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Perlman

"Messianic" Lawsuits
prepared for
North American Lausanne Consultation on Jewish Evangelism
by Susan Perlman
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As one who has been both a defendant and plaintiff in legal action related to our messianic faith, this subject of messianic lawsuits is of keen personal interest. Yet, more importantly, I see it as an issue that must be addressed for all who work in the field of Jewish evangelism. The use of lawsuits and legal maneuvers is having an affect on what we do, where we do it and when we do it.

Since 1981, there's been a noticeable increase in the amount of hostility aimed at Jewish evangelistic agencies, and in some cases individual Jews who have accepted Christ. This hostility can be seen both in legal and illegal actions taken, resulting in violations of Federal civil rights protected by the U.S. Constitution, the latter activities requiring legal remedy.

The actions of the counter-missionaries have taken several forms, some of which have been direct confrontations such as directly interfering with the right to utilize public accommodations for meetings or events or the direct attack on individuals like myself or the stealing of confidential lists from Jewish mission agencies, etc.

The less direct type of attack can be called "a disinformation campaign" promulgated primarily by various anti-missionary groups in the U.S. and Canada and have included regular mailings to individual Jewish believers for the purpose of dissuading them from the faith. Fake newsletters and pamphlets, where noted Jewish believers supposedly renounce the faith or are quoted as saying things that would be inconsistent with Christian teaching or ethics, is another form of the disinformation campaign.

A third area of counter-missionary attack comes in part from the pressure brought to bear on municipal authorities. There has been an increase in the number of arrests of missionaries for distributing gospel tracts in public places, such as airports, city streets and campuses. One truly begins to wonder whether it's the city that's actually protesting the First Amendment activities, or whether it's others that are pulling the strings of the municipal governments.

The case of the Los Angeles Airport Board of Commissioners vs Jews for Jesus is a good example. The Los Angeles airport agreed to factual stipulation to determine the constitutionality of a resolution they had drafted which in effect said that the airport could limit First Amendment activities within the airport facility. This case should have been resolved at the trial court level where the resolution was declared unconstitutional. Instead, because of the pressure of the Board of Airport Commissioners and against the advice of their lawyers, the airport appealed it all the way to the U.S. Supreme Court where they lost again in a unanimous decision. One does not have to be a constitutional genius to realize that the pressure to appeal was probably exercised by others outside of the Board of Airport Commissioners who utilized their influence to bring this about.

There is a situation that's brewing right now with Ruach Israel in Newtonville, Massachusetts. The messianic congregation has been attempting to jointly build a worship center with another church in a predominantly Jewish area. The city has utilized zoning laws so as not to allow them to build. It appears, though no one could say this for sure,

that pressure has been exerted on the city and the city is buckling under. In the past, the kind of variances being sought by Ruach Israel have been granted routinely. This tactic of utilizing existing zoning laws to circumvent the building of congregations is being used throughout the United States.

It is another example of the kind of pressure that could be brought on municipalities by outside individuals. When we're looking at who is the perpetrator of what we would think of as the illegal activity against the particular groups involved, we have to be careful to realize the municipality may only be a front for what is also a deeper and broader infiltration of the various Jewish community groups exercising their influence, be it undue or otherwise, on municipalities.

Another way that the municipalities, or federal government in this case, is utilized and put under pressure by local citizens involves the postal authorities. A person who receives evangelistic material, be it a book or tract or something to that effect, can simply fill out a post office form saying that they no longer want to receive this material because they deem it to be pornographic. Then an automatic cease and desist order is sent to the sender of the material from the government (the federal postal system). One has just to fill out the form and it's automatic; there is no hearing, trial or any evidence needed. To declare with the stroke of your pen that something regarding the gospel is pornographic in nature and sexually arousing, is an abuse of the system and it needs to be rectified.

The use of legal harassment to thwart the work of Jewish evangelism is also found in threats of lawsuits or lawsuits themselves regarding so-called trademark infringement. This is most commonly threatened with regard to gospel tracts. Recently, Jews for Jesus had this with a broadside called "Shpeil of Fortune" which was a take-off on a TV game show, Wheel of Fortune, owned by Merv Griffin. He sent a high-powered lawyer letter to "cease and desist" distributing the pamphlet. Not only that, but that those pamphlets already distributed should be retrieved. In any case, a high-powered lawyer letter back to them and a few well-placed releases to the media ended their threats of legal action.

