

# A Letter to the Trademark Judge

Deposition submitted to the court, on behalf of the defendant, in the trademark lawsuit of:

General Conference Corporation of Seventh-day Adventists v. Raphael Perez d/b/a Eternal Gospel SDA Church, et.al.; Case No. 98-2940 CIV-KING

## **My Background —**

As part of this deposition, my background has been requested. It is this: I am a third-generation Seventh-day Adventist.

In my youth, I completed a four-year course in Theology and Biblical Languages at one of our denominational colleges (Pacific Union College), receiving a baccalaureate degree.

For three years, I then attended our Theological Seminary in Washington, D.C., which at the time was literally next door to the former site of our world headquarters. While there, I earned a master of arts and bachelor of divinity degree in Systematic Theology and Biblical Languages. While there, I worked for a time in the janitorial department of the General Conference building, and later worked as the chaplain and Bible worker at a denominational health-care facility, Hadley Memorial Hospital.

Upon graduation, I accepted a call to the ministry in this denomination, and served as a local church pastor in California. At a later time, I labored as a denominational school-teacher.

The above activities were all done under the aegis of, and/or in the employment of, the Maryland-based Seventh-day Adventist denomination.

In addition, on a non-denominationally sponsored basis, I also spent several years broadcasting Seventh-day Adventist teachings over the radio and, since 1979, have dedicated my full time to writing, printing, and distributing hundreds of publications promoting the original, historic beliefs and standards of our people.

## **A Statement Bearing on this Case —**

Because of my extensive writing and publication work, I am in contact with Seventh-day

Adventists all across the nation. A couple years ago one of my friends stopped by and said, “I suppose you know that there are a thousand small, independent Seventh-day Adventist churches in America.”

That individual was an itinerant speaker and regularly traveled from home church to home church. After speaking at each home church, he would be told about several more he could visit. The list seemed endless. Each consisted of a small group, generally with less than a hundred members which met one or more times a week for worship and study.

We then discussed what we both knew well. It is extremely difficult for an average person to identify or locate those church groups. The reason: They keep themselves hidden lest they be sued by the largest Adventist church (often called the “General Conference church”). One would think we were living in Communist China! If any of those little churches post an identifying sign on their door, so other Adventists will know where they are,—the group will rather quickly receive a letter, threatening them with a financially bankrupting lawsuit which will strip the members of their property—if they dare defend their faith.

So we have one large Seventh-day Adventist denomination in America and hundreds of underground ones. This corresponds remarkably to the official Three-Self Church in China and thousands of underground ones who daily live in fear of being discovered.

Here in America, those Seventh-day Adventists who are not members of the General Conference church must furtively gather at private homes and worship in secret. If any notice of their meetings reaches the attention of the local Adventist pastor, he has been instructed by his conference president to immediately turn them in. He is required, on pain of dismissal, to notify the conference office which in turns contacts the General Conference in Maryland.

Then they have a non-Adventist attorney

send a letter to that group, threatening them with a crippling lawsuit if they do not stop meeting as Seventh-day Adventist believers!

It may seem incredible, yet this is regularly happening here in the land of religious liberty.

To better understand the background of this, it is necessary to understand that a major changeover has occurred in our large denomination since 1980. As it has grown in numbers, unfortunately, it has become more worldly. Changes in doctrinal positions and standards have occurred which have shocked and discouraged faithful historic Seventh-day Adventists.

(By definition, a “historic Seventh-day Adventist” is one who believes we should remain with our earlier beliefs and standards, and a “liberal” one considers it quite progressive to change those positions to agree with the modernity widely existing today.)

As a result, throughout the 1980s, many faithful Seventh-day Adventists have reluctantly chosen to separate from the church. Still others who never planned to leave have been pushed out by young pastors when they protested the new-modeling of church beliefs and lowering of standards.

By the late 1980s, this flight from the church rolls had the unfortunate effect of leaving local congregations with a still larger majority of liberals. Their voting power increased. This, in turn, only accelerated the exodus of those who were weeping over the direction in which the denomination was headed.

The whole thing is an ongoing tragedy, over which many of us are sorrowing.

Instead of considering the phone calls and letters of appeal, asking for a return to the stricter standards which made us strong in earlier years, church leaders did something which shocked many Seventh-day Adventists, both in and out of the large denomination.

