

Court Case Update

URANTIA FOUNDATION V. KRISTEN MAAHERRA

NOVEMBER, 1999

Yes, the Lawsuit Continues...

Thank you for the feedback on my last mailing (those orange pages I sent you in October). I decided to write another update right away because one person told me not to “advertise evil” by repeating the Foundation’s appalling statements from their appeal brief, lest the repetition itself lead people to believe the lies.

And another person told me not to assume anyone knows anything about what’s happening with the lawsuit right now, and to report plainly and simply what’s going on.

Following the above advice, I will (1) try to catch you up to date on what’s happening at this point, and then (2) chronicle the facts from the orange mailing – without including quotes from the Foundation’s brief.

When I wrote you, “*It’s Over*,” last spring, I thought that Judge Urbom’s signature on the Foundation’s request for Declaratory Judgment meant – well, that it was over.

However, what is happening right now is that some of my defenses to copyright infringement have not yet been heard and ruled upon by the court. These include unclean hands, copyright misuse, and public interest.

The recent exchange of briefs posted on the Internet that some of you have asked me about concern these remaining defenses. It turns out that these defenses are defenses to infringement itself, and not just defenses to damages or an injunction.

As soon as the Court reaches a decision about whether to hear any evidence, or to hold a hearing on these defenses, I will let you know. Remember, in over 8 years of lawsuit, the Court has yet to hold an

evidentiary hearing to decide on facts which are in dispute – such as the facts reiterated below.

I am currently *pro se* (representing myself) again, to save money.

Meanwhile, **keep Harry McMullan (and his Michael Foundation) in your prayers.** The Foundation continues to send him threatening letters about his beautiful printing of the Jesus papers: *Jesus – A New Revelation*. Enclosed is part of the correspondence between Harry and the Foundation – an excellent reply from Harry’s lawyer.

Now what follows is my view of the dispute I still have with the Foundation about facts concerning the origin of the Urantia papers and the role of the Foundation in the creation of the revelation:

INSTANCE

The contact commission did NOT initiate contact with the revelators. The Urantia papers were NOT created “at the instance of” the Foundation; and the Foundation did NOT motivate the creation of the revelation.

According to the American Heritage Talking Dictionary, the word “instance” means: A suggestion or request: (*He called at the instance of his attorney*). A step in a process or series of events: (*You should apply in the first instance to the personnel manager*). [Middle English instance, from Old French instance, request].

Urantians believe that the Urantia papers were created at the instance of the revelators, and that the revelators motivated the creation of the papers. In Paper 77:8: last paragraph, it is made clear that the secondary midwayers (superhumans) induced the planetary celestial supervisors (superhumans) to initiate those petitions which resulted in the granting of the mandates (from the Ancients of Days) making possible the fifth epochal revelation.

Urantians believe the Urantia papers are (and for over 40 years plaintiff Foundation has marketed the Urantia revelation as) authored by, arranged by,

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assembled by, assigned by, authorized by, chosen by, collected by, commissioned by, compiled by, composed by, coordinated by, created by, delivered by, depicted by, dictated by formulated by, indited by, made meaningful by, mandated by, narrated by, organized by, portrayed by, presented by, requested by, revealed by, selected by, sponsored by, transcribed by, translated by, transmitted by, unified by, and written by (as Doc Sadler put it in his *Glossary*) “forty eight personalities and a committee of twelve members” – all superhuman – and including: Archangels, Brilliant Evening Stars, Chief of Archangels, Chief of Evening Stars, Chief of Midwayers, Chief of Seraphim, Divine Counselors, Life Carriers, Machiventa Melchizedek, Malavatia Melchizedek, Manovandet Melchizedek, Mantutia Melchizedek, Melchizedeks, Midwayer Commission, Mighty Messengers, One High in Authority, One Without Name and Number, Perfectors of Wisdom, Secondary Lanonandeks, Solitary Messengers, Solonia, Universal Censors, and Vorondadek Sons.

According to the Urantia papers, the actual composition of the Urantia papers was assigned to three special commissions of universe personalities, all superhuman: Part I was formulated by a high commission of twenty-four Orvonton (superuniverse) administrators headed by a Divine Counselor and was presented in 1934. Parts II and III were authorized by a Nebadon (local universe) commission of twelve, acting under the direction of Mantutia Melchizedek and were indited in 1934 and 1935. Part IV was sponsored by a commission of twelve Urantia midwayers acting under the supervision of a Melchizedek revelatory director.

