
NEWSFLASH!

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*From Urantia Foundation to IUA Officers,
Foundation Office Managers, Foundation Representatives,
Translators, and Other Supporters for the Purpose of Disseminating
This Information to Readers in Local Areas*

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Jury Verdict **Oklahoma Jury Verdict in the Case of** ***Michael Foundation v. Urantia Foundation***

On June 20, 2001, an Oklahoma jury returned a verdict against defendant, Urantia Foundation in the case of *Michael Foundation v. Urantia Foundation* with respect to Harry McMullan III's publication of *Jesus - A New Revelation (JANR)* comprising papers 121-196 from *The Urantia Book*. Legal counsel for Urantia Foundation has

filed post-trial motions for a "Judgment Notwithstanding Verdict" or for a new trial. In an earlier case involving copyright infringement by Kristen Maaherra, the Ninth Circuit Court of Appeals reversed a lower court ruling, reinstating Urantia Foundation's U.S. renewal copyright.

On June 8, 2001, a few days before the trial, the Court granted summary judgment in favor of Urantia Foundation regarding the validity of two of the Foundation's registered marks, the words "Urantia" and "Urantian." The trademark infringement issues, which related to registration of Internet domain names by Mr. McMullan and Michael Foundation, were subsequently resolved at one of the settlement conferences during the six-day trial. The summary judgment also held that Urantia Foundation was the legal proprietor of *The Urantia Book* (in other words, only Urantia Foundation had the legal right to register the original copyright in *The Urantia Book*), but left the issue for the jury to determine whether the book was a type of work that qualified for renewal of copyright by Urantia Foundation.

Because Michael Foundation initiated the lawsuit, the attorneys for Mr. McMullan and Michael Foundation presented their case first. Shortly before trial, they significantly changed their position from the initial pleadings they had filed. Originally, they alleged that the *Maaherra* decision permitted the copying of individual revelations contained in *The Urantia Book*, and they claimed papers 121 through 196 copied in *JANR* were but a single revelation. At trial, however, they adopted the previously unheard of position that *The Urantia Book* was authored entirely by a psychiatric patient. This presented additional legal issues that had to be addressed.

They began the presentation of their case by calling Urantia Foundation's President, Richard Keeler, whom they had subpoenaed. Mr. McMullan used Mr. Keeler to introduce evidence from Urantia Foundation's files, such as letters from Emma Christensen, a member of the Contact Commission. (The Contact Commission was a small group of individuals who were directly involved in the contacts with the celestial revelatory commission, and who were charged with overseeing the creation and publication of *The Urantia Book*.) Mr. Keeler acknowledged statements made in letters written by Emma Christensen and others from Urantia Foundation that the final manuscripts of the *Urantia Papers* were published just as

received from the celestial revelators. He acknowledged Urantia Foundation's commitment under the *Declaration of Trust* to preserve the text inviolate. He also acknowledged that, as a matter of faith, he believed that the authors of the papers were celestial beings.

The only witness who testified in support of Mr. McMullan and Michael Foundation was Mr. McMullan himself. Mr. McMullan testified that he believes that *The Urantia Book* was written by a psychiatric patient of Dr. Sadler. The following is an extract from the Court transcript of Mr. McMullan's testimony:

Mr. McMullan: *I mean, you know, you wonder, you have a psychiatrist and you have a patient and you just wonder what this relationship is. What was going on? I think – I would think a medical professional would have a duty toward the – toward his patient which would be a very high duty, a fiduciary duty. And here, he took what the patient wrote, he didn't pay anything, he never revealed the name. When he got his manuscript, after they typed it out, he burned the papers. He swore everybody to secrecy that was involved in the process on his end, and then he starts a foundation and they basically give it to themselves. The people that are on this Contact Commission, who are not the patient, end up signing this thing over, but it's like the people that – you know, it's like me signing over your car to somebody else; I don't have the right to sign it over because I didn't write it, the patient wrote it. Then they wait years, you know, when there's not even any editing involved. I just think when you take all that together, and then when they register the copyright they don't give any credit to the person who actually wrote it. They say it's – they say they wrote it themselves. I think, all in all, it just doesn't smell good. It's not a plausible story to me.*

Q. Mr. Abowitz: *And when did you first determine that?*

A. Mr. McMullan: *Well, I've had occasion to think about this a great deal in the course of this last few months, and the turning point in this analysis for me was when I figured out for the first time that this whole book was in the handwriting of one individual. And, so, then I look at the other evidence and nobody*

knows anything. The patient – there's nothing from the standpoint of the patient. Everything you hear is from the standpoint of Dr. Sadler and those associated with him, but there's nothing – in other words, from the group that stands to benefit and control this revelation, there's absolutely nothing from the standpoint of this patient, his family. I mean, we truly don't even know if he was not institutionalized. You know, they did things, they still do things like this.

