

From:
Creation Ministries International Ltd
Australia

15 November 2006

Dear AiG-USA Board

We refer to your letter of November 1, 2006 to us, which filled us with dismay. Please read this our response with care, and note at the end our urgent call for a proper response within an urgent timeframe.

The contents filled us with dismay—as you know, we were waiting for you to get back to us about the details of a set of proposals and counterproposals we had been discussing (from our side, in good faith) in order to put an end to the issues and tensions between us.¹

We are now aware that you have sent emails to other parties referring to your letter to us, repeating its principal allegation against this ministry, and either attaching the letter or making it available on request. Many people from around the world have informed us that they received it from the email mailing list of John Mackay, whose brief covering comments include: ‘Ken Ham advises’ and states that ‘This letter can be sent or shown to anyone.’ And the section written by yourselves indicates that all of these people (presumably thousands) may obtain a copy of your November 1 letter to us upon request.

Therefore, despite your letter’s ‘superspiritual’ overtones, it effectively engages in the serious biblical sin of slander (albeit by innuendo, and since it has been published, the defamation is technically called libel) against the reputation of this ministry and the individuals in it.

This is particularly opposed to the spirit of Christ. And not knowing who has received it, **we now have no non-public way of defending our ministry’s reputation** by seeking to inform such unknown third parties of our response to the smear. We believe that we have tried to exercise restraint, and regret that you have chosen this almost unbelievable public escalation (albeit with ‘spiritual language’).

¹ These issues arose from

- 1) The inducing of our four former volunteer directors into signing an agreement prepared by your lawyers behind the backs of Australian management, one that we believe we can show stripped our ministry of key assets and disemboweled it in many ways, and which seriously endangered those directors in relation to their fiduciary duties under Australian law—their duty to act in the interests of the company of which they were directors. (Shortly after signing, they resigned *en masse* on the condition they be given indemnity for their actions.)
- 2) **The subsequent unethical and deceptive cutting off of more than 30,000 of the subscribers to our periodicals. Their pre-paid subscription monies were transferred to a different magazine, with subscribers given the impression that our periodicals were no longer available in the USA. Furthermore, even after you had dumped our *Creation* magazine, you persisted with trying to trademark the name of our magazine in the USA. You even used samples of *our* magazine, passing them off as your own, to bolster your case for the registration! This gives good reason for serious concern. Evading talking to us only serves to deepen such concern.**

By contrast, all of our claims that your ministry has engaged in unethical behaviour towards us have been made either

- openly in writing or verbally to yourselves, or
- (rarely, and mostly when given no option from enquirers) in situations where we were able to say to the people involved, before the Lord, that our preference and heart's desire would be that you were there, too, so that everything could be open and in the light—but this was not possible, due to your persistent refusals of such openness.

Our preference is still to do this all in the open, in the light of day, to have an end to this ungodly darkness and covert, backdoor tactics—and especially the distressing Scripture-twisting² to justify your behaviour.

Disclaimer

If anything in this response does not accurately represent your actions and motives, then we truly regret this—but the responsibility must lie directly with your consistent refusal to openly meet *all* together, for nearly two years—a meeting which we have persistently asked for, but which has been persistently refused. We are therefore forced to assess these things on your actual deeds to the best of our ability and in conscience before the Lord.

We had hoped you would want to settle these serious issues irenically and ethically—particularly the legal crisis into which your engaging of lawyers and subsequent actions plunged us all.

As soon as we saw this latest letter from you, however, we realized with sinking hearts—and, yes, even with some tears—that it had been prepared for ‘others to see’. It appears to be a ‘justification to others’ for your actions in this awful matter—in particular, to seek to justify your ‘final cutting off’ of your brethren, the culmination of those nearly two years of your total refusal to talk face to face, with all parties present together.³

Your rejection of Christian arbitration

² Examples of Scripture-twisting:

