

November 8, 2006

The Supreme court of Texas
Supreme Court Building 201 west 14th Street, Room 104
Austin, Texas 78701

RE: No. 06-0527, The Local Church, Living Stream Ministry, et al. v. Harvest House Publishers, John Ankerberg and John Weldon, Original Proceeding, in the Supreme Court of Texas, Austin, Texas.

Amended Brief of Amicus Curiae, Dr. Norman Geisler, in Opposition to the Petition for Review of The Local Church, Living Stream Ministry, et al.

To: Blake Hawthorne, Clerk of the Supreme Court of Texas:

My name is Norman L. Geisler. I am the Dean of Southern Evangelical Seminary near Charlotte, NC. I have prepared this brief and no fees are owed anyone concerning its preparation. I am an author, co-author, or editor of over sixty books and some 200 articles on cults, apologetics, theology, and related topics. I have four earned degrees from accredited schools (B.A., Th.B., M.A., and Ph.D.). I have been teaching on the college or graduate level for 47 years. I have written many articles for *The Christian Research Journal* published by the Christian Research Institute (CRI) whose president is Hank Hanegraaff. These including a two part series on “The Essentials of the Christian Faith,” which set forth doctrinal norms for determining which groups fall short of the claim to be Christian and thus can be appropriately labeled as unorthodox, heretical, or a cult. I am aware that Hank Hanegraaff, President of CRI, has filed an Amicus Brief urging this Court to grant the Petition for Review filed by The Local Church, Living Stream Ministries, et al. in the above captioned case. To the contrary, I believe that it is critical that this Court deny that Petition. I state my reason for this position below.

In over fifty years of research on doctrinal matters, it is my professional opinion that: 1) It is doctrinally appropriate to label some groups by the terms unorthodox, heretical, or a cult. 2) It is appropriate to use these labels of The Local Church.

My reasons for the first point are as follows: First, it is a danger to our religious liberty for the Courts to engage in determining what is or is not orthodox theology. Second, it violates one's freedom of speech not to allow a group to define the limits of their own orthodox beliefs by distinguishing them from beliefs and groups that do not in their opinion meet the standards for orthodoxy. Third, for the Court to forbid such freedom of religious expression in the Harvest House/Local Church case would have a chilling effect on freedom of religious expression for any group desiring to define the boundaries of its own beliefs.

My reasons in support of the second point are two-fold. First, in every list of essential orthodox Christian Doctrine of which I am aware, including the doctrines used by CRI, the doctrine of the Trinity is an essential Christian Doctrine, and deviations from it are considered unorthodox, heretical, or cultic. Second, after carefully reviewing the unretracted material published by The Local Church, I find numerous statements that are not in accord with the orthodox doctrine of the Trinity.

I have reviewed the Court of Appeals decision in the above captioned case. I believe that the reasoning of the Court of Appeals protects researchers, religious writers, apologetics scholars, and publishers from harassing litigation that could otherwise interject the secular courts into essentially theological disputes. In the event that this Court should see fit to grant the Petition for Review, and to consider the merits of this case, I intend to file an Amicus brief in support of the position of Harvest House

Publishers, John Ankerberg, and John Weldon, and in opposition to The Local Church,
Living Stream Ministries et al.

CERTIFICATE OF SERVICE

In accordance with the Texas Rules of Appellate Procedure, I hereby certify that a true and correct copy of this amicus brief was served on the following counsel of record on this ____ day of November, 2006:

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Texas Supreme Court Denies Petition for Review of Defamation Lawsuit Against Harvest House Publishers and Authors John Ankerberg and John Weldon

On December 1, 2006, the Texas Supreme Court denied review of the Local Church and Living Stream Ministry's \$136 million libel lawsuit against Harvest House Publishers and authors John Ankerberg and John Weldon. At issue in the case was the book *Encyclopedia of Cults and New Religions* (ECNR), which The Local Church claimed was defamatory of them.

The Local Church was appealing a January 5, 2006 ruling from the Texas Court of Appeals (First District), which declared, "The gist of the church's complaint is that, by calling it a 'cult' and including a chapter on it in the book, the publisher and authors have accused it of every 'immoral, illegal and despicable action' mentioned in the book. However....nothing in the book singles out the church as having committed [these actions]....Simply being included in a group with others who may have committed such...actions does not give rise to a libel claim."

After the appellate court denied The Local Church's request for a rehearing, the group appealed to the Texas Supreme Court, alleging that the appellate court had erred by blurring the line "between actionable defamatory conduct...and protected comments about religion" and by creating "a flawed test" for determining whether statements in the ECNR were "of and concerning" The Local Church.

Shelby Sharpe, the lead counsel for Harvest House and its authors, stated to the Texas Supreme Court that "the court of appeals *did not* hold that statements about religious organizations are protected from defamation liability in *all* circumstances." He affirmed that the appellate court had, in fact, dealt with constitutional protection of religious speech and the protection of reputation as two separate issues.

Recognizing that an adverse ruling would affect the freedom-of-speech rights of all publishers and broadcasters, the Association of American Publishers, Inc. submitted an amicus brief on behalf of Harvest House, in which attorney Jonathan Bloom explained that The Local Church's arguments, if accepted, would "provide a dangerous weapon to those seeking to chill critics by bringing, or threatening to bring, libel claims based upon purported accusations that the authors never directed at the plaintiff."

Bob Hawkins, president of Harvest House Publishers, says, "We are grateful for the Texas Supreme Court's affirmation of the sound appellate ruling. Words cannot express our deep gratitude to all those who have extended their support and encouragement to us over the course of this lawsuit. Our constant prayer has been that through our stand, God would be glorified. We appreciate that God has brought about many opportunities for ministry that otherwise would not have taken place, and for teaching us what it really means to depend on Him."