How do we know that he knew that all this was going on? The only way we – all we know is that Dr. Sadler said it was okay, but he's the one on the side that's getting the profit from this thing. So, there's just simply no way to know. I didn't know Dr. Sadler myself, but when you look at these – these facts together to me paint an extremely suspicious story of the origin of this book.

When asked whether he had evidence to suggest Dr. Sadler was a “cheat,” Mr. McMullan testified:

He burned the patient's manuscript. There's simply no earthly reason to burn a person's manuscript. . . . Combined with the fact that he waited 20 years to publish it. . . . He's the patient of a psychiatrist. He has that relationship. The psychiatrist has no assignment from him, no written assignment, his papers are burned, and secrecy is imposed on everybody concerned so that the patient can't find out what's happening, and 20 years passes before Dr. Sadler publishes these papers. I think that's highly suspicious when you take it as a group.

When we compare Mr. McMullan's characterization of the human subject as a psychiatric patient with comments about the subject in *The Urantia Book*, he is characterized quite differently:

The Adjuster of the human being through whom this communication is being made enjoys such a wide scope of activity chiefly because of this human's almost complete indifference to any outward manifestations of the Adjuster's inner presence; it is indeed fortunate that he remains consciously quite unconcerned about the entire procedure. He holds one of the highly experienced Adjusters of his day and generation, and yet his passive reaction to, and

inactive concern toward, the phenomena associated with the presence in his mind of this versatile Adjuster is pronounced by the guardian of destiny to be a rare and fortuitous reaction. And all this constitutes a favorable co-ordination of influences, favorable both to the Adjuster in the higher sphere of action and to the human partner from the standpoints of health, efficiency, and tranquillity. (p.1208-9)

Members of the Forum (the larger group who met weekly to review the papers), who were witnesses for Urantia Foundation testified at the trial that Dr. Sadler was a physician and surgeon when he first came into contact with the subject and only later studied and practiced psychiatry. These Forum members recounted their experiences during the time of the reception of the papers and testified that Dr. Sadler and the other members of the Contact Commission were persons of impeccable character.

According to the Forum members who testified, the Contact Commissioners solicited questions from Forum members, who faithfully attended meetings for many years (in some cases, for more than 30 years). Some of them spent many hours formulating questions to submit. This resulted in the materialization of new papers or parts of papers that would then be read at another meeting. As stated in Dr. Sadler's *History of The Urantia Movement* which was submitted in evidence: “No questions, no papers.” It was also suggested that the conduit, through who some or all of the papers were communicated, may or may not have been present at the time the papers were materialized.

The Forum members who testified said that they were aware that Contact Commissioners were assembling the revealed material for publication. They testified that they and other Forum members contributed money toward publication. They testified that they were aware that the responsibility for publication and protection of the text was being entrusted to Urantia Foundation upon its formation in 1950. They also testified that the 1955 publication of *The Urantia Book* brought to fruition their long years of dedication to this project, and it was a day that stood out in their memories.

Because of this trial, Urantia Foundation has discovered some new facts concerning the origin of the papers. Not all of this new information was allowed to be admitted as evidence because the attorneys for Mr. McMullan objected, and the Court sustained their objections.

Two of the questions for the jury's consideration were whether the infringement was innocent or willful, and whether Mr. McMullan should be held liable for the acts of Michael Foundation. Four individuals who have known Mr. McMullan for many years testified regarding his longstanding opposition to Urantia Foundation, his previous involvement in litigation and other activities against Urantia Foundation, his expressed desire to "destroy" Urantia Foundation, and his pledge to keep Urantia Foundation tied up in court for the rest of his life.