- 1) Mt 18 used to justify your chairman sending an outrageous letter of ‘pastoral concern’ speculating about all manner of imagined hidden sins that there could possibly be in one of our directors, in spite of the fact that your chairman was not in any way saying that he had been sinned against. At the same time, while your CEO claimed *he* had been sinned against, Mt 18 meetings were, according to him, vetoed by your Board, who protected him from his responsibility to meet.
- 2) Titus 3:10 and Romans 16:17-18 being used to justify *not* meeting at your personal whim and discretion, whereas in fact these verses are, in context, to do with
 - a. Those who bring doctrines contrary to the Gospel (not people who are seeking to ensure accountability for your actions, or people you have lately decided you don't like).
 - b. Church discipline—i.e. after the Mt 18 steps have been taken, the church (not a self-selected band of individuals seeking a ‘godly imprimatur’) has the right/obligation to exercise such disciplinary actions.

³ Any proposals by you to meet Board to Board have always sought, quite inappropriately, to exclude our Managing Director, who is the main person familiar with all the issues and able to speak to them. Whenever we have pleaded for the two *entire* Boards to talk together, it has always been evaded on your side. When our Managing Director was in the US and offered to talk directly about the issues by coming to Kentucky, he was welcome—but only if he didn't talk about the issues!

We also note that you have ignored totally our ‘without prejudice’ proposal (which means it would have been immediately binding on us if you had accepted it) to submit all these matters instantly to binding Christian arbitration, with each of us nominating two persons to a tribunal.⁴ We cannot help but wonder why you would *not* want independent Christian umpires, unless it is that you

- a) see yourselves as having ‘won’ by way of having ravaged your fellow ministry by the use of legal power i.e. you have most of what you sought, anyway and/or
- b) you are fearful of a just outcome and exposure of your deeds to the light of day.

If that is wrong, please let us know at last that you are finally willing to accept a ‘Christian court’ of people appointed equally by both parties, experienced in the law in this country where the pillage took place.

Your letter’s vague comments about ‘spiritual problems’ are just the sort of slander by innuendo that the devil loves and that the Bible is so totally opposed to. We are stunned that the Enemy has been able to maneuver a group of well-meaning men to engage in such a thing, and what’s more to persuade themselves that they are behaving in a ‘godly’ and ‘Christ-honouring’ fashion.

There is another aspect that we have found most disturbing and ungodly—the persistent habit of inviting people to ‘come and talk to us to get the other side of the story’—but always insisting that the eyewitnesses from this side are not permitted to be present. Does this not qualify as classic gossip/slander? What have you got to be afraid of from openness?

Indeed, why do your staff members fear dismissal if they talk to our staff, some of whom have been friends for years? And the fear seems to be amply justified, as was shown when former AiG-UK deputy CEO Philip Bell was given his marching orders—after he had resigned with notice to allow fulfillment of his ministry engagements—for pointing out that Monty White, AiG-UK CEO, had no right to tell him who he could talk to on his own time. (Philip decided to resign on the basis of what he had personally observed, well before making contact with us, despite the false slurs to the contrary.)

In the process, we have become aware of people becoming substantially ‘poisoned’—even joining in, and seeking to justify, your campaign of ‘rejection without discussion’. We have sometimes, through tears of frustration, found this whole thing to be unbelievable, even bordering on the cultic. At any rate, it is clear that it is unhealthy and ungodly. We have repeatedly pleaded with you, from way back, to realize that cut-off tactics, as you have applied all along, are not only unbiblical, but are a surefire recipe for escalation. **Christians need to talk openly, all together.** If opinions differ, that can be lovingly worked through, even if difficult, but this can only happen if there is openness.

Please bear in mind the emphasis throughout the Bible on the importance of such openness. Our Lord taught in Luke 12:2-3:

⁴ We purposely set out all the conditions that seemed reasonable, so that you could simply say ‘yes’, and all parties would be bound. If you found any of the conditions unreasonable, you did not at any stage indicate that.

‘There is nothing concealed that will not be disclosed, or hidden that will not be made known. What you have said in the dark will be heard in the daylight, and what you have whispered in the ear in the inner rooms will be proclaimed from the roofs.’

