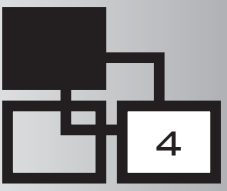
Brothers, Hear our Defense



Against False Witness

DCP
PRESS

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DCP is a project to defend and confirm the New Testament ministry of Watchman Nee and Witness Lee and the practice of the local churches.

> Phil. 1:7 – Even as it is right for me to think this concerning you all because you have me in your heart, since both in my bonds and in the defense and confirmation of the gospel you are all fellow partakers with me of grace.

Editors' note: *The gospel*, as used on the cover and title page of this book (*Defense and Confirmation of the Gospel*), has a broader meaning than may be familiar to some readers. The fullness of the good news announced in the New Testament encompasses the entire operation of God to accomplish His purpose. The complete gospel therefore includes all of the truths unveiled in the apostles' teaching through "the word of the truth of the gospel" (Col. 1:5; Eph. 1:13; Acts 2:42; Titus 1:9).

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PREFACE

This book is the fourth in a series that corrects errors in an article written by Norman Geisler and Ron Rhodes rejecting a reassessment performed by the Christian Research Institute (CRI) concerning the teachings of Witness Lee and the local churches. CRI, one of the earliest apologetics ministries in the United States to criticize those teachings, discovered, based upon extensive primary research, that they had erred in their earlier assessment. To correct the misinformation that had been propagated from their earlier writings, CRI published a special edition of the *Christian Research Journal* entitled "We Were Wrong."[1] Shortly after the release of the special issue of the *Journal*, Geisler and Rhodes published a response on the Internet attacking CRI's new findings.

The books in this series point out some of the more significant problems with their response. This book addresses Geisler and Rhodes' repetition of false witness:

- Alleging "litigiousness" on the part of the local churches;
- Accusing the local churches of using litigation to drive the Spiritual Counterfeits Project into bankruptcy; and
- Concerning the *Encyclopedia of Cults and New Religions* (*ECNR*) authored by John Ankerberg and John Weldon and published by Harvest House Publishers.

The chapter on *ECNR* also contains a sidebar examining Geisler and Rhodes' defense of Harvest House's history of using litigation against fellow Christians.

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[1] *Christian Research Journal*, 32:6, December 2009.

REPEATING FALSE WITNESS IN ACCUSING THE LOCAL CHURCHES OF "LITIGIOUSNESS"

For years certain circles within the Christian countercult movement have cultivated the perception that the local churches employ litigation and the threat of litigation to silence critics. As supporting evidence, they rely on a list of purported lawsuits and threats of lawsuits published by the Spiritual Counterfeits Project (SCP) in 1983 to rally support for defense of their book *The God-Men*, which was subsequently ruled to be libelous.[1] SCP's list appears to be based on a list that was produced in a contemporaneous litigation concerning *The Mindbenders: A Look at Current Cults (Mindbenders)*, which was subsequently retracted with an apology from the publisher in an agreement signed by its author, Jack Sparks.[2]

Neither Sparks nor SCP provided supporting documentation for the charges in their respective lists. Their compilations should have been suspect, given their obvious bias in the matter. Nevertheless, this list has been accepted as fact by the critics of the local churches and has been subsequently revised and republished in various forms by Jim Moran, the Cult Awareness & Information Center, the Bereans Apologetics Research Ministry, Harvest House Publishers, and Eric Pement. These largely undocumented claims have in themselves sufficed as evidence of the charge of litigiousness among the countercult community. Most recently, Norman Geisler and Ron Rhodes have endorsed Eric Pement's version of this list, saying:

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[1] See http://www.contendingforthefaith.org/libel-litigations/god-men/decision/completeText.html.

[2] See http://www.contendingforthefaith.org/libel-litigations/mindbenders/retraction.html. Because of their participation in the development of the book, the settlement agreement was also signed by Jon Braun, Peter Gillquist, and Richard Ballew, who were co-founders with Sparks and others of the New Covenant Apostolic Order and the Evangelical Orthodox Church.

> The Local Church (LC), known for its litigious activity in threatening to sue (and actually suing) individuals and groups that call them a "cult"…

and:

> Noted cult researcher Eric Pement has listed numerous examples of Christian groups that were threatened or sued by the LC, most of which CRI [Christian Research Institute] did not even attempt to refute in its Journal articles.[3]

Nearly all of the authors and publishers on these lists produced works that simply repeated the accusations made in *The God-Men* and *The Mindbenders* without further research. Even John Weldon's early drafts of what became the chapter on the local churches in the *Encyclopedia of Cults and New Religions* were derived from these sources and exhibited the exact same distortions of context that characterized the two earlier books.[4] Both *The God-Men* and *The Mindbenders* drew on the same manuscript produced by a young staff member of the pseudo-radical Christian World Liberation Front at the University of California at Berkeley. Thus, what Geisler, Rhodes, Pement, and the others seek to characterize as indiscriminate use of litigation to silence critics was actually an attempt to deal with the propagation of false, libelous accusations concerning unethical behaviors. On April 3, 1984, in a letter to SCP's leadership, Dr. J. Gordon Melton said that he had, based on his own direct research,

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[3] This criticism of the CRI article is unfair. The stated goal of Elliot Miller's article was to address in a balanced fashion the accusations made against the local churches in an open letter published on the Internet by a group of "evangelical scholars and ministry leaders." His article presented the most broad-based assessment of the teachings of the local churches available to date. To document the falsity of the claims made in Pement's chart would have skewed the article from its stated goal and would have been overly burdensome to CRI's readership.

[4] For examples of this, see Dr. J. Gordon Melton's *An Open Letter Concerning the Local Church, Witness Lee and The God-Men Controversy* at www.contendingforthefaith.org/libel-litigations/god-men/OpenLtr/index.html.

concluded that the local churches "have a strong case [against SCP] for libel—including conspiracy and malicious intent." In that letter Melton also stated that he had discussed these very matters personally with Eric Pement, a fact which Pement neglects to mention.[5] Geisler and Rhodes' repetition of the countercult's mantra of local church "litigiousness" is simply more of the same—uncritical acceptance and spreading of false reports from biased sources without direct research.

Over time Sparks' list of supposed "direct or vailed [sic] threats" has been repeated and expanded into a list that is promoted by some in the countercult movement as authoritative evidence of litigiousness by the local churches. These accusations are lacking in factual basis, as the following documented accounts illustrate:

Christian Research Institute, 1977

Pement claims that the local churches threatened a lawsuit against the Christian Research Institute in 1977. Elliot Miller states in his article:

> In response to Pement, I know for a fact that he is wrong about the LC threatening legal action against CRI in 1977 (or in any other year for that matter).

Miller's statement is in accord with the facts and the available documentation. Prior to a conference given by Walter Martin at Faith Lutheran Church in Anaheim early in 1977, some of the Orange County local churches sent letters to CRI, Faith Lutheran Church, and its governing body. There were no threats of litigation in those letters. Transcripts of statements made by both sides during public meetings held on February 8 and 9, 1977, at Faith Lutheran also contain no support for Pement's claim of legal threats.

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[5] Letter from Dr. J. Gordon Melton to Brooks Alexander and Bill Squires, April 3, 1984.

Those conversations laid the groundwork for a subsequent meeting between Walter Martin and Witness Lee. The tone of that meeting was amicable and its outcome encouraging. However, that promising beginning failed to bear lasting fruit. On October 2, 1977, Walter Martin criticized Witness Lee and the local churches in a public meeting at Melodyland Christian Center. In response, the churches published a series of articles in the *Orange County Register* between October 1977 and March 1978. Although this period was a time of confrontation between the churches and CRI, no legal action was threatened or taken by either party.

James Bjornstad and Regal Books, 1979

In 1979, Regal Books (Regal) published *Counterfeits at Your Door* (*Counterfeits*) by James Bjornstad. The book claimed that the local churches had a public teaching and a private teaching, that is, that the local churches misled people as to their real beliefs.[6] Responsible members of local churches wrote a few letters to Bjornstad. Some of the letters did ask the author to retract the book and apologize for his errors. None of the letters contained a threat of legal action. None of the available documentation shows that the publisher or the author ever claimed there was such a written threat.

