

WAS ELLEN G. WHITE A PLAGIARIST?

A Reprint of Articles Published in the
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Featuring an Interview With Attorney Vincent L. Ramik,
Senior Partner of Diller, Ramik & Wight, Ltd., Washington, D.C.

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Ellen White's use of sources

Washington copyright lawyer concludes that Ellen White was not a plagiarist and her work did not constitute copyright infringement.

Ellen G. White is not guilty of copyright infringement or plagiarism. This is the opinion of Vincent L. Ramik, senior partner of Diller, Ramik & Wight, Ltd., a lawyer who practices patent, trademark, and copyright law in Washington, D.C.

Mr. Ramik undertook to research Mrs. White's writings after Warren L. Johns, chief legal officer of the General Conference, retained the services of Diller, Ramik & Wight last April because of allegations made against Mrs. White by Walter Rea, at that time pastor of the Long Beach, California, church.

Ramik, a Roman Catholic, spent more than 300 hours researching about 1,000 relevant cases in American legal history. He concluded his 27-page legal opinion* with an unequivocal declaration: "Based upon our review of the facts and legal precedents . . . Ellen White was not a plagiarist, and her works did not constitute copyright infringement/piracy."

The legal report was delivered to Johns's office late last month. It responds specifically to six questions:

1. Was there a Federal copyright law between the years 1850 (when Ellen White first published) and 1915 (the year of her death) granting literary property rights to authors? If so, what was the essence of such law? Did it substantially differ from copyright law in 1981?

2. Was the payment of royalties by publishers a standard legal and business practice at that time?

3. Were licensing agreements for the use of literary property standard business practice at that time?

4. Was there a standard literary practice to use quotation marks, footnotes, and bibliographical citations in literary works that utilized the literary property of other authors?

5. What case law is available between 1850 and 1915 that might sug-

gest the extent of an author's protection against literary piracy?

6. Is there anything within the published works of Ellen G. White that would suggest literary piracy (Federal copyright infringement) within the standards existing between 1850 and 1915?

Ellen White's literary output reportedly approximated 25 million words during a writing career spanning nearly 70 years. A number of the 90-plus books, including compilations, from her pen in print today have been translated into as many as 100 languages.

The fact that Mrs. White incorporated quotations and paraphrased materials from other authors (principally historians of the Reformation era and contemporary nineteenth-century devotional writers) in her books and articles has itself never been at issue. She, during her lifetime, and church officials, subsequently, have repeatedly acknowledged such use. But Walter Rea undertook the task of identifying the various sources of that literary borrowing. This study demonstrated that Mrs. White had borrowed more extensively than had been estimated previously.

Books not copyrighted

Ramik discovered that many of the books from which Mrs. White borrowed were not in fact copyrighted. But, he continued, even if they had been thus protected by law, her utilization of phraseology and even multiple paragraphs did not in law constitute copyright infringement, nor plagiarism.

"If the issues had been court-tested between 1850 and 1915, Ellen G. White emphatically would not have been convicted of copyright infringement," concluded Ramik.

The law specialist found it ironic that Mrs. White's sternest critics themselves offer "the best evidence available" to support a position of noninfringement.

"Nowhere," Ramik pointed out, "have we found the books of Ellen G. White to

be virtually the 'same plan and character throughout' as those of her predecessors. Nor have we found, or have critics made reference to, any intention of Ellen White to supersede . . . [other authors] in the market with the same class of readers and purchasers." Instead, she invariably introduced considerable new matter to that which she borrowed, going far beyond mere "colorable deviations," and, in effect, created an altogether new literary work.

Furthermore, "the sheer 'compilation' of the works of Ellen G. White necessarily reflects her labor and skill. So long as she did not (and the evidence clearly establishes that she did not) draw from any prior works 'to a substantial degree,' she remains well within the legal bounds of 'fair use.'

"Moreover, so long as the materials were selected from a variety of sources, and were 'arranged and combined with certain passages of the text of the original work, and in a manner showing the exercise of discretion, skill, learning, experience, and judgment,' the use was 'fair.'"

