

LDS CHURCH SUES MINISTRY

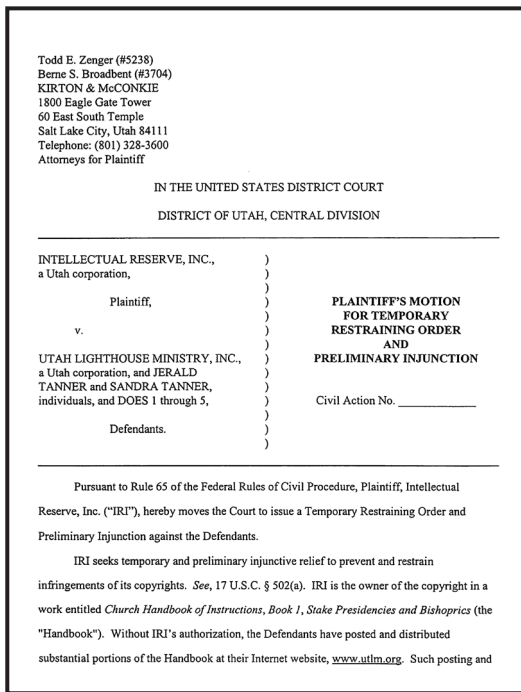
At approximately eleven in the morning, October 13, 1999, Sandra Tanner was working in the Utah Lighthouse Ministry Bookstore when she was surprised to encounter two well-dressed men who turned out to be representatives of the Mormon Church's law firm. They served legal papers on Utah Lighthouse Ministry and the Tanners, ordering us to immediately remove some material that was posted on our Ministry's web site [www.utlm.org]. The material in question was limited portions of the *LDS Church Handbook of Instructions, Book 1* (1998).

This handbook is the updated version of the instruction manual given to local bishops in the Mormon Church. Various editions have been published over the last 100 years. This manual contains, among other topics, instructions on excommunication and discipline procedures against erring members.

As a non-profit organization concerned with providing clear and accurate information to people desiring to terminate their LDS membership, we posted portions of the *Handbook* on our web site. These legal papers, served by Intellectual Reserve Inc., demanded that we immediately remove any material from the *Church Handbook of Instructions* from our web site and post their statement regarding the matter by 2 p.m. of the same day. Intellectual Reserve, with offices in the 28 story LDS Church Office Building in Salt Lake City, is the legal entity that holds the church's copyrights.

While we did not think that we had violated their copyright, by 1:00 p.m. we had removed the material and posted their letter to us, in the hope that it would avert a costly lawsuit. This did not satisfy the LDS Church. Later

the same day they filed their copyright lawsuit against the Ministry in the U.S. District Court for District of Utah, Central Division, Case No. 2:99-CV-0808C. They made NO effort to discuss or negotiate the matter with our attorney or us prior to filing.



HOW WE GOT THE HANDBOOK

The Mormon Church is very careful to restrict access to the *Handbook*. It is given to bishops, stake presidents, and various church leaders. When someone leaves their position they are to give the manual to the next officer. When a new edition is printed the old edition is to be destroyed.

In the latter part of June, 1999, when Sandra went to get the mail out of the mailbox at the front of the store she found a computer disk with no explanation as to its origin. Later, she received a telephone call from an anonymous man. He asked her if she had received the disk he

had left. When he was informed that we hadn't looked at it for fear that it might contain a computer virus he informed us that it contained the *LDS Church Handbook*.

After checking the disk for any viruses it was concluded that it was safe to examine the contents. Just as the man had said, it contained the 1998 *Church Handbook of Instructions*! Prior to this we had acquired earlier editions of the *Handbook*, but we did not have the 1998 edition.

Free Book Offer - See page 12

Later we discovered that there were a large number of people involved in disseminating copies of the *Handbook*. The Mormon Church was desperately trying to stop this underground movement among its own people but found it almost impossible to detect who had copies of the files. Moreover, many people were distributing email copies to their friends. These copies could be instantly sent on the Internet throughout the world.

OUR WEB SITE

On July 15, 1999, we posted on Utah Lighthouse's web site [www.utlm.org] a page called "How to Remove Your Name from the LDS Records." Included with this entry was most of chapter 10 from the *Church Handbook of Instructions*, along with a few quotes from two other chapters. This was done strictly as a public service to answer the many questions we receive on this issue. There was no charge for this information.

While copyright laws are somewhat complicated we felt that what we had posted from the *Handbook* was within the guidelines of fair use. On page 54 of the book, *A Copyright Guide for Authors*, Robert E. Lee wrote the following regarding fair use:

Early in the development of U.S. copyright law, it became apparent to legislators that there should not be strict enforcement in certain situations. If harm to the author was minimal and the violation was for legitimate purpose, non-infringement was frequently found by the courts. From this cradle of justice fair use was born. By the time the 1976 act was legislated, fair use had become so firmly entrenched that it was codified: "Notwithstanding the provision of Section 106, fair use of a copyrighted work, including such use by reproduction in copies or phonorecords for purposes such as criticism (including making multiple copies for classroom use), scholarship or research, is not an infringement of copyright."

The statute lists four factors that are to be considered in determining fair use: (1) the purpose and the character of the use, including whether such use is of a commercial nature or is for non-profit educational purpose; (2) the nature of the copyrighted work; (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and (4) the effect of the use upon the potential market of the copyrighted work.

Since we (1) are a non-profit organization, offering the material free as a public service, (2) the *Handbook* is a factual procedural manual, (3) only 17+ pages of the

160+ page book were posted on our site, and (4) the LDS Church does not sell the book, many people felt that we were within our rights. Clearly the LDS Church was not hurt financially by our posting of those few pages.