Another example in the area of copyright and trademark infringement was the action against the ABMJ/Chosen People Ministries' attempt to obtain a federal trademark for "See Israel through Jewish Eyes." The American Jewish Congress, the JCRC of New York and the National Jewish Commission on Law and Public Affairs (COLPA) filed in 1984 with the U.S. patent office in opposition to such a patent. Depositions were prepared on both sides. COLPA used the laws of discovery to try to find out as much as they could about the inner workings of the ABMJ by wanting to question them on their mailing lists, board minutes, work in Israel, all financial statements, etc. The ABMJ provided some information and refused to provide other material as being irrelevant to the case at hand. They switched from their in-house counsel to a high-powered trademark lawyer who moved for a summary judgment.

The Trademark Commission said they would not give a summary judgment and that the ABMJ would be compelled to provide the information sought for in discovery. The ABMJ then evaluated the costs (financial, disclosure and time) and decided to withdraw their application for a federal trademark.

They continue to use "See Israel Through Jewish Eyes" since the copyright is open until such time as another party gets the copyright. However, the counter-missionaries had a "psychological victory" as Jewish newspaper accounts boasted that through the missionaries one could not see Israel through Jewish eyes.

In 1986 Jews for Jesus brought suit against the Jewish Community Relations Council of New York for denying its rights to public accommodations. In a memorandum they sent out, rabbis were asked to contact their Christian colleagues and encourage them to deny Jews for Jesus access to churches and catering establishments for Passover banquets.

A lawsuit was filed, but even while the suit was being litigated a year and a half later, the same group contacted a caterer at an establishment in upstate New York where Jews for Jesus was going to have another event and got them to cancel the contract. Even while the first suit was pending, the JCRC of New York did not care about the risk that they would take; they just went and did it, figuring nothing would be done.

That's another example of the aggressive nature upon which they're going to combat what they deem the missionary threat. They're not going to stop at, "A lawsuit filed, so what?" It's pending right now, but they go and do something that's more heinous figuring, "Well, what are they going to do? File another suit?" Which is what happened. But that gives you a flavor for it.

According to first amendment attorney, Jay Sekulow, "What *we* [Jewish believers], keep on forgetting is that *they* [the counter-missionaries] are going to continually press. We have to maintain a vigorous offense to stay even. By a vigorous offense, maybe we'll stay even. I'm not saying we'll get ahead, but we'll stay even."

Robin Polin's case is another one worth examining briefly. A Jewish girl who is deaf from birth comes to faith in Jesus. She wants to go to Bible college. Her parents try to get her declared mentally incompetent. We find out that the girl's father's first cousin is a rabbi with the Jewish Community Relations Council and is on their Missionary and Cults Task Force, which shows the inter-causal connection. That case was fought vigorously on behalf of Robin Polin. She was declared competent, and then her parents turned around and filed a lawsuit claiming damages of over 20 million dollars. This suit named a local church, Jews for Jesus, several individuals, missionaries and ministries that were involved in some way in leading her to the Lord and helping her get a Bible education. Again, this is part of the overall concept. It is not a coincidence that Paul Polin's cousin is on the JCRC's Task Force.

Conclusion

An aggressive defense of the right to proclaim the gospel to Jew and gentile is going to have to be taken in order for those rights to be maintained. If we don't take an aggressive posture and defend our rights, rather than conceding, even if the financial costs are great, even if it's painful, we can kiss many of our rights good-bye. It's something we're going to have to do.

If one is to look at the issue of pressure from the Jewish community, it cannot be seen in a vacuum. One must view the establishment of missionary task forces by Jewish federations and councils. One must take into account the amount of attention such task forces have been given in both the secular and Jewish press.

In conjunction with the Jewish agencies having a heightened desire to attack Jewish mission organizations, I'd like to focus on one organization of professionals called the National Jewish Commission on Law and Public Affairs (COLPA) which calls itself the legal defense arm of the JCRC and like groups. Its National Secretary is David J. Butler, an attorney with the firm of Brownstein, Zeidman and Schomer. He headed up the trademark case with the ABMJ. COLPA attorney, Dennis Rapps, is now representing the JCRC in a Federal suit pending in New York involving Jews for Jesus' right to public

accommodations. COLPA is a group that are designated specifically to fight missionary activities on the legal front. In actuality, COLPA is a legal strategic task force which goes on the offensive more often than on the defensive.

The two together, the Task Force on Missionaries and Cults of the JCRC and COLPA, the legal defense arm, are dedicated to counter-missionary activity and have found a legal way to do it. They use harassment with legal maneuvers in order to curtail our work of evangelism.