In 1980 three responsible brothers representing the churches, none of whom were lawyers, visited Bjornstad in the New York law offices of the firm that represented Regal. Regal's lawyer

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[6] Even at the time *Counterfeits* was published, Living Stream Ministry was publishing as much of the ministry of Watchman Nee and Witness Lee as possible in audio, video, and print media. Today there are over 700 titles in print in the English language and over 4000 audio and 3000 video tapes (see LSM's Audio/Video Tape Catalog at www.lsm.org/lsm-catalogs.html). In addition, there are over 1700 radio broadcasts available for downloading free of charge from the Internet (see "Life-study of the Bible with Witness Lee Radio Broadcast" at www.lsmradio.org). To maintain a private teaching that was different from such an extensive public record would be impossible.

was present, but the brothers representing the churches came without legal counsel. Because of his involvement with SCP, Bjornstad was later deposed during *The God-Men* litigation. When questioned about the meeting at the offices of Regal's legal counsel, Bjornstad admitted that no threats of litigation had been made by any of the brothers.

Salem Kirban, 1980

The first edition of *Satan's Angels Exposed* (*Angels*) by Salem Kirban (1980) contained a section on "The Local Church" that was highly derivative of Jack Sparks' *Mindbenders*.[7] On July 12, 1980, the churches in Texas wrote to Mr. Kirban to protest inclusion of the local churches in *Angels* and to outline objections to the portrayal of the churches taken from *Mindbenders*. The letter stated that its signers' intent was to establish a dialogue with Kirban as brothers in Christ to resolve the issues with *Angels*. The writers explained that they considered the content of *Mindbenders* to be false and defamatory concerning the local churches and that, after trying to dialogue with Sparks and others (who flatly refused all such attempts), it had become necessary to enter into litigation against the book's author and publisher. Since Kirban relied upon *Mindbenders* as his source concerning the churches, the leading brothers in the churches in Texas considered it their responsibility to inform him of the serious problems involving the book.[8]

In response, Kirban extended an invitation to the brothers to submit more material for his consideration, and he opened the

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[7] *The Mindbenders* was subsequently withdrawn by the publisher, and a retraction with an apology was printed in major newspapers across the United States (see the first paragraph of this article).

[8] Although some might characterize this as a veiled threat, that is a purely subjective interpretation that should not be advanced as factual evidence. The goal was to cause the author to reevaluate the credibility of the sources he had relied upon.

door to dialog via a phone call or other means of communication.[9] On August 7 four representatives from the local churches traveled to his home. Kirban and his wife graciously received them, and Mrs. Kirban prepared a meal for them. After some fellowship, an agreement was reached that resulted in the chapter on "The Local Church" being omitted from subsequent editions of *Angels* and in *Mindbenders* being deleted from its recommended reading list. There was some subsequent friendly correspondence, and upon the resolution of the *Mindbenders* litigation, the matter was closed. There was never a threat of litigation against Mr. Kirban.

Jerram Barrs and InterVarsity Press, 1983

Jerram Barrs, then a co-director of L'Abri Fellowship in England, wrote *Freedom & Discipleship: Your Church and Your Personal Decisions* (*Freedom*), published by InterVarsity Press (IVP) in 1982. The book's treatment of the local churches relied heavily on *The God-men*. Most of the quotes from Witness Lee's writings used in *Freedom* were the same ones found in *The God-Men* and were misrepresented in the same manner.

On April 27, 1983, representatives of the church in Blackpool, England, sent a four-page letter to the author and copied the letter to the British publisher. In it they pointed out the errors and misrepresentations in *Freedom* and protested the false accusations made in it. The letter and the cover letter to IVP were respectful and did not mention legal action. In addition, some letters were written by other individuals to the author and the publisher asking for a retraction.

On April 30, 1983, two other members from Blackpool representing LSM wrote to Barrs in care of IVP in England. This letter stated that if Barrs refused to dialogue with the brothers (which he did), they were prepared to publish a public rebuttal (which they did).

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[9] Letter from Salem Kirban to the church in Dallas, July 25, 1980.

On May 4, 1983, Derek Wood of IVP sent the letter from the church in Blackpool to Neil Duddy, then in Denmark, and asked for his advice in the matter. In his reply of May 16, Duddy recommended that Wood seek legal counsel. This was the first time the matter of litigation or legal representation was brought up in any of the correspondence.

On June 2, Wood responded to Duddy, thanking him specifically for this suggestion. On the same day, Wood wrote a letter to Mr. S. W. Groom, a solicitor (lawyer), asking for a legal opinion about IVP's options. In it, Wood does not claim that the church in Blackpool, Living Stream Ministry (LSM), or any of the individuals who wrote to complain about *Freedom* ever mentioned litigation, only that they asked for a retraction. In fact, he characterized the letters sent to IVP and Barrs as "more in sorrow than in anger." IVP and Barrs decided to remove the references to Witness Lee and the local churches from all subsequent printings of the book. Similar material was unilaterally removed from Barrs' book *Shepherds and Sheep: A Biblical View of Leading and Following*, which was also published by IVP. At no time were there any threats of legal action by the church in Blackpool, LSM, or anyone else involved.

Moody Press, 1991

In 1991, Moody Press published *A Concise Dictionary of Cults & Religions,* by William Watson. In correspondence with the author on June 27, 1991, Dennis Shere, then a vice-president of Moody Press, stated that Moody had unilaterally decided not to include anything concerning the local churches in the book. There was no contact between the local churches and Moody concerning the matter, and no threats of litigation were made.

Our Standard

It is false to claim that the lawsuits filed by the local churches were motivated by efforts to silence critics' theological disagreements, a fact that Eric Pement should have known from his own

experience. When Pement was a leader in Jesus People USA (JPUSA), they published a tract that featured a hideous caricature of a church member. The tract misrepresented and attacked the teachings and persons of Witness Lee and those in the local churches. This prompted a visit to JPUSA in Chicago by two representatives of the local churches, who strongly protested the inaccurate and unfair representation of the local churches in the tract in a meeting in which Pement participated. JPUSA never changed the tract, and no agreement was reached at that meeting concerning the accuracy or appropriateness of the tract. However, JPUSA was never threatened with legal action, and none was taken against them, even though they continued to publish and disseminate the tract. It is indeed strange that Pement, who had first-hand knowledge of this meeting and its outcome, neglected to mention the meeting in his recounting of earlier rumors.

The same standard has been applied to Geisler and Rhodes, who, though vocal in their criticism of the local churches' theology, have not been sued or threatened with litigation for their grievous misrepresentations of the teachings of the local churches. Rather than passing on unsubstantiated rumors, Geisler and Rhodes should have testified of this fact based on their own experience.

Geisler and Rhodes assert that the churches' claim of seeking redress through dialog was disproved by John Ankerberg and Harvest House. Geisler and Rhodes do not tell their readers that it was Harvest House that filed suit first at a time when representatives of Living Stream Ministry and the local churches were seeking dialogue with them. In response to CRI's statement that "the LC always took legal action as a last resort when the parties absolutely refused to meet with them as Christian brothers," Geisler and Rhodes state:

> Despite factual evidence provided by Ankerberg and Harvest House to the contrary (which convinced the High Courts), one

> is hard-pressed to justify these kinds of lawsuits on biblical grounds.

In fact, Ankerberg and Harvest House provided no such factual evidence. They simply reproduced the same litany of false and unsubstantiated accusations in an affidavit submitted by Mary Cooper, Harvest House's Vice President of Administration:

> Several organizations that research and report on cults, such as Cult Awareness & Information Centre, Apologetics Index, and The Bereans Apologetics Research Ministry, have, in the past or presently, publicized and discussed the fact that Living Stream Ministry and/or The Local Church have initiated, at our count, at least 14 legal proceedings, lawsuits, or threats of lawsuits against those who call their teachings into question (Exhibit K).

The list attached to Cooper's affidavit is yet another example of propagating these same false rumors as though they were fact. The purpose of the exhibit was to "prove" the litigious behavior of the local churches, yet half of the 14 examples listed alleged no legal proceedings or even purported threats of any kind. Cooper also included the five cases discussed in this article. As has been clearly demonstrated, these cases involved no legal actions or threats. The only two cases that proceeded to litigation were *The Mindbenders* and *The God-men*. *The Mindbenders* was retracted with an apology,[10] and *The God-Men* was judged by a court to be libelous.[11]

Furthermore, contrary to the claim made by Geisler and Rhodes, Cooper's affidavit was submitted to the District Court, which rejected the defendants' motion for summary judgment that the affidavit was supporting, not to the "High Courts." There is no evidence that the "High Courts" or even the Texas Court of Appeals read it, much less were convinced by it. Thus, Geisler

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[10] See note 2.

[11] See note 1.

and Rhodes' attempt to muster support from the "High Courts" to bolster the charge of litigiousness they levy against the local churches is without factual basis.

