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 **Body ~ Mind ~ Spirit**

**How Jesus
Got His
Copyright
Back**



**Plus:
Peace Train
From Damascus**

November / December 2004

Heartland Healing

Body • Mind • Spirit of Omaha

MAGAZINE

COVER
ILLUSTRATION
BY
JASON HAYS



History tells us that the decade of the 1960s was one of the most turbulent and trying of times. Locked in a war that seemingly could not be won, caught in the crucible of change that marked expanding social freedoms and still collectively mourning the grave loss that this country endured with President Kennedy's assassination, fear dominated the headlines. Uncivilized civil conflict raged in our own land as friendships and relationships were tested by opposing views of how to right the ship. It culminated in the shocking deaths of four college students at the hands of their fellow countrymen in Ohio in 1970.

During that tempestuous decade of the 1960s, two doctors of psychology working together at Columbia University recognized their own issues of conflict within the administration of their daily duties. Finally, one of the doctors threw up her hands and begged for a way of seeing things more peacefully. She declared, "There has to be a better way."

Soon, as if in answer to that very prayer, Dr. Helen Schucman began to scribe the text of *A Course in Miracles*. The three books comprising that work were finally printed

in 1975. Schucman was not interested in any credit for the content and no person's name was listed as author. The copyright was held by the Foundation for Inner Peace. That was a fitting name for the foundation since the stated goal of the self-study text is to gently guide the student toward the shift in perception that leads to peace.

A tale widely told by followers of the Course is the story of a group of students who were reading the Text one day. A question arose as to the meaning of a particular passage. The dialogue among the students became quite energetic, if not heated. Into the room walked one of the senior members of the group, one known for having a very clear and practical handle on what the Course teaches. As a senior teacher, he asked what the problem was. The students clamored, each for their position of interpretation. It was obvious conflict. The leader asked to be shown the section of text that could be so inciting. Handed the book, open to that page, he looked casually at it, grasped the corner and gently removed the offending page from the book.

Softly, he spoke to the students and reminded them of the goal of the Course,

peace. "It seems," he said, "that all of you have misinterpreted that part. Carry on."

In that story, it was ironic that the instrument for peace was being trifled over as a source of conflict. In our cover story, we find that conflict, just like peace, can be found wherever we look for it. It is the seeker who must decide what he or she is looking for. Is it peace I seek or is it conflict? For what I seek, I shall truly find.

The decade of the 1960s was a time not unlike our own. We once again find ourselves in armed conflict far from our shores. We once again have a focal tragedy that we share; only the date is not November 22 but rather September 11. We once again are deeply divided on how to deal with fear. It appears we are a country in conflict on how to move forward. It appears there is great social and political turmoil. It appears that we are separate from one another. The question is whether we have learned from that vital and dynamic decade 40 years ago. Have we forgotten so quickly? We must declare, "There has to be a better way."

— Michael Braunstein
Producer / Editor

NOVEMBER / DECEMBER 2004

So you thought turkeys were a bird, right? Well, the typical ones served in American homes can't even fly! Doni Yoast is a natural foods cooking instructor, specializing in health restricted diets for over 20 years. She tells us about the growing trend toward real turkeys, heritage turkeys, the way Nature made 'em. Most weekdays Doni can be found at Wild Oats where she works.

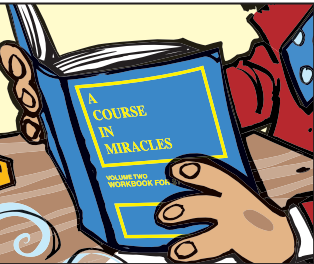
Author and world traveler Brad Olsen signs on from the Mediterranean isle of Malta, as he continues on his European tour gathering background for his third book, *108 Sacred Destinations: Europe*. This issue, Brad takes us to the mystical temples of that ancient island.

Shawn Phifer, is Executive Chef and with his wife, Eva, owner of OMCafe / Dogspot Catering in Omaha's Old Market. After Dogspot catered a brilliant soirée for Heartland Healing Magazine, Shawn promised to let us in on some professional tips about how to prepare your holiday party just like the pros do.

Enjoy! And see you next year!



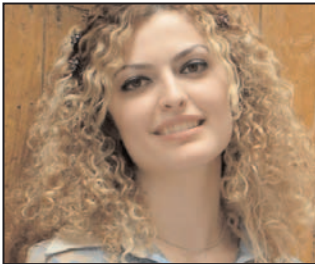
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How Jesus Got His Copyright Back

The intriguing story of how an