

Texas Supreme Court Refuses to Hear LSM's Case (Again)— How Many Times Does 'Caesar' have to Say "No"?

On February 16, 2007 the Texas Supreme Court refused, for the second time, to hear LSM's case against Harvest House. This case began Dec. 31, 2001 when LSM¹ (with approx. 100 local churches) filed a lawsuit, seeking \$136M in damages against Harvest House, the publisher of The Encyclopedia of Cults. It's now dragged on for over 5-years and reportedly consumed millions of dollars. Whether the present ruling marks the end depends on LSM. The "ball is in their court." They have 90-days to file an appeal with the highest court in the land—the US Supreme Court. Let's review the story so far. Significant dates and events in this legal saga are listed below:

Chronology of LSM's Case against Harvest House:

Dec. 31, 2001	LSM files lawsuit against Harvest House in Texas District Court
March 9, 2004	Texas District Court denies an attempt by Harvest House to get LSM's case "thrown out" (motion for Summary Judgement)
March 17, 2004	Harvest House appeals this decision. Case goes to Texas Appeals Court
Jan. 5, 2006	Appeals Court rules against LSM, "throws out" LSM's case. Caesar said 'No'
Feb. 16, 2006	LSM applies for rehearing before Texas Appeal Court
May 15, 2006	Texas Appeals Court refuses to review LSM's case. Caesar said 'No'
Aug. 2, 2006	LSM takes their case to the Texas Supreme Court
Dec. 1, 2006	Texas Supreme Court refuses to review LSM's case. Caesar said 'No'
Dec. 18, 2006	LSM applies for rehearing before Texas Supreme Court
Feb. 16, 2007	Texas Supreme Court again refuses to review LSM's case. Caesar said 'No'

Clearly 2006 was a bad year for LSM. They suffered a series of setbacks in the courts: Jan. 5, 2006 the Texas Appeals Court ruled against LSM. The Appeals Court decided LSM's case wasn't strong enough to warrant a "day in court." It threw the case out, ruling that LSM and the "*Local Church should take nothing*" (not a cent) of the \$136Million they were seeking in damages. Since then it's been downhill all the way. LSM applied for a rehearing. It was denied. They then took their case to the Texas Supreme Court. Last Dec. 1, the Supreme Court refused to hear the case. LSM applied for a rehearing; (These guys sure are persistent!) Now the latest news—Feb. 16, the Texas Supreme Court refused (for a second time) to hear the case. LSM is quickly running out of options; their only recourse is an appeal to the US Supreme Court. They have 90 days to file. Should they do it? Here we offer our (unsolicited) advice.

LSM's Repeated "Appeals to Caesar"

LSM has repeatedly justified their litigation based on the Apostle Paul's appeal to Caesar. They say², "*We consider the appeal to the courts by Living Stream Ministry...and the local churches to be similar to Paul's in Acts 25—a necessary step for God's interests, to continue the ministry the Lord has entrusted to us.*" This reasoning follows Witness Lee's exposition of Acts. Concerning Paul's appeal to Caesar, he says,³ "*Without such an appeal, the Apostle Paul might have been killed...thus his life might not have been preserved for the finishing of the course of his ministry...and he would not have been able to write his last eight Epistles.*"

According to this view, the law courts are today's equivalent of Caesar. They are God-ordained institutions, part of the⁴ *"legitimate role that civil authority plays in protecting society."* If the law courts are God-ordained authorities, Christian individuals and organizations should be subject to their judgments. The court's decision is God's decision. At a minimum it reflects God's permissive will, if not His "perfect will." Here we don't question the validity of that argument.⁵ Rather (accepting LSM's justification) let's look at how their strategy has played out.

The Principle of Praying Three Times

In their litigation with Harvest House, LSM has frequently "appealed to Caesar." These appeals have been repeatedly rejected. Looking at the table above, it appears that "Caesar" has said 'No' to LSM's appeals four times already. Is it time for LSM to call it quits? How many appeals is too many? Let's look at Watchman Nee's teaching for advice.