Conclusion

The five cases examined here demonstrate that the accusation propagated by the countercult movement that the local churches are litigious is not supported by the oft-cited lists of purported threats of litigation first developed by Jack Sparks and SCP. Geisler and Rhodes fault Elliot Miller for not refuting every case in the most recent revision of this list published by Eric Pement, yet they in no way fault Pement for disseminating the list without supplying proof of its charges. Normally the burden of proof rests on the person making an accusation, yet Geisler and Rhodes, among others, have accepted mere unsubstantiated accusations as proof. The cases presented here show the emptiness of Geisler and Rhodes' criticism.

The charge of litigiousness against the local churches has been accepted as axiomatic among countercultists, that is, something of which there is no need of proof. Examined in light of available facts, the propagation of this falsehood is simply rumormongering. It exhibits a mentality that is sadly characteristic of some in the countercult apologetics community, that is, that rumors and accusations weigh more than facts. They excuse those who libel others and savage those who have the audacity to point out their errors. They also refuse to police themselves, and they show a propensity to excuse poor scholarship, deceit, and worse among their own. It is encouraging, however, that some such as CRI, Gretchen Passantino, and Fuller Theological Seminary have a greater care for the truth than is evidenced by the work of some countercult apologists. We hope that other responsible scholars from the apologetics community would similarly seek out the truth through careful primary research and meaningful dialogue.

REPEATING FALSE WITNESS CONCERNING SCP BANKRUPTCY

In an article attacking the Christian Research Institute's reassessment of the teachings of Witness Lee and the local churches, Norman Geisler and Ron Rhodes make the following statement:

> It is a fact that the litigations [sic[1]] of the LC drove a major countercult movement called Spiritual Counterfeits Project (SCP) into bankruptcy.[2]

Although this version of events has been long accepted and promoted by those in the tightly knit circle of the countercult community, the facts do not support this claim. SCP claimed they were unable to proceed to trial because their litigation attorney, Michael J. Woodruff, withdrew on the eve of the trial over unpaid bills, and they could not afford the trial costs. In fact, a review of the available data casts substantial doubt on this claim.

SCP's general operating budget increased substantially during the litigation, and only a small amount of their income was used to pay legal expenses. This raises questions as to whether some of the money given to support SCP's legal needs was used to grow SCP's operating budget. Support for this hypothesis can be found in correspondence between Neil Duddy, author of *The God-Men*, and SCP. A review of the available evidence, which Geisler and Rhodes have clearly not done, suggests that if SCP and its legal counsel had desired to proceed to trial, there should have been adequate financial resources available to do so.

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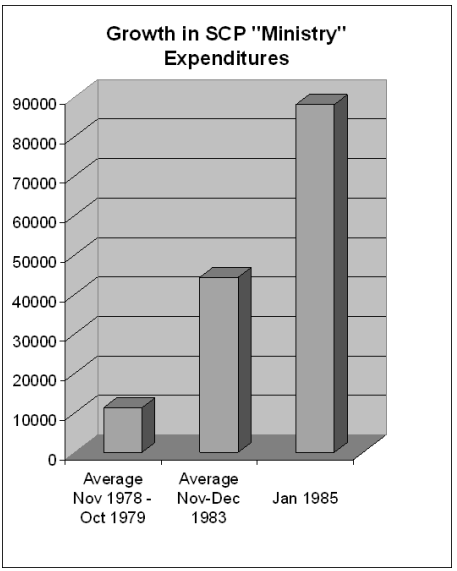
[1] There was only one litigation between any of the local churches and SCP, and only one local church was a party to that litigation.

[2] Norman Geisler and Ron Rhodes, "A Response to the Christian Research Journal's Recent Defense of the 'Local Church' Movement," posted with the "Open Letter" at open-letter.org.

The Facts Concerning SCP's Income and Expenses

Throughout the course of the litigation over *The God-Men*, SCP maintained separate accounts for their "ministry" and their legal costs. [3] During the litigation, SCP made frequent appeals for funds for its legal defense.[4] During the period of time in which they repeatedly stated that they were short of funds to defend themselves, their operating budget increased at least fourfold. Consider the following:



1. In their September-November 1979 *Newsletter*, which was published prior to the litigation, SCP stated that their average monthly expenditure for the previous year had been slightly more than $11,300.[5]

2. In their March-April 1984 *Newsletter*, SCP said that their expenditures from the "ministry" funds for the preceding November and December had averaged over $44,300 per

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[3] See e.g., *SCP Newsletter*, vol. 10, no. 2, March-April 1984, p. 4.

[4] For example, *SCP Legal Case Update*, April 1983; *Witness Lee vs. SCP*, May 5, 1983; *Legal Update, No. 2*, June 16, 1983; *Legal Update, No. 3*, July 31, 1983; *SCP Newsletter, Vol. 9, No. 5*, November-December 1983; *Legal Update, No. 5*, December 1983; *SCP Letter*, January 27, 1984; *SCP Newsletter, Vol. 10, No. 2*, March-April 1984; *Legal Update, No. 6*, March 1984; *Legal Update, No. 8*, June 1984; *Legal Update, No. 9*, August 10, 1984; *Legal Update, No. 10*, September 20, 1984; *Legal Update*, November 21, 1984; *Legal Update*, January 18, 1985; SCP Letter, February 20, 1985.

[5] *SCP Newsletter*, vol. 5, no. 6, September-November 1979, p. 2. SCP's fiscal year ran from November 1 to October 31.

month,[6] nearly four times SCP's average monthly expenditures from 1979, just over four years earlier. That would represent a 40% annualized growth rate. This is consistent with other available financial data from SCP.[7] At the same time SCP claimed its resources were being drained by *The God-Men* litigation, it had increased its "ministry" expenditures fourfold.

3. A financial statement for January 1985 showed SCP spent $88,000 for "ministry" expenses.[8]

Financial statements from the same period show that SCP's legal expenses were consistently small in comparison with their overall budget. For example:

1. SCP's legal expenses from March 1, 1984, through the end of 1984 averaged a little over $9,000 per month or approximately 1/5 of their monthly ministry budget.[9]

2. In January 1985, SCP spent slightly more than $18,200 on legal expenses as compared with $88,000 for "ministry" expenses.[10] Thus, even as the trial date approached, SCP was still spending less than 20% of its budget on legal expenses. As noted previously, SCP's operating budget for the same month

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[6] *SCP Newsletter*, vol. 10, no. 2, March-April 1984, p. 4.

[7] SCP's Schedule of Current Income and Expenditures dated March 18, 1985, showed that in the previous six months, SCP had an average monthly income of $48,981.21 and average monthly expenditures of $49,709.10. Of those expenditures only an average of $7,077.28 per month went to legal expenses, less than one-seventh of the total. Thus, during this period SCP's operating expenditures were equivalent to over $500,000 on an annual basis.

[8] All figures from Spiritual Counterfeits Project, Monthly Operating Report for Period Ending March 31, 1985.

[9] Based on a comparison for *SCP Legal Update*, March 1984, p. 3 (reporting expenditures as of February 29, 1984), and *SCP Legal Update*, January 18, 1985, p. 4 (reporting expenditures as of December 31, 1984).

[10] All figures from Spiritual Counterfeits Project, Monthly Operating Report for Period Ending March 31, 1985.

was double what it had been just over one year earlier. This is especially significant as it followed several seemingly desperate appeals for financial support to defray their legal costs and preceded their bankruptcy declaration by just one month.

The substantial increases in SCP's operating budget and the disparity between that growth and the amounts spent on legal expenses during a time of repeated appeals for donations to their legal defense fund suggest that SCP may have used some of the increased contributions they received as the result of litigation-related appeals to grow their "ministry" and not to defray their legal expenses.[11] It appears that unless contributions that were specifically designated for SCP's legal defense fund, they were put into SCP's general fund. Such inferences, which SCP's own financial statements seem to support, are reinforced by contemporaneous correspondence between one of the principals in *The God-Men* case and SCP.