Another example of this is in Toronto where the Canadian Jewish Congress was able to exert enough pressure on the publishers of MacLeans Magazine and the Toronto Star that they are not accepting paid advertisements by Jews for Jesus. While in the U.S., the "free press" is not obligated to even state a reason for declining an ad, Canada's laws do offer redress. Ontario has a press council which The Star is accountable to, and which hears complaints on such things. Jews for Jesus will be able to have its lawyers present the matter and have it handled in a judicial arena. It will be interesting to see what the Jewish community will do legally on this issue.

These are but examples of what appears to be a trend which is increasing as the effectiveness of the Jewish witness increases. As a movement, we're building more congregations, we're placing more evangelistic ads, we're writing more tracts, we're getting more vocal and more visible and we're seeing a reaction.

Taken one step further, you realize quickly that the whole movement of Jews coming to faith in Christ is a primary target for the counter-missionary groups. Their use of disinformation and legal obstruction is not limited to the U.S. or even to North America. It is international in scope and includes harassment in England where the Radio Times rejected an evangelistic ad submitted by Christian Witness to Israel after some pressure was brought to bear. Israeli believers have had problems with local ordinances used to hinder some of the street evangelism efforts. These incidents are not independent. There appears to be a pretty tight network around the globe as can be demonstrated by the pattern of incidents where counter-missionary groups share disinformation techniques, legal strategy, etc.

The greatest blame that we, as a movement, must admit is that for too long we did nothing about the attack and those who were strong enough to seek a remedy avoided the unpleasantness. The result was that these assaults became increasingly vicious and illegal.

As you all know, I went through a bout with breast cancer which included a mastectomy and six months of chemotherapy. During that most difficult time period, I began receiving unwelcome anti-missionary messages. As we know, it comes with the territory of being a missionary to our Jewish people. However, the anti-missionaries reached a new low when they used my cancer situation for further harassment. I heard from Larry Levey who was "concerned" about my health situation. A letter from another anti-missionary, a protege of Gerald Segal, Joshua Jacobovitz, informed me of how God was punishing me for abandoning Judaism. The mail and phone calls got quite vicious after that.

Suffice to say, if I did not have a settled faith and a strong support network, I could well have been driven a little crazy. When I was able to prove through handwriting experts that the harassment was coming from Jacobovitz, a Yeshiva University graduate student, I was faced with the dilemma of taking legal action or not. Personally, I did not want to pursue the matter. I did not want to make my personal ordeal a matter of public discussion. I felt embarrassed and uncomfortable, but those closest to me, urged me to go ahead if I could endure it. They said I should not do it for my sake, but for the sake of other Jewish

believers who might become the subjects of harassment from anti-missionaries who think they are beyond the law.

If the message could get through loud and clear that we will not only stand our ground, but aggressively fight for what we know to be right, then maybe another Jewish believer would not have to go through anything like what I went through. Maybe the anti-missionaries would see that the tsuris they cause us is not worth the tsuris they will be faced with. I am sure that as a rabbinical student, Jacobovitz was not thrilled to have his whole school become aware of the fact that he was ridiculing a woman with breast cancer and sending her subscriptions to Playboy Magazine. Any time he needs to apply for credit or a loan, the computer will punch up his sworn statement of having no assets to pay the \$125,000 judgment against him by the New York District Court. I wonder what synagogue is going to be hiring him when he gets smicha this year, for this is all a matter of public record.

Like in the case of the individual, so too Jewish evangelism agencies must take an aggressive defense. If we don't take an aggressive posture and defend our rights, rather than conceding, even if it costs a lot of money, even if it's painful we will not be able to maintain those rights. **It's not an option; it's something we're going to have to do.**

Thomas Patrick Monahan is one of the top constitutional lawyers in this country and the general counsel for Free Speech Advocates. He is very active in the fight to oppose abortion, and is probably the most well-known pro-life attorney in the United States. He said,

"In order for the rights of all of us to evangelize to be protected, we all must cooperate both in spirit and in approach. One weak link can destroy the chain. I would encourage everyone who cares to see the gospel furthered, to work together to the end that the right to proclaim Jesus to everybody is protected. We must take a uniform approach to be effective."

I lay Mr. Monahan's challenge before us all and pray along with those early Jewish believers: "Now Lord consider their threats and enable your servants to speak your word with great boldness." Acts. 4:29.

Attached to this report are two addenda:

- 1) A listing of some groups worth contacting for legal consultation.
- 2) A scriptural case for issuing lawsuits prepared by Louis Goldberg and John MacDonald for the Board of Directors of Jews for Jesus.

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brought by Susan Perlman
to the North American
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A listing of some groups worth contacting for legal consultation.