The Church is also maintaining that the *Handbook* is an unpublished work. Yet the copyright notice on the front does not identify it as such. To the contrary, the title page states that it is published by the LDS Church. Further, the work is distributed to over 55,000 people, who have been given the authority to copy portions and to give permission to others to copy portions as needed.

DAVID AND GOLIATH

While Utah Lighthouse Ministry has only five full-time employees and a limited budget, the Mormon Church has vast resources. For example, the book *Mormon America: The Power and the Promise* has a whole chapter on LDS finances and wealth. The authors report:

The estimated grand total of LDS assets, by a conservative reckoning, would be \$25-30 billion. . . . Yet another LDS trademark is the system of membership tithing that brings in what we project as offerings of \$5.3 billion a year, though one knowledgeable source thinks \$4.25 billion might be a safer estimate. Stocks and directly owned businesses produce perhaps \$600 million more in cash income. The estimated yearly annual revenues total \$5.9 billion, or by the more conservative reckoning, just under \$5 billion. Per capita, no other religion comes close to such figures. (*Mormon America: The Power and the Promise*, by Richard and Joan Ostling, Harper, 1999, p. 115)

Further on, the Ostlings observe: "If the LDS Church were a U.S. corporation, by revenues it would rank number 243 on the Fortune 500 list" (*Mormon America*, p. 124).

From the information given above it is obvious that the Mormon Church has nearly unlimited resources to use in their legal battles while we have very limited assets.

In 1998 Utah Lighthouse Ministry received \$207,936 from book sales and gifts. In 1999 this Ministry took in \$252,893 from gifts and book purchases. The increase was mainly due to gifts for the lawsuit.

Many people who have heard of the lawsuit feel the church's real agenda was to shut down the Ministry.

Over the past forty years we have printed critical books regarding Mormonism, discussing many historical and doctrinal problems. We have also reprinted sensitive documents that the Mormon leaders were trying to keep

from their own people. The current lawsuit seemed to be their hope to end our publishing career.

Many LDS have misunderstood the lawsuit and assumed it related to supposed lies in our material. One Mormon wrote:

This is just my personal opinion, but it's about time that the church files suit against defaming liars like yourselves. (Email November 5, 2000)

Ironically, we were sued for printing the truth, not lies. The lawsuit was not for printing "anti-Mormon" literature but for printing official LDS material not readily available to its members.

What the Church has failed to tell its members is that we were not the first ones to post portions of the *Church Handbook of Instructions* on the Internet. In fact, we have evidence indicating that the entire *Handbook* had been posted on the Internet by another individual as early as June of 1999.

On June 16, 1999, someone posted the following on an Internet newsgroup: "It seems someone has scanned the *CHI* and posted it." The man who gave the information referred to himself as Tom. (*CHI* is an abbreviation for *Church Handbook of Instructions*.)

The important thing about this matter is that it proves someone else was responsible for the initial posting of the *Handbook*. In fact, the Ministry posting of the 17+ pages did not even take place until July 15, 1999. This would be about a month after Tom first reported that someone else had posted the entire *Handbook of Instructions* on the web.

Another posting from the newsgroup contained the following:

Late last year, the LDS (Mormon) Church published a new edition of the *Church Handbook of Instructions*, copyrighted by the mysterious "Intellectual Reserve." Almost immediately after the release of this new edition, an HTML version as well as a Folio database version was being passed around the Net to interested parties. . . .

One posting we saw said the following:

The nature of the CHI on the web, is that someone posts the document to an anonymous web site somewhere, anonymously posts the URL to a public place, or notifies people by E-mail, and then sits back and waits for Intellectual Reserve to get the web site closed down . . . Just be patient, sooner or later, it will be posted again. The genie is out of the bottle so to speak.

Interestingly, David Gerard, who maintains a web site in Australia, seemed to have no fear about posting the Church *Handbook* on the web. Eventually however, the church confronted him. Gerard wrote the following about this matter:

The Church finally sent a lawyer's letter, on real paper and all. I'll put it up soon. In the meantime, I have duly removed the files containing the *Church Handbook of Instructions*. . . .

As a reaction to the Church's attempts to suppress the book, several people whose websites I do not control have chosen to put the files up themselves. Some mirror sites are listed at the end of this page.

If the Mormon Church wishes to act like Scientologists—suing critics to try to shut them up—they'll be treated like Scientologists. This is not a threat of illegal action, but a prediction of how people are likely to react . . . Incidentally, I should state that I have no contact whatsoever with Jerald and Sandra Tanner. I received the files linked below from several different people from around the world . . . just by asking on the Net. The Church needs to realize that when you've distributed thousands upon thousands of copies of a work in paper form, trying to claim that it's a "secret" because it's "unpublished" relies on absolutely none of those people getting upset at you and having a Net connection . . . Please note that I have nothing in particular against Mormons or against the Church of Jesus Christ of Latter Day Saints. Nor do I necessarily agree or disagree with anything on the Tanners' web site.

Gerard later posted an interesting item regarding his encounter with the LDS Church's lawyers:

(The threats from Church lawyers keep on coming, though. The best was when they made a threat, then made a *second* threat to try to make me keep the first a secret. Look up John 3:20 and ask yourself why the Church is acting so afraid of the light. I haven't gotten around to putting up either letter, but am considering it.)

The reader will notice that Intellectual Reserve did not file a lawsuit against David Gerard! In fact, Gerard even admitted publicly that he had four different versions of the *Handbook*: the *Handbook* uncompressed, the *Handbook* compressed for Unix, the *Handbook* compressed for Windows, and a WinZip-compressed version of the Folio Infobase version of the *Handbook*. One would wonder why Intellectual Reserve behaved in the way that it did. Why sue us and yet permit a vast

number of other people to continue to spread the *Handbook* around the world?