Neil Duddy's Accusations of Financial Mismanagement

Neil Duddy, the primary author of *The God-Men*, charged SCP with redirecting funds specifically given for legal defense. On June 6, 1982, Duddy wrote to an SCP employee who had complained about SCP mismanagement, saying:

> SCP directors broke SCP by-laws, mismanaged funds, broke the law by using monies from the local church legal fund (any contributor to that fund could sue and win hands down in the

[11] On May 20, 1983, the Executive Director of SCP informed the Board of Trustees that SCP received $21,000 in one week in response to an appeal for legal defense funds. Of that amount 60% was designated to legal defense. While this sampling is too small to draw definitive conclusions, it is in line with the hypothesis that a substantial share of the donations to SCP during the course of the litigation was intended for its legal defense, in particular following their appeals for such funds.

next six years) to cover other expenditures and enriched themselves while ignoring the needs of other staff.[12]

On July 15, 1982, having not received a satisfactory response to concerns he had raised in 1981,[13] Duddy wrote a 17-page letter to David Brooks, president of SCP's Board of Trustees, and Michael Woodruff, SCP's counsel for *The God-Men* litigation, detailing his complaints. In that letter he said:

> There are three grounds of concern that make our relation to the SCP thread thin. First, SCP bylaws have been broken by the SCP directors. Second, biblical ethics have been ignored. Third, business standards as supported by the laws governing the SCP corporation have been broken.[14]

Duddy alleged that $6,000 from an early contribution to SCP's legal defense fund from Americans United for the Separation of Church and State had been used to pay for a remodeling overrun. He also indicated that the practice of redirecting funds designated for legal defense to instead pay for salaries and operating expenses was ongoing:

> Second, in violation of the state law and the language of the ad soliciting funds for the Local Church defense, [name deleted] used large amounts of money from that fund to cover operating expenses for the SCP. Even in October, after I had informed [name deleted] that such borrowing was illegal (as had Woodruff), he still approached the bookkeeper for money from that fund to pay operating expenses…[15]

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[12] Letter from Neil Duddy to Stanley Dokupil, June 6, 1982. On October 17, 1981, Duddy had written a memo to SCP's executive committee in which he expressed concerns about SCP's financial management practices. On the same day, five other SCP employees, including Dokupil, signed a letter to the executive committee which referenced Duddy's memo and stated similar concerns with leadership and decision-making practices within SCP.

[13] See note 12.

[14] Letter from Neil Duddy to David Brooks, Chairman of the Board of Trustees of SCP, and Michael Woodruff, SCP Counsel, July 15, 1982.

[15] Ibid.

In a letter dated February 9, 1983, Duddy wrote that *The God-Men* was an "exercise in hypocrisy" on the part of SCP based on what he felt was SCP's own financial mismanagement.[16]

On May 31, 1983, a full ten and a half months after Duddy's letter to him dated July 15, 1982, David Brooks testified that although he had no reason to doubt Duddy's truthfulness, no one on the Board of Trustees or within SCP had investigated whether Duddy's charges were true, and the Board of Trustees had taken no action on them.[17] If Duddy's account is trustworthy, then SCP was not crippled by an inability to pay for its legal defense but had instead misappropriated funds given for that defense.

In a statement dated June 29, 1983, the first day of Duddy's deposition in *The God-Men* case, Duddy stated that six other SCP staff members, a majority of SCP's staff, had supported his concerns about SCP's financial mismanagement, but that those concerns had been "brushed aside." He also stated that SCP's directors had initially adopted his proposal requesting a reconciliation process involving "examining and correcting the direction of SCP leadership." However, SCP management subsequently cancelled that agreement and "forced the resignation of SCP staff who supported my memo asking for an arbitrated reconciliation and precipitated the resignation of other staff who also supported my perspective."[18]

The Facts Concerning SCP's Unpaid Legal Defense Bills

SCP told both the media and the bankruptcy court that it was forced into bankruptcy because its lead attorney, Michael Woodruff, withdrew over unpaid legal bills mere days before the

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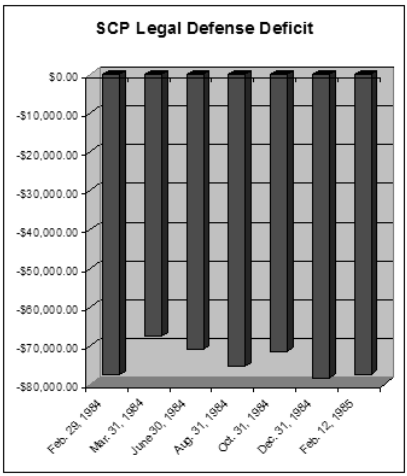
[16] Letter from Neil Duddy to Charles Morgan, February 9, 1983.

[17] Deposition of David Brooks, Witness Lee et al v. Neil T. Duddy et al, May 31, 1983, pp. 32, 34.

[18] Neil Duddy, Deposition Statement, June 29, 1983, p. 8.

trial was scheduled to begin. In addition to the observations already made, this claim is suspect for the following reasons:



1. SCP's deficit in its legal defense fund was essentially unchanged for the entire year prior to their bankruptcy declaration. It was over $77,500 on February 29, 1984[19] and $73,000 as of February 12, 1985.[20] Thus, SCP's deficit in its legal defense fund was not increasing.[21] In a letter dated April 1984, Bill Squires, SCP's Director of Special Projects (including their legal defense) told supporters that "through your sustained giving, our Legal Fund is surviving financially."[22]

2. SCP's operating budget in January 1985 was double the average for March-April 1984,[23] an increase of $44,000. Had these additional funds been applied to pay their legal bills, the outstanding balance would have been reduced by almost 60%. Instead, as the trial date approached, SCP chose to spend these funds on their "ministry" rather than on their legal defense.

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[19] *SCP Legal Update*, March 1984, p. 3.

[20] *SCP News Release*, February 12, 1985, p. 2.

[21] This is further attested by a comparison of figures in the SCP Legal Updates of March 1984 (p. 3) and January 19, 1985 (p. 4), which shows that in the last ten months of 1984, SCP received over $95,500 in contributions to its legal defense fund while amassing just over $92,000 in expenses.

[22] Bill Squires, Letter addressed to "Dear Friends of SCP," April 1984.

[23] See numbers 2 and 3 in the section entitled "The Facts Concerning SCP's Income and Expenses."

3. Michael Woodruff stated to the bankruptcy court that he would have been willing to proceed if SCP could come up with $50,000 to finance the defense of the case.[24] The $44,000 cited above represents almost 90% of that total. Two weeks before the trial date SCP also told supporters that they needed $50,000 to go to trial.[25] This was actually less than SCP's projected cost of $50,000 to $100,000 to implement its proposed bankruptcy reorganization plan[26] and was substantially the same as the amount SCP offered for settlement of the case.[27]

4. In their March 18, 1985, financial statement filed with the bankruptcy court, SCP indicated that they had already paid their bankruptcy lawyers $15,000, money that also could have gone toward paying down what they owed their litigation counsel had they desired to do so.[28]

5. Michael Woodruff had a longstanding relationship with SCP that extended beyond merely providing professional services for hire and was an active participant in the countercult movement.[29]

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[24] Declaration of Michael J. Woodruff in Support of SCP's Opposition to Motion for Relief from Stay, April 16, 1985.

[25] "March 3 Prayer & Fasting," SCP letter to supporters, February 20, 1985.

[26] Spiritual Counterfeits Project, Disclosure Statement, April 1, 1985, p. 13.

[27] Defendant's Written Offer to Compromise on Pending Action (CCP §998), October 16, 1984, filed by Michael Woodruff.

[28] Statement of Financial Affairs for Debtor Engaged in Business, March 18, 1985, Attachment 7, p. 2.

[29] According to a letter to the editor from David Brooks, President of SCP's Board of Trustees, which was printed on page 21 of the June 14, 1985, issue of *Christianity Today*, Woodruff had been providing legal services to SCP for more than 10 years. Woodruff was SCP's attorney in a legal case that gave SCP a national reputation for opposing the teaching of Transcendental Meditation in public schools. (Since SCP built its following by filing a lawsuit, it seems hypocritical for them to have complained so bitterly when they were sued.) According to "Malnak v. Yogi: The New Age and the New Law," by Sarah Barringer Gordon in *Law & Religion*, ed. by Leslie C. Griffin (New York: Aspen Publishers, 2010), p. 14:

It strains credulity to believe that he unilaterally withdrew, leaving SCP high and dry on the eve of the trial that they had recently promised would be a great victory.

6. Had SCP won the case in court, they could have sought to recover legal expenses, which would have more than compensated Woodruff for staying the course. That SCP understood this fact is evident from a statement by Bill Squires in SCP's *Legal Update* dated January 18, 1985:

> What will happen if we win? Will SCP get any of this money back from the plaintiffs? Many of you have asked us this question.
>
> The answer is "Yes!"

> [Brooks] Alexander and his fellow SCP activists promised the Malnaks [the lead plaintiffs in the case] they would come to New Jersey to assist with the brewing conflict there. As the Malnaks put it, "three guys came and lived in our house for months." In addition to Alexander, they were Michael (Mike) Woodruff and Bill (Billy) Squires.