Intent is a chief ingredient that must be demonstrated in plagiarism cases; and Ramik believes he has proved not only from Mrs. White's own published statements but indeed from the admission of some of her critics themselves, that she did not intend to defraud in the borrowing of other literary productions.

"Proceeding with but the highest motivations and intentions," said Ramik, Mrs. White, in fact "modified, exalted, and improved" much of that which others wrote, in a manner entirely ethical, as well as legal.

"It is impossible to imagine that the intention of Ellen G. White, as reflected in her writings and the unquestionably prodigious effort involved therein, was anything other than a sincerely motivated and unselfish effort to place the understandings of Biblical truths in a coherent form for all to see and comprehend.

"Most certainly, the nature and content of her writings had but one hope and intent, namely, the furthering of mankind's understanding of the word of God."

In his summation, Ramik concluded, "Considering all factors necessary in reaching a just conclusion on this issue, it is submitted that the writings of Ellen G. White were conclusively unplagiaristic." □

*The complete document, plus this reprint, may be obtained by sending a request, with \$5.00, to the General Conference Legal Services Office, Dept. RD, Takoma Park, Washington, D.C. 20012.

“There simply is no case”

Interview about Ellen White and her writings with Attorney Vincent L. Ramik, senior partner of Diller, Ramik & Wight, Ltd., specialists in patent, trademark, and copyright cases, Washington, D.C.

REVIEW: Attorney Ramik, how much did you know about Seventh-day Adventists in general, and Ellen White in particular, before you were asked to research the legal questions involved in Mrs. White’s use of literary sources?

Ramik: Actually, my knowledge was quite limited. Our firm had done some work for Seventh-day Adventists, probably 50 years ago, before I became a member of it. And we continued to represent Adventists in various matters through the years. But my knowledge of them as a people was minimal. And I knew scarcely anything of Ellen White other than what I had picked up in newspapers off and on—and, of course, last November in that large half-page story in the *Washington Post* that was not exactly favorable.

REVIEW: Do you recall how you were brought into this present case?

Ramik: Yes. Attorney Warren Johns, of your General Conference Legal Services office, contacted me and asked perhaps a half-dozen questions, in the abstract, about plagiarism, literary piracy, copyright infringement, things like that. But no names were attached. Having read the *Post* article not long before, I asked Mr. Johns, “Does this have anything to do with the Ellen White issue in your church?” He responded that indeed it did. And we went on from there.

REVIEW: Once you were retained on the case, what preparation did you make by way of reading, before researching the law as it relates to literary matters?

Ramik: I obtained a copy of Mrs. White’s *The Great Controversy*, which I read all the way through. I obtained copies of other works by Mrs. White. I contacted Ron Graybill, of your General Conference, and he gave me a lot of material—a book on the life of Christ by Hanna, things like that. He also gave me material by critics all the way from D. M. Canright down to Walter Rea. And he also gave me a number of works by

Adventist authors who attempted to defend Mrs. White. In the report I have listed many works that were consulted.

REVIEW: What was your reaction after digesting all of this material?

Ramik: Well, that’s an interesting question! I started out, I think, basically neutral on the literary charges. But, somehow, as I read one particular Adventist-authored defense of Mrs. White, it left me with the feeling that she was not, in fact, very well defended.

REVIEW: What do you mean by that?

Ramik: Well, I came back thinking that Mrs. White was, if I may use the expression that has been used by others, a literary “borrower.” And that she had borrowed a lot and that she had borrowed with something less than candor and honesty! In other words—and this was before I had delved into her works themselves—I became actually biased *against* her in the sense that I thought she was what some people, such as her latest critic, Walter Rea, had alleged—guilty of plagiarism.

REVIEW: Once you got into her writings themselves, was this negative impression reinforced or altered in any way?

Ramik: I gradually turned 180 degrees in the other direction. I found that the charges simply were not true. But I had to get that from her writings; I did not get that from either the people who said she was a plagiarist, or the people who said she was not. I simply had to read her writings and then rid my mind of the bias I had already built into it—prejudice. And, in the end, she came out quite favorably. But it took more than 300 hours of reading—including case law histories, of course.

REVIEW: So it was reading her writings that changed your mind?

Ramik: It was reading her *messages* in her writings that changed my mind. And I think there’s a distinction—a very salient difference—here.