Intellectual Reserve obviously wanted to smear our reputation in every way possible. Their arguments presented to the court went so far as to charge that we were responsible for putting the entire *Church Handbook of Instruction* on the Internet. This slanderous charge is totally false. We had nothing to do with any posting of material, other than what appeared on our web site, from the *Handbook* nor did we encourage people to do so.

The University of Utah paper reported on the LDS lawsuit:

The . . . [Intellectual] Reserve Inc., the corporation that owns copyrights used by the Church of Jesus Christ of Latter-day Saints, has recently commenced a lawsuit against two individuals.

The goal of the lawsuit is to prevent these individuals from distributing excerpts from an unpublished church book dealing with the procedures for members removing their names from the LDS Church's membership rolls. . . . People who have participated in this letter-writing campaign [to get their LDS membership terminated] claim that their letters have resulted in harassing telephone calls from clergy and letters inviting them to participate in a **church court** concerning their membership status in the LDS Church.

This type of response to a letter from a member of a church asking to be removed from a church's membership rolls is clearly an **unconstitutional attack on the freedom of religion rights** of those who wrote the letters. . . .

So why is the LDS Church, through its subsidiary corporation IRI, attempting to prevent the publication of information on how to leave the LDS Church? . . .

A cynical answer would be that the LDS Church is attempting to hold on to all its members so that it can maintain the potential of collect tithing from them. . . .

A better explanation for this lawsuit is that the LDS Church feels that the information in the book is secret information which can be used against them by outsiders. . . .

The LDS Church should recognize that using the courts in this way will only make it look bad, and drop the case. (*Daily Utah Chronicle*, "LDS Church Should Set Members Free" by William Tibbits, October 21, 1999, p. 6)

LDS CLAIMS

Under the Search Light

Recorded Message (801) 485-4262

(Message is three to five minutes)

THE TEMPORARY RESTRAINING ORDER

The initial Temporary Restraining Order [TRO] issued on October 18, 1999, only required that the material from the LDS Church *Handbook* be kept off our web site until the case was resolved.

On Saturday, October 30, 1999, the *Salt Lake Tribune* ran an article on the lawsuit and listed the Internet addresses of sites that contained the *Handbook*. We were certainly not expecting this startling development. Prior to this, Church leaders apparently hoped to contain the spread of the *Handbook*. As it turned out, however, thousands of people downloaded the *Handbook* due to the information provided by the *Tribune*.

The next Tuesday, Nov. 2, 1999, we posted on our web site various emails we had received concerning the lawsuit. Two of these emails contained URL's, or web addresses, purporting to contain all or part of the *Handbook*. Note, these were never posted on our site as LINKS, they were simply web addresses.

However, on November 3, 1999, IRI complained to the court that we were somehow violating the TRO by listing the web addresses. After the November 10th hearing the judge expanded the TRO to include a restriction against posting web addresses containing material from the *Handbook*.

On December 6, 1999, the judge disregarded our arguments against the Temporary Restraining Order and issued a Preliminary Injunction, which greatly expanded the issues and charged us with Contributory Infringement. The Injunction was to stay in effect until the lawsuit was resolved.

CONTRIBUTORY INFRINGEMENT

The judge reasoned in the Preliminary Injunction that when a person merely went to one of the sites containing the *Handbook* they made an illegal copy, as the text would have been temporarily copied in their computer's RAM (memory). By our posting web addresses where such a person might be able to find the entire *Handbook* we were contributing to their copyright infringement.

Carl S. Kaplan of the *New York Times*, wrote:

In a ruling that could undermine the freedom to create links on the Web, a federal judge in Utah has temporarily barred two critics of the Mormon Church from posting on their Web site the Internet addresses of other sites featuring pirated copies of a Mormon text. In issuing a **preliminary injunction** on Monday, Judge Tena Campbell of the United States District Court in Salt Lake City said it was likely that the critics, Sandra and Jerald

Tanner, had engaged in **contributory copyright infringement** when they posted the addresses of three Web sites that they knew, or should have known, contained the copies. The copyrighted material was the text of the Church Handbook of Instructions, . . .

Lawyers for Intellectual Reserve Inc., a corporation that holds the intellectual property assets of the Mormon Church, praised Judge Campbell's decision. . . . But other lawyers found the court's decision disturbing and if it stands, a possibly dangerous precedent that could inhibit one of the most fundamental features of the Web—the ability to direct viewers from one Web to another. Although the Tanner's case revolves around the posting of Internet addresses or URLs, and not actual linking, the copyright issues are similar, lawyers said. "That decision ultimately holds up, then linking is definitely dead," said Jeffery R. Kuester, a copyright lawyer who practices cyberspace law at Thomas, Kayden, Horstemeyer & Risley in Atlanta. **"If you can't post an address without running into copyright infringement, how can you link?"**

"The Web is all about links," Kuester said. "Without linking, there is no Web." (*New York Times*, *Cyber Law Journal*, "Copyright Decision Threatens Freedom to Link," December 10, 1999)

The article went on to examine the judge's ruling:

In reaching her decision [for the Preliminary Injunction], Judge Campbell made two key conclusions. First, she reasoned that anyone who went to a Web site and viewed a pirated copy of the handbook was probably engaging in direct copyright infringement, because that viewer's browser automatically makes a local copy of the text. In addition, Judge Campbell reckoned that by posting the addresses to the pirate sites after they were ordered to take down the handbook, and by otherwise assisting people who wished to locate the pirate sites, the Tanners were liable under a theory of **contributory copyright infringement**. By their actions, the Tanners "actively encouraged" browsers to directly infringe the church's copyright, Judge Campbell wrote. What makes Campbell's 10-page opinion significant lawyers said, is that there are few other instances where a court has ruled on the practice of knowingly linking to or posting addresses for the sites with infringing material. . . .