Woodruff's name appears, along with nine SCP staff members, on a list of participants in a conference hosted by SCP in Berkeley on November 2-4, 1979, concerning how to effectively oppose cults on college campuses. He was a featured speaker on the subject of cults and the law on this and other occasions (e.g., at the University of Notre Dame in April 1981; to the Christian Legal Society in 1981; at California State University-Fullerton on October 27, 1982; at Trinity Episcopal School for the Ministry on April 14, 1986). He authored articles on the subject of "new religions" (e.g., in *International Review of Mission*, October 1978; in *The Cult Observer* on September 1984). He served on the Christian Legal Society Board of Directors. He vetted the pre-publication edition of the second English edition of *The God-Men* for InterVarsity Press. Perhaps most tellingly, in the conflict between Neil Duddy and SCP, Duddy "asked both Dr. Enroth and Woodruff that Woodruff not be the mediator of reconciliation because there were too many friendships involved" (Letter from Neil Duddy to David Brooks and Michael Woodruff, July 15, 1982). Read in this light, Brooks' letter to the editor in *Christianity Today* appears to be an effort to mitigate the blame that had been placed on Woodruff for withdrawing from the case just before the trial was to begin.

> We believe we are going to win this case. And if we do, the three plaintiffs… will be required by law to repay SCP (at minimum) a substantial portion of our expenses.[30]

The fact that they ultimately chose not to proceed to trial indicates that Woodruff and SCP knew they were going to lose the case despite their public bravado to the contrary.

It is also significant that the last deposition taken in the course of *The God-Men* litigation was demanded by SCP and conducted on February 25, 1985, a mere week before the scheduled trial date. On the same day SCP submitted a list of expert witnesses through Michael Woodruff, giving every indication that both SCP and Woodruff intended to proceed to trial. On February 26, a settlement conference failed when SCP made a monetary offer similar to its previous one. SCP later blamed the representatives of the local churches for not being willing to set a dollar figure,[31] but the sticking point was actually that SCP refused to discuss language concerning retracting accusations of impropriety made in the book. On March 1, SCP's Board of Trustees voted to declare bankruptcy.[32] The bankruptcy papers were filed on March 4, the day the trial court was to convene to schedule the trial. If SCP had desired to continue to pursue their legal

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[30] Bill Squires, *Spiritual Counterfeits Project Legal Update*, January 18, 1985, p. 2. The three plaintiffs in the case were Witness Lee, William Freeman, and the church in Anaheim.

[31] "Declaration of Michael J. Woodruff in Opposition to Motion for Relief from Stay," April 18, 1985, p. 4: "I question whether the plaintiffs truly exercised good faith efforts to negotiate settlement with SCP because they refused on February 26, 1985 to disclose what amount of money it would take to settle the case since they wanted to be sure they had a retraction statement in a form agreeable to them first." What Woodruff's statement actually shows is that the plaintiffs were not interested in a mere financial settlement that allowed SCP to continue to make the same kind of libelous accusations they had in *The God-Men*. Rather the plaintiffs were seeking a proper admission that the allegations in the book were false.

[32] Spiritual Counterfeits Project, Corporate Resolution, March 1, 1985.

defense, they could have sought a delay of the trial date to enable them to raise more funds.

What the Facts Mean

The available evidence does not support the contention that Geisler and Rhodes declare as fact. What can be said is this: During *The God-Men* litigation, SCP's defense became a *cause célèbre* in Christian countercult circles. Their revenues increased substantially over the course of the lawsuit. However, most of the increase in their revenues did not go toward the legal defense; it went to a several-fold increase of their "ministry" budget, which included salaries and operating expenses.

As the trial date approached, SCP was faced with the daunting prospect of a major embarrassment—losing a highly visible libel suit that exposed the recklessness of their publication. Given the evidence from the depositions (including their own) that was used to support the judge's decision when the libel action was adjudicated, this is clearly the case.[33] SCP had repeatedly appealed to supporters for money to fight the case; losing in court would have irreparably damaged their credibility, which would in turn have undermined their financial viability in the long term. Rather than run that risk, they declared preemptory bankruptcy. This conclusion is in line with the statement of SCP's bankruptcy attorney Iain Macdonald:

> Spiritual Counterfeits Project, Inc. commenced a voluntary chapter 11 bankruptcy proceeding in the United States Bankruptcy Court located in Oakland, California on March 4, 1985. The case was filed shortly before the matter of Witness Lee et al v. SCP et al was scheduled to do [sic, s/b go] to trial, and

[33] The complete text of the judge's decision with links to the supporting documentation cited in that decision is available at: www.contendingforthefaith.org/libel-litigations/god-men/decision/completeText.html.

> **was filed for the purpose of preventing the trial from going forward.**[34] [emphasis added]

The entire tone of the article by Geisler and Rhodes betrays an "us vs. them" mentality rather than a concern for truth. Both men have strong ties to strident countercult ministries, a fact which Geisler and Rhodes do not disclose to their readers,[35] and it appears that these ties may have predisposed them to uncritically accept SCP's version of events. Geisler and Rhodes certainly provided no factual basis from the available financial statements, court documents, or bankruptcy filings for their claim of "fact."

Furthermore, Geisler and Rhodes completely ignore what led to the litigation—SCP's reckless and baseless charges of pathological social behaviors and financial malfeasance combined with their intransigence in response to appeals for dialogue. Geisler and Rhodes seem to feel that countercultists should have free license to spread rumors without verifying them as factual and without regard to the impact their words have on people's lives. We cannot agree.

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[34] Karen Hoyt, "Letter to 'Friends of SCP,'" April, 10, 1985, p. 3.

[35] For example, Rhodes was a Contributing Editor to the *SCP Journal* for approximately two years, and Geisler has contributed over 100 articles to John Ankerberg's Web site and is on the advisory boards of several countercult organizations, some of which are known for their intemperance.

REPEATING FALSE WITNESS CONCERNING LITIGATION OVER THE *ENCYCLOPEDIA OF CULTS AND NEW RELIGIONS*

In "A Response to the *Christian Research Journal*'s Recent Defense of the 'Local Church Movement,'"[1] Norman Geisler and Ron Rhodes make many false and misleading statements regarding the recent litigation over John Ankerberg and John Weldon's *Encyclopedia of Cults and New Religions* (*ECNR*). They misrepresent:

- The subject and scope of the litigation,
- The content of the book,
- The actions taken by courts and what those actions mean, and
- An "open letter" signed by both Geisler and Rhodes, which itself misrepresents the teachings of the local churches and Living Stream Ministry.[2]

Taken together, all these misrepresentations seem to be an attempt by Geisler and Rhodes to mislead their fellow signers of the open letter and, even the more, to deceive the Christian public at large.

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[1] This article addresses the version of Geisler and Rhodes' article that was published on Geisler's own Web site and subsequently on the Web site of Veritas Seminary, which Geisler co-founded and which employs both Geisler and Rhodes. A subsequent version of this article was published on the open letter Web site with some corrections, but as of the date of this article's posting, the original version, which is still publicly available, remains uncorrected.

[2] See www.lctestimony.org/OpenLetterDialogue.html. The responses to the open letter that are posted the LCtestimony site are also available in book form at www.contendingforthefaith.org/eBooks/Open Letter Response (1).pdf.

An Egregious Misrepresentation of the Subject and Scope of the Litigation

The litigation at issue was over false and defamatory accusations of aberrant behaviors made in the *Encyclopedia of Cults and New Religions*, published by Harvest House Publishers and written by John Ankerberg and John Weldon.[3] Theological issues were never a part of that litigation. Nevertheless, Geisler and Rhodes wrote:

> In truth, the Supreme Court decision was a great victory for all orthodox, conservative, and evangelical Christians. For, as we pointed out in our amicus brief to the court (with which the court agreed), this would be a violation of free speech since it would deny us the freedom to define the limits of our own orthodox beliefs by distinguishing them from unorthodox beliefs. The LC rightly but reluctantly had to acknowledge that "it is nothing more than an expression of religious opinion that the Local Church is a 'cult' in a theological sense. *It is a type of religious opinion that is undisputedly protected by the Establishment Clause...*" (p. 9) [emphasis in original article]

Almost every point of fact in this paragraph is deliberately and craftily distorted.[4] The most egregious of these distortions is the

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[3] Both Geisler and Rhodes have been published by Harvest House Publishers. Rhodes has 38 titles listed under his name on Harvest House's Web site. In addition, Geisler has approximately 100 articles published on the Web site of John Ankerberg, one of the authors of *ECNR*. None of these relationships are disclosed to the readers of their article.