In other words, the Urantia papers were not created “at the instance” or request of the contact commission, the Sadlers, the forum, the Foundation, the human contact personality or any other human agency or person.

In the Acknowledgment at the end of the Foreword, the Divine Counselor writes: “we [the revelators] are to be guided by the mandate of the superuniverse rulers.” The Divine Counselor does NOT write that the revelators are to be guided by the mandate of the contact commission.

COMPILE

The contact commission did NOT compile, organize, or arrange the Urantia papers. The revelation was

NOT compiled, arranged, or organized by humans.

The Dust Jacket of “The Urantia Book” as published by the Foundation references pages 1, 17, 16, 1109, 215, 865, 1258, 1008, 32, and 1007 “*Concerning . . . the Nature, Origin, and Organization of The Urantia Book.*” None of these references refer to the forum, the contact commission, or plaintiff Foundation as having anything to do with the creation, materialization, or organization of the Urantia revelation.

The following statements by contact commissioners Doc Sadler (William S. Sadler, Sr.) and Emma Christensen (Christy), by early Urantia Foundation Trustees Thomas Kendall, James C. Mills, and William M. Hales, and by Foundation Administrative Assistants (on Foundation letterhead) concern origin, authorship, editing, arrangement, selection, and organization of the Urantia Papers – the fact that the superhuman revelators created the Urantia Papers (conceived of the Papers, initiated the contacts with humans, and placed the Papers in their current order).

EMMA CHRISTENSEN, CONTACT COMMISSION:

Ms. Christensen (“Christy”) wrote thousands of letters for the Foundation over the years. Here are some excerpts from her letters concerning authorship, editing, arrangement, selection, or organization of the Urantia papers:

“The authors are all listed in the book itself, and you will find papers describing them in detail, as this is the only information we have regarding the origin, nature, and organization of the Urantia Book.” Ex. C-1.

“I can categorically assure you that no humans decided the content of the Urantia Book. The Book is as the revelators gave it to us.” Ex. C-2.

“Through your assistance we shall be able to move forward with the tremendous undertaking of bringing the supernal teachings of the Urantia Book to all mankind, unchanged by any human ideas or doctrines.” Ex. C-5.

“The Urantia Book was not written by the Urantia Foundation. It is a revelation given to this world by superhuman personalities.” Ex. C-6.

“I can categorically assure you that no humans decided the content of the Urantia Book. The Book is as the revelators gave it to us.” C-8 and C-10 and C-16.

“Two thousand years ago, the ‘Word’ was made flesh. today the ‘Word’ is made book.” Ex. C-12.

“The papers are based on no human authority.” 13.

"No part of the Urantia Book was ever edited. It has been printed as it was given to our world." Ex. C-15.

"The Urantia Book has not gone through any alterations. It was received in all essential respects just as you now find it, and was written in the English language." Ex. C-18.

"The Urantia Book was published just as we received it in English. There was no editing. Our only jurisdiction had to do with typing, proof-reading and publication." 20.

"The Urantia Book was published precisely as it was given to the people of this planet. Not a word has been added or deleted." Ex. 2730.

"No human scholars edited the book." Ex. 794.

"No human being's name is in any way connected with the book." Ex. 2016.

"It was not discovered – it was well planned by a Revelatory Commission from Paradise." Ex. 409.

"Any validation from human beings would be quite superfluous and entirely inconsistent with the quality of the revelation itself." Ex. 519.

THOMAS KENDALL, TRUSTEE:

Tom Kendall also answered a great deal of correspondence for the Foundation over the years. Here are some excerpts concerning editing or arrangement or organization of the Urantia Papers:

"The Urantia Book is arranged and assembled exactly as revealed." Ex.s K-1 and 750.

"It would seem presumptuous for mere mortals to affect any changes." Ex. K-5.

"The Revelatory Commission, no doubt, had many good reasons for giving us this message in the form and sequence as found in the Urantia Book." Ex. K-10.

"No human ever edited this material." Ex. K-13.

"Making certain that it continues to be available in the form in which it was revealed." Ex. 421.

"The Urantia Papers are self validating and possess a wholeness that one recognizes as you proceed through the book." Ex. 669.

"It is closer to perfection than any individual mortal or human agency could make it." Ex. 887.

"The teachings ... are best appreciated when studied in their complete form." Ex. 724.

"We believe that the Urantia Book is a meaningful whole." Ex. 1335.

