

# LAWSUIT OVER “ADVENTIST”

ALSO IN THIS ISSUE: DEC 4, 2008, LETTER FROM RON SPEAR / DEC 9, 2008, LETTER FROM RICHARD HARRIS

**Now they are trying to take the word, “Adventist,” from God’s people!**

As you know, I have been the primary one reporting to you on developments, as they occurred, on the trademark lawsuits since they began in the early 1980s. Millions of dollars have been spent by our General Conference on expensive non-Adventist lawyers to keep our people from telling the world who they are. This is a major tragedy. **I am sorry that I have to report these facts to you, but someone has to do it!** We live in an age when it is thought polite to keep silent when wrongdoing occurs.

For a brief summary of what happened in the first part of the 27 years since November 10, 1981 when Vincent Ramik, the General Conference’s lead attorney (which the October 15, 1981, issue of *Adventist Review* said was a Roman Catholic), first trademarked our identifying religious names, obtain a copy of our 79-page, 8½ x 11 book, *The Story of the Trademark Lawsuits* (\$7.00 + \$2.50). It details all the attempted and actual trademark lawsuits from the first letter in the March 6, 1984, Hawaiian Marik Case to the March 16, 2000, Miami Case.

**On February 26, 1991, the Kinship Trademark Case began.** The judge in the Los Angeles Kinship Case recognized that a First Amendment (freedom of speech and religion) issue was involved; so, on October 7, 1991, Judge Pfaeizer ruled that anyone, whether or not he has ever been a member of the Seventh-day Adventist denomination, has the right to call himself a “Seventh-day Adventist.”

Based on that decision, you have the right to publicly declare—and advertise—yourself and your group as Seventh-day Adventist believers. For example, some are calling their group “\_\_\_ Seventh-day Adventist Association,” or “\_\_\_ Seventh-day Adventist Fellowship,” etc.

**In November, 2008, a small church in Michigan (which has been calling itself “\_\_\_ Seventh-day Adventist Fellowship”) received a letter from the General Conference,** instructing them to remove “Seventh-day Adventist” from their group name—or be sued. One of the members phoned me for advice.

I explained to him on the phone that, due to the precedent established in the Kinship decision, he had a legal right to use the name as part of a descriptive term describing his group of Advent believers. Therefore, if the case went to court, he would win it. However, I explained that it would probably cost him \$300,000 to \$700,000 before it was over; for he might decide to carry it through the appeals court to the

U.S. Supreme Court. So he decided to back down.

I am ashamed to tell you that our General Conference has totally funded these evil trademark lawsuits from the tithe of our people; and part of it is used to cover all the costs of these evil trademark lawsuits, which have the clear intent to stifle the efforts of faithful believers from worshiping together and sharing their faith publicly.

(For powerful evidence of this tithe factor, see the copy of the signed letter of April 10, 1989, from a General Conference official confirming that only tithe is used to pay all litigation expenses in these trademark lawsuits. You will find it on page 63 of our *Story of the Trademark Lawsuits*.)

**Another case occurred in Miami, Florida. This one, held on March 13-16, 2000, was fought over the phrase, “Seventh-day Adventist Church.”**

If that little group had included the word, “Independent,” on their sign (“\_\_\_ Independent Seventh-day Adventist Church”), with a disclaimer beneath it, that they were not affiliated with the General Conference of Seventh-day Adventists in Silver Spring, Maryland, they would have won the case on appeal to the U.S. Supreme Court.

**The Lanham Act** (title 15, chapter 22 of the United States Code, enacted by Congress on July 5, 1946) contains the federal statutes of trademark law in the United States. This law prohibits a number of activities, including trademark infringement, trademark dilution, and false advertising.

But it does not include generic terms, such as “grocery store,” “law firm,” “Methodist church,” or “Baptist church.” This is because a number of different, unrelated organizations use these terms.

The Lanham Act was designed to avoid confusion. Lacking the word, “Independent,” and the disclaimer beneath the sign (which would have distinguished their group from other south Florida Adventist conference churches), they lost the case. So, with the help of two high-priced non-Adventist lawyers, the General Conference won exclusive control over the phrase, “Seventh-day Adventist Church.”