REVIEW: Would you describe the distinction that you see?

Ramik: I believe that the critics have missed the boat badly by focusing upon Mrs. White’s *writings*, instead of focusing upon the *messages* in Mrs. White’s writings.

REVIEW: What did you find in her messages, Mr. Ramik? How did they affect you?

Ramik: Mrs. White moved me! In all candor, she moved me. I am a Roman Catholic; but, Catholic, Protestant, whatever—she moved me. And I think her writings should move anyone, unless he is permanently biased and is unswayable.

REVIEW: Would you explain what you mean by this?

Ramik: Well, a person can walk this earth doing good deeds and saying to himself (and maybe to others): “I’m a nice person.” And after a time you really come to believe that you are. But when was the last time that you really looked inside yourself and found out what you were *really* like? Now, there are a lot of things that Mrs. White has put down on paper that will, if read seriously, perhaps cause a person to look inwardly, honestly. And if you do, the true self comes out. I think I know a little more today about the real Vince Ramik than I did before I started reading the *message* of Ellen White, not simply her *writings*.

REVIEW: Were you surprised at this reaction?

Ramik: I guess “pleasantly surprised” would be a very mild understatement. But she says some very deep things, quite frankly, even if they sound as if they’ve been said before. Quite honestly, I think I’ve left this task with more than I’ve put into it. And it’s simply her messages. It’s simply what you receive from reading something. It makes you believe a little more firmly in things you may have believed a little bit less in the past. I’m not a religious person; I am not a practicing Roman Catholic. I was born one; but my wife happens to be a Protestant; one child is baptized a Catholic, one is baptized a Protestant. I guess you could say we are an “ecumenical” family! Essentially, my outlook on anything, including this work and in my daily life, is searching for God’s will for me; and then, I hope, having the wisdom and courage to carry it out. I do have a God of my understanding. Mrs. White has made me understand Him a bit better. And for that, I think I’m a better person today than

when I started this project.

REVIEW: And the message?

Ramik: The message is what is crucial. The critic reads a sentence, and receives no meaning from it—he may, and often does, even take it out of context. But read the entire message. What is the author's intent? What is the author really saying—where the *words* come from is really not that important. What is the *message* of this? If you disregard the *message*, then even the Bible itself is not worth being read, in that sense of the word.

REVIEW: Which of Mrs. White's books did you find most helpful?

Ramik: The only one I read all the way through was *The Great Controversy*. But, actually, before I finished my research, I had read a great cross section of her books. I really don't think it makes all that much difference *which* of her books one reads; I think it is whatever work of hers you happen to have before you, for whatever purpose you need it.

REVIEW: And it didn't bother you, worry you, that certain people were saying that she had borrowed heavily from other writers and books?

Ramik: Forty or four hundred—frankly it's quite immaterial. It would not make any difference to me if they were *all* taken from other works.

REVIEW: What about plagiarism, then? Is there really no such thing as plagiarism?

Ramik: There is no such thing, in *law*, as "plagiarism." Literary crimes are those of either piracy or of copyright infringement. Literary theft—piracy—is not such an easy thing to prove. You cannot read someone's writing, and find a word, a phrase, a sentence, and say, "Aha! I find it here. And he took it from an earlier writer. And here's another one."

Let me explain it this way: Last night I reread my memorandum on this case, and I noticed that I had used the adjective "prodigious" in referring to Mrs. White as a writer. Then, by coincidence, I happened to read, also last night, a book loaned me entitled *The Vision Bold*. And it spoke of Mrs. White as a "prodigious" writer. Then, when I walked into this room this afternoon, someone here called her a "prodigious" writer. Well, I did not use the term because it was used by someone else; I used it because it's a natural word for me to use. But the critics jump on that sort of thing and make a mountain out of a molehill.

And another question the critic usually ignores is this: Was the statement that the alleged "borrower" had taken from the earlier author really *original* with the *earlier* author—or did, perhaps, he take it, consciously or otherwise, from someone still earlier?