"The revelators speak so eloquently and, no doubt, took many years and obviously great care to present to us the inspiring story of Jesus' life and its meaning for

mortals of our world that it seems unlikely that we humans could really improve upon it," Ex. 1336.

"If you have a copy of the Urantia Book with a dust jacket, I suggest you look up and read the reference on the back of the jacket, '*Concerning ... the Nature, Origin, and Organization of the Urantia Book.*' All the information available on this topic is included in the book itself." Ex. 1447.

JAMES C. MILLS, TRUSTEE:

Jim Mills was also a Foundation spokesperson who answered a great deal of correspondence for the Foundation over the years. Here are some excerpts from his letters which concern editing or arrangement or organization of the Urantia Papers:

"No human mentality was engaged in its original compilation which has been reproduced exactly as it was transmitted." Ex. M-1.

"The authors have placed the sequence of studies in their present arrangement for their own good reasons." 2.

"Unchanged by any human ideas or doctrines." 3.

"The authors of the book are exactly as they describe themselves, and their identity and function is described within the pages of the book itself." Ex. M-7.

"The final origin of the Urantia Papers lies in the authors themselves." Ex. M-8.

"The Urantia Book is based entirely upon the statements of the authors of the individual papers, all of whom are self-identified or identified by other authors. No human being had any part in authorship itself." Ex. M-10.

"Any validation from human beings would be quite superfluous and entirely inconsistent with the quality of the revelation itself." Ex. M-14.

"Its true origin lies in the authors themselves." 15.

"The revelation was presented as an entity in itself, to stand upon its own feet." Ex. 17.

"The Urantia Book is the work of many personalities, none of which are human. Each paper is signed by its author, often identified only as a member of a group, sometimes individually. This is true of all papers in Parts I, II, and III. Part IV is the work of a commission, all members of which are superhuman." Ex. 917.

"The source of these various papers lies totally with the authors themselves." Ex. 440.

"The truths and concepts portrayed are entirely their work. We of the Foundation and the Brotherhood are

merely the earthly trustees and preservers of this tremendous work." Ex. 728.

"As to the semantics employed, we had no control over them. We have reproduced the text exactly as received. We are pledged to preserve it inviolate, and will do so." Ex. 510.

"The Urantia Book is not the statement of the ... Foundation. Its authorship is clearly stated in the book itself." Ex. 2606.

"Through your assistance we shall be able to move forward with the tremendous undertaking of bringing the supernal teachings of the Urantia Book to all mankind, unchanged by any human ideas or doctrines." Ex. 477.

BILL HALES, FIRST FOUNDATION PRESIDENT:

William M. (Bill) Hales was the first President of Urantia Foundation and long-time forum member. He testified in a deposition taken on October 21, 1994:

"I can categorically assure you that no humans decided the content of The Urantia Book." (p.22, l.20).

"The book is unchanged from the way the revelators provided it." (W. Hales dep., page 23, line 7).

"The essential facts which explain the origin of the Urantia Book are found in the book itself." (W. Hales dep., page 22, line 14).

"The Urantia Book was published just as it was received in English. There was no editing. Our only jurisdiction had to do with typing, proofreading, and publication." (p. 19, l. 24 cont. on p. 20, lines 1-3).

"The book is as the revelators gave it to us." (p22,l.21)

SCOTT FORSYTHE, ADMINISTRATIVE ASSISTANT:

Scott Forsythe – as a Foundation employee – answered a great deal of correspondence for the Foundation over the years. Here are some excerpts from his letters which concern editing or arrangement or organization of the Urantia Papers:

"I can categorically assure you that no human decided the content of the Urantia Book. The Book is as the revelators gave it to us." Ex.s F-1 and F-7.

"The Urantia Book was presented to the world as it was received and no alterations of the text have been made or will be made." Ex.s F-5 and 2843.

"The book was given as a complete work and intended for students of truth in that form (see page 215, paragraph 4, for a philosophical consideration of this point)." 1090.

QUESTIONS:

The questions asked by forum members did NOT come before the papers.

Again, I think Harry McMullan says it best in a letter he wrote to the trustees: "While ruling – most significantly – that revelation is uncopyrightable, Judge Shroeder's 9th Circuit reversal of the District Court decision relied upon the fact that members of the forum posed questions to the revelators, a situation which she deemed supplied sufficient human involvement for copyright protection (ignoring, among other things, the fact that Urantia Foundation was not even the successor in interest to the forum).

