will win this

battle. At this point, let us look to the Lord for His leading in how to go forward.

**The brothers striving together for the defense and confirmation of the gospel**