Now let's take Walter Rea. He reads Ellen White and says: I found a certain phrase here, a certain paragraph there, and it came from this predecessor. Well, that's not proof; that's assumption. And I think the first step in any accurate critique is to go back to the *real* original—it might be Virgil, Homer, the Bible. Because how do you know it was original with the predecessor—how do you know he did not get it from someone else who, in turn, got it from still another earlier someone else? Didn't Solomon say, "There is no new thing under the sun"?

REVIEW: In your legal opinion, Mr. Ramik, you pointed out that many of the works Mrs. White is accused of "stealing" were, in fact, not copyrighted by either author or publisher, and were, therefore, in the public domain—were thus public property. You went on, further, to point out that even

if they had been copyrighted, Ellen White's use of these materials fell well within the carefully prescribed boundaries of "fair use," as defined by the law of her day. One contemporary critic, however, raises the question of ethics and propriety: Was it moral for Ellen White to borrow heavily from other people's literary productions and not, at least, acknowledge the sources? Would you care to respond to the question of ethics here?

Ramik: Well, yes. Walter Rea has publicly said (and I've listened to the cassette recording of one of his presentations and then read the verbatim transcript carefully) that there is nothing "moral" in a purely legal definition of plagiarism. Of course, elsewhere, he attacks Mrs. White on moral grounds, on ethical use of others' materials. Well, first, he's totally wrong in saying there's no element of morality in the charge of plagiarism. H. M. Paull, who wrote *Literary Ethics* about 1928, is still today a recognized authority on the subject. Incidentally, while he never came right out and defined "plagiarism" in his book (because, as I said a moment ago, "plagiarism," per se, is not a crime), he does contrast plagiarism with piracy. The literary pirate does not care whether he gets caught; but the plagiarist worries that he will be found out. (And you say there's no element of morality involved in plagiarism!) Incidentally, to accuse Ellen White of plagiarizing Conybeare & Howson's uncopyrighted *Life of Paul* is absurd, if for no other reason than the fact that she publicly urged her readers to get a copy and read it for themselves.

REVIEW: All right; but, still, would you care to comment upon whether Ellen White encroached in the area of ethics by using materials—quotations, paraphrases, ideas, and so on—of others without publicly stating where she got them?

Ramik: There is no reason why Ellen White could not use the ideas of others in expressing the thoughts she wished to convey. It's not even rational to expect someone writing on a theological subject, for example, to write in the abstract without researching what others who have gone before—or even contemporaries—have said on the subject.

In the middle of the nineteenth century—just when Ellen White was beginning to write for print, 1845—in the legal



Interviewing Attorney Vincent L. Ramik (second from left) for the REVIEW are (left to right) Victor Cooper, General Conference associate communication director; Roger Coon, associate secretary of the Ellen G. White Estate; and Warren L. Johns, of the General Conference Legal Services.



Vincent L. Ramik

case of *Emerson v. Davies*, Massachusetts Circuit Justice Story in effect exonerates a writer who has used other men's words and ideas and woven them into his own composition.

In effect, Judge Story says, Only fools attempt to do that which has been done better in the past; no one really ever builds a language exclusively his own.

In other words, the words themselves have been there for years and years. The crucial issue is how you put them together, and the effect you wish to produce from those words.

Now, if someone in the past, according to Judge Story, has written something that is splendidly written—something that is historical, something that is a common, everyday human experience or occurrence—why should you break your back trying to say it better than someone else has already said it?

For those types of writings, there is absolutely nothing wrong or incongruous. On the contrary, it's the sensible man,



Victor Cooper

the wise man, who makes use of that which was done in the past, when it was done well. Somewhere in one of our legal archives there is an inscription over the door, "Past Is Prologue." I believe that applies to writings, too.

Ellen White used the writings of others; but in the way she used them, she made them uniquely her own, ethically, as well as legally. And, interestingly, she invariably improved that which she "selected"!

REVIEW: Do you have anything you would like to add on this fascinating subject?

Ramik: Yes. I believe it was Warren Johns who shared this analogy with me once when we were discussing this case and point. The situation is something like the builder who wishes to build a house. There are certain basic, essential units of building materials that are available to him—windows, doors, bricks, and so on. There are even certain recognizable kinds of textures and styles that have been created by various combinations of these different materials by earlier builders.