"The 9th Circuit decision was given without citing any precedents, because none exist. The concept that individuals who merely pose questions to an author are entitled to copyright protection would create the ludicrous situation of giving anyone who talks with an author about his upcoming book a claim to copyright. Such a legal theory would open to challenge the copyrights of 99% of authors to claims by, for example, friends and neighbors with whom they might have bounced around ideas regarding their upcoming books, not to say copy editors whose job it is to rewrite the books themselves. Amicus curiae against such a ludicrous position would likely be filed by any number of individuals and publishing houses who would not want the entire concept of authorship in copyright law so radically overthrown.

"Quite apart from the issue of forum questions, the 'History of the Urantia Movement' which Urantia Foundation introduced as having been written by Wm. S. Sadler, trustee and former contact commissioner, forecloses Urantia Foundation from now claiming any other species of that human involvement which would be necessary in order to qualify the Urantia Book for copyright protection. That document states unequivocally that the contact commission 'had no editorial authority. [Its] job was limited to spelling, capitalization, and punctuation.'

"Further, Urantia Foundation is on record admitting that 'no human being wrote any portion of the text of the Papers.' This testimony (made when Urantia Foundation was basing its copyright claim on a different theory) supplies a mortal blow to the weak 'compilation' copyright which is all that now remains of the original 'full' copyright which Urantia Foundation

obtained based on the false claim that it had authored the Urantia Papers.” (End of quote from Harry’s letter).

MANUSCRIPT:

The Foundation NEVER had possession of the handwritten manuscript of the Urantia papers. The Foundation did NOT own and/or control the manuscript; neither did the contact commission.

HOUSE REPORT NO. 94-1476. Original Works of Authorship. “The two fundamental criteria of copyright protection – originality and fixation in tangible form – are restated in the first sentence of this cornerstone provision.”

The significance of the Foundation’s attempt to insist that it owned the manuscript has to do with “fixation in tangible form.”

Urantians know that the superhuman revelators created the revelation and first fixed it in tangible form through an unknown technique that somehow involved the Thought Adjuster of the “sleeping subject” and secondary midwayers.

Meredith Sprunger reports that forum members never saw the original handwritten manuscripts, which were kept in a safe. After Christy typed up each paper from the handwritten manuscript, the original manuscript would mysteriously “disappear” from the safe.

Urantians know that the Declaration of Trust mentions only the printing plates, NOT the manuscript. In fact, Urantia Foundation’s First President, William Hales, testified in his deposition:

Q. (Joe Lewis) “Apart from these plates, was anything else transferred or delivered to the Foundation at its inception?”

A. (Bill Hales) “To my knowledge, the plates were the only tangible evidence of the Urantia Book delivered to the Foundation.”

Q. (Joe Lewis) “Apart from the plates, was any other property, either tangible or intangible transferred or delivered?”

A. (Bill Hales) “Not that I know of.” (Deposition of William M. Hales, taken October 21, 1994, page 35).

The Foundation never owned the manuscript. The “Declaration of Trust” says the Foundation was created to receive the printing plates. The Foundation was formed by the acceptance of this anonymous gift of “2200 nickel-plated plates for reproducing” the text of

the Urantia papers. These printing plates constitute plaintiff Foundation’s “substantive estate.”

§ 202 (1976 Copyright Act) states that: “Ownership of a copyright is distinct from ownership of any material object in which the work is embodied. Transfer of ownership of any material object ... in which the work is fixed does not of itself convey any rights in the copyrighted work ...”

PREDECESSOR:

The Foundation had NO predecessor organization. The contact commission was NOT the Foundation’s predecessor.

The Foundation has claimed the contact commission was the Foundation’s “predecessor organization” in order to have a copyright “chain of title” extending from the contact commission to the Foundation.

However, William Hales, Urantia Foundation’s First President of the Board of Trustees, in his deposition, identified plaintiff Foundation’s Application for Tax Exempt Status where he personally had marked the box as claiming the Urantia Foundation had, “NO PREDECESSOR ORGANIZATION.”

Q. (Joe Lewis) “Box 4E says ‘Date of Organization,’ and the response there is ‘January 11, 1950.’ Is that a correct answer to that question?”

A. (Bill Hales) “Uh-huh. Yes.”

Q. (Joe Lewis) “The next box, box 5A asks ‘Is the organization the outgrowth or continuation of any form of predecessor?’”

