

# Our Seventh-day Adventist Sign

I spoke by phone last night with a close friend, personally involved in the trademark battle, whom you know. When the conversation ended, I went home feeling almost sick.

I knelt and cried to my Father over the situation. Then, as I tried to go to sleep, ideas kept coming and I would arise and write them down. Finally, at close to 1 a.m. I fell asleep. A picture of the situation had emerged, and with it a plan of action.

## **First, here is the situation —**

• For years friends have told me this event or that event has marked the turning point of the denomination. But I will have to say that **March 16, 2000, will prove to be a significant date in denominational history.** After extensive preplanning, on that final day of the Florida Trademark Trial, their representative argued in a U.S. federal court that, based on the Oregon Smith case, individuals and small religious groups ought to be stripped of their religious rights, when they interfere with federal laws and/or the claims of larger religious organizations!

Their winning argument about the Smith case will be found in *our nine-part Analysis of the Florida Trademark Court Transcript—Part 8 [WM-953]*. We did not have room to earlier mail out the entire nine-part set, but made it available in our 102-page, 8½ x 11, *Florida Trademark Trial*, \$7.50 + \$2.00 p&h. You will find it on pp. 51-53. **(We are including the essential portion on pp. 2-3 of this present tract.)**

• Because the Florida group did not include “Independent” and the disclaimer (“Not part of or affiliated with the General Conference, etc.”) in their sign and advertising (because their pastor was told not to, by two attorneys), the General Conference won the case.

• There is still the chance the Florida group may win the case on appeal, but that is not certain.

• It is important that you understand that the General Conference was defending their control over the name, “Seventh-day Adventist,” not merely the narrowed phrase, “Seventh-day Adventist Church,”—and that is what they won on. (They did this in violation of the fact that another federal court had earlier declared that individuals and organizations could use the name, “Seventh-day Adventist”; but, the judge said, she was not ruling on the term, “Seventh-day Adventist Church.”)

• We need another case to go to court which concerns “Seventh-day Adventist Church,” but which includes “Independent” and the disclaimer. Whether or not that occurs, remains to be seen. Unless the group includes both “Independent” and the disclaimer in their sign and ads, they will probably lose the case.

• **Our immediate need is to turn our attention to strengthening our legal control over the term, “Seventh-day Adventist”** (without the “Church” attached).

**That is the purpose of this tract.**

## **Second, here is the plan of action —**

• **On page four of this tract, is a sign which you may wish to post on your premises.** You will want to read it carefully.

• **The purpose of this sign is to tack down our—yours and mine—personal control of the name, “Seventh-day Adventist”—as applied to individuals.**

• Containing, as it does, certain basic legal factors, this sign ought to help the situation.

• If you decide to post the sign, first make several xerox copies. Then post it in your home or meeting hall. We suggest that you mail a xerox copy to the General Conference with a note that you have posted the sign prominently. You may wish to send copies to friends who may wish to also post the sign.

• **If anyone is threatened with a suit as a result of this,** please notify me and we will share the news and,—in the enabling strength of God, we will all work together to help defend you in court against the General Conference. In other words, others will help you financially. (If we find that there is so much apathy that few friends are willing to help pay for a defense suit, then we will notify you and you can take the sign down, if you wish, before the lawsuit is filed. You must remain in close contact with me by phone over this! I believe we will all rally, financially, to the cause in defending such a suit.) **If they dare do it at all, the General Conference would only file one test case against a family or group posting such a sign.** (For your information: The threat would come in a form of a one- or two-page letter from a General Conference attorney, or from Ramik, asking that you take down the sign. You would then be given an unstated amount of time in which to reply. **It would be extremely unlikely that a suit would be initiated against you, since all you may have is a sign in your home notifying the world that you conduct family worships there.** To protect itself, the General Conference would probably first contact your local pastor to see whether yours was a family worship situation or a small group in a rented building.)