The builder brings together many of these and uses them. Yet the design of the house, the ultimate appearance, the ultimate shape, the size, the feel, are all unique to the immediate, contemporary builder. He individually puts his own stamp upon the final product—and it is uniquely his. (And he doesn't say—or need to say—I got this brick here, that door there, this window there, either!)

I think it was that way with Ellen White's use of words, phrases, clauses, sentences, paragraphs, yes, and even pages, from the writings of those who went before her. She stayed well within the legal boundaries of "fair use," and all the time created something that was substantially greater (and even more beautiful) than the mere sum of the component parts. And I think the ultimate tragedy is that the critics fail to see this.

I have been asked whether I thought Ellen White was "inspired." Well, *inspiration* is a theological word, not a legal word; and I am more at home with legal words than I am with theological words.

I don't know whether she was inspired, in the theological sense. I do believe that she was highly motivated. And if it wasn't God who motivated her, then I don't know who it could have been.

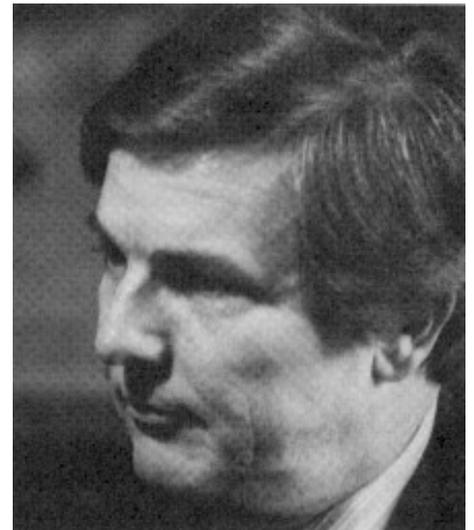
But! get that simply from her writings. I was not there when she wrote, and I

suppose that few of the critics were, either. I have a feeling that unless you had some type of "motivation," you simply could not deliver in words that which I have received from her writings.

Now, I, personally, could not be disturbed by the thought that God may have inspired her to select something from a certain book. And if God inspired her to select something that was written better by someone else than she could have written it herself, so what?

Actually, in the final analysis, I think it all comes down to a question of faith. And, for myself, I have no trouble in accepting what she wrote as a matter of faith.

The bottom line is: What really counts is the *message* of Mrs. White, not merely the mechanical *writings*—words, clauses, sentences—of Mrs. White. Theologians, I am told, distinguish here between verbal inspiration and plenary inspiration. Too many of the critics have missed the boat altogether. And it's too bad, too!



Warren L. Johns

I, personally, have been moved, deeply moved, by those writings. I have been changed by them. I think I am a better man today because of them. And I wish that the critics could discover *that!*

REVIEW: Attorney Ramik, how would you sum up the legal case against Ellen White as far as charges of plagiarism, piracy, and copyright infringement are concerned?

Ramik: If I had to be involved in such a legal case, I would much rather appear as defense counsel than for the prosecution. There simply is no case! □

The story behind this research

An interview with Warren L. Johns, chief counsel of the Office of General Counsel, General Conference of SDA.

REVIEW: Attorney Johns, how and under what circumstances did the Legal Services of the General Conference come to be involved in retaining the firm of Diller, Ramik & Wight, Ltd., to research questions pertaining to Ellen White and her use of literary sources?

Johns: Well, last October an Adventist pastor on the West Coast was featured prominently in the Los Angeles *Times*, and serious allegations of plagiarism were raised against Ellen G. White. The story, carried by a wire service and a news syndicate, appeared in dozens of newspapers across North America. It even found its way into the Manchester *Guardian* in England. Understandably, it raised a lot of questions in the minds of our church members, as well as among non-Adventist readers. Last April—six months later—our office decided that we ought to get to the bottom of the legal aspects and implications of the case. So we retained the services of a highly reputable firm specializing in patent, trademark, and copyright law. And they have now tendered their very comprehensive legal opinion.

REVIEW: Did the General Conference officers or the Ellen G. White Estate request you to proceed in this direction?