"I don't believe it is illegal to tell someone where to go to read the handbook," Tanner said. Broadbent, the lawyer for I[n]tellectual R[eserve] I[nc.], claimed the court's order was a straight forward application of

the law of contributory infringement. "We regard what the Tanners did as an end-run around the initial order," he said. Broadbent added that IRI recently contacted the operators of Prestige Elite Communications in Australia, as well as half a dozen other sites which, he claimed, had posted portions of the handbook, requesting that they stop directly infringing church copyrights. He said that with one exception, all the sites IRI contacted have taken down the material. . . ." (*New York Times*, December 10, 1999)

The article also interviewed Jessica Litman, a law professor at Wayne State University:

Jessica Litman, . . . an expert on intellectual property, said she believes the court was wrong to issue a preliminary injunction.

Pointing out that there can be no contributory infringement without direct infringement, she said it was clear to her that when members of the public used the addresses provided by the Tanners and visited a site to look at the handbook, any copies their browsers made were permissible and protected by the concept of fair use.

In any case, Litman asserted, the mere posting of a Web address could not amount to actively encouraging someone else's infringement. "If I give a footnote in a law review article for a plagiarized book, that seems to be just telling people where the book is, not materially facilitating infringement," she said. "This decision is like saying that providing footnotes to illegal material is illegal." . . . (*New York Times*, December 10, 1999)

CNN.com also became interested in the trial. On December 14, 1999, Steven L. Lawson wrote the following:

A ruling this week by a federal court in Utah could represent a body blow to a key feature of the Web: linking users of one site to information on others. . . . The [LDS] church maintained that posting violated its copyright on the book. Observers familiar with Internet law said the decision could be one signal of an increasingly closed Web of the future, far different from the freewheeling forum that users know today. . . . Experts said the ruling in favor of the [LDS] church could hold back the use of one of the Web's greatest tools, the ability to direct users from one site to another, either with information or URLs or with actual links. . . .

"This could have some far-reaching, chilling effects if people are worried about liability," said

Robert Gorman, an associate with the law firm Fulbright & Jaworski LLP, in New York. Gorman said the ruling seems reasonable on its face, . . . “Nevertheless, the Web is a unique medium where traditional copyright law is difficult to apply,” he added. “Providing a link that takes a user to a Web site that may contain copyrighted material isn’t the same thing as reproducing a copyrighted work,” Gorman noted. . . .

Thomas Lipscomb, a founder of the Institute for the Digital Future, condemned the ruling. “Although posting protected material would be a clear violation of copyright law, **simply providing addresses or links is just free speech, not a crime itself,**” he said. (CNN.com, “Copyright ruling targets Web links,” December 14, 1999)

On Saturday, January 29, 2000, the LDS Church owned *Deseret News* incorrectly reported that we had “added links” to sites containing the *Handbook* to our web site:

The Tanners removed the manual from the Web site prior to the lawsuit being filed **but then added links** to other Internet sites where the material could be found, one of which posted the entire 160 pages of the manual. (*Deseret News*, January 29, 2000)

As noted earlier, we only posted an email letter (along with other emails we received about the case) containing the addresses of sites purporting to contain material from the *Handbook*. These were never “links.” Interestingly enough, the *Salt Lake Tribune* had listed other sites containing the *Handbook* three days before the Ministry posted the email containing the same information. The Internet site for the *New York Times* article on December 10, 1999, not only provided the Internet address where the *Handbook* could be found but also provided an actual link to the site. (Since that site has moved the link no longer works.)

Since the LDS Church had already stated to reporters that they would not sue the *Salt Lake Tribune* for printing and posting the URL’s (addresses) of web sites containing the *Handbook*, they obviously were not as concerned about web addresses being contributory infringement as they were intent on damaging Utah Lighthouse Ministry and the Tanners. Also, we were informed that the entire *Handbook* continued to be offered at various sites on the Internet. This was all being done by other parties. We had no connection or control over any such actions.

As far as we are aware, the LDS Church, as of January 20, 2001, has NOT filed lawsuits against any of the people so involved.

Judge Tena Campbell had to admit that there was no conclusive evidence that we were involved in the current posting of the *LDS Church Handbook of Instructions* on the Internet. She wrote the following in the Preliminary Injunction:

The evidence now before the court indicates that there is **no direct relationship** between the defendants and the people who operate the three websites. The defendants did not provide the website operators with the plaintiff’s copyrighted material, nor are the defendants receiving any kind of compensation from them. The only connection between the defendants and those who operate the three websites appears to be the information defendants have posted on their website concerning the infringing sites. Based on this scant evidence, the court concludes that plaintiff has not shown that defendants contributed to the infringing action of those who operate the infringing websites. (Preliminary Injunction, December 6, 1999)

Unfortunately for us, however, Judge Tena Campbell felt we were possibly contributing to copyright infringement by helping others go to such web sites. Because of the judge’s extreme ruling in the Preliminary Injunction, we found it necessary to file an appeal with the U.S. 10th Circuit Court of Appeals in Denver. This was done on December 24, 1999.