A. (Bill Hales) “No.”

Q. (Joe Lewis) “Okay. And you said ‘no’ on that, and the box is checked ‘no.’ So I guess my question is was the response check ‘no’ here an accurate answer?”

A. (Bill Hales) “(Nodding.) ‘Yes.’ (Deposition of William M. Hales, taken October 21, 1994, page 29, lines 15-24, and page 30, lines 1-3).

COPYRIGHT AND REVELATION

Copyright law is not rocket science. Copyright is Constitutional; and it’s more than straightforward where revelation is concerned. Copyright covers human authorship. Anything created by revelators (superhumans) is not copyrightable. That’s a rule at the Copyright Office. The Appeal Court recognized that

rule when they wrote their opinion:

“...the use of a single ‘revelation’ outside the context of the Book” would “for purposes of this case”...”be analogous to a ‘fact,’ and which of course would not be copyrightable.”

The Appeal Court ruled that anything that is “revelation” is in public domain; therefore, Plaintiff Foundation doesn’t have a copyright on the revelatory parts – i.e. the parts of the Urantia papers that have superhuman authorship. These parts are clearly defined by the revelation itself as consisting of pages 1 through 2097 of the Foundation’s “The Urantia Book.”

The Foundation’s sole claim to authorship is pages vii through lxvi. As the trustees wrote to Jeff Keys: “Mr. Sadler, on behalf of Urantia Foundation (as a work for hire), wrote certain of the introductory portions of The Urantia Book identified as the *Titles of the Papers* and *Contents of the Urantia Book*.” (Trustees’ letter to Jeff Keys, May 5, 1991, page 9).

The Foundation is certainly entitled to a copyright on their BOOK simply because of William Sadler, Jr.’s *Titles of the Papers* and *Contents of the Book* section (pages vii through lxvi).

Where the Foundation errs is in trying to copyright and control the revelation itself – the text authored by the revelators. If the Foundation would be truthful about the distinction between the Foundation’s BOOK and the Urantia papers – the revelation itself – what would the Foundation lose?

No one is trying to take the revelation away from the Foundation. The revelation is a gift to everyone on the planet, including the trustees of the Foundation. The fifth epochal revelation is for all people who want to participate in the up-stepping of the planet with the real religion of Jesus.

All that would change by the Foundation telling the Court the same things it has been telling believers over the years, is that the Foundation would be unable to try to prevent others – like religionist Harry McMullan – from ALSO printing the revelation. The Foundation can always print and disseminate its book; the question is whether or not the rest of us can participate also.

Please don’t forget, my particular lawsuit was not about copyright per se, but about whether I could give away an index of every word, every time it occurs, of the revelation. (I did not index Bill Sadler’s pages vii through lxvi because I knew those pages had human authorship). The Foundation says I cannot give away my

index.

However, the revelation itself says it is a gift (92:4) to this planet. An epochal revelation is not something that can be “owned” by 5 men any more than the 12 apostles could “own” Jesus’ words of salvation and dunk Kirmeth for using them.

Maybe it’s just “human nature” for the trustees – like the apostles before them – to want to control epochal revelation. However, Jesus says of all us Kirmeths, “Forbid them not.”

With its “compilation” copyright, the Foundation calls whomever it doesn’t like an “infringer.” Religionists shouldn’t have to worry about being called “infringers” by a multi-million dollar Foundation for using the basic text of their religion.

In any conflict between freedom of religion and secular institutions – like Jews before Pilate’s palace ready to die – religion will win. Furthermore, we live in America, where religion will win simply because the Constitution says religious freedom comes first. The First Amendment limits the Copyright Clause which is part of the original Constitution. The First Amendment prevails over copyright whenever the two clash. As Professor Nimmer put it:

“[I]f a completely literal reading of the first Amendment is to be made, then we must likewise recognize that the First Amendment is an amendment, hence superseding anything inconsistent with it which may be found in the main body of the Constitution. This, of course, includes the Copyright Clause.” [Freedom of Speech, 2-57 (1984)].

Public interest would dictate – if the Urantia papers are a revelation – that the Urantia revelation be returned to the people.

Any help, suggestions, feedback, advice, opinions, documents, affidavits, declarations, recommendations, counsel, etc., you send my way is always appreciated and valued.

Much love, and God bless you,

KRISTEN MAAHERRA

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P.S. Almost forgot to tell you: Eric and I went to a marriage counselor all summer – we’re back on our “honeymoon.” In the stress of the lawsuit, we hadn’t been paying enough attention to our relationship. But we won’t let that happen again!