Johns: No. We acted entirely on our own initiative. Neither of these groups was involved. On April 21, I told the secretary of the White Estate what we proposed to do; but neither his department nor the GC officers initiated it. Besides, none of us knew either the direction the research was taking or the conclusions reached until the work was finished and the report was in. The cost of this kind of legal research is substantial; but our office felt it was important to get the truth, hence our office is paying the bill for the work that was done.

REVIEW: Why did you choose Diller, Ramik & Wight, Ltd., for this task?

Johns: First of all, our office has only three lawyers to serve the General Con-

ference—and the GC, in financial terms, would probably rank about fiftieth in *Fortune* magazine's well-known list of the top 500 corporations in the United States today. We already were very busy with other work, especially with First Amendment issues and challenges. Then, too, the plagiarism charges present some incredibly deep and complex legal issues. We felt we must have a specialist, and that's what we got. The best firms in this branch of law are here in Washington, and we have worked with Mr. Ramik's office on other cases for the past four or five years. During this time we have found him to be highly professional and superbly competent. Because of his demonstrated ability and undoubted expertise in this field, we have developed great respect for him.

REVIEW: Did the fact that Mr. Ramik, a Roman Catholic, would of necessity have to read *The Great Controversy* in its entirety (which some Catholics find personally offensive) concern you as you contemplated retaining him?

Johns: We recognized that some Adventists might wonder about whether he could be objective. But, on the other hand, if we hired an Adventist lawyer and he came up with a favorable conclusion some perhaps would say, "Oh, well, he had an ax to grind—what else would you expect?" Anyway, we already knew Mr. Ramik to be highly professional and objective; and, most important, we wanted to know the truth—let the chips fall where they might. We felt he would discover the facts, apply the law, and settle the issue for the church once and for all.

REVIEW: Do you feel that his comprehensive, closely reasoned 27-page report settles the issues raised?

Johns: Absolutely!

REVIEW: What do you feel is the significance—the meaning—of this report for our church?

Johns: The charges about plagiarism, literary piracy, copyright infringement, and so on, are shown to be en-

tirely without foundation in law. In Mrs. White's use of literary materials of other authors she clearly was within the legal definition of "fair use." By the definitions established in the law itself she is seen to be operating not only well within the law but in a high, ethical manner, as well. The charges made against her simply do not hold water. She did not operate in an underhanded, devious, unethical manner as charged. She was an honest, honorable Christian woman and author. I also might add that in law there is a legal test of a causal factor that might well be applied to Mrs. White's ministry—we sometimes speak of it as the "but for" test: but for this particular event, or cause, or action, that particular result would not have occurred. And I see Ellen White in that light. But for Ellen G. White there would have been no Seventh-day Adventist Church, as we know it today.

REVIEW: That's interesting! And how do you view the future?

Johns: I tend to agree with Sociologist Irmgard Simon, a doctoral candidate at a university in Münster, Westphalia, Germany, who, in 1965, wrote in her Ph.D. thesis (which dealt with Adventism and Mrs. White): "The Seventh-day Adventists still live on the spirit of Ellen G. White, and only as far as this heritage lives on do the Adventists have a future." Last January 19, *Newsweek's* religion editor, Kenneth L. Woodward, observed in a similar vein: "If it loses its founding mother, the church may find that it has also lost its distinctive visionary soul."

REVIEW: What will be the impact of the Ramik report on the church, and on the critics of Ellen White? Will it silence the critics?

Johns: Well; I am sure it will confirm the faith of those who have been made uneasy by allegations now shown to be without foundation. And it may cause some second thoughts among some of the critics. But, in the final analysis, for those who choose to believe, no proof is necessary; and for those who choose to disbelieve, no proof is possible! □

“This work is of God, or it is not”

For decades friends and critics alike have discussed Ellen White's use of literary sources in her writings. Critics have charged that her “borrowing” amounted to plagiarism and copyright infringement. Friends have said No, her “borrowing” should be classified as “fair use.” So intense was the debate three decades ago that F. D. Nichol in his book *Ellen G. White and Her Critics* devoted 64 pages (pages 403-467) to a discussion of the various issues involved.

