

You Can Legally Call Yourself an Adventist

In several reports in recent years, we have repeatedly stated that the General Conference would not dare initiate a lawsuit against individuals who publicly advertised themselves as “Seventh-day Adventists.”

Well, a recent news release from the General Conference admits the fact. The complete news release is reprinted on the next page. Here are key excerpts from their news release:

THE NEWS RELEASE

“The settlement comes 10 months after federal Judge James Lawrence King ordered Perez and the church to stop using the words Seventh-day Adventists, the acronym SDA, or the Spanish equivalent, to advertise or publicize their congregation.

“According to the terms of the settlement agreement, the church will be able to identify itself with a two-line logo as follows: Eternal Gospel Church. Founded (in 1990 or later) by Seventh-day Adventist believers.

“When asked why the General Conference chose to settle the case, Walter Carson, an associate counsel in the GC Office of General Counsel explained, ‘We achieved, in the agreement, precisely what we sought in the litigation. Mr. Perez can no longer use the Seventh-day Adventist Church’s name as the name of his church. The agreement prevents likelihood of confusion which was the original reason for the litigation.

“Carson emphasized that the ‘tag line’ permitted by the agreement merely described persons who organized the Eternal Gospel Church and was not considered a part of the group’s name.

“Church attorneys saw this as a basis on which the dispute could be resolved without affecting in any way the viability of Judge King’s decision,’ Carson said. ‘Our attorneys were extremely confident that the court of appeals would affirm Judge King’s ruling. But they expressed the opinion that the agreement reached out of court among the parties would be permitted under the law with or without the ruling.’

“Carson expressed hope that other independent congregations who may be tempted to infringe on the church’s trademark might find this solution as a basis to change their names . . .

“We would hope they [other independent groups]

consider selecting names that would come within the fair use exception utilized in the settlement agreement,’ he said.”—Review “Newsbreak,” May, 2001.

THEIR ORIGINAL OBJECTIVE

The original objective of the General Conference, in its trademark lawsuits, was to use the strong arm of the federal courts to forbid any Seventh-day Adventist believer, not on the church rolls, from publicly declaring himself to be a Seventh-day Adventist.

If you will carefully read our book, *The Story of the Trademark Lawsuits* (79 pp., 8½ x 11, \$7.00 + \$2.00), the facts and documents contained in it will convince you that they wanted to totally control who could call themselves by that hallowed phrase, given us by the God of heaven.

The notorious three earlier Settlement Agreements each required *independent believers* to never again use the name in any form. Indeed, they were not permitted to even own publications containing the name!

The present writer obtained copies of the Settlement Agreements sent to the Huntsville, Alabama, group; the Kona, Hawaii, group; and the first Settlement Agreement sent to the Perez group. All three read essentially alike. Each contained the same harsh stipulations, mentioned above. (A complete copy of the earlier form of the Settlement Agreement will be found on pp. 73-77 of *Story of the Trademark Lawsuits*.) Each formal Agreement bound not only the organized group, but also each member thereof, to adhere to this ban on both personal or group usage of the name.

But the General Conference ran into a road block when they sued the organization named Seventh-day Adventist Kinship International, a homosexual organization. Their objective was to bar the homosexuals from using the name either for themselves, individually, or for their organization.

The suit was entered into with the expectation that denominational church members would approve of the legal action, and tiny Kinship would not be able to put up much of a fight. But immediately appealing to the strong arm of the national gay rights movement, Kinship was given the use of the best attorneys free of charge; and several high-paid gay Adventist businessmen testified in court as to how they had been individually mistreated, by the church, for considering themselves to be Seventh-day Adventists.

During the February 26, 1991 hearing on the case,

Judge Pfaeizer noted that a First Amendment right was involved. Then, on October 7, 1991, the judge ruled that individuals had the right to call themselves Seventh-day Adventists, although it was noted that the decision did not cover the phrase, “Seventh-day Adventist Church.” —But the ruling did include not only individual gays, but also their organization—which did not have “church” as part of the name. So *Seventh-day Adventist Kinship International, Inc.*, an organized corporation not denominationally affiliated, continues using that name to this day.