• **This sign represents the basic issue, which is this: Individuals have a right to call themselves “Seventh-day Adventists” and proclaim it in print to others. There is a very good possibility that the General Conference will not dare sue over this sign, especially since all you may be doing is holding family worships for your children in your home! If they do, we will win. We have the First Amendment and the Kinship decision on our side. At issue here is “Seventh-day Adventist,” not “Seventh-day Adventist Church.”**

**Notice certain facts about the sign —**

- Notice that the word, “Independent,” is missing from the top of the sign. If you are going to call your group a “Seventh-day Adventist Church,” you definitely should add the word “Independent.” **But if you are only using the phrase, “Seventh-day Adventist,” you do not want to limit the term in any way. Your First Amendment right is that any Adventist can worship with you, not just certain ones.**

- A detailed collection of points is in smaller print on the lower part of the sign. **The sign is a legal notice which, if sued, would be the basis of the litigation,** which is why other legal facts are included. The reasons why you and your friends can call yourselves “Seventh-day Adventists” are briefly explained on your sign.

- **This sign represents you as individual Adventist believers. Do not place an organizational name on this sign.** (But if you do have an organizational name, do not include “Church” in it, if you also have “Seventh-day Adventist” in the name. These points are in agreement with the Kinship decision.)

- **God commanded us to call ourselves “Seventh-day Adventists.” That is what we must defend, and this sign does that.** He did not command you and me to call ourselves “Seventh-day Adventist Church.” In your worship services, advertising, and literature, we can dispense with “Church.” But we must ever call ourselves “Seventh-day Adventists” (*1 Testimonies 223-224; 2 Selected Messages, 384*).

- The other points on the sign should be self-explanatory.

### **How to post the sign —**

**Place the sign on a wall near the entrance** to your home or gathering place, either inside or outside (or both). It is best to place it inside. Most public notices are posted on inside walls of buildings. They do not have to also be posted outside. But if you wish to place it outside, mount it between two sheets of glass and duct tape the edges. You can also plastic laminate the sheet. Tell your friends to ask us for these free signs, or make xerox copies for them. **These signs declare their rights as U.S. citizens to worship God as Seventh-day Adventists.**

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**Here is this excerpt from our analysis of the Florida Trademark Trial. You will find it on pp. 51-53 of our 102-page, 8½ x 11, Florida Trademark Trial, \$7.50 + \$2.00 p&h.**

Please note the following: The words of the General Conference attorney, Jeffrey Tew, are in quotation marks. Within his quotations, our comments are in brackets. His verbatim words may not always be clear, but they were copied from the official *Florida Trial Transcript* (a copy of which you may purchase from us for \$35.00 + \$5.00 p&h. It is 8½ x 11 in size, with nearly 400 pages.)

The defendants cited the [1963 case] Sherbert vs. Vernon case. Yet they fail to note “that Sherbert vs.

Vernon, which has a balancing test, was overruled by the Supreme Court in **the case of Employment Division vs. Smith, in 1990.** “**The Smith opinion, I think, says it all. It says we have never held that an individual’s religious beliefs excuse him from compliance with an otherwise valid law prohibiting conduct.**” “**The Smith Court basically says that to make an individual obligation to obey such a law, contingent on the laws coincident with his religious beliefs, contradicts both constitutional tradition and common sense**” (Day 4, p. 11).

**[This is important! It is of the deepest significance that this point would be presented by the General Conference! The 1990 Smith decision by the U.S. Supreme Court was notorious! This was the Oregon Indian case which declared that the religious beliefs of individuals and groups had to yield to governmental laws, when they required actions contrary to those religious beliefs! —Yet the General Conference is using that case to support its position, that the religious beliefs of Seventh-day Adventists and their churches must yield to governmental laws and court decisions which would force them to act contrary to their religious practices! This is an abomination.]**

[Do not confuse this “Smith” with the “Dr. Smith” (referred to on the first day transcript, pp. 65-69, and the fourth day, p. 29), who apparently gave false testimony in the Stocker case.]