The *Salt Lake Tribune* printed the following:

Long-time LDS Church critics Jerald and Sandra Tanner are appealing an order by U.S. District Judge Tena Campbell which forbids them from posting on their Web site outside Internet addresses that tell readers where online copies of *The Church Handbook of Instructions* can be found . . . The Tanners disagreed with Campbell’s ruling which found they could be contributing to someone else infringing on the church’s copyright if they reveal where the book may be read online. (*Salt Lake Tribune*, “Critics File Appeal,” December 30, 1999)

MOTION TO DISMISS

At the beginning of January we filed a motion to dismiss the case with Judge Campbell. Our position was that the LDS Church had not filed a proper copyright on the *Handbook* and thus the case should be dismissed. In our January 2, 2000, News Release we stated:

The Church has registered its copyright in the 1998 Handbook with the Copyright Office, a prerequisite to bringing a lawsuit. The Tanners have

moved to dismiss the suit because ~73% of what was displayed on their web site came almost verbatim from the 1989 *General Handbook of Instructions* and was copied into the 1998 *Church Handbook of Instructions*. The 1989 *General handbook* has not been registered with the Copyright Office. Because any infringement by Tanners was of the 1989 *General Handbook*, the lack of a registration of that work means that the Church can not sue . . . Under copyright law, strict compliance with registration requirements is required to bring a lawsuit for infringement. The LDS Church has not complied with the requirements and the case must be dismissed. (Press Release, January 2, 2000)

The judge disregarded our arguments on the validity of the copyright filings, and refused our motion for dismissal.

COURT MAKES PHOTOS OF CHAPTER 10

Interestingly, the Federal Court records of our case contain multiple copies of the disputed pages from the *Church Handbook of Instructions* from both the 1989 and the 1998 editions.

Since the LDS Church was claiming “irreparable harm” from our posting of the 17+ pages of their *Handbook* on the Internet, one would think that the church would have requested the judge to seal the exhibits in the case. This, however, was not done. On October 23, 1999, a man wrote to Judge Campbell, telling her that he was able to go to the Federal Court House at 4th South and Main, in Salt Lake City, and simply purchase the offending pages of the *Handbook* from the court filing. Several other people have informed us that they also purchased copies at the courthouse.

It is ironic that the LDS Church’s lawsuit to suppress access to the *Handbook* actually resulted in placing chapter 10 in a public government record where anyone can purchase a copy.

FINAL SETTLEMENT

With the failure of our Motion to Dismiss we were back to the issue of our appeal on the Preliminary Injunction. The Federal 10th Circuit Court of Appeals requires the parties involved in a lawsuit to work with a court mediator to see if a solution can be reached before setting a court date. We entered into negotiations with the 10th Circuit Court Mediator and the LDS lawyers in February of 2000 and finally reached an agreement on November 30, 2000.

The *Salt Lake City Weekly* reported:

As longtime critics of the LDS church, Jerald and Sandra Tanner never intended on setting legal precedent regarding the use of Internet links to copyrighted material. Given enough financial resources, they very well could have. Now, pending an imminent settlement agreement with the church, it looks like that precedent will have to be forged by someone else. . . .

Last week’s settlement between the Tanners and the LDS church . . . put the issue to rest under certain conditions. For the Tanners, that means destroying any and all copies they have of what’s formerly called the *Church Handbook of Instructions* a heavily guarded, copyrighted manual for clergy only.

So far so good. For the Tanners and their attorney, Brian Barnard, the most important agreement from the opposing side was the withdrawal of the court’s original opinion restricting the posting of Internet addresses. . . .

For Barnard, withdrawal of that opinion was crucial. Still, he admits that the Tanners’ preference for settlement constitutes a lost opportunity to possibly set legal precedent. . . . But as so often happens in legal cases, money is power. The Tanners simply didn’t have the time and resources to settle the issue in such a definitive way. . . .

Outside of Utah, however, there are plenty of people who wish the case had gone all the way, settling once and for all the question of whether or not providing Internet links to copyrighted material amounts to **contributory copyright infringement**.

“I’m sorry to hear that they settled, but I’m not surprised,” said Robin Gross, a staff attorney with the Electronic Frontier Foundation, a non-profit civil liberties group for Internet concerns. **“In this case, I believe the Tanners were completely in the right. A link is simply a reference that points someone in the direction of where they can find information. But the trend we’re seeing now is that large corporations, like the LDS church, are using the club of litigation as a way of controlling speech. Copyright litigation is becoming one of the most effective ways of silencing critics.”** . . .

The Tanners, meanwhile say they’re set to get on with their publishing ministry. Sandra Tanner can’t let go of the feeling that the church singled them out for legal action, especially when others freely posted and published links to the church handbook. An Australian still has addresses to the book posted on his website, and it’s easily found through a simple web search. Religious issues aside, she too frames the whole affair as one of

free speech. "The church's own publicity on this case brought about what they did not want. Thousands of people sought out copies of that book after they heard about the lawsuit." . . . (*Salt Lake City Weekly*, "The Tanners' Uneasy Settlement" by Ben Fulton, December 7, 2000)

One suspects that the LDS Church realized that with the upcoming 2002 Olympics in Salt Lake City it was a bad time to be getting negative publicity and agreed to settle the lawsuit to get it out of the news. Otherwise, the appeal on the Preliminary Injunction would have probably been going on in the court at the same time as the 2002 Olympics, generating unwanted attention to the LDS Church's secret *Handbook* and disciplinary procedures.

In agreeing to settle the lawsuit we did not pay any money to the LDS Church nor did we admit to any wrong doing. We simply agreed not to quote more than 50 words from any one chapter of the *Handbook* in any one article. We also agreed to destroy all versions of the *Handbook* in our possession. While we believe this was an unreasonable demand from the Church, we agreed to destroy all the copies we had. Since various libraries have multiple versions of the *Handbook* available, it was not critical that we retain copies.