The repeated misuse of Proverbs 18:17

Ironically, you use Proverbs 18:17 to persuade certain people that they should ‘come and hear both sides of the story’—but always on their own, without us permitted to be present. (Even influential pastors have been flown at AiG-US expense from Australia to the USA under this approach.) ‘*The first to present his case seems right, till another comes forward and questions him.*’ Why ironic? Because it is that same Bible passage from which we get our right in Western law to cross-examine the person making the allegations. Yet that is the very right that these particular actions of yours have in fact denied us.

So while it superficially sounds ‘good and righteous’ to use that passage, you have used it to justify the very opposite of what the passage stipulates. We have repeated, even urged, pleaded, cried, become angry, frustrated, etc. etc. about how important it is to do things in openness and light, all together at the same table.

As we have said to you repeatedly, in an attempt to get you to resolve these issues with uprightness and compassion, all this does not look good, and using a lot of ‘holy words’ does not set it right.

Please consider: If it had been our intention to hurt or slander your ministry’s reputation, we would have not exercised the restraint we have to this point, despite all the injustice and hurt and even the things we were hearing that your ministry was saying to others about us (for example, eyewitness testimony has one of your Vice Presidents telling enquirers that we are a ‘rogue ministry’). To our knowledge, none of our staff have ever implied to enquirers that AiG is not worthy of support.

We ask for you to urgently withdraw from this action of yours in having sent this letter out. We are prepared to extend forgiveness if it is urgently repented from, and restitution made. That would involve notifying all to whom you sent it and formally withdrawing it.

To this point, this letter to you has not gone outside of the list of open recipients on your email to us. We do not want to have to send blanket responses to everyone who we think might have been sent a subsequent copy of your letter by you. Nor do we want to have to defend our ministry’s reputation by putting this response to you (+/- the whole sorry story in chronological, documented, detail) on our website, for example. We deeply regret this escalation by you, and plead with you to bring it to an abrupt halt—to swallow whatever pride needs swallowing in order to achieve peace, just as we are prepared to do.

Smear by implication

Further evidence of ‘indirect defamation’ is the repeated, over-the-top way in which you go to great lengths (it almost comes across as ‘methinks they doth protest too much’) to stress the ‘godly character’ of your CEO. Why do we say that this is subtly but seriously (and unfairly) defamatory? Because any reasonable person would infer, from your letter, that

CMI was engaged in a relentless attack on Ken Ham's character, private life, etc.—when the reverse is actually the case. I.e. there have been attacks like that from your end, full of unjustified and quite unfair smear and innuendo about one of our directors.⁵ Despite that, and despite the frustration of this occurring while at the same time you refuse to meet and face up to what is happening, we have exercised restraint.

So this part of your letter becomes 'slander by implication'—and whether you mean it that way or not, that is most dishonest. Particularly since you would know that in our exchanges for many months, we have not made Ken the issue at all. In fact, since our forced re-branding,⁶ we have made it clear that your internal affairs are now no longer our concern⁷—we only wish to resolve the legal nooses you have placed around our ministry's neck, etc.

Despite this, you kept coming back with defensive persecution-style comments, which is a disturbing trend. Such 'circling of the wagons around the leader', seeking to control all discussions by determining who is permitted to speak with whom, and in particular denying the right to openness and cross-examination, and rejecting normal biblical ways of resolving things, is something normally associated with quasi-cultic situations, and disturbs us greatly. We love the creation ministry in general, and see this as a deep, deep problem if it persists.

Grace and peace rejected

In our view, though we have the normal human frailties and general sinfulness, we have genuinely been trying to extend grace after grace, olive branch after olive branch, in an attempt to get this settled. We have also repeatedly tried to assume that you as volunteer directors were simply unaware or misled, which only heightened our frustration at never being permitted to talk openly or explain all together, as brethren should be doing. We were seeing what seemed to be excuse after excuse for avoiding the issues. This latest letter seems to us to be an attempt to use a 'spiritual veneer' to 'explain' to the uninformed why you persist in doing what normally would be completely unacceptable in Christendom.