The General Conference has decided to attempt trademark control over the one name which identifies the faith of these thousands of separated historic believers in Seventh-day Adventism!

Believers, both in and out of the denomination, cannot but be astonished.

As for separated believers, they ask what they are to do? It is their belief that, to separate from the name, “Seventh-day Adventist,” is to apostatize from the faith. —And then they will

be lost!

And, both those on the big church books and those whose names have been removed,—inquire Why is the General Conference doing this?

It is the conviction of many, in and out of the denomination, that the General Conference is threatening these lawsuits in an attempt to crush out “competition.” Surely, there is enough room in America for Christians to worship, without trying to close down one another’s churches!

Are the Methodists or Baptists trying to do that? No. Are the Catholics or Pentecostals? No. It is the General Conference, which, believe it or not, has a “Religious Liberty Department” and has, for decades, published a monthly magazine (entitled *Liberty*) on the need to maintain religious liberty for all in America.

The present writer spoke to a worker at the U.S. Patent and Trademark Commission, who told him that anything can be trademarked. He said, “You can trademark your dog’s hind leg, but the big question is whether the trademark will stand in the courts.” He then added that he was astounded that the Seventh-day Adventist General Conference, on the outskirts of Washington, D.C., was doing this, since it was always fussing in the courts about “religious liberty for Sabbathkeepers.”

Ironically, it is the conservatives (the historic believers) who are most concerned to retain the name, “Seventh-day Adventist.” They are the ones who, because of lowered standards and changed doctrines, are leaving the denomination. While, at the same time, the liberals remaining in it are the ones who care far less for historic positions—and are the most willing to drop the name! A growing number of local congregations are changing their church name from (for example) “Brookside Seventh-day Adventist Church” to “Brookside Community Church” or something just as innocuous. Yet they remain an accepted part of the General Conference sisterhood of churches, receiving no reproof for doing this.

The situation is becoming topsy-turvy. Those believers who are not members of the General Conference are persecuted for affirming their faith as Seventh-day Adventists while those who are—are permitted to abandon the name.

The entire situation would have been much simpler if the disputed term had been a single

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word, such as “Baptist” or “Methodist.” There are plenty of different Baptist and Methodist denominations.

However, under divine Inspiration, Seventh-day Adventists were told that they must always call themselves “Seventh-day Adventists.” Nothing else will do; it must be that three-word phrase. We cannot call ourselves by any other variation of the phrase. It must be in our name, just as it stands; just those three words, in that order, and nothing else!

This is because Ellen G. White, the prophet to the Seventh-day Adventist people, gave us this requirement many decades ago. And the reason given for this command was that this name brings to the front (that is, to the attention of the world around us) the two special features of our faith: our belief in the Seventh-day Sabbath and the soon advent (second coming) of Jesus Christ, our Lord and Saviour.

“We are Seventh-day Adventists. Are we ashamed of our name? We answer, ‘No, no! We are not. It is the name the Lord has given us. It points out the truth that is to be the test of the churches.’”—*Letter 110, 1902, quoted in 2 Selected Messages, page 384.*

“We are Seventh-day Adventists, and of this name we are never to be ashamed. As a people we must take a firm stand for truth and righteousness. Thus we shall glorify God. We are to be delivered from dangers, not ensnared and corrupted by them. That this may be, we must look ever to Jesus, the Author and Finisher of our faith.”—*Letter 106, 1903, quoted in 2 Selected Messages, page 384.*

It is of special significance that our people were told that they must ever call themselves Seventh-day Adventists—five years before the General Conference denomination came into existence!

This clearly shows that “Seventh-day Adventist” is, both in reality and in a legal sense, applicable to the faith of the people and only secondarily to a denominational name. “Seventh-day Adventist” is primarily the expression of a religious belief.

Since that is true,—then it can be used by people in any church or denomination which holds to those historic religious beliefs!

The command came from the God of heaven to His people, so it takes precedence over any attempt by an organization to control it for political reasons.

Here are two statements which demonstrate

that the divinely given command was initially given in 1858, five years before the Seventh-day Adventist denomination was legally organized as a church in 1863:

“No name which we can take will be appropriate but that which accords with our profession and expresses our faith and marks us a peculiar people. The name Seventh-day Adventist is a standing rebuke to the Protestant world.”—*Testimonies for the Church, Vol. 1, page 223 (1858).*

“The name Seventh-day Adventist carries the true features of our faith in front, and will convict the inquiring mind. Like an arrow from the Lord’s quiver, it will wound the transgressors of God’s law, and will lead to repentance toward God and faith in our Lord Jesus Christ.”—*Testimonies for the Church, Vol. 1, page 224 (1858).*

So while others call themselves “Baptists” or “Methodists,” we must identify ourselves as “Seventh-day Adventists.”