The LDS Church agreed to our demand that the Preliminary Injunction be dissolved so that it would not affect future Internet cases.

Another point of irony is that the Church's lawsuit increased public curiosity about the *Handbook*, which led to many people downloading copies from the Internet. Also the international attention given the lawsuit helped quadruple the number of people coming to our web site.

While the lawsuit is over, many questions still remain:

1. Since the *Handbook* is still being disseminated on the Internet, why has no one else been sued?
2. Why is the Church *Handbook* kept from its members?
3. Why are members unable to see the rules and regulations that govern them?
4. Why is the process to terminate LDS Church membership so complicated?
5. Why can't people simply notify the LDS Church that they have quit? Why isn't that enough?

For more details, articles, transcripts and photos on the court case, see our web site www.utlm.org.

For those wanting information on how to terminate their membership in the LDS Church, simply drop us a note or check our web site www.utlm.org.

We received this from a member of the Church who works in the Information Technology field.

Subject: It's a huge PR disaster!!
Date: September 20, 2000

Faced with issues like the Lamanites/DNA one, BoA Facsimiles' interpretation, Polygamy cover-up, etc. it would be really nice for the members of the Church of Jesus Christ of Latter-day Saints if their Church could establish and maintain some credibility in the Information Age. This whole business about spending tithing dollars (often called the widow's mite) on fighting the Tanners just to keep a portion of the Church Handbook of Instructions (CHI) out of the public domain is absolutely disgusting.

I first learned about it from a December 13, 1999 article in ComputerWorld magazine (please see Judge bars group from posting URLs for Mormon handbook) and I was still a True Blue Mormon (TBM) at the time. I found it real embarrassing then since ComputerWorld is the #3 magazine I've been reading since my mission (behind the Church News and Ensign) and I have my own copy of the CHI since I was a Counselor in the Bishopric at the time. At the time I asked myself - what is the big deal about publishing that information about how offended members and gross sinners could get their names off the rolls? My colleagues at work thought it was stupid and at the time I had been preparing a few of them to hear the discussions. That one issue stopped it cold because my colleagues thought that the Church was wacko and definitely not an organization that was spreading the TRUTH if they were so anxiously hiding non-personal-confidential information from their own members.

But then again it is the Tanners and at the time I figured that they were a well-financed anti-Christian organization in Salt Lake full of hate and bitterness. So I assumed that some bureaucrats in Salt Lake City (SLC) were being a bit vengeful so I shrugged it off. I had come across alot of "ANTI" material on my mission and was hurt that its purpose was usually to discourage people from even touching the Book of Mormon or searching for the truth. Last Fall I was hurt that my colleagues at work and others would probably be discouraged from learning the truth because Satan would use the work of the courts and some insensitive bureaucrats (not the Brethren of course) at Church headquarters. But I justified it with a belief that the Tanners were probably up to some sinister plots to twist the words of the CHI to make the Church look wrongfully bad. (Continued)

(Cont.) I briefly checked out the Tanner's website for a minute and then put the issue out of my mind but chuckled in my mind that even the Tanners had an Internet site now. Around the same time I had read about the "Kinderhook Plates" issue from stalwart TBM internet sites and after several months I still could not come to a peace of mind on it so I returned to the Tanners' site to see what they had to say about it. That's where I found the "Changing World of Mormonism" which discussed this issue and raised enough other questions to put me in a frenzy of truth-seeking like I've never had before in my life during the first 3 weeks of April 2000. The end result was that I lost my testimony when faced with the overwhelming amount of evidence that shows that the Church is not true beyond reasonable doubt.

Good job on the lawsuit you bureaucrats in the Church Offices!! I probably would have never gone on the Tanners' website when I did if it hadn't been for the publicity the lawsuit raised in my favorite trade journal that I started reading religiously while at BYU (i.e. ComputerWorld). Why was I reading ComputerWorld magazine? Because some tithing dollars were being spent by my boss on it for the department at BYU where I worked as a Computer Specialist and I was following the counsel of the Brethren to stay current on my chosen profession and ComputerWorld magazine is one of the best for doing this. Little did I know that one day that an article in it would be a passive contributing force to me losing my testimony.

EXTRACTS FROM LETTERS AND EMAILS

October 1999. I am writing to say that I read about your story in the Salt Lake Tribune and I commend you on your efforts to make the Mormon Question accessible to as many people as you can. I am a Catholic and am 22 years of age. I have often dealt with Mormons as just another Christian denomination until I really started to look into the heart of their religion and their various beliefs. I have come to realize that the lie they are perpetuating is grand and centered on disinformation. I never knew that there is a website where you can get so much information to challenge the self-riteous all-knowing Mormons who point to their religion as the one true religion. They almost always point to the Book of Mormon as the alpha and omega of their doctrines and beliefs, while knowing full well that it is only a small portion of what they believe. I want to thank you and once again commend you on your efforts to curb this Great Lie and make information more accessible to the public who get bogged down by Mormon rhetoric.

October 1999. Thank you for having such a wonderful and informative web site - I came across it after reading the article

in the on line version of the SLC Tribune. Many years ago I asked to have my name removed from the "records" and it took two years of harrassment, wanting me to go to bishops court, etc before I finally got a letter of excommunication. I had done nothing wrong but felt so terribly guilty. Finally their actions are being brought to light by your work.

October 1999. Hi: I'm a 30 yr. old mother of two and a Christian. I saw you on the news last night and I applaud your efforts. I'm not surprised that the LDS church won this round. (In this state nothing surprises me). We are from the east coast and knew nothing about Mormonism when we moved here. We have been bombarded with people trying to convert us. I read your website last night and it cleared up a lot of questions I've had. The blessing that has come out of this lawsuit is the publicity and the people who will now visit your website (like I did). Keep up the good work.

