

# IT IS WRITTEN THREATENS A LAWSUIT

*Several years ago, Michael Tung, a faithful church member in Canada, decided to evangelize the millions in China by means of a Chinese-language website.*

*This is a most wonderful missionary project, which most of us cannot do. But Michael can. There are multiplied millions of people in China who own computers with internet capabilities.*

In order to help him in his project, Michael's pastor went to the ABC and purchased a CD which contained pictures. The cover of the CD stated that the pictures could be used for "public presentations." So Michael happily prepared a set of Bible studies which were woven together with those pictures—and then placed them on a special Chinese-language website.

**Without requiring any funds to help carry on his work, Michael has had phenomenal success. He says he is reaching large numbers in China and out of it.**

Michael Tung has been so thankful that he could start this project; for many lost souls are currently studying these Bible lessons.

We wish that was the end of the story; but, unfortunately, it is not.

**In January of this year, Victor Pires, Senior Manager-Treasurer of It Is Written, sent Michael an e-mail from It Is Written headquarters in Simi Valley, California. It advised him that he had to strip all the pictures from his Bible studies within 48 hours—or face a lawsuit.**

But the pictures are so interwoven with the text that this would be rather difficult to do, without weakening the impact of the studies in the minds of the large numbers of people Tung was dealing with.

So Michael Tung phoned Pires, but all his appeals were to no effect. Remove the pictures or else, he was told.

**Tung was fully aware that hundreds of thousands of needy souls in far-off China might never learn the message if the website was thus crippled. In late January, in his broken English, Tung then sent the following e-mail to It Is Written:**

"Victor Pires,

"Shame of you being a Christian. Jesus unconditionally gave you salvation, at no charge nor copyright. **We are just following Jesus order to evangelist the world. We [in placing the] Gospel on the web sites are also unconditionally pass sal-**

**vation to the world.**

"Pastor Lee purchased a CD from Ontario Conference. **The copyright has stated that this CD is allowed for public presentation. That is, it is allowed to be show to congregation. Our internet is a virtual church. The congregation is remotely located all over the world. Our evangelism is also a public presentation. We are not selling CD.** Therefore, we have not violated any copyright. If you want to stop Gospel and persecute me because of me doing evangelism, please go ahead. I am proud of being imprisoned by our own fellow church member. See who is going to lose the eternal life.

"When you people prepared this CD, **are you looking for big profit? Do you want to evangelist the world?** Our church members donate money to you people, and now you want us to stop evangelism? Do you want me to post this new to the world? Do you want me to advice our church member to hold their donations? **Do you know our web site has two million congregations? Do you want this shame to the world?**

"When you have conversation with me, do you realized yourself had bad attitude? You time limited me for 48 hours. And shut your ears on other thing. Since you do not want to listen, there is no means to continue our conversation. You were terrifying me on using legal action. Is this the attitude of a Christian? Since Paul was imprisoned because of spreading Gospel, do you think I would be afraid of being imprisoned?

**"Do you people want to make Gospel have copyright? Do you people want to sell salvation? Are you Jesuit? Are you working for the pope?**

"Wish God help you to repent your sin."

"Yours sincerely,

"Michael Tung"

In his reply e-mail, of which we also have a copy, Victor Pires reiterated some of his earlier points and stood firm in his demand for a 48-hour removal of all (all) illustrations.

**From another source, we are told that it was not until several years after Tung began his Chinese Bible study website, using pictures, that It Is Written released a DVD using some of those same pictures. But this was not done until some years after the original CD was prepared and sold with permission to publicly present the pictures, and quite some time after Michael Tung began his website which contained some of them.**

Rather quickly, a believer in the Northwest

learned about this crisis and immediately tried to phone Pires. **But the office secretary did not let the call go through. Angry, the believer told her that a trust fund for It Is Written, in the amount of \$300,000, would be canceled. Within ten minutes, Pires phoned the believer back.**

The man explained to Pires that his mother had made him executor of her living trust, that she was in her 90s, and that part of the money she wanted to go to denominationally owned missionary projects included a stipulation that \$300,000 be given to It Is Written. **But the believer explained that, if It Is Written was not going to let Tung use those pictures in his Bible studies to millions of people in China—he would explain the matter to his mother and she would reroute that money to a different denominationally owned missionary organization.**

**Pires was unimpressed. He told the man that if he would immediately hand over to It Is Written \$300,000, they would let the man use the pictures; otherwise, no.**

The man then explained that Tung had purchased a different CD, not the DVD which It Is Written later produced. This mattered not to Pires. **The believer said that most of the artists were dead and that he would be glad to phone the living ones and get their release. Since Pires had named one of them (Nathan Green), the believer said that if Pires would give him Green's phone number he would call him—as well as all the rest of the artists. Pires refused to let him contact the artists still living, only saying that an immediate gift of \$300,000 would nicely take care of the matter.**

After telling me all this, the believer then asked me how Pires—the head treasurer of It Is Written—could turn down an eventual bequest of \$300,000.