[4] The following is an enumeration of some of the distortions in this passage (see also note 1):

1. Neither the U. S. nor the Texas Supreme Court wrote a decision on the case; they merely chose not to review it. Both courts accept only a small fraction of the cases appealed to them, and those are not reviewed based on the merits of the case but in order to resolve a constitutional issue or one that involves a significant conflict in lower courts' interpretation of law.
2. There is no evidence that the court agreed with or even read Geisler's brief. It is never referenced in the Court of Appeals decision.

impression Geisler and Rhodes give through their partial quotation from a motion filed by the local churches with the Texas Supreme Court.[5] In Geisler and Rhodes' quotation of the churches' brief,[6] the words "it is nothing more than an expression of religious opinion" seems to be the local churches' assessment of *ECNR*. That is not true. What the churches' brief identified as religious opinion was a statement made by Geisler in his amicus brief, which had been submitted at an earlier date to the Texas Supreme Court.

Prior to the quotation excised by Geisler and Rhodes, the churches' motion filed with the court states:

> Given that the Local Church's lawsuit complains only about allegations of secular cultism, it is curious that Harvest House's "consulting expert," Dr. Geisler, made a focal point of

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3. Geisler and Rhodes imply that the issues in the case involved delineating orthodox and unorthodox beliefs. That is an intentional misrepresentation of the issues in the case, which did not concern any theological issues (to see what the original complaint was about go to www.contendingforthefaith.org/libel-litigations/harvest-house-et-al/ PublicDocs/pd12.pdf).
4. Geisler and Rhodes' statement that "the LC rightly but reluctantly had to acknowledge" that religious opinion is constitutionally protected speech is false. The churches' statement from which they quote was a reiteration of what has always been our standing regarding the proscription on secular courts passing judgment on theological issues.
5. The statement that Geisler and Rhodes quote from is not on page 9 of the *Journal* as the reader would expect; that page is a full page picture. Rather it is from page 9 of a Motion for Rehearing before the Texas Supreme Court. The manner in which Geisler and Rhodes cite the Motion makes it extremely difficult for any reader to discover their twisting of it.

[5] This motion was a Motion for Rehearing submitted to the Texas Supreme Court asking them to reconsider reviewing the case.

[6] The brief was actually filed by The Local Church, Living Stream Ministry and a group of over 90 local churches. For simplicity we refer to it as "the churches' brief."

PRACTICING THE LORD'S WORD IN MATTHEW 18

Geisler and Rhodes faulted the local churches for what they contended was a failure to follow the pattern presented in Matthew 18. In verses 15-17, the Lord said:

> Moreover if your brother sins against you, go, reprove him between you and him alone. If he hears you, you have gained your brother. But if he does not hear you, take with you one or two more, that by the mouth of two or three witnesses every word may be established. And if he refuses to hear them, tell it to the church; and if he refuses to hear the church also, let him be to you just like the Gentile and the tax collector.

Geisler and Rhodes say, "Matthew 18 sets the pattern to follow, and in it the last recourse is to take it to 'the church'" (v. 17). However, they nowhere define what it means to "take it to 'the church'," and the applicability of this particular phrase to a publication inflicting widespread damage is doubtful. As the Reformed scholar D. A. Carson has written:

> The sin described in the context of Matthew 18:15-17 takes place on the small scale of what transpires in a local church (which is certainly what is envisaged in the words "tell it to the church"). It is not talking about a widely circulated publication designed to turn large numbers of people in many parts of the world away from historic confessionalism. This latter sort of sin is very public and is already doing damage; it needs to be confronted and its damage undone in an equally public way.

Although Carson suggests that such a step may not be required, in every case the local churches have attempted to initiate dialogue with their critics. While such attempts have often been welcomed, in some cases they have not only been rebuffed but also publicly mischaracterized. It is striking that Geisler and Rhodes criticize the local churches for allegedly failing to practice Matthew 18 but defend those who have borne false witness and rejected biblical correctives.

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[1] D. A. Carson, "On Abusing Matthew 18," *Themelios* 36:1 (2011), pp. 1-3.

> his amicus brief to assert that the Local Church is a "cult" in a theological sense.

After citing an excerpt from Geisler's brief, the churches' motion says:

> This statement by Dr. Geisler in no way suggests that the Local Church is a "cult" in a secular sense. It is nothing more than an expression of *religious opinion* that the Local Church is a "cult" in a *theological* sense. It is the type of religious opinion that is undisputedly protected by the Establishment clause, **but it is also an opinion that has nothing to do with any issue before the Court in this case.** [boldface type added]

From these excerpts, it is evident that Geisler and Rhodes' misrepresentation is deliberate. They ignored the clear statement that preceded what they quoted from Geisler's brief and ***cut off the last half of a sentence that was in complete contradiction to their misrepresentation***. Their dishonesty is unconscionable. They knew they were twisting words, yet they did it anyway. If Geisler and Rhodes deliberately dissembled with such facility on this point, what does that suggest concerning the integrity of their other works and the caution readers should exercise in relying on them?

The churches' motion cited Geisler's brief to throw light upon the consistent effort by the defendants and their supporters to misconstrue the issues in the case. The case had nothing to do with theological issues,[7] yet Harvest House and its supporters, including Geisler, sought to convince the courts that the book should be protected as religious speech. That Geisler and Rhodes would selectively quote the Motion and misrepresent its subject only illustrates the extent to which these defenders of *ECNR* have gone to distort the real issues in the case. If the book's defenders succeeded in influencing the courts through such attempts at deception, as it appears they may have, they

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[7] See point 3 in note 4.

should be ashamed rather than self-aggrandizing as if by such a work of deceit they could be doing the work of the Lord.

Since Geisler and Rhodes were critiquing Elliot Miller's reassessment of the teaching and practice of the local churches in the *Christian Research Journal*, they were surely aware of Miller's statement printed in large type on page 40 of the *Journal*:

> Contrary to what is commonly repeated in the countercult community, the LC's complaint in this lawsuit was never that they were called a cult on theological grounds.

By choosing to miscast the statement from the Motion for Rehearing and to ignore Miller's clear statement, Geisler and Rhodes demonstrate a preoccupation with vindicating their countercult friends rather than a care for the truth or for fairness in the treatment of others' words. This is consistent with the out-of-context quoting practiced in the open letter's treatment of Witness Lee's ministry, a practice that has been characteristic of much of the countercult's treatment of Witness Lee and the local churches generally. Geisler and Rhodes' article is, in fact, a further demonstration of what Dr. J. Gordon Melton observed twenty-five years ago and both CRI and Fuller Theological Seminary more recently confirmed—that the critics of the local churches wrench statements from their proper context to mislead the uninformed.[8]

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[8] J. Gordon Melton, *An Open Letter Concerning the Local Church, Witness Lee and* The God-Men *Controversy* (Santa Barbara, CA: The Institute for the Study of America Religion, 1985), pp. 1-2:

> Part of my study of the Local Church involved the reading of most of the published writings of Witness Lee and the lengthy depositions of Neil T. Duddy and Brooks Alexander (of SCP). The experience proved among the more painful of my Christian life. As I began to check the quotes of Witness Lee used in Duddy's book, I found that *The God-Men* had consistently taken sentences from Lee's writings and, by placing them in a foreign context, made them to say just the opposite of what Lee intended. This was done while ignoring the plain teachings and affirmations concerning the great truths of the Christian faith found throughout Lee's writings.

Even when addressing details of the *ECNR* litigation in a rather off-handed way, Geisler and Rhodes err. They stated:

> In their Appeal to the Texas Supreme Court to reconsider their case, the LC ironically included an appendix containing Chapter Three from a book by Witness Lee titled, *The God-Ordained Way to Practice the New Testament Economy*…

This claim is misleading. The third chapter of the book in question was not submitted by the local churches to the Texas Supreme Court in the *ECNR* litigation. However, it was referenced by an out-of-context quote in an Amicus Brief filed with that Court in support of the authors and publisher of *ECNR*. Because of this out-of-context quote, the subject chapter,

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Elliot Miller, "Part 3: Addressing the Open Letter's Concerns: On the Nature of Humanity," *Christian Research Journal*, 32:6, December 2009, p. 26:

> However, countercult research truly becomes "heresy hunting" of the worst kind when the researchers make a practice of digging up seemingly heretical or scandalous statements by a teacher, without concern for context, in order to employ the shock value of such statements to turn the public against the teacher and his group.