October 1999. I left the church because of your book... I was a very active convert to the church. I was sealed in the temple and my children were born under the covenant. I started having doubts if the church was true. They became stronger. About that time a friend gave me Mormonism Shadow of Reality. I read the first 100 pages and knew the church was never the true church but had been something Joseph Smith dreamed up. There were just too many inconsistencies for me. Thank you for writing the book and helping me out of the church by showing me the things that were altered and misleading to me as a member of the church.

Thank you for the help to find the truth.

November 1999. your newsletters helped me get free from my doubts about leaving the church! i would have defended the church to the death a year ago. i was so involved in the lies . . . i defended the lies when i was confronted! now i have the truth and i am soooo glad you have made all of this history available.

November 1999. I feel so very sorry for both of you and for those who have been duped by you. To deny truth and flaunt it. As so many who have gone before, your reward will come.

November 1999. I'm very sorry for you. I don't understand where all hate comes from? I will pray for you and your salvation. Thank you for strengthing my testimony. I know the Church of Jesus Christ of Latter Day Saints IS TRUE.

November 1999. I just read about the Injunction proceeding in the LA Times. . . . My gut thought says that copyright law is to protect commercial uses of writings, not privacy of gangs. As an ex-Mormon who was shown the light by your ministry I cannot imagine anything that you would publish that would not be fair use and protected free speech.

December 1999. Your work has assisted our exodus from a life of valiant service to the religion we no longer are members of and to freedom in our Lord & Savior. I just wanted to take a moment to thank you once again and to wish the work to continue & flourish in the upcoming New Year in bringing more mormons to the true light of Christ.

December 1999. Lets see, the LDS Church obtained main street for their own use, sues the Tanners. What is next "Blood Atonement," for anyone who gets in their way? It did not surprise me that an Utah Judge ruled against the Tanners concerning the LDS Handbook. The Tanners had to go to the "Tenth District Federal Court," to receive justice over publishing the Clayton Diaries.

December 1999. Thank you! My wife has already begun to compose the letter [to withdraw from the LDS Church]...she's going to explain her reasons in detail!

This is a big step for her . . . she's not yet real comfortable sharing her "new" faith in Christ. Feels quite unsure as of yet about her convictions because she was so confident when she was a Mormon and then found out Mormonism is false . . . so she's moving slowly! Thanks for the help and we'll be praying for you!

February 2000. I just wanted to say that what you have done in the way of allowing an ignorant father like myself to gather the facts and present them to a son that was still willing to be reasonable and analytical has saved him from the mormon baloney and returned his feet to the path of Christ. Thank you, thank you, a million thanks.

July 2000. . . . I would like you to know that I have turned from the Lds religion recently and have turned to the true Jesus Christ who saves. Been reading your site for quite sometime. May you continue in your ministry to the lost ones held prisoner by the lds. Thank you.

October 2000. We left mormonism on Dec. 1991 . . . We left morminism because of John L. Smith and your great book Mormonism-Shadow or Reality. That book really opened my eyes. I ordered it from UMI. When I found out the lies we were told by the [LDS Church] I wept, was angry and I grieved. If I had known the truth we would have never become Mormons. We were really ignorant of the truth when we became Mormons . . . I . . . had been a Baptist all of my life and so had my husband. . . . Our daughters husbands both served on a mission . . . It was really hard for the one son inlaw who left when he found out the truth. Our daughter told me she had been to your place and talked to you. Our other daughter, her husband and her little family are still very much Mormons. When we left both daughters were upset with us. A miracle happened to one . . . Our son also left. Two out of three is great, . . . We returned to our Christian Faith on the Lord's Day December 29, 1991. We are Free, in The True Lord and Savior Jesus Christ and not Mormonism Jesus the Christ.

November 2000. I want to let you know that your ministry has helped many of my wife's and I friends who needed help in leaving the LDS church. You will be happy to know that your site alone has turned at least 9 couples that were in our ward to the true Christ and gave them strength to leave the church from all its pressures.

November 2000. What do you have against the LDS Church? Isn't it every ones right to believe what they want? What makes you the supreme authority on TRUTH? Why have you made it your personal mission to tear down the LDS Church? Do you really think or believe you are being of service to God?

November 2000. I stopped by your bookstore last month just prior to closing and Sandra was there, politely waiting while I picked up a hardbound copy of your classic "Mormonism, Shadow or Reality?" (The other paperback copy I loaned out and never got it back) and other selections. The research in this book gave me the empetis to have my name removed from the LDS church in 1999.

While there, I filled my arms with one each of the free "Salt Lake City Messenger" bulletins, not aware of this publication. I have spent the last month reading them and it has reinforced my belief that Mormonism and the BOM is a creation of the 19th century. I too, like Jerald and Sandra, had a hard time letting go of the Book of Mormon, but after reading the bulletins, the doubt has vanished. Your issues #80 and #81 were excellent. . . . Since my wife and children still attend the LDS faith, it has been hard for me to break way and attend another Christian service, so I spend my Sundays studying your documentation. I know my children will come to me some day desiring the truth, and I have been preparing myself to teach them.

December 2000. . . . We have been married in the temple and were active members for over 10 years. After re-examining Mormonism, we decided to leave the church and pursue a spiritual life in a Christian church. . . .