Two witnesses testified regarding the negative impact the publication of *Jesus - A New Revelation* would have on distribution of *The Urantia Book*. According to these witnesses, bookstores prefer smaller, less costly books because of the quicker turnover. Books about Jesus are popular sellers. For these reasons, *Jesus - A New Revelation* could replace *The Urantia Book* as a stock item on bookstore shelves, thus making the entire revelation less available. An economist, who was an "expert witness" for Urantia Foundation, testified that the two books are competing products such that a purchaser would buy one instead of the other. This testimony was introduced to show the damage caused by distribution of *JANR*.

During the trial, Urantia Foundation representatives and witnesses testified to their belief that the *Urantia Papers* were authored by the celestial beings identified in the book. Mr. McMullan took the position that the human subject was the inspired author of *The Urantia Book*. When formulating its instructions for the jurors concerning the legal issues, the Court examined other judicial decisions holding that the works of a "conduit" through whom celestial authors were believed to be

communicating, were entitled to the same copyright protection as purely human works. In determining who is entitled to copyright protection for a work, courts look to the role of the humans through whom the material was received.

Because the belief that the authors of the *Urantia Papers* were celestial beings is a matter of faith, the Court found that affirming or denying celestial authorship was not within the province of the jury. The Court determined that, for purposes of the Court's instructions to the jury, the human subject through whom the papers were transmitted was deemed to be the legal author, regardless of whether or not he was conscious and writing from inspiration, as claimed by Mr. McMullan, or a mere conduit, as contended by Urantia Foundation. The record of the Court proceedings reflects that Urantia Foundation *formally objected* to the language of the Court's final jury instruction because of Urantia Foundation's belief that the authors of the *Urantia Papers* are those identified in the book.

Complex issues of copyright law were presented to the jury along with lengthy and complicated instructions. During the six-day trial, the jury was not permitted to take notes. At the end of the trial, the judge instructed the jury that a work may qualify for copyright protection under more than one legal theory. Jury members were instructed that they should find Urantia Foundation's renewal copyright valid only if they found that *The Urantia Book* fit the criteria set forth in the instructions for a "voluntary commissioned work" (a category of "works for hire") or a "composite work." Urantia Foundation contended that *The Urantia Book* met the criteria for both types of works.

The Urantia Book fits the criteria of a "voluntary commissioned work" because, among the humans involved in bringing *The Urantia Book* into existence, the Contact Commissioners maintained direction, supervision, or control over the process, and there was no expectation of payment by them or anyone else involved. The fact that the Contact Commissioners acted

in accordance with their understanding of the directions of the Revelatory Commission was not a factor in this consideration, because on the material level, it was they who acted, of their own free will, to follow what they believed to be instructions of celestial beings.

Other factors surrounding the origin of *The Urantia Book* support its classification as a voluntary commissioned work. The Contact Commissioners established the Forum and directed the questioning process for approximately twenty years. The questions submitted by the Contact Commission served as a motivating factor in the creation of the *Urantia Papers*. The Contact Commissioners also supervised the contact sessions, and there was no evidence that the subject was conscious during the sessions. The Contact Commissioners bore the expense of meetings and preparing the early manuscripts, raised money from the Forum, and contributed funds themselves to prepare the book for publication. Many of those involved contributed their time and effort for many years with no expectation of payment. Members of the Contact Commission made available the use of office space and equipment and the meeting room for Forum meetings. During all of this time, the Contact Commission maintained custody of, and control over, the different forms of the manuscripts, the typescripts, and printing plates.

Urantia Foundation contended at trial that *The Urantia Book* also qualifies as a composite work, as found by the Ninth Circuit Court of Appeal in *Maaherra*. The book describes itself as a composite presentation (p.1008:2). The judge instructed the jury that to find the book to be a composite work, they would need to determine that individual components of the book are capable of standing alone. The Court also instructed the jury that the components must be intended to stand alone. Urantia Foundation objected to the jury instruction on this point as not accurately reflecting the law governing composite works.

Trial witnesses for Urantia Foundation testified that it is their belief that *The Urantia Book* should

be presented in its entirety if it is to achieve its full revelatory potential. Several witnesses, however, pointed out that *The Urantia Book* is unlike a novel, which can only be understood sequentially. These witnesses testified that *The Urantia Book* is composed of papers, not chapters, that many people study various papers or subjects in the book separately, and that study groups or conferences are often dedicated to the study of a given paper or topic. After eight hours of deliberation, the jury returned their verdict that *The Urantia Book* does not qualify as either a voluntary commissioned work or a composite work. Notwithstanding this verdict, we feel that we have strong grounds for requesting reconsideration or appeal.