"Statement from Fuller Theological Seminary," printed in *The Local Churches: "Genuine Believers and Fellow Members of the Body of Christ,"* (Anaheim, CA: DCP Press, 2008), p. 30:

> One of the initial tasks facing Fuller was to determine if the portrayal of the ministry typically presented by its critics accurately reflects the teachings of the ministry. On this point we have found a great disparity between the perceptions that have been generated in some circles concerning the teachings of Watchman Nee and Witness Lee and the actual teachings found in their writings. Particularly, the teachings of Witness Lee have been grossly misrepresented and therefore most frequently misunderstood in the general Christian community, especially among those who classify themselves as evangelicals. We consistently discovered that when examined fairly in the light of scripture and church history, the actual teachings in question have significant biblical and historical credence. Therefore, we believe that they deserve the attention and consideration of the entire Body of Christ.

in its entirety, was submitted for reference as an appendix to the local churches' appeal to the U. S. Supreme Court. Geisler and Rhodes' characterization of this as ironic is, at best, uninformed, if not purposely misleading. What should be considered ironic is that the same, somewhat obscure, portion quoted out of context in the referenced Amicus Brief is also similarly abused by Geisler and Rhodes in "Response." To add to the irony, the same chapter of the same book, selected out of thousands of chapters and hundreds of books by Witness Lee, was criticized in a strikingly similar manner on the corporate website of Harvest House Publishers. While this could be coincidental, it is suggestive of at least some degree of collusion between Harvest House and its authors, Geisler and Rhodes.

Misrepresenting the Content of *ECNR*

Geisler and Rhodes' defense of *ECNR* also misrepresents the book's contents. In this they mirror the tactic of Harvest House, Ankerberg, and Weldon, who repeatedly tried to convince the courts that the definition of "cult" used in the book was purely theological. They may have succeeded in convincing the Texas Court of Appeals that this was true, but in fact it is not true. Even the defendants' own counsel, in a pre-trial conference, had to admit to the court that *ECNR* was not just about theological teachings but also about the heinous conduct the book attributes to the groups it profiles:

> Judge: But the book is a book about teachings **and conduct**. Correct? [emphasis added]
>
> Shelby Sharpe: Yes, it is.[9]

Elliot Miller's cogent analysis in the *Christian Research Journal* documents many flaws in the Appeals Court's reasoning. Geisler and Rhodes address none of the points Miller raised, but merely proclaim the court's decision "a great victory for the countercult

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[9] Pretrial Conference, Local Church et al v. Harvest House et al, February 26, 2004.

movement." This "great victory" is at the expense of the truth. While Miller's treatment is more thorough, it is worth pointing out some of the key flaws in the Court's reasoning for those whose interest is truth and not partisanship.

Although the Court ruled that the treatment of "cults" in *ECNR* was in a theological context, the definition of a cult used in *ECNR* includes aberrant practices and sub-biblical ethical standards:

> For our purposes, and from a Christian perspective, a cult may be briefly defined as "a separate religious group generally claiming compatibility with Christianity but whose doctrines contradict those of historic Christianity and whose **practices and ethical standards** violate those of biblical Christianity." [*ECNR*, p. XXII][10] [emphasis added]

According to the Introduction, these practices and ethical standards are aberrant criminal, immoral, and anti-social behaviors. For example, Ankerberg and Weldon portrayed the groups discussed in the book with such broad-brush statements as:

> These groups cannot, in all frankness, be seen as something neutral, biblical, divine or benign. Consciously or not, intentional or not, their agenda is often anti-moral, anti-social and anti-Christian, and they pursue their agenda. [*ECNR*, p. XXI][11]

ECNR's Introduction speaks of many things that fall outside the bounds of theological considerations. It was the association of

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[10] John Ankerberg and John Weldon, *Encyclopedia of Cults and New Religions* (Eugene, OR: Harvest House Publishers, 1999), p. XXII. In their Appellant Brief to the Texas Court of Appeals, the defendants misquoted this definition, giving the court the impression that the book's definition was purely theological:

> The authors explain in the Introduction that the term "cult," as used in the *Encyclopedia,* is "used as a religious term," and they define a cult as "a separate religious group generally claiming compatibility with Christianity but that adheres to select teachings that are theologically incompatible with teachings of the Bible" 3rd Sup. CR 72.

[11] Ibid., p. XXI.

CONCERNING LAWSUITS FILED BY HARVEST HOUSE

Geisler and Rhodes did not dispute the facts of Harvest House's long history of litigation against Christians. Rather, they defended Harvest Houses by stating:

> Further, CRI attempts in vain to show moral (or biblical) equivalence between this kind of theological and moral issue and other friendly and/or financial suits a corporation may take to get its rightful financial due.

In First Corinthians 6:1-8 the Apostle Paul rebuked two brothers who went to a secular court over a matter related to fraud. Verse 7 says, "Why not rather be wronged? Why not rather be defrauded?" Here Paul says that it is better to be deprived of one's rightful due by a Christian brother than to take the brother to a secular law court. Although it is unclear what Geisler and Rhodes mean by "friendly" lawsuits, it is clear that they are seeking to excuse Harvest House from Paul's words on the basis that Harvest House is a corporation. In other words, Geisler and Rhodes seek to justify Harvest House's practice of pursuing monetary gain by taking fellow Christians to court, while condemning Living Stream Ministry and the local churches for appealing to the courts for relief from unlawful defamations. There are several flaws with Geisler and Rhodes' argument:

1. Even if their reasoning was correct (which it is not) and Harvest House is immune from scriptural restrictions because it is a corporation, then Living Stream Ministry and all the local churches that were the plaintiffs in the *ECNR* litigation should likewise be exempt from criticisms on the same basis because they also are corporations.
2. Harvest House is a family-owned corporation. All of the proceeds of its lawsuits accrue to the Hawkins family through their corporation. Geisler and Rhodes provide no explanation of how this arrangement insulates Harvest House from the strictures of 1 Corinthians 6, since Harvest House purports to be a Christian publisher and the Hawkins family members who stand to benefit from Harvest House's legal actions all profess to be Christians.
3. Although Harvest House is a corporation, the authors of *ECNR*, who joined in the Harvest House litigation against a single local church, are not. Geisler and Rhodes offer no criticism of these individuals for joining in that lawsuit.

(continued on page 40)

the local churches with these things—including fraud, deceptive fundraising and financial management, drug smuggling, murder, refusing blood transfusions and medical access, encouraging prostitution, raping women, molesting children, and beating disciples—that was the subject of the litigation. Some of these things were included in a list of "characteristics of cults," which sets up an expectation in the book's readers that the groups identified in the book share such traits. Historically, such reckless and incendiary accusations have caused believers in the local churches to suffer imprisonment and worse at the hands of repressive regimes. Based on *ECNR*'s accusations, public officials in one part of communist China threatened persecution against the local churches there.

During the course of the litigation, the book's two authors—Ankerberg and Weldon—admitted that they had no evidence that the local churches practiced any of these things. The court's decision that the use of the term "cult" is in itself non-actionable as a "theological" term is incomprehensible given the secular use of the term and the associations given to it by the book's authors. In fact, the authors stated:

> Used properly, the term "cult" also has particular value for secularists who are unconcerned about theological matters yet very concerned about the ethical, psychological and social consequences of cults… [*ECNR*, p. XXI][12]

In the same passage they explain that they chose not to use the term "heretical" because it is "irrelevant to many people," and opted instead for "cult" for its "contemporary force" [*ECNR*, p. XXI][13] a force which the authors themselves associated with aberrant behaviors. Geisler's amicus brief to the Texas Supreme Court appears to be an effort to confuse the courts as to the nature of the litigation and the content of the book. This being the case, the success of Harvest House, Ankerberg, and Weldon

[12] Ibid.

[13] Ibid.