⁵ As you know, the Australian director in question whose name was being smeared in this way sought to deal with this the proper, biblical way, i.e., Mt. 18. But the first step (a direct approach to the AiG-US perpetrator) was evaded, in fact totally ignored. And when it was then taken to the appropriate church, there was a sudden loss of memory in key witnesses, who were all associated with AiG-USA.

⁶ Once we were told, in response to our November 05 letter pleading for talks to work out a way forward together, to do our own website and told that our time of sharing the AiG-US site was to soon end, we had no option (given that we had already received from you in October 05 what amounts to a formal 'certificate of divorce' separating the ministries). What possible rational way would there be to have two totally independent websites purporting to represent the same ministry name, i.e. 'Answers in Genesis'?

⁷ They *were* our rightful concern, of course, while we all wore the same brand. Even regarding those concerns, it was thought on this side of the ocean that your letter politely rejecting the thrust of Carl Wieland's formally expressed concerns (as vetted by the old Board prior to sending) should have ended most of the matter. To wrap it up, a discussion between Carl and Ken was encouraged. Instead, unless Carl withdrew *all* his deeply held opinions (whether properly perceived or not) prior to being permitted to discuss them, he was not permitted to address your Board from then on. A vendetta was in operation from then on, one which culminated in this disaster. The apparent justification was always couched in terms of defending 'God's anointed' (in effect) from some 'spiritual attack'.

As you well know, in our settlement offers⁸ we have in effect been willing to let you keep the bulk of what you sought to seize via this disastrous ‘agreement’, which contains clearly demonstrable falsehood;⁹ our proposals have mostly sought to simply:

- a) Ensure that we are left in peace (for a reasonable number of years to get re-established after this severe blow) in regard to the *Answers in Genesis* trademarks in the CMI countries. The trademarks in such countries could be used to steal our charitable goodwill, which our ministry’s efforts built up over many years, by deceptively confusing many supporters of this ministry into thinking any ministry trading under that name in those countries was one and the same.¹⁰ Attempts have already been made by AiG-US to use the trademarks in a CMI country, despite our pleadings. We are concerned that your letter might be designed to justify an impending onslaught of such deceptive trading in e.g. Canada or Australia (following on from your recent ‘preliminary forays’). We will have no choice but to vigorously resist such unethical actions if they take place.
- b) Ensure that at long last, subscribers to our periodicals are openly told by you that we still exist, that the periodicals are still available in the US and how to get them should they so choose. If we were in your shoes, we would be afraid that many people will be angry at how they have been misled into thinking that they ‘can’t’ get them anymore, or that the new magazine is just a revamp of ours. We have in fact been contacted by former subscribers who say exactly that. We have said all along that we have no objection to your choice of offering an alternative magazine in the spirit of healthy competition¹¹—it is the deception, including the ‘bait-and-switch’ tactics you persisted in for a considerable time, that disturbs us mightily, and that would by now have led to a major lawsuit had it occurred in the secular world.

Negotiations—in good faith?

We dwell with sadness on the recent (October 2006) ‘subcommittee’ negotiations, in which two members of your Board were finally permitted to engage in discussion with the appropriate folk on our end. We recall our occasional fears, which we expressed openly to you, that even this process seemed to be engaged in ‘delaying tactics’ to ‘buy time’. We were met with constant reassurances that the negotiations were in good faith, even chastised for thinking that they might not be. But it seems that events have now confirmed our fears.

Use of the four former directors

⁸ On a ‘without prejudice’ basis, of course.

⁹ **One of the two parts of the signed ‘agreement’ claims, *inter alia*, that the Australian ministry had in its possession signed consents from all *Creation* magazine authors to violate their moral rights, including giving AiG the right to ‘falsely attribute authorship’ to their works. (No such consents exist—this is a *written lie*.) And if any author should sue AiG-US for violating their moral rights, the Australian ministry would be liable to pay the costs and penalties! It beggars belief that anyone would consider this a just and godly thing to put in the ‘agreement’. It is no wonder we claim it to be a pernicious document.**

¹⁰ It will be many years before the bulk of our supporters realize that we are not anything to do with the name *Answers in Genesis* anymore. You have claimed that it was your intent via the agreement to now be able to force us to hand over our own trademark rights to that name, which would then permit you to freely engage in such deception. And you have formally demanded, in writing, those trademarks from us.