Until 1981, however, no thoroughly researched opinion was available from the legal profession. All parties in the debate had been, in one sense, laymen—ministers, educators, physicians. Now, however, for the first time a top-flight attorney has spent about 300 hours reviewing the copyright scene from 1790 to 1915, has studied carefully the definitions of plagiarism, has examined Ellen White's use of sources, and has rendered his opinion: “Ellen G. White was not a plagiarist and her works did not constitute copyright infringement/piracy.”*

We are not so naive as to think that this extraordinarily frank and unequivocal statement will end the discussion. Another attorney with equally respectable credentials might study the question and come to a less firm conclusion or to a different one. Even when arguing from identical data, attorneys often differ. If this were not so there would be no need for courts and judges. Of course, judges also differ sometimes, even the Justices who sit on the U.S. Supreme Court. At times not only a majority decision is rendered but also a minority decision. The supreme law of the land rarely is what all nine Justices say it is; often it is what only five of them say it is.

Mr. Ramik's 27-page opinion quotes heavily from court cases dealing with copyright infringement and plagiarism. We have spent considerable time reading and studying these cases. In the case of *Emerson v. Davies et al.*, Justice Story, who, according to Mr. Ramik, “is recognized as the most influential judge in the area of copyright law in the era in question,” concluded that “the question is not, whether the materials which are used are entirely new, and have never been used before; or even that they have never been used before for the same purpose. The true question is, whether the same plan, arrangement and combination of materials have been used before for the same purpose or for any other purpose. . . [The author] may have gathered hints for his plan and arrangement, or parts of his plan and arrangement, from exist-

ing and known sources. He may have borrowed much of his material from others, but if they are combined in a different manner from what was in use before, and a fortiori, if his plan and arrangement are real improvements upon the existing modes, he is entitled to a copyright in the book embodying such improvement.”

In the case of *Lawrence v. Dana et al.*, Justice Storrow acknowledged: “Few judges have devised safer rules upon the subject than Judge Story. He held that. . . if so much is taken that the value of the original is sensibly diminished, or the labors of the original author are substantially, to an injurious extent, appropriated by another, that is sufficient in point of law to constitute infringement; that, in deciding questions of this sort, courts must “look to the nature and objects of the selections made, the quantity and value of the materials used, and the degree in which the use may prejudice the sale or diminish the profits, or supersede the objects of the original work.””

Attorney Ramik comments: “The manner of taking, the extent of the taking, the intent involved, and the damage done are all factors from which might be determined the existence or nonexistence of plagiarism.”

He quotes from Justice Story in the decision of *Emerson v. Davies et al.*: “I think it may be laid down as the clear result of the authorities in cases of this nature, that the true test of piracy (infringement of copyright) or not is to ascertain whether the defendant has, in fact, used the plan, arrangements and illustrations of the plaintiff, as the model of his own book, with colorable alterations and variations only to disguise the use thereof; or whether his work is the result of his own labor, skill, and use of common materials and common sources of knowledge, open to all men, and the resemblances are either accidental or arising from the nature of the subject. In other words, whether the defendant's book is, *quoad hoc*, a servile or evasive imitation of the plaintiff's work, or a bona fide original compilation from other common or independent sources.”

We have included these statements to point up the fact that even those who are laymen, so far as the legal profession is concerned, by comparing legal standards with the way Ellen White used sources are virtually certain to arrive at identical conclusions with those of Attorney Ramik.

Question of inspiration not addressed

For the editors of the REVIEW, previous or contemporary efforts to label Mrs. White as a plagiarist or copyright infringer have never seemed impressive. Most have grown out of a false or inadequate understanding of the revelation-inspiration process. It is important in this connection to recognize that Mr. Ramik's study does not address the question of Mrs. White's inspiration. Though we may consider settled the question as to whether Mrs. White was a plagiarist or copyright infringer, we still must determine for ourselves whether we believe she was fully inspired of God as were the ancient prophets and apostles.

*See note at bottom of page 2.

Was she inspired? We answer Yes, based on the weight of evidence.

1. We have applied the various Biblical tests of a genuine prophet to Ellen White and we feel that she meets them more than adequately.

2. We have individually and collectively proved the worth of her counsels in our respective ministries on many continents around the world. We have tried them and they work. Mrs. White and her writings pass the test of pragmatism.