(continued from page 38)

4. In their arguments to the court Harvest House and its authors claimed that *ECNR* could not be deemed libelous because it addressed theological issues. Geisler wrote an amicus brief in which he made the same claim. Yet here Geisler and Rhodes admit that the litigation involved a "theological *and moral* issue." The words "and moral" reflect *ECNR*'s false and reckless accusations of criminal, immoral, and antisocial activities, which were the actual subject of the litigation filed by LSM and the churches, and belie the defense of *ECNR* that was perpetrated on the court by Harvest House with Geisler's assistance.
5. In arguing that suing to get money from believers is somehow morally superior to protesting defamation, Geisler and Rhodes end up defending those who bear false witness (i.e., the authors and publisher of *ECNR*) against their brothers.
6. In their "moral equivalency" argument, Geisler and Rhodes ignore the effects of *ECNR* in countries where religious freedom is not protected. In such countries, genuine believers in Christ have been arrested, imprisoned, and even executed. Prior to the conclusion of the litigation, there were already reports of threats made by government officials in one country based upon what was written in *ECNR*. The fact of almost certain persecution of believers overseas weighed heavily in the decision to litigate against Harvest House and its authors. Based on their recognition of this risk, several former ambassadors, human rights activists, and others familiar with volatile overseas religious freedom issues filed an amicus brief calling on the court in the Harvest House litigation to protect against such tragic consequences. Geisler and Rhodes are correct, albeit unintentionally—there is no moral equivalency between protecting lives and contending for one's "rightful financial due."
7. On the one hand, Geisler and Rhodes justify Harvest House's use of secular courts to recover bad business debts in spite of the clear applicability of Paul's charge in 1 Corinthians 6. On the other hand, they condemn the local churches for appealing to the courts for protection against defamation out of concern for the preservation of the lives and liberties of its members. This they do in spite of the fact that the churches' appeal to the courts is far more akin to Paul's appeal to Caesar in Acts 25:11 for protection against false accusations that threatened his life and his service to the Lord.

in misleading the courts should be no cause for celebration among Christians of conscience.

Misrepresenting the Actions of the Courts

Geisler and Rhodes' article also contains misleading statements regarding the actions of the courts, including:[14]

> In truth, the Supreme Court decision was a great victory for all orthodox, conservative, and evangelical Christians.
>
> …the Supreme Court of Texas disagreed with their charges against Ankerberg and Harvest House.
>
> …in spite of the final decision of the High Court against the LC…

The fact is that there was no Texas or U. S. Supreme Court decision on the case. The U. S. Supreme Court merely chose (as they do with 99% of the cases that are appealed to them) not to review the case. The Texas Supreme Court also declined (as they do with 89% of the cases that are appealed to them[15]) to review the case, meaning that they did not review the facts of the case either. Despite the repeated claims by Geisler and Rhodes,

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[14] Some of these misstatements have been corrected in the version of the article posted on the "Open Letter" site; however, as of the date of this posting they are still being made in the article on Geisler's site and on the site of his seminary.

[15] "Pay to Play: How Big Money Buys Access to the Texas Supreme Court" (http://info.tpj.org/docs/2001/04/reports/paytoplay/paytoplay.pdf). This report is published by Texans for Public Justice (TPJ), a watchdog group that documents the correlation between campaign contributions and the conduct of government in the State of Texas. While TPJ may have its own political motivations, their reports appear to be based on factual data. Their "Pay to Play" report states that the Supreme Court justices "were 10 times more likely to accept petitions filed by contributors of more than $250,000 than petitions filed by non-contributors." According to TPJ's statistics, Haynes & Boone, the law firm representing Harvest House in the appeals process, has consistently ranked at the top of the list of contributors to Supreme Court justices, including making significant contributions even when the justices had no financed opposition.

no court higher than the Texas First Circuit Court of Appeals ruled on the case. As a U. S. District Court in Wisconsin noted in a separate case, the Texas Court of Appeals decision concerning *ECNR* and the use of the word "cult" set no precedent to be followed by other jurisdictions.[16]

Geisler and Rhodes perpetrate an especially egregious falsehood when they claim:

> CRI rejects the Supreme Court decision regarding the constitutionality of calling the LC a cult both in a theological sense and in a social sense.[17]

The only true part of this sentence is that after a six year study involving primary research and extensive dialogue, CRI concluded that the local churches are not a cult in either a theological or social sense.[18] Everything else in the sentence is completely false. According to Geisler and Rhodes, the Supreme Court (which never heard the case) decided that without violating the Constitution, the LC could be called a cult in both a theological and a social sense. This is an irresponsible and pernicious twisting of the facts. Harvest House, Ankerberg, and Weldon with Geisler's collusion convinced the Texas Appeals Court that the book should be immune from litigation because, they said, it did not accuse the local churches of being a cult in a social sense. Furthermore, the defendants admitted under oath that they had no proof of any socially aberrant behaviors. Geisler's amicus brief never mentions anything about practices; it defends *ECNR* by claiming it was a purely theological work.

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[16] Dr. R. C. Samanta Roy et al v. Journal Broadcast Group, United States District Court for the Eastern District of Wisconsin, Case Nos. 05-C-422 and 05-C-423, August 2, 2006.

[17] See note 1.

[18] See *The Local Churches: "Genuine Believers and Fellow Members of the Body of Christ"* (Anaheim, CA: DCP Press, 2008), pp. 9-12; *Christian Research Journal, 32:6*, 2009.

For Geisler ***now*** to falsely assert that "the Supreme Court's decision" (there was no such decision) gives countercultists the constitutional right to call the local churches a cult in a social or sociological sense is to be double-tongued (Matt. 5:37; 1 Tim. 3:8).

Misrepresenting the Open Letter

Geisler and Rhodes even distort the contents of the open letter co-signed with them by a number of "evangelical scholars and ministry leaders," saying:

> In addition, they [the open letter signers] requested that the LC desist their litigious activities against evangelical groups that do not believe that their doctrines and practices measure up to the standards of evangelical beliefs and practices.

The clause that Geisler and Rhodes say represents the position of the open letter signers—"evangelical groups that do not believe that their doctrines and practices measure up to the standards of evangelical beliefs and practices"—is virtually the same as the definition of cults from *ECNR* that the authors and publisher of *ECNR* along with Geisler sought to mitigate in the courts' view—"whose doctrines contradict those of historic Christianity and whose practices and ethical standards violate those of biblical Christianity." In *ECNR* these practices are criminal and socially aberrant behaviors reflecting a lack of ethical standards. In fact, the open letter says nothing about any of the deviant practices or ethical violations that *ECNR* attributes to cults. By adopting this language, Geisler and Rhodes unilaterally extend the scope of the open letter to embrace the type of false and sensationalistic accusations *ECNR* makes.

Conclusion

On the one hand, Geisler and Rhodes misrepresent the nature and scope of the litigation over *ECNR* and the content of the

book itself. They claim that the goal of the litigation was to silence theological criticism, but this was not at all the goal. However distorted the book's presentation of the beliefs of the local churches was, that was not the subject of the litigation. What were at issue were false and libelous accusations of evil behaviors. They also claim that *ECNR* was immune from charges of libel because it dealt only with theological issues, yet the book's portrayal of its subject included deviant behaviors by its own definition and attributed many despicable practices as being characteristics of the groups discussed.

On the other hand, Geisler and Rhodes misrepresent the courts' actions and the scope of what the open letter signers agreed to put their names to. Geisler and Rhodes trumpet the Supreme Court's refusal to review the case (which Geisler and Rhodes misrepresent as a confirmation of the Texas Court of Appeals decision concerning *ECNR*) as a "great victory for all orthodox, conservative, and evangelical Christians." If Christians knew the facts of the case and the conduct of the defendants in seeking to obscure the issues before the courts, an effort in which Geisler was complicit, they would feel otherwise. As the books in this series and the articles at www.contendingforthefaith.org/responses/ attest, the local churches have no fear of defending their teachings in the marketplace of ideas. If winning a court case by intentional distortion of the issues and attempts to prejudice the courts is a "great victory" for evangelicalism, then the state of evangelical Christianity as espoused by Geisler and Rhodes is lamentable indeed. It was because of this that Elliot Miller's *Journal* article concluded its analysis of the *ECNR* case as follows:

> Members of the countercult community who take comfort in, or feel vindicated by, the Texas Appellate Court's decision can only rightfully do so if they were equally discomfited, and engaged in commensurate soul searching and examining of their own methods, after the *Mind Benders* retraction and the *God-Men* ruling. Two out of three court cases vindicated the LC of the charges against them, and the one that didn't based its

ruling on a dubious interpretation of the law, not on the basis that the allegations made against the LC were actually true. In other words, even in the *ECNR* case the defendants admitted under oath that they had no basis for associating the LC with *any* of the contemptible and criminal behaviors they included in their definition of *cult*. In effect, they simply succeeded at arguing that they should be free to bear false witness (i.e., to break the Ninth Commandment) as long as they do so in the context of defining a group as a cult. In light of Jesus' mandate that His followers be the light of the world, it is hardly a cause for celebration when they convince a worldly court to hold them to a lower standard than it holds the world.[19]

[19] Elliot Miller, "Addressing the Open Letter's Concerns: On Lawsuits with Evangelical Christians," *Christian Research Journal, 32:6*, 2009, p. 44.