**American Civil Liberties Union
(ACLU)**
132 W. 43rd Street
New York, NY 10036
212-944-9800

Christian Legal Society
Samuel Ericsson
PO Box 1492
Merrifield, VA 22116
703-560-7314

**Christian Advocates Serving
Evangelism (CASE)**
Jay Sekulow
515 Rhodes-Haverty Bldg.
134 Peachtree NW
Atlanta, GA 30303
404-584-8040

Rutherford Institute
John Whitehead
Box 510
Manassas, VA 22110
703-369-0100

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Lawsuits and Scriptural Basis
by Dr. Louis Goldberg in consultation with Dr. John MacDonald

Whenever the subject is broached concerning Christians going to court in order to protect their legal rights, the usual response for consideration by fellow believers is that the appeal to legal means is not a Scriptural and therefore not a viable option. A favorite passage in support of this restriction is I Corinthians 6, where Paul asserts that Christians have no right to go to court and file charges. The interpretation given is that complaints ought to be settled out of court, and by personal appeal and willingness a satisfactory solution is to be sought.

A closer examination of I Corinthians 6:1-8, however, indicates that this was a situation where Christians had grievances against one another within the church. Paul encourages these Christians, therefore, to not go before unbelievers in order to settle matters which they themselves could handle quite adequately as they sought wisdom from the Lord and His word.

There is also a further reluctance concerning a Christian who seeks rights before courts presided over by unbelievers. Guidance is perhaps suggested by statements made by Jesus where, 1) men are actually blessed of God when they are reviled and persecuted falsely because of his sake [Matthew 5:10, 11] and 2) where those who desire to sue believers and even take property, in which case, the believer is to acquiesce and permit the injustice [Matthew 5:39, 40]. The point is that believers, when facing unbelievers in this world, have no personal rights, and many times have to suffer for the sake of Jesus and for His righteousness. This state of affairs is too often the situation concerning injustices in an evil world, and many have been the Christians who have suffered in this respect.

However, it appears that there is justification for court action when it becomes a matter for justice, not so much for the sake of the personal testings of a believer, but rather for the opportunity, and yes, even rights, before the law as to the sharing, communication, and respect of the Gospel. Such a case is seen in the city of Philippi when Paul and Silas were jailed because of taking away the commercial advantages of those who owned the demon-possessed slave girl [Acts 16:16-19]. When Paul and Silas were brought before the authorities, their accusers brought half-false charges concerning Paul, and without further questioning or ascertaining the context of the matter, the two representatives of the Gospel were ordered beaten and then to be thrown into jail [verses 22-23]. The jailer, upon receiving such an urgent command from the authorities to guard the prisoners, then put Paul and Silas in the inner prison and bound their feet in the stocks, a most uncomfortable position [Acts 16:24].

The next morning the chief magistrates sent the policemen with orders that Paul and Silas were to be released and dismissed from Philippi. Now we note how Paul claims his rights for both himself and Silas, indicating that it was never ascertained as to whether they were Roman citizens or not. This was the first consideration inasmuch as the law stipulated that Roman citizens were exempted from degrading forms of punishment and had valued rights established for them in relation to the law. By claiming his citizenship, Paul answered the complaint of his accusers who had said that the Roman citizens of Philippi ought not be disturbed by mere Jews [Acts 16:20].

When the policemen heard these words they brought the message back to the magistrates and now the travesty of justice is an established fact. Justice indeed had not been rendered.

But the appeal for justice, secondly, is not for personal satisfaction. There is an even more compelling reason as to why Paul claimed his rights as a Roman citizen before the magistrates. His insistence on an official apology from the city's main leaders would serve also as a degree of protection to the believers of the fledgling church. To be chased out of town, and with no way of redress before the authorities, would have brought a serious question concerning the truth of the Gospel which Paul was preaching. There would have been further question as to whether Paul's message had any validity at all. The apostle felt it necessary to protect his rights in order that the Gospel should have a viable appeal and place in the community.

In addition, for Paul to have left town with no appeal to the authorities, would have appeared as a silent agreement to the false charges. This would further have been regarded as a certain question as to what Paul was preaching [Acts 16:21].

In summary, we believe that Christian ethics would define this problem as involving a broad principle of right in contrast to purely private affront. Jesus demonstrated this distinction through words and action, e.g., Matthew 5:5 (the meek don't need to react, they inherit the earth); and Matthew 21:12-13 (driving money-changers from the Temple). Another example is Moses, who kept quiet when personally affronted (Numbers 12) but showing righteous anger with golden calf worship (Exodus 32).