December 2000. . . . [I was e]xcommunicated from the L.D.S. church in 1996 on charges of heresy. . . . I have total empathy with my family and others. After all, I was like them for most of my life, though the seeds of doubt were planted in my brain (and later my heart) when I was a deacon. Now I am a pariah of sorts with those I love best, including the missionaries and members over whom I presided in Argentina (Buenos Aires North and Buenos Aires South, . . .) and in Chile (president of Missionary Training Center in Santiago, . . . with missionaries primarily from Chile, Bolivia and Peru). . . . I retired from BYU [some years ago]. . . . With sincere congratulations for your important work, . . .

December 2000. My husband and I were in Utah just a short while back and we spoke of the Mormon influence and what it would be like to be a Christian in that area. I have, since that trip, been introduced to at least six Mormon families. I am currently communicating with a Mormon friend via email. Your site [www.utlm.org] has been very informative and encouraging.

January 2001. It is so amazing that people such as yourselves have nothing better to do than to dig for dirt and to find fault with Christ's church. I certainly think your faith is in yourself and that a loving Heavenly Father knows your works of darkness and it will turn back on you when you least expect it. Bitter Bitter people that you are. Go and sin no more.

Recent Additions to Book List**CURRENT MORMON ISSUES**

Mormon America: The Power and the Promise by Richard & Joan Ostling. (Harper) (paper) \$15.50

VIDEOS

City Confidential—Faith & Fowl Play in SLC
On the Mark Hofmann forgeries and murders.
(Arts & Entertainment Network) \$20.00

Investigative Reports - Inside Polygamy
(Arts & Entertainment Network) \$20.00

GREAT CHRISTIAN BOOKS

The Case for Christ—A Journalist's Personal Investigation of the Evidence for Jesus by Lee Strobel.
(Zondervan) \$11.50

The Trinity - a pamphlet published by Rose Publishing Company in California. \$3.00

Combating Cult Mind Control by Steven Hassan.
(Park Street Press) \$13.50

PSYCHOLOGY AND MORMONISM

Sword of Laban: Joseph Smith, Jr. and the Dissociated Mind by William Morain, MD.
(American Psychiatric Press) \$24.00

Inside the Mind of Joseph Smith: Psychobiography and the Book of Mormon by Robert Anderson, MD.
(Signature Books) \$18.00

From Mission to Madness: Last Son of the Mormon Prophet by Valeen T. Avery (Univ. of Ill. Press) \$18.00

MORMON DOCTRINE

The Ins and Outs of Mormonism by Dan Carlson, minister, former LDS \$13.50

Mormonism 101: Examining the Religion of the LDS by Bill McKeever & Eric Johnson. (Baker Books) \$14.00

Joseph Smith & Muhammad by Eric Johnson.
(Mormonism Research Ministry) \$3.00

Quetzalcoatl: Jesus in the Americas? by Eric Johnson.
(Mormonism Research Ministry) \$3.00

How to Witness to a Mormon by Jerry & Dianna Benson.
(Moody Press) \$1.50

What Every Mormon Should Ask by Marvin Cowan.
(Harvest House) \$3.50

For Any Latter-day Saint: One Investigator's Unanswered Questions by Sharon Banister.
(Star Publishing Company) \$9.00

Theological Foundations of the Mormon Religion by Dr. Sterling McMurrin. (Signature Books) \$13.50

Refiner's Fire: The Making of Mormon Cosmology, 1644-1844 by John L. Brooke.
(Cambridge University Press) \$18.00

MORMON HISTORICAL ISSUES

Forgotten Kingdom: The Mormon Theocracy in the American West 1847-1896 by David Bigler. Great book on early Utah. (Utah State University) \$20.00

Let the Eagle Scream: Sen. Fredercik T. Dubois - The Man and His Times by Deana Jensen. Sen. Dubois was involved in various issues with the Mormons in Idaho and the Reed Smoot hearings. (Wildfire Press) \$40.00

Early Mormon Documents - Vol. 3 by Dan Vogel. Various interviews and statements about the Smiths and early Mormonism. Also some documents from the 1820-1830 period of New York. (Signature Books) \$40.00

The Joseph Smith Revelations: Text & Commentary by H. Michael Marquardt. Most complete study of changes in Joseph Smith's revelations. (Signature Books) \$40.00

Wife No. 19 or The Story of Life in Bondage Being a Complete Expose of Mormonism Revealing the Sorrows, Sacrifices and Sufferings of Women in Polygamy by Ann Eliza Young. (Photo reprint of 1875 edition)
(Utah Lighthouse) \$16.00

Tell It All: the Story of a Life's Experience in Mormonism by Mrs. T.B.H. Stenhouse.
(Photo reprint of 1875 edition) (Utah Lighthouse) \$16.00

Wayward Saints: The Godbeites and Brigham Young by Ronald W. Walker. (Univ. of Illinois Press) \$22.50

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by Richard and Joan Ostling

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Recommended Titles

Mormonism—Shadow or Reality? by Jerald and Sandra
Tanner. Most comprehensive documented study on
problem areas of Mormonism.
Hardback: \$22.00 Soft Cover \$17.00

Index to Mormonism—Shadow or Reality? \$2.00

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Tanner. Good condensation of their larger book. \$8.00

No Man Knows My History by Fawn M. Brodie. Best
biography on Joseph Smith. (paper) \$15.00

Counterfeit Gospel of Mormonism by Beckwith, Geisler,
Rhodes, Roberts, Tanners. Good introduction to LDS
beliefs. (paper) \$10.00

Where Does It Say That? Collection of photos from
various older LDS books showing some of their more
controversial doctrines. Many photos from the *Journal
of Discourses*. \$5.00

Latter-day Facade (34 minute video) by Bill McKeever.
Good discussion and documentation of problem areas in
Mormonism. Could be shown to a Mormon. \$20.00

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