¹¹ This is quite independent of your claims (during which you routinely omit the whole story) of why you dropped the magazine and ‘had no choice’, etc. I.e., even if that were true, you *did have* the choice to be open and honest to subscribers.

You invoke (for the watching gallery, as it would seem) the fact that our four former directors allegedly still ‘support the agreement they signed’. The problem with that statement (which is really quite irrelevant to the issue of whether the agreement, and the circumstances of its signing, is immoral or not) is that *we* have no way of knowing whether the former directors are fully aware of all its implications. And we have many reasons to believe that they are not (putting the best construction on it for their sakes). But it is not likely that they will be able to understand what they have been induced to sign, unless/until they avail themselves of the opportunity to discuss it in detail with those of us who are able to walk them through its devious ramifications.¹²

To date, they have rejected the opportunity to do so, and we have been told that in view of ongoing ‘stress’ issues, they do not want to have anything at all to do with these matters. So either they are violating their own word in the matter, or else your statement is misleading, as it implies that they *are* actively involving themselves in the issues.

If they are indeed supportive privately to you, while at the same time imitating your refusal to discuss issues openly with us, their brethren, this is disappointing for another reason. After they voluntarily resigned *en masse*, turning the control of the company over to the staff they had unlawfully suspended,¹³ they sought indemnity from any penalties for their actions. This was granted, and the spirit of this, as understood even by the ministry’s own Christian lawyer who was acting for them as directors, was that they were not wanting to involve themselves further in the issues at all, this was to be the end of it.

Damned if we do...

We cannot help but see your letter as carefully crafted to make us look bad and to make you look good in the public eye, to distract attention from the running ethical sore involved, so that you might avoid having to put it right. It seems designed to put us in a ‘damned if we do, damned if we don’t’ situation. Any action to defend our ministry from predation (e.g. defending our trademark from your ministry’s incursions to attempt to profit from the inevitable confusion in the public mind) and, ‘Well, that’s what you’d expect from such ungodly people with their [unnamed, but useful for innuendo-impact] spiritual problem.’

None of us has the right to use fuzzy ‘feelings’ about the other person to condemn their motivations and to imply that there is a ‘spiritual problem’ that justifies haughtily withdrawing from peace discussions.

Is there sin? If so, deal with it biblically...

¹² Which we said we would spell out for you in writing, and did—with not a whisper of acknowledgement or response indicating that you had even bothered to work through it yourselves.

¹³ The bulk of the Australian speaker/scientist team was suspended. This has been misrepresented by AiG-US senior staff, in slanderous innuendo to others, as an ‘unbiblical rebellion’—we almost never get the opportunity to explain to anyone how the staff at no stage rebelled (as opposed to expressing serious and fearful concerns about the direction these four were taking things as they were increasingly influenced by US visits), and were always mindful of the biblical authority structures. The Board itself is under the Law of the Land (Romans 13) so the staff had every right, even obligation, to express concerns about issues that involved potential breaches of Australian corporate law—but at no stage was there a ‘rebellion’. We believe that even the former directors would see this if the biblical issues were discussed openly with them, as they should be.

If you can nominate specific sinning against you by any of our directors or staff, please do so, and apply the proper biblical procedures, including, if you fail to get a biblically satisfactory outcome from the accused, via the relevant church/pastor. (We promise you that none of the witnesses on our side will suffer memory deficit disorder.)

But if unable or unwilling to do this, please formally and openly withdraw, and apologize for, your innuendo and slander against this ministry and thus the individuals in it (including its thinly disguised attack on our Managing Director) in your (disseminated) letter of 1 November.

Concern for outreach?

