

June 25, 2007

To our many friends and interested parties who have followed the developments in the libel case filed by Living Stream Ministry and 95 local churches against the authors and publisher of *Encyclopedia of Cults and New Religions* (ECNR), we would like to offer some comments following the recent decision of the United States Supreme Court not to grant review of the Texas Court of Appeals' decision.

First, this decision brings to an end the long legal struggle that began more than five years ago, when Harvest House Publishers initiated legal action against us by filing suit in Oregon on December 14, 2001, while we were still seeking an amicable resolution to our dispute. With the statute of limitations running out, we had no option to seek redress except to file a libel suit against them and the authors of ECNR in Houston, Texas, on December 31, 2001. Their suit in Oregon was dismissed by the district court. Our suit continued forward in Texas, and on three separate occasions, two district court judges denied the defendants' attempts to have our case thrown out. It was these denials that Harvest House then appealed to the Texas Court of Appeals. The Texas Court of Appeals overturned the three previous decisions of the lower court and granted the defendants' motion for summary judgment. We felt that both the decision itself and, more particularly, the grounds cited for that decision were seriously flawed and opened the door for potentially grievous abuse of honored provisions in our constitution – the protection of genuine religious speech, the free exercise of religion as embodied in the establishment clause of the First Amendment, and the guarantee of equal protection under the law. In fact, the Texas Court of Appeals' decision has already been criticized by a federal district court in Wisconsin.

To explain the core issue at stake: by throwing out our case because it was a “religious” dispute despite the presence of accusations of secular crimes, the Court of Appeals created a more difficult barrier to overcome for religious entities who desire to protect themselves from defamation. According to the Texas ruling, if one party accuses another party with allegations of grotesque and extreme criminal behavior – but does it in a “religious” context – it cannot be found liable for the damages it caused. The effect of this precedent is to deny smaller religious groups the most basic constitutional protections. Rather than strengthening the protection of religious speech, as the other side has repeatedly claimed, this ruling actually harms religious speech by creating a double standard of “religious immunity” for larger publishers while penalizing smaller religious groups who can no longer exercise their right to preserve their reputation and religious freedom. Parties with religious convictions who are defamed with criminal attributions in “religious” writings must now endure such false allegations without the benefit of the protection of laws against defamation. We believe, as do many constitutional scholars and religious experts, that this sets an extremely dangerous precedent for the future. If authors and publishers such as those responsible for ECNR now are given free rein to attack, with the intent to destroy any and all ministries with which they may disagree doctrinally, then we can well expect to see more of such calculated and academically irresponsible publications. Additionally, this ruling does a great disservice to Christian publishing and has the potential to lower the standard of an important segment of the publishing community that has worked very hard in recent years to lift its standards to match or exceed those of the secular publishing world.

These compelling factors prompted us to appeal the decision of the Texas Appeals Court to the Texas Supreme Court and, subsequently, to the United States Supreme Court as our court of last resort. Unfortunately, both the Texas Supreme Court and the US Supreme Court declined to hear the case. Since these reviews are discretionary, in neither instance can it accurately be said that those courts disagreed with our arguments. It simply means that the issues presented in the appeal did not fall within their interest. This could have been for any number of reasons, including not having adequate time on their crowded schedules. Whatever the reason for the denials in these instances, we believe that it is only a matter of time until this question will be picked up by high courts – both state and federal – as the important and potentially dangerous issues highlighted by this case will surely come into play at some

point in the future. Further, it should be noted that nothing in any court ruling in this case has validated or substantiated even one word published in ECNR concerning us. 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.

When we submitted our petitions to the Texas Supreme Court and the US Supreme Court, we fully realized that the likelihood that our case would be heard was extremely remote. In Texas only about 1 in 10 appeals are taken up, and at the US Supreme Court level the ratio is only about 1 out of 100. Yet, after many hours of prayer, consideration, and consultation with valued friends, experts, scholars, and academicians, we felt compelled by the Lord to go forward. While it is our responsibility to defend the ministry of Watchman Nee and Witness Lee and the local churches raised up by this ministry from such misrepresentations, we also have an obligation to other Christian groups that might be similarly victimized and denied their constitutional and legal protections.

As for the ministry and the churches that we represent, we believe that we have exercised the highest level of responsibility, both as members of the Body of Christ and as citizens of this great country, in how we have conducted ourselves in this entire 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). Although, perhaps like Paul, our appeal proved more difficult than expected, we are confirmed in the Lord that we were right to “stand therefore” (Eph. 6:10-14).

Many of our dear Christian friends have taken the time to honestly investigate all of the relevant issues and have expressed publicly, often at great personal cost, their belief in both our Christian orthodoxy and the justness of this cause. We are deeply grateful for such genuine expressions of both Christian love and absolute commitment to the truth. We continue to pray that the Lord will honor their righteous stand and bless them with every blessing in Christ.

To those who question the veracity of our public statements or the validity of the justification we have laid out for our actions, we offer to make available the pertinent documents in this case which are public record. We believe they present a very enlightening, perhaps even frightening picture of what really went on in both the production of ECNR and the defendants’ conduct after its publication.

Finally, we are deeply thankful to the Lord Jesus for leading us to so many dear brothers and sisters in Christ during the course of these past six years. We purposely determined that in addition to fighting this spurious and dangerous 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.

The Lord has, in His sovereign care for us, done much more than we expected. At the same time, we cannot help but remain concerned for the churches and believers here and for the thousands, if not millions of believers in countries that can be hostile toward the faith that may suffer directly as a result of this ruling. Positively, in this country, many have taken up our invitation to do honest research and make an honest evaluation of our teachings, practice, and history. Among but not limited to these are Fuller Theological Seminary, Christianity Today, Christian Research Institute, Answers in Action, The Institute for the Study of American Religion, and the Evangelical Christian Publishers Association. In addition to these are the many individual Christian leaders whom we have come to know in Christ and with whom we enjoy genuine Christian fellowship in love. We hope to add to this number in the days ahead and will continue to aggressively seek opportunities for fellowship with fellow members of the Body of Christ that the Lord may be fully and supremely glorified and that His truth may be equally lifted up.