3. Her writings feed our own souls as do no others save Scripture itself.

In addition, her writings agree with the Bible; they lift up Jesus Christ as our Saviour, our substitute and example; they are accompanied by a supernatural power to change lives; they contain a self-authenticating quality; and they have been overwhelmingly accepted throughout the decades by the Seventh-day Adventist community.

In our view there is no way a person can take a neutral position in regard to Mrs. White and her writings. Either one

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accepts her as being sent of God or he rejects her as being an emissary of Satan. Mrs. White herself took this view. For example, she wrote: "If you are thoroughly convinced that God has not spoken by us, why not act in accordance with your faith and have no more to do with a people who are under so great a deception as this people are? If you have been moving according to the dictates of the Spirit of God you are right and we are wrong. God is either teaching His church, reproving their wrongs and strengthening their faith, or He is not. This work is of God, or it is not. God does nothing in partnership with Satan. My work for the past thirty years bears the stamp of God or the stamp of the enemy. There is no halfway work in the matter." —*Testimonies*, vol. 4, p. 230.

In writing to "Brother G," Mrs. White said: "If we surrender to God we shall choose the light and reject the darkness. If we desire to maintain the independence of the natural heart, and refuse the correction of God, we shall, as did the Jews, stubbornly carry out our purposes and our ideas in the face of the plainest evidence, and shall be in danger of as great deception as came upon them; and in our blind infatuation we may go to as great lengths as they did, and yet flatter ourselves that we are doing work for God.

"Brother G, you will not long stand where you now are. The path you have started upon is diverging from the true path and separating you from the people whom God is testing in order to purify them for the final victory. You will either come into union with this body, and labor earnestly to answer the

prayer of Christ, or you will become more and more unbelieving. You will question point after point of the established faith of the body, become more self-willed in your opinion, and grow darker and darker in regard to the work of God for this time, until you set light for darkness and darkness for light."—*Ibid.*, p. 231.

In the days of Jesus people rejected God's own dear Son primarily because they stifled the convictions brought to them by the Holy Spirit and looked around to see what the leaders thought of Him. When the Temple policemen were sent to arrest Jesus they returned empty-handed, explaining their failure by saying, "Never man spake like this man" (John 7:46). They felt deeply convicted that He was no ordinary person. But when the ecclesiastical leaders scornfully asked, "Have any of the rulers or of the Pharisees believed on him?" (verse 48) they rejected the evidence of reason and their own senses. The test they applied was simply that of source credibility. They seemed to take the position that if a matter is true it will be accepted by the majority, or, at least, by leading people—rulers, priests, scholars, or others. But Mrs. White offers this trenchant observation:

"Those to whom the message of truth is spoken seldom ask, 'Is it true?' but, 'By whom is it advocated?' Multitudes estimate it by the numbers who accept it; and the question is still asked, 'Have any of the learned men or religious leaders believed?' . . . It is not an argument against the truth, that large numbers are not ready to accept it, or that it is not received by the world's great men, or even by the religious leaders."—*The Desire of Ages*, pp. 459, 460.

We think again of the personal testimony of Attorney Ramik, a Roman Catholic layman, who declared that he felt the problem of the critics of Ellen White is that they focus upon the writings while missing or neglecting the message of Ellen White. Liberal scholars have long been more concerned with the text of the Bible, the methodology of the prophets, historical and cultural backgrounds, and other factors associated with God's communication to mankind than they have with approaching the Word with awe, listening for God's voice in His Word, and then obeying His commands. Apparently many critics of Ellen White are following this same well-beaten path that has led multitudes ultimately to become skeptics.

The fact that the chief counsel of the General Conference Office of General Counsel asked the firm of Diller, Ramik & Wight to research the legal question as to whether Mrs. White was a plagiarist or a copyright infringer provides further evidence that the church wants truth and will continue to seek it whatever the risks. But let us never forget that faith always will be an essential element for the Christian, whether dealing with the writings of the Bible or those of Ellen White. As Attorney Johns said, "For those who choose to believe, no proof is necessary; and for those who choose to disbelieve, no proof is possible." And how one relates to God's attempt to reach his soul through God's modern messenger may well determine his eternal destiny.

K. H. W.