And notice that this command included the need for a public declaration. We are not to hide in a basement somewhere and, in whispered tones, assure one another that we are Seventh-day Adventists. We are to tell the world openly.

It is not wrong in America to openly say you are a Christian. Why should it be wrong to openly say you are a group of believers in the historic faith of Seventh-day Adventists?

In America, the land of freedom, it should not be forbidden to openly announce your faith or write it on a board and tack it on the front of your meetinghouse. We should have the right to publicize, in newspapers even, that we are “Seventh-day Adventists.” Is not this freedom of speech?

—That is why the pilgrims came to America in the first place! They were fleeing religious intolerance and coming to a land where they could practice their faith free from governmental interference.

Yet, today, our people are increasingly persecuted for so doing.

Fortunately, the founding fathers of our nation wrote this guarantee into our national charter:

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”—*Bill of Rights, Article 1, U.S. Constitution, 1791.*

An attempt by the General Conference church to deny those, who are dissenters to their new-liberalism, the right to call themselves “Seventh-day Adventist,”—if that attempt is upheld by U.S. courts—is an infringement upon four points in the First Amendment:

1 - The government is, in effect, imposing an “establishment of religion” if it favors one Seventh-day Adventist group over another; that is, accepts the right of one group to exist while denying the right of the other to exist.

2 - The government is prohibiting the free exercise of religion if it rules that Seventh-day Adventists who have separated from the General Conference church no longer have the right to freely exercise their religion which, of necessity, must include the right to tell others that they are Seventh-day Adventists.

3 - The government would be abridging their freedom of speech by granting to the General Conference church the right to harass and close down those independent churches.

4 - The government would be abridging the right of the people to peaceably assemble.

The history of the trademark threatenings and litigation by the General Conference has, in the opinion of many, been a sordid one. As they learn more, they are becoming more and more disgusted.

As an Adventist publisher, the present writer has been in contact with many of our suffering people. Frankly, many, many Seventh-day Adventists, both in the General Conference church and out of it, are fed up with these continuing efforts to crush out dissent.

A person closely connected with our world headquarters in Maryland phoned me in the late 1980s and told me that the joke, among the General Conference staff, was that the General Conference Trademark Committee (which works with Vincent Ramik, the non-Adventist trademark attorney who writes those threatening letters) is called the “search and destroy committee.” That little joke is only half in humor. They are speaking a truth. There are many, even in Silver Spring, who deeply resent this persecution of former brethren.

A Seventh-day Adventist mother in southern Indiana phoned me in the 1980s, within a year

after the General Conference began the trademark threats. She told how one of their attorneys had phoned her, informing her that their quiet little worship group was about to be sued by the General Conference. The woman said that, during the phone call, she was told, “We have closed down 35 other little groups, and you’re next, unless you stop calling yourself Seventh-day Adventist.”

Is this part of our American way of life? One church closing down another, and—if court precedents are established—using government authorization to do it?

In all the efforts of the General Conference to establish a clear legal court precedent for their objective to close down separatist churches, they have never yet achieved a clear-cut one.

In every litigation case so far, except one, the General Conference has forced the independent church to abandon that precious name which expresses their religious faith—and the case has not had a proper hearing in court.

But there has been one exception:

The one time this matter has gone into an actual court hearing was the Los Angeles Kinship case. The defendants were homosexuals who called themselves Seventh-day Adventists. The General Conference pushed that case because it felt it was more likely to have the reticent backing of the church members.

But, during the first hearing, the judge recognized that a “freedom of speech” issue was involved. That was the turning point in the case. Ultimately, the judge ruled that people can call themselves “Seventh-day Adventists”—simply because they believe themselves to be so, regardless of whether or not they are members of any Seventh-day Adventist church anywhere.

This concludes my personal deposition, and I submit it as a statement of my convictions and belief. I am deeply sorrowful that the church of my grandmother, my mother—and the one I have given my life to—has come to this impasse.

(Signed)

Vance Ferrell