**[Tew says still more about the Smith decision, and it is full of anti-religious liberty sentiments (Day 4, pp. 10-12). I will quote it in its entirety, below. I am telling you, the Smith decision is dynamite, able to destroy religious freedom in the United States. And the General Conference is urging its widespread use in America.** Read Tew’s statements for yourself. They are quite plain:]

**“The Smith Court, your honor, at pages 886 and 887, specifically rejects the defendant’s argument in this case, that you cannot apply the trademark law, since use of the name is central to Mr. Perez’s religious belief.** The Supreme Court in Smith, says: It is no more appropriate for judges [this probably should be “justice”] to the centrality of religious beliefs than it would be for them to determine the deference of ideas in a free speech case.

**“What the Smith Court held in 1990 was that the Court should decide cases on neutral, if the law is neutral and applies to everyone. It should be applied on those terms without regard to whether the defendant claims that he has some central belief and some practice. Certainly, the use of the name is a practice. It is not a belief.** [The use of the name is a mindless practice, not based on any belief.]

“During the Supreme Court session, referring specifically to Smith, Bernie later reinforced this: The Supreme Court of the case of the city of Bernie, which is a much more recent case [than Smith]; it’s a 1997 [case]. In setting aside the federal statutes which attempted to interfere with the Smith rule, **Supreme Court case re-**

affirmed that Smith is the right test, that you can regulate religious practice. Use of a trademark, use of name, as a church name or in advertising, is a religious practice, your honor.

“We have cited, and there are many cases, in fact, we cannot find any federal court which has ever denied trademark protection on the basis of a religious practice argument. **True, some church trademarks have been denied because they didn’t meet the requirements of a trademark law**, but there is no existing federal case which has adopted the defendant’s argument” (p. 12).

. . . [Tew discusses other matters for several paragraphs, then returns to the Smith case] . . .

**Returning to Smith, in a complicated paragraph, Tew says the trademark restriction on the name “does not burden” the religious beliefs or practices of the defendants.** Here is his statement:

“But the real issue is Does not using the name, Seventh-day Adventist, in those evangelical proselytizing activities bear or burden their religion, even practice? **Smith [case], in the Supreme Court, said you can prohibit a [religious] practice because that’s constitutionally permitted if it’s a neutral law that applies across the board.** So you can prohibit the trademark practice. But the evidence [requires] that the defendant, of course, **the defendant has got the burden to show that [not being able to use the name] even burdens his practice, and he hasn’t done that”** (p. 14).

[Did you read that! **“You can prohibit a [religious] practice because that’s constitutionally permitted if it’s a neutral law that applies across the board.”** That was the decision in the Smith case, which the General Conference wants applied to non-compliant Seventh-day Adventists! The Smith case will be wonderful help when, after the National Sunday Law is enacted, believers are dragged into court and told: **“The U.S. Government can prohibit Sabbathkeeping because it is a neutral law; that is, it applies to everyone in the nation!”**]

. . . [After touching on another point or two, Tew returns to the Smith case] . . .

[Tew keeps coming back to the Smith case. It is the bulwark of his argument. The government can enact “neutral laws” which require you to violate your conscience, and the General Conference is saying that this is a good thing.] **“Of course, the Supreme Court [in] Smith says you can burden practice.** You can’t burden belief. **But if a neutral law, like the trademark law,**—and we have cited at least half a dozen federal courts which have applied the trademark law in church names and enjoined trademark infringement,—**so we think that the religious argument defense completely fails”** (p. 15).

[The National Sunday Law would be defined as a “neutral law” under this definition, that it “applies

across the board”]; that is, applies equally to everyone in the nation.]

[The Smith decision said the government cannot burden (destroy) belief, but it can burden (eliminate) practice. —And what is calling yourself an Adventist or keeping the Bible Sabbath? They are religious practices!]

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### 1858—Believers commanded to use the name:

“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.”—*1 Testimonies*, 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.”—*1 Testimonies*, 224 (1858). [Read the entire chapter.]