This should mean that, if you do not have “church” attached to your name, you should still be able to include Seventh-day Adventist in your organizational title. However, that is a point you would be wise not to press very far. The General Conference would probably sue you in court in order to win a few brownie points. For some reason, they like to spend money suing Adventists. Perhaps they have a lot of it laying around in the basement.

But the hallowed phrase, Seventh-day Adventist, when applied to individual believers is not only guaranteed by the First Amendment, but confirmed in the Kinship case. The judge had ruled that the members of Kinship had a right to call themselves “Seventh-day Adventists,”—even though many of them had already been disfellowshipped from the denomination. Their affirmation of their identity as Adventists was what counted; membership on church rolls mattered not.

This was a major victory for all of us, especially so since it awarded the right to usage of the name to persons who neither believe nor practice the broad scope of Seventh-day Adventist historic beliefs.

WHAT THIS NEWS RELEASE SAYS

Let us now consider what is stated in this latest news release:

“The settlement comes 10 months after . . . Judge . . . King ordered Perez and the church to stop using the words . . . to advertise or publicize their congregation.”

Note the careful wording: Recognizing that they cannot stop individuals from calling themselves Seventh-day Adventists, the suit is only intended to keep a structured group from doing so. The agreement does not attempt to limit how the members can identify themselves.

The agreement specifies that the group will not bear the name Seventh-day Adventist, but mention can be made that Adventists founded the organization.

“According to the terms of . . . agreement, the church will be able to identify itself.” “A two-line logo . . . ‘Eternal Gospel Church. Founded (in 1990 or later) by Seventh-day Adventist believers.’ ” “The [‘founded by . . .’] ‘tag line’ permitted by the agreement merely described persons who organized the Eternal Gospel Church and was not considered a part of the group’s name.”

The General Conference permits the name, “Seventh-day Adventist,” to appear on the sign only because it knows it cannot legally stop it. The so-called “tag line”

refers to individuals and their right to identify themselves, a right solidly protected under the First Amendment.

Carson goes on to state that the current General Conference objective only limits what the group can call itself, not how the individuals may identify themselves:

“Mr. Perez can no longer use the Seventh-day Adventist Church’s name as the name of his church.’ ”

And now for the clincher statement:

“ **Our attorneys** were extremely confident that the court of appeals would affirm Judge King’s ruling. But they expressed the opinion that the agreement reached out of court among the parties **would be permitted under the law with or without the ruling.**’ ”

Do you see what Carson is admitting? He says that all the attorneys involved, both the in-house ones (in the General Counsel’s office), as well as Vincent Ramik their Alexandria, Virginia, trademark expert, well-know that separated Seventh-day Adventists can legally call themselves by that name!

And Carson continues, saying that he hopes all the other independent ministries will do the same:

“Carson expressed hope that other independent congregations who may be tempted to infringe on the church’s trademark might find this solution as a basis to change their names . . .”

He is as much as saying, “Go ahead, everybody, and put ‘Seventh-day Adventist’ on that second line!”

“We would hope they [other independent groups] consider selecting names that would come within the fair use exception utilized in the settlement agreement,’ he said.”

—So you may call yourselves “Seventh-day Adventists” on your meeting house sign. Just put it on the second line.

The top line is the name of your group, church, organization, etc.

The line below it (in somewhat smaller print size) identifies the individuals in the group, church, or organization.

What then are the ways you can identify yourselves in your church sign? We will discuss that later in this article.

WHY DID THE CHURCH SETTLE OUT OF COURT?

“When asked why the General Conference chose to settle the case, Walter Carson, an associate counsel in the GC Office of General Counsel explained, ‘We achieved, in the agreement, precisely what we sought in the litigation. Mr. Perez can no longer use the Seventh-day Adventist Church’s name as the name of his church.’ ”

But why did the General Conference settle out of court, when it had already won the case? The Perez group had already been barred from putting the “Seventh-day Adventist” phrase in their church name, which they complied with.

The above paragraph said the settlement agreement

(which was signed many months after the Miami court hearing) guaranteed that the Perez group would not use the special phrase in their church title,—but they had already stopped doing that months earlier, had no intention of doing it again, and the General Conference knew it.

After losing the case, the Perez group erected the exact sign in front of their church which is stated on the out-of-court settlement: Eternal Gospel Church. Founded in 1992 by Seventh-day Adventist believers.