I replied that they probably would have done so if the funds in their bank account had been low. Pires knew that his “missionary” organization had lots of money with which to work. They regularly receive bequests containing sizeable amounts of money.

**Knowing well the loss that giving up this project would bring to millions of souls in China and Asia, Michael Tung prayed earnestly and then, on February 4 (10:51 a.m.), sent the following e-mail to Pires:**

**“The license agreement we received from you is recently modified to your own advantage. This is a one-sided agreement made after sale [of the original CD which we purchased]. Therefore, it cannot applied to us.**

**“The copy we purchased from you is a very early production version. When Pastor Lee or-**

**dered his copy, the DVD was not even produced. When he opened the first shipment, no license agreement was found, therefore, he does not bind by any license agreement.** We have the whole church, Ontario Conference [office], and the [ABC] bookstore to be our witnesses.

“We understood that you group are scared of loss of sales. However, **please be aware that making profit is not your aim. Gospel the world is the final goal. We have already made your ambition fulfilled.** Thousands of people working together are better than working alone. **God has increased who you have been able to reach with DVD through power of our internet site.**

**“In fact, we have already published the content into several languages and versions long before you produced the DVD.** Why is it you work group complain to us after we had been several years online? **Isn't it you people working on rich man's satellite television and ignored the more popular and common Internet?**

“In fact, we are boosting your sales [of the DVD]. **Our broadcast on internet is low resolution.** The sound and video quality is inferior to DVD. Graphics are small. We received lots of request to improve transmission quality. **Good quality transmission requires high bandwidth, which can reduce the number of reception; that means less people will be saved. Improving broadcast quality is not our aim.** Therefore, we refer them to Adventist bookstore to purchase a copy [your DVD].

**“We offer to give you credits and thanks on our web pages, plus links to purchase the DVD set online, plus free yellow pages.**

“We are all fellow workers of Christ. Paul said, ‘As for you, always be steady, endure suffering, do the work of an evangelist, fulfil your ministry.’ 2 Timothy 4:5. May God bless your ministry. Michael Tung.”

The above follow-up reply, by Tung to It Is Written, is significant in several ways. **The CD which his pastor had originally purchased for their internet project contained no copyright or license agreement restrictions.** We have learned that the CD was originally circulated through the ABCs **for the use of Adventist pastors to use in public evangelism. That is exactly what Michael Tung is doing with the CD!**

In his letter, Michael also said: “We understood that you group are scared of loss of sales. However, please be aware that making profit is not your aim. Gospel the world is the final goal. We have already made your ambition fulfilled.” **The denominational objective should be winning souls to**

**Christ and the truth, not making sales—yet Tung’s online Bible studies were helping It Is Written do both!**

Another significant point is that Michael’s group had long-since translated the original, non-copyrighted CD—into a number of different Oriental languages! This is why their missionary project was reaching such a vast number of people!

Michael also commented: **“Isn’t it you people working on rich man’s satellite television and ignored the more popular and common Internet?”** This is an intriguing insight. **By keeping It Is Written solely on television, its management can maintain control over its distribution.** Of course, they could also put it on the web—so millions could view it! But this would involve a loss of control. **Apparently, they view control as more important than the giving of the message or the number who learn it.**

On the same date, February 4 (but many hours later: 9:32 p.m.), Victor Pires, senior manager-treasurer of It Is Written sent Michael a curt reply, **dismissing all his points as essentially “incorrect and inconsequential.”** **The spreading of the message to millions who would otherwise not hear it is “inconsequential”? Or “incorrect?”**

“Dear Mr. Tung, I am deeply disappointed that you continue to defend your actions and your position with premises, perceptions, and assumptions that are for the most incorrect and inconsequential.

“Mr. Tung, you are in no position to dictate compromise terms. **You have no justification for your actions.** In our humble and **accurate** opinion, you have violated copyright agreement—**illegal infringement.** We have asked that you remove from all your websites all New Beginnings content (graphics, text, video, etc.). **Please understand, this position is not negotiable.** We expect that you will comply expeditiously with our request.

“You should understand that we have no intentions to debate *ed [sic., ad] infinitum* [Latin for “forever”] the validity of our opinion and the merits of our demand. We have chosen to exercise prudence and patience. **We are now expecting to receive from you a response of compliance within the next couple of days.** We really hope that you see merit resolving this problem **without the involvement of the judicial process.**

“Thank you for your cooperation. Sincerely, Victor Pires.”

A heavy threat of an expensive lawsuit for both parties.

Shortly after this, I was told that Michael Tung bent under the heavy pressure of an imminent lawsuit which would cost both him and It Is Written immense sums (probably over \$30,000 for each of them). **It Is Written was willing to lose all that money in order to keep the Chinese from learning the Third Angel’s Message. Quite a startling situation.** It is only for that reason that I write about it.