### 1860—The name is chosen for believers and independent churches:

On September 28-October 1, 1860, the Battle Creek meeting occurred, at which time the name, “Seventh-day Adventist,” was adopted for the believers and the independent churches (*Review*, October 9-23, 1860; *Seventh-day Adventist Encyclopedia*, article, “Development of Organization in SDA Church,” 1044).

### 1863—The General Conference is brought into existence:

On May 21, 1863, the General Conference was formed by a meeting at Battle Creek, attended by only six state conferences. The resulting “denomination” was only composed of believers living in six states (*SDA Encyclopedia*, 496; 1046-1047).

### 1902 and 1903—Believers reminded that they must ever bear this name:

“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; *2 Selected Messages*, 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; *2 Selected Messages*, 384.

# SEVENTH-DAY ADVENTIST BELIEVERS WORSHIP HERE

## — PUBLIC NOTICE —

1. **Beliefs**—These believers adhere to the historic beliefs on which the Seventh-day Adventist denomination was originally founded.

2. **Membership**—The believers worshipping here may, or may not, be current members of the General Conference of Seventh-day Adventists, its affiliates, or subsidiary churches.

3. **Meetings**—These gatherings may or may not be meetings for family or group discussion, morning and evening family worship, or group prayer and study.

4. **Organizational approval**—Approval for Seventh-day Adventist believers to meet on these premises has not been sought nor received from the General Conference of Seventh-day Adventists, its affiliate churches, or from any other organization.

5. **Divine command**—Seventh-day Adventist believers have been commanded by the God of heaven, through the Bible and Spirit of Prophecy, to call themselves “Seventh-day Adventists,” and to hold family and group worship services. God’s Word is a higher authority than the decisions of any group of men.

6. **Civil right**—The right to call themselves “Seventh-day Adventists,” meet together, and share their faith is protected in America by specific First Amendment rights: freedom to worship, freedom to identify one’s beliefs and speak them, and freedom of the press (freedom to publicly advertise meetings and beliefs).

7. **Court precedent**—On October 7, 1991, in the Los Angeles Kinship decision, Judge Pfaelzer clearly ruled that both individuals and organizations have the right to call themselves “Seventh-day Adventists” and to publicly advertise themselves as such, even though said organizations are not approved by the General Conference of Seventh-day Adventists and their members are not on the membership rolls of the General Conference of Seventh-day Adventists or its subsidiaries. It was ruled that the name,

“Seventh-day Adventist,” is generic and stands for a faith and a set of beliefs; therefore it is not subject to trademark control. Government powers may not be employed to prohibit religion.

8. **Schedules**—When meeting schedules are not posted near this public notice, services occur whenever two or more believers gather, either for morning or evening worship or at other times, to pray and study God’s Word.

9. **Individual priority**—The command to call themselves “Seventh-day Adventists” was given to *individual believers* in 1858, five years before the General Conference of Seventh-day Adventists was initially organized in the State of Michigan in 1863 (*1 Testimonies, 223-224*).

10. **Group priority**—The command to call themselves “Seventh-day Adventists” was given to *small independent churches* on September 28-October 1, 1860, at Battle Creek, nearly three years before the General Conference of Seventh-day Adventists was initially organized in the State of Michigan on May 21, 1863.

11. **Non-exclusivity**—The posting of this sign, and the holding of prayer and worship on this property does not negate the right of these believers, in addition, to attend other religious gatherings of their choice elsewhere or be members of other local church congregations. Even though worship gatherings held here may only consist of morning and evening family opportunities to pray, sing, and read in God’s Word, yet they are done in the name of the historic “Seventh-day Adventist” faith.

12. **No hostile intent**—The holding of such beliefs, and such gatherings for prayer and study of God’s Word, as occur here, should not be construed as constituting the believers to be advocates or opponents of any other organization, religious or otherwise. They are Seventh-day Adventist believers, thankful for the opportunities to worship God in peace in America.