Why then did the General Conference later sign an out-of-court settlement with them, getting them to do what they were already doing?

“‘Church attorneys saw this as a basis on which the dispute could be resolved without affecting in any way the viability of Judge King’s decision,’ Carson said. ‘Our attorneys were extremely confident that the court of appeals would affirm Judge King’s ruling. But they expressed the opinion that the agreement reached out of court among the parties would be permitted under the law with or without the ruling.’”

Here is the reason the church was so anxious to settle the case out of court:

The Perez group had appealed the case to the federal Appeals Court. If it lost on the appeals level, their attorney Pershes was planning to appeal the case to the U.S. Supreme Court. Pershes was also in the process of trying to cancel the General Conference trademark at the U.S. Trademark Commission.

In my opinion, there are three reasons why the General Conference settled out of court, after apparently already winning the case:

* During negotiations for that final settlement, I was told that someone, acquainted with the Atlanta Appeals Court (which was scheduled to hear the case), said that its judges were likely to favor the Perez group in their decision. The General Conference would lose all it had gained, if it lost in Atlanta.

- But if the Perez group lost in Atlanta, Pershes was going to appeal the case to the U.S. Supreme Court. There is a very strong likelihood that it would have accepted the case. This is due to the unique aspects of the case. If the case had been accepted, headlines across America would have blazed with General Conference steam roller tactics against its “competition,”—when other look-alike churches in America were living peacefully next door to one another. The Baptists, Methodists, and all the rest were not suing one another for having the same name on their church titles.

- There was a good possibility that Pershes might have succeeded in canceling the trademark at the U.S. Trademark Commission. The reasons for my belief are somewhat involved and have been stated in earlier studies by the present writer.

For the above reasons, the General Conference offered a settlement agreement, in which it lost nothing and gained a lot. Their officials agreed to that which

the Perez group was already legally doing, which could not be stopped in the court, while gaining closure of the case so it would not be appealed to Atlanta and Washington, D.C.; and the trademark would be left in place at the Trademark Commission.

Did the General Conference concede anything by signing the agreement? Only one thing: It publicly admitted that the second line, containing the contested phrase, could be included on the sign.

HOW CAN YOU IDENTIFY YOUR FAITH ON THE SIGN?

Line one, in larger print, states your group, church, or organization name—without mentioning the phrase, “Seventh-day Adventist” or even “SDA.”

Line two, in smaller print, identifies the religious faith of the people in the group, church, or organization.

It is as simple as that.

Yes, you can say:

**ROCKY KNOLL CHURCH
FOUNDED BY SEVENTH-DAY ADVENTISTS**

or

FOUNDED IN 1994 BY SEVENTH-DAY ADVENTISTS

But that second line implies that many in the group today, years later, might not be Adventists.

Yet it is still an excellent second-line statement!

However, you can instead state what I suggested several years ago as being a perfectly legal statement, in full accordance with the trademark law and with the guaranteed protection of the First Amendment:

SEVENTH-DAY ADVENTIST BELIEVERS WORSHIP HERE

or

SEVENTH-DAY ADVENTIST BELIEVERS MEET HERE

That statement not only identifies the individuals, but it also places everything in the present tense.

Of course, any second-line variation of this basic identification of individuals (not the organization) as Seventh-day Adventist is suitable. For example:

**SEVENTH-DAY ADVENTIST BELIEVERS WORSHIP HERE
YOU ARE INVITED TO JOIN US**

or

**A HOME FOR SEVENTH-DAY ADVENTIST BELIEVERS
EVERYONE IS INVITED TO ATTEND**

We are instructed in the Spirit of Prophecy (*1T 223-224; 2SM 384-386*) to always identify ourselves as Seventh-day Adventists. The aftermath of millions of dollars spent by the General Conference to keep believers from doing that—is that the believers will now be able to continue identifying themselves as such. And, for practical purposes, they will be able to identify their meeting houses also. The General Conference accomplished almost nothing. And what did it lose? a lot of money and the confidence of many people.

Thankfully, we live in the United States, which still has more religious freedom than many other nations in the world today.

In the providence of the Lord, He has turned back the hand of the foolish ones, who wished to eradicate the faith of part of God’s children. —*vf*