We understand that this case has raised a lot of questions about what is legal and what is not legal regarding *The Urantia Book* and its translations. The Oklahoma decision applies only to the U.S. renewal copyright in the English text of *The Urantia Book*. We will continue to display the copyright notice in the English books in order to protect the international copyrights. All of our published translations have separate copyrights that are still valid. The Trustees and staff will do everything within their power to ensure the dissemination of the inviolate text. We will persist in our efforts to publish *The Urantia Book* and quality translations and to expand distribution channels throughout the world, using Urantia Foundation's marks to identify its publications and services.

We believe that if *The Urantia Book* is not protected by a copyright at this time, the greatest harm will be to future generations and to our non-English-speaking brothers and sisters. We realize that the jury's decision is a disappointment for supporters of the copyright, but bear in mind that experienced appellate judges in the *Maaherra* case evaluated the circumstances surrounding *The Urantia Book* and found Urantia Foundation's United States copyright renewal to be valid.

No matter what the final outcome may be, we will continue to carry out the duties entrusted to Urantia Foundation by the *Declaration of Trust*

and will continue to publish, translate, and protect *The Urantia Book*.

We are grateful for the prayers and words of encouragement from readers and invite you to join us in the continuing effort to disseminate *The Urantia Book* and its teachings throughout the world.

Sincerely,

Tonia Baney
Executive Director

For more information please call Urantia Foundation on 1-800-URANTIA or +1-773-525-3319.

Philippine and Indonesian Libraries Receive *Urantia Books*

In the last issue of *Newsflash* we reported on the work Foundation Field Representative Mark Bloomfield has been doing in China, Burma, and South Korea. Mark is in the process of placing books in libraries around the world. He has recently completed placing 221 books in the Philippines, 60 books in Singapore, and 248 in Indonesia. Here is his report about his experience in the Philippines:

Of the 221 hard covers recently placed, 84 were distributed to all provincial libraries and nearly all city libraries in the Philippines, courtesy of a very helpful National library in Manila (which helped me complete my mission here ahead of schedule). Another ten were placed in the greater Manila city libraries, courtesy of Manila city library headquarters. Eighty-eight were placed by hand, and thirty-nine were mailed to important libraries in outlying regions with an accompanying introductory letter. All of the principal universities now have The Urantia Book (most of which are Catholic in this nation which is 80% Catholic), as do many of the larger seminaries, both Catholic and Protestant.

This nation's directory of Catholic institutions is as large as any phone directory I have ever seen. The task of bringing The Urantia Book to the Christian faith here, which requires a delicate touch so as not to take anything away, but rather give, will take an enormous effort. This should constitute the Philippines an area of vital need from our movement's perspective.

The first great tidal wave of fifth epochal truth has now just flooded this nation's centers of faith and learning, but it will take long years of tears and

turmoil before the unadulterated Jesusionian gospel succeeds in taking the place of the outward church.

Mark is presently in Indonesia placing books. Following is an extract from his latest report which expresses his opinion about the loss of the copyright and the impact it may have on the world:

Now that the copyright is up in the air, all hell is poised to break loose if anything other than the complete and inviolate text reaches the major religions of the world. Part IV on its own will be laughed out of Christendom and kicked out of Islam. While it is an open question as to whether Islam will overtake Christianity in the embrace of fifth epochal truth, these last twelve months have removed all doubt in my mind that it will be largely due to The Urantia Books's wholeness, its perfectly integrated, beautifully balanced and all-encompassing nature, together with endless amounts of tact and sensitivity in its personal presentation.

East Java, the President's home turf, is really tense right now, and for a lone Westerner to walk onto an Islamic university campus with armfuls of religious books is to test both messenger and message to the limit. This is where any sticking points show up clearly. Whilst you can lead with the book's harmonization of things, meanings, and values, or its ability to stand among all faiths in promotion of inter-religious harmony, first sight of Part IV almost invariably puts me in a defensive posture until I can clarify the book's stance.