It is of interest that, in the Miami case, the General Conference also tried to include “Adventist” as a protected term. But the judge turned that down.

**Unfortunately, certain leaders at the General Conference have decided to tighten the screws even more—and obtain total control of the single word, “Adventist”!** There are those who will have to answer in the Judgment for what they

2 have tried to do. For over 25 years, various efforts have been made by certain misguided leaders to gain control of “Seventh-day,” “Seventh-day Adventist,” and “Adventist.”

Surely, my friends, when we come to a time when some in the leadership of our denomination try to take every part of the name God gave to our people from the faithful—we are nearing the end of time!

**One of the latest in this ever-tightening chain of trademark lawsuits involves a small group located south of Los Angeles.** The complete news article was printed in a north San Diego newspaper.

This little group has as their name, *The Federation of Jewish Adventist Society*. The leader is Rabbi Ben-Hayil Yellen. This is a group of Messianic Jews. They keep the Bible Sabbath, believe in the Second Advent, and may believe the Spirit of Prophecy as well.

The newspaper article says the General Conference claims to own the phrase, “Seventh-day Adventist.” Yet this is in clear denial of the Kinship Case ruling! The General Conference only has control over the term, “Seventh-day Adventist Church.”

“Leaders of the . . . church . . . have a trademark on the word in the United States. They say no one else can use it.”—*North County Times*, December 22, 2008, p. 1.

“The Maryland-based leadership of the Seventh-day Adventist Church . . . argues that use of the word ‘Adventist’ by any other group creates confusion.”—*Ibid.*, p. A-6.

But, according to the article, Yellen, the pastor of the group, says that “Adventist” is part of their religious faith and that the General Conference is attempting to take away their religious rights.

“No matter what happens, our religious identity is with the word ‘Adventist’—and we cannot just give it away,” said Yellen.”—*Ibid.*

**The last part of this *North County Times* news article is highly significant.** First, because it quotes the dictionary, which shows that “Adventist” is generic—a common term used by various people and groups with a common belief:

“Webster’s New World College Dictionary, Fourth Edition, defines the word ‘Adventist’ as ‘a member of a Christian sect based on Adventism.”

“And Adventism, the dictionary states, is ‘the belief that the Second Coming of Christ will occur soon.’—*Ibid.*

Notice that this shows that any worship group which believes in the Advent of Christ is Adventist.

Second, the newspaper reported on an interview with a teacher at a law school:

“It will be up to the Seventh-day [Adventist] Church to prove trademark infringement,” said David Steinberg, who teaches a course on law and religion at Thomas Jefferson School of Law.

“The general bias [in America] is in favor of free speech and free use of terms of language,” Steinberg

said after reading the complaint [the General Conference’s lawsuit paper]. And [Steinberg added] if someone is going to take the word “Adventist” out of circulation, they really need to have a good reason, and they have to prove that people are being misled or confused by the use of the word.

“‘Would someone who read the name ‘The Federation of Jewish Adventist Society’ be confused and think this was a part of the Seventh-day Adventist Church? That is what the court will have to figure out.’”—*Ibid.*

After reporting on developments in the various General Conference lawsuit cases for nearly three decades, I am convinced that anyone could win “\_\_\_\_\_ Independent Seventh-day Adventist Church” in a court of law.

**I prove this in a recently completed research study, which I will begin sending you in the next mailing.** It is entitled *Legal Brief for the Defense in a Seventh-day Adventist Trademark Lawsuit*. A low-cost booklet, containing the entire *Legal Brief* will also be made available at that time. It completely covers the subject, as you will see. We have already sent a copy and CD of the booklet to an attorney defending one Adventist trademark case.

Professor Steinberg clearly implied that the General Conference really has no case, if Yellen decided to let this case go to court.