**In this follow-up e-mail, Michael said that they were going to drop the project and work on other things. WHAT A TRAGEDY!**

After conferring with a sizeable number of Oriental Adventists, primarily living in North America, who are involved in his online missionary projects, Michael sent the following e-mail on February 5 (7:51 a.m.):

“The board of director of sdaglobal.org unanimously **voted to disqualify ‘It is Written’ product as faithful to God message.** Therefore, we have removed them from sdaglobal.org website effective immediately, **because God would not please them.**”

In their initial phone call, **Michael had offered to pay It Is Written well for the use of the materials on his foreign languages websites. Pires’ concern was not for payments but for the closing down of the website Bible studies.** You will recall that, in his February 4 reply, he clearly said **“Please understand, this position is not negotiable.”**

Later on February 5, Michael sent two brief e-mails to close friends:

“If you notice the attitude of this person speaks, **you can see that there is no room to negotiate. If they wanted money, we can always discuss it.** On our first telephone conversation, he has already shown no sign of negotiable. I believe he is definitely a Jesuit.”

Michael’s words may sound harsh; but he is deeply troubled that a denominationally sponsored “missionary outreach” has apparently forgotten why it exists. Here is the second e-mail:

“Thank you for all of your concern. Pastor Lee called me many times long distance to worry about me. In fact, I have already express to all of you that I have no intention to fight with Jesuit. I have exposed their crime. **From their mean wording, you can observe it is not a copyright issue. There is no room to negotiate.** All their contents are removed. Please do not worry.”

Our denomination is becoming a business

operation, complete with trademark lawsuits to squash competitors and efforts to put rival missionary projects out of business. Part of the problem is that Tung's missionary project is not owned by the church, even though he is encouraged and helped by fellow church members. Fortunately, he receives all the funds he needs from wealthy Chinese businessmen.

**Although knowing very well the effect it would have on his Bible study responses, Tung decided he would have to omit the Bible studies almost entirely—or face a crippling lawsuit.**

**This incident ranks with the notorious trademark lawsuits.** Robert Nixon, at the General Conference, admitted in a letter that all the trademark litigation was being paid for from the tithe. It Is Written's intended lawsuit would have required dipping into funds sent them by donors. Yet they were very willing to plunge forward into litigation, to stop what they considered to be an unauthorized commercial venture.

The immense land comprising modern China (its official name is Zhonghua Renmin Gongheguo) is only slightly larger than the United States; yet **it has an immense population.** According to a recent census, it has 1,800,000,000 people! That is nearly two billion inhabitants! Beijing (Chongging), alone, has 30,000,000. **Many of those 30 million people have computers and are able to receive Michael Tung's Bible studies. A large area of China is rapidly acquiring computers and also able to view Tung's studies.** This is heightened by the fact that, by far, the greater portion of what is on the internet is in English. Many Chinese either cannot read English or are not comfortable doing so.

Although there are two principal spoken dialects (Mandarin and Cantonese), the entire population reads the same writing, which is called "Chinese." What an opportunity this was for Michael Tung!

**In addition, Michael and his friends had translated those lessons into several other Oriental languages. Singapore alone has nearly 3 million inhabitants;** and a large number read and speak Chinese. The immensity of this loss is incalculable. Only eternity will reveal what might have been.

**Tung's studies are invaluable. But It Is Written says No. Give them \$300,000 immediately, and "things can be worked out"; otherwise, you can forget about the Chinese.** I doubt that a single

artist, living or dead, would object to having a part in such a missionary project as Michael was carrying on. But It Is Written, which presumes to represent all those artists, required a minimum of \$300,000 before it would grant permission. **How much of that money would ever find its way to those dead artists, we do not know. Maybe they would sprinkle a few dollar bills on their graves.**

China remained largely isolated from the rest of the world throughout most of its existence. But now the internet is penetrating there. Chinese who read English are encountering our websites. (For example, take a look at our *worldincrisis.org* which includes the full text of ten of our missionary books, plus several more). Fortunately, a growing number of foreign nationals speak English. We are thankful we can have a part in reaching them with God's final truth in these last days.

Deng Xiaoping's death in February 1997 left a young generation in charge of managing the enormous country. In 1998, Prime Minister Zhu Rongji introduced a sweeping program to privatize state-run businesses and further liberalized the nation's economy. Now is our opportunity. Unfortunately, disinterested, money-hungry men say No.

At one point in the back-and-forth correspondence, Michael offered to pay a fee for the use of the material. **The reply was that, short of an immense payment, only total non-use would be acceptable.**

**Why is Pires so deeply concerned that the Bible study program be terminated, that not even a few of the pictures could be used?**

The individual who said the \$300,000 would not be sent (and he means it) had offered to personally phone each artist, or artist's family, and obtain their permission. It is of the highest significance that this was refused also! Obviously, doing so would have solved the entire problem!

For part of the answer, you would need to read our tract study, *Secret Interchurch Planning Meeting [WM-906]* and *Update on the Secret Interchurch Planning Meeting [WM-914]*, in which a General Conference officer confidentially disclosed that a secret agreement was entered into at Geneva about 1997, by our leaders with leaders of other major Protestant denominations, that we would no longer preach the Sabbath message in halls outside our churches as much as formerly; since doing so embarrassed our Ecumenical friends.