To the Muslim (a word that means 'obedient to God'), the fact that The Urantia Book is not a

Christian book, together with its message of the individual's yielding to the leadings of the spirit within (the will of God), is readily appealing. Monotheistic Islam will, I believe, embrace the Trinity concept and warm to the idea of a knowable and loving Heavenly Father. I think it will happily embrace the Jesusonian gospel itself (so long as it doesn't have to embrace Christianity so long as no variant or abridgement causes Islam to reject the revelation so vehemently as to never allow it (in the form of the inviolate text) a second chance.

Likewise, the reflective and reasonable Christians I have met with will allow The Urantia Book when they know it has strengthened my faith in and love for Christ, whilst also answering my many remaining questions on a host of other topics, giving

me a balanced overview of the rest of the picture. Part IV on its own here will raise more questions than it answers and be seen as a direct and level threat to the Bible; something the full text can be shown not to be. If a Christian gives a Bible to a Muslim, he'll throw it back in his face; but to give a Urantia Book will more likely culminate in a new friendship. (Try this with just Part IV at your peril!)

The word from the road is that The Urantia Book's unifying mission to Christianity of dissolving the many boundaries of the religions about Jesus (through having twenty different Bibles) into the one religion of Jesus will instead exacerbate the chaos exponentially if there exist twenty different Urantia Books. The loss of the copyright threatens to unravel all that the revelators planned to accomplish.

Farewell to Rosendo

A dear friend and long time supporter of Urantia Foundation, Rosendo de Aguilera, former President of the New York Urantia Association, passed on to the mansion worlds on April 24. Our heartfelt condolences go to his wife, Maria who has been a source of inspiration and joy. The fruits of the spirit have emanated from this couple and have brought brightness and happiness into the lives of their fellows. Rosendo was a man of grace and was loved and highly respected among his fellow *Urantia Book* readers. He was a great asset to Urantia Foundation over the years assisting with our relations to our Spanish-speaking brothers and sisters. He and Maria also donated their extensive library collection of religious books to Urantia Foundation

A few comments from his friends:

"Rosendo and his wife, Maria are two of the most beloved and respected members of the worldwide community of Urantia Book readers. Their many years of service and love have permeated throughout many countries."


"Rosendo was the embodiment of a courtly gentleman, a rare breed in any age. I will miss him greatly. I'm so glad I was able to spend some

wonderful moments with him at the 2000 Conference. It heartens me to imagine Rosendo's dear friend, Rick Brinkman, being on hand to welcome Rosendo to Mansonia. My heartfelt sympathies and love to Rosendo's precious Maria."

"For those of us that have known and loved you over the years, we honor your memory. Of you it may truly be said – you were a man without guile. You will be missed here but I have no doubt the angels rejoice to welcome one so beloved."

"Please add my heartfelt prayers and condolences for Maria and the rest of the De Aguilera family and loved ones. I recently came across a card with a picture of a baby in a sink smiling with a look of amazed joy at a running facet of water. Underneath was a caption that read: 'Let the wonders begin...' To you, Rosendo De Aguilera, child of the universe, I say also: 'Let the wonders begin...'"

"Rosendo was a man of Grace. And here I use a capital 'G.' From the time I met him until his passing, he and Maria were to me like my own parents. Rosendo was a man of love. He was always concerned for everyone and especially those in need. Few people realize that it was Rosendo who commanded the forces to organize the conference in New York City. He was the spiritual captain, and it was he who assured that the NY conference was



dedicated to our Universal Father and to living his will. Another interesting fact about this man of God from Cuba is that while we know that he has brought many readers to The Urantia Book, especially Hispanics, few know that he has also brought many books to the readers. Rosendo has collected well over 40,000 religious books in his lifetime, and has donated these to Urantia Foundation for its coming library. Recently, I was in contact with Rosendo's wife Maria, who is now ready for the library to become a reality. This was among Rosendo's final wishes."

Memorial services were held in both Marco Island, Florida and in Queens, New York on Monday April 30, 2001. A reader who attended the New York memorial reported:

"Last night some twenty friends of our brother Rosendo met at Hut Humble in Queens, New York to celebrate his passing to the mansion worlds. After Carol Cannon presented a beautiful memorial tribute to him and led us in prayer, we all lit our candles and reminisced about our memories of Rosendo. It was heart warming."