Repeatedly, the General Conference has used the tithe money at its disposal to threaten faithful believers into no longer expressing their faith in public. Strangely enough, leadership is willing to spend millions of dollars, if necessary, on a lawsuit, if it can win yet another “Adventist” or “Seventh-day Adventist” precedent in court—when millions of non-Adventists need to be given our historic beliefs and brought to Jesus! This is a terrible situation. The General Conference realizes that most small groups are not likely to spend hundreds of thousands of dollars to win a case. The General Conference has all the money it needs for this purpose (allocated to it from local church members through conference offices), and the small groups do not.

The money wins, and we all lose; we are becoming less and less prepared to defend our faith when the Final Crisis of the National Sunday Law breaks upon us all. When that time comes, we will not be able to count on the General Conference releasing either permission to use the name, nor any of its money at that time—for it will then be illegal for the General Conference to operate as a Sabbathkeeping organization. Only small groups will then be able to keep working effectively.

Yet no one complains. Church members meekly continue to let their religious freedoms gradually be withdrawn. Instead of expanding the missionary opportunities of our people, there are some who want to gradually remove them. —*vf*

# Letter from Ron Spear: December 4, 2008

**This is a second letter from Ron Spear, in which he once again expresses his grief at the terrible tragedy which happened in his personal life and to the organization, Hope International, which he had spent much of his life building up.**

**His first letter is in *Crisis at Hope: November 2008 Update* [WM-1457-1458].**

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To: Vance Ferrell  
From: Ron Spear  
Dear Vance,

I'm amazed that Joe Olson would say that we are buddies and that all the information you have received from me and all the others is a lie. I'm fearful for Joe Olson because all liars will end up in the lake of fire. This is not the first time he has told an untruth. Between two and three years ago I wrote a 13 page document to expose his poor administrative abilities.

I spent 23 years building Hope International and *Our Firm Foundation* magazine and taking it around the world. It appeared in Spanish, French, and other languages. What Joe has done with the magazine and the type of advertising he has in the magazine now is not what God wanted done in the pages of *Our Firm Foundation* magazine. Everywhere I've gone in my meetings people are telling me that they are trashing Hope's DVDs and canceling their subscriptions. One of the greatest tragedies or mistakes that I ever made was putting Joe Olson in the administrative position at Hope International. He is not an administrator after God's order.

I was concerned with what was happening with the money coming into Hope International; therefore I asked for a board meeting which took place in North Carolina.

After that meeting was finished there was a meeting in my motel room with board members present, including Clark Floyd; and there was a strong attempt to persuade me to resign my stipend. I never made more than \$1400.00/month all the time while building Hope. Joe Olson and his wife together are making around \$60,000.00/year.

In this meeting, I refused to give up my stipend of \$1400/month. For more than 20 years I have been flying free around the United States because my son is an airline captain. This would be a savings total of more than \$300,000.00 over 20 years.

There was a great complaint by Joe that I had an auxiliary health supplement from Standard Life Health Insurance, which was given me by the board when I started Hope International. In that board meeting they took this away.

The Portugal property fiasco, amounting to over \$300,000.00, was lost and most likely will never be recovered. The property in Portugal that was purchased turned out to be 20 acres instead of 70 acres. The last I heard they don't even have title to the property.

*Our Firm Foundation* magazine was started by God's leading in 1984, and the first issue came out in 1985. It has been a monthly issue ever since. Regarding what has happened to the magazine and the ministry that I started, in which Joe had no part, except for being a board member for 4 years before I turned it over to him, everything that Heidi Heiks said in his resignation letter is absolutely true [including about the smoking].

I've asked Joe Olson to resign his position as administrator, and also I have asked the Hope International board to resign. I have an ordained pastor, with 20 years of experience, a godly man with many years of experience as an administrator, who can take over Hope International and *Our Firm Foundation* magazine. With my help I believe he can rescue the ministry.

If Joe Olson has any decency left in his conscience I'm asking that he please resign. If anyone desires the 13 page document I wrote 2 years ago they can send me an e-mail to [ron@ronspear.com](mailto:ron@ronspear.com). I can be reached by phone (509) 738-4463 or cell (509) 680-3277.