Watchman Nee emphasized the "principle of praying three times." He points out,⁶ *"The Lord Jesus prayed to God three times in Gethsemane, and when God answered His prayer, He stopped praying. Paul also prayed three times to the Lord, and when he received an answer from the Lord, he stopped praying"* (Matt. 26:44; 2 Cor. 12:8.) W. Nee clarifies, *"Three' does not refer literally to the number three; it...signifies multiplicity."* Yet, doesn't this principle apply here? In its case against Harvest House, LSM has "appealed to Caesar" multiple times—four instances already—and been rejected. From another angle, all three levels of Texas judiciary—the District, Appeals and Supreme courts—have rendered a negative verdict. On each occasion, "Caesar" has answered "No." If God answers our prayer with "No," three or four times, should we continue petitioning Him? How many times does God have to say, 'No,' before we accept it? Similarly—how many times does "Caesar" (the God-ordained authority) have to say 'No' before LSM accepts the verdict? How long will LSM continue to cry "foul" at the verdict? In society, it's "Three strikes and you're out"! May we humbly suggest—it's time LSM applied the "Principle of Three Times."

What's the Fruit of LSM's Litigation Strategy?

One high-profile crime often inspires similar "copy-cat crimes." An analogous "copy-cat principle" appears to be at work in the Lord's recovery. If LSM is justified in taking Harvest House to court, why shouldn't saints aligned with LSM also go to law? In the last few months groups of LSM-loyalists in Columbus, OH and Mansfield, OH have hired lawyers and filed lawsuits against the elders and/or directors of their local churches. Notwithstanding the Apostle Paul's charge against taking brothers to court (1 Cor. 6), these LSM-supporters feel justified in taking legal action against their local-church brothers. Yet, whose ministry are they prolonging in their "appeal to Caesar"? Where is the scriptural justification? Isn't this "copy-cat litigation" by LSM-supporters? Would they resort to lawsuits if LSM hadn't provided a precedent? We doubt it. Aren't these local-church saints merely applying LSM's pattern in their own sphere? Surely this adds to the perception that we are a "Suing Church."

This shameful situation motivated 90+ Great Lakes brothers to issue a public statement:⁷

"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."

We are constrained to ask: "If Brother Lee experienced 3 or 4 successive losses in the law-courts; if he observed LSM-supporters suing their own church elder-directors, what would he say?"

Wouldn't he re-evaluate its use? Shouldn't those who assume a leadership position in the Lord's recovery also reconsider? Earlier LSM declared⁸ *"If [the Texas Supreme Court] choose not to hear [the case,] we can then appeal to the US Supreme Court."* Hopefully LSM's bravado has now been tempered with a dose of reality. Rather than risking a costly misadventure before the US Supreme Court, why not call it quits? It's time LSM (and the saints & churches aligned with it) disavowed the use of litigation against individual believers, local churches, their elders & directors and Christian organizations. "Caesar" has spoken (again).

Concerned brothers
February, 2007

NOTES

1. Officially the lawsuit was filed by "The Local Church" (an association of local churches), LSM and 97 individual local churches. The Midwest US churches are significantly under-represented in the list of churches. For simplicity and brevity, we refer to the approx. 100 parties as "LSM."
2. "**Is our Appeal to the Courts in Accordance with Scripture?**" posted on both contendingforthefaith.com and localchurch-vs-harvesthouse.org web-sites February 27, 2006. LSM's most recent re-statement of this argument is A Brief Response to "An Open Letter to the Leadership of LSM and the 'Local Churches'." On www.lctestimony.org Feb. 11, 2007
3. Witness Lee, Life-study of Acts, p. 577
4. A Brief Response to "An Open Letter to the Leadership of LSM and the 'Local Churches'." On www.lctestimony.org Feb. 11, 2007, p. 1.
5. On this issue see: **The God-Men** Case & The **Encyclopedia of Cults** Case – the Same or Different? http://www.concernedbrothers.com/Legal/TheGod_Man_EncyclopediaSameOrDifferent.pdf
6. W. Nee, Collected Works, Vol. 37, chp. 11
7. "Great Lakes brothers' Response to an 'Open Letter' by 60 Evangelical Scholars" (Feb. 2007) on <http://www.concernedbrothers.com/Evangelical%20Scholars/60ScholarsResponse.pdf>
8. "Why Are We Continuing the Present Litigation?" (Feb. 27, 2006) on "contendingforthefaith.com" <http://www.contendingforthefaith.com/libel-litigations/harvest-house-et-al/index.html#WhyContinue>

-