We recall your saying on several occasions that you are concerned for outreach. Yet we (and independent observers who contact us of their own volition) see actions that seem to belie that, as we sought to gently point out in our phone discussions with your subcommittee. And the statement that your cutting off all possibility of us finally getting to talk all together and sort things out, as is proper, has to do with ‘outreach’ is unconvincing; as you know from all of the draft heads of agreement that you saw, it would have been incredibly easy to agree to the simple, reasonable conditions mentioned earlier. **If peace is your intention and goal, there are over 100 other countries in the world for you to do outreach in over the next few years.**

All those draft settlement proposals were coupled with enormous concessions from our side—as we said, even though our belief is that the seizure of many of our assets was immorally achieved, even unlawful, for the sake of peace we were prepared in our offers to let you keep them. This letter of yours simply takes the same stance as you did way back in November 2005 when Dr Wieland first sent his ‘olive branch’ email, pleading for peace. Your response then, in addition to telling us to do our own website rather than go on sharing yours (which is why our re-branding was forced upon us, as we have explained repeatedly), basically was and is, ‘Go away, we don’t have to talk, we have what we sought’. I.e. ‘We have the power’. Is that godly?

In any case, neither outreach, nor high numbers, nor ‘ministry success’ can ever justify wrong actions. If money pouring in were the main determinant of God’s favour, then God must really love what the porn industry and the cults are doing! For the believer, the end should *never* justify the means. We think that God does not need us nor any other ministry to do His work. But He *does* want faithfulness to His standards in the Bible, which are clear-cut principles. That is more important than our ideas of ‘outreach’ or anything else. If we are faithful to do what is right, then we can be confident that our sovereign God will take care of the outcome as it pleases Him.

In that regard, then, we believe that your letter, unless you act on it urgently, indicates that the time is nigh upon us when an open presentation of these matters is the only way to see truth and justice prevail—which are both very much issues with which the Bible, and in particular our Lord Jesus Christ, is concerned. As the Westminster Confession so aptly makes clear, defending our ministry’s reputation in public where it is under assault is an integral part of the commandment against false witness. We did this at the time of the atheist Plimer’s campaign against this ministry, and the openness turned out to be the best thing that

we could have done, even though many counselled otherwise. It is not our intention to hurt your ministry or its reputation, despite your actions. We do not want any collateral damage for any ministry from such truth-telling. If it had been our intent to hurt you, we would not have exercised restraint for so long.

It is in your power (as it always has been) to bring it all to a sudden halt. For us to walk away as individuals had you robbed us of our personal possessions (as opposed to the ministry's assets) would be easy—'You've taken our shirt? Here, have another one.' But we may not so lightly walk away from the assault on a ministry, and from impending further assaults via the trademark issue, as you have already demonstrated you want to do. I.e. we can't lightly walk away from our scriptural and lawful responsibility to our supporters who have sacrificed much. We plead with you one more time to stop this seeming madness, this 'groupthink' in which otherwise good men are persuaded to support and even justify ungodly actions—before more damage is done as we jointly face the abyss.

We must do what has to be done as our duty before God (as per Romans 13) to protect this ministry and its reputation—including an appropriate public defence if necessary. **We therefore require an urgent concrete response to this letter within 72 hours, i.e. 3 days from the date of this email.**

In the meantime, we are hoping and praying that there will be some among you (a Nathan?) whose personal disquiet, possibly suppressed, will lead to a questioning as to why openly discussing the matter with all relevant parties has been discouraged.

If any—or preferably all—of you are willing to hop on a plane and come 'down under', we would warmly welcome you, despite all that has happened.

Yours in deep sorrow.

The Board of Creation Ministries International Ltd.

Mr Kerry Boettcher (Chairman)



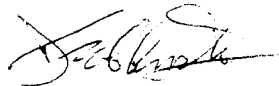
Mrs Carolyn McPherson (Vice-Chairman)



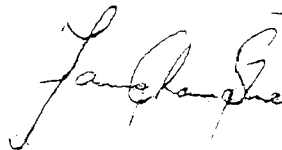
Dr Carl Wieland M.B., B.S. (Managing Director)



Dr Dave Christie B.Com, M.Admin, Ph.D., FAICD, FIMC (Director)



Mr Fang, Chang Sha B.Sc (hons), M.Sc. (Director)



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