I'm now, with God's help and some old staff members, putting together a paper that will be bimonthly and will be called "*Preparing for the Final Crisis*." All contributors who wish to help with this project will receive a tax deductible receipt. Checks can be made out to "Eternal Gospel Ministry" and sent to:

Ron Spear  
3641 Hill Loop Road  
Kettle Falls, WA 9914

Two years ago the Hope board voted that they would phase out my \$1400/month stipend, over a year's time, which they did. Immediately, Raphael Perez picked up that stipend of \$1400/month and I am coeditor with him for the *Gospel Herald* paper.

Ron Spear

# Letter from Richard Harris: Dec 9, 2008

**This is a second letter from Richard Harris regarding the crisis at Hope International. His first letter is in *Crisis at Hope: November 2008 Update [WM-1457-1458]*. Italics are his; brackets are ours.**

Vance,

The following is my latest response to the many calls I have received from supporters of Ron Spear as well as questions that have been asked of me by many callers.

First I want to tell everyone I stand by every word I wrote in my letter to Elder Ferrell. And I knew it would be published. If you read Ron's current letter, he uses the word liar in regard to Joe Olson and his board. I would agree with *every word* of Elder Spear's assessment of the persons involved.

The persons implicated in the letters written by myself, Elder Smiley and others—are *guilty* of this whole fraudulent scheme. No matter what they may be telling people, they all knew about it and had a part to play in it. They have many tracks to cover. I totally agree with Elder Spear; they should all resign and ask forgiveness from the Lord.

Also Joe Olson is not a pastor; he has never been a pastor or studied to be one. He led a small offshoot group of Adventists from a church that split back in Kentucky, but they failed miserably. Not to mention the adultery in his past that is commonly known of.

What you are reading is why I had to leave Hope International. It was plain to me that all of them were taking advantage of Elder Spear and not being led by the Holy Spirit.

I eventually knew this time would come. God bears with us all a long time; but eventually His patience runs out with those who continually abuse the ministry and the awesome privilege of speaking for Him through the scriptures. Joe Olson, Clark Floyd and even Lee Forbes were afforded an awesome privilege of being entrusted with a ministry set up by years of hard work and prayer by a proven man of God, Ron Spear. But they disregarded the sacredness of the ministry with untruthfulness in all areas, even misleading God's people.

My fear of the Lord would not allow me to work for Joe Olson, Clark Floyd, or Lee Forbes at Hope International at any price. I could see right through them. I wanted no part of their current plight which I could see clearly coming eventually.

Somewhere in the Bible there is a scripture that reads: "*His judgment cometh, and that right soon.*" I salute Vance Ferrell for making this known to innocent Adventists. The Spirit of Prophecy advises preachers and elders to rebuke open sin and error for the good of the ministry. Well, as far as this preacher is concerned, the good of the ministry would be better served without Joe Olson and Clark Floyd.

Blessings on you always,  
Richard Harris

## BOOKS DEALING WITH OUR TRADEMARK PROBLEM

***The Story of the Trademark Lawsuits 1997*, 79-pages, 8½ x 11 book, \$7.00 + \$2.50.** Initial harassment of churches, Huntsville Case, Hawaii Case, Kinship Decision, and much more data.

***Legal Defense against a Trademark Lawsuit 1999*, 8½ x 11 book, \$4.50 + \$2.50.** Earlier information on how to protect yourself from a trademark lawsuit. Includes the complete, notorious *Settlement Agreement*.

***Kinship Case Legal Papers 1991*, 8½ x 11 book, \$4.50 + \$2.50.** Story of the entire trial, plus

the complete transcript of the case.

***The Florida Trademark Trial 2000*, 8½ x 11 book, \$8.00 + \$2.50.** A complete account of what occurred, plus a summary of 36 legal defense points to be used, and other helpful information.

## COMING NEXT MONTH

***Legal Brief for the Defense in a Seventh-day Adventist Trademark Lawsuit, 2009*, 8½ x 11 tract set and booklet. Astounding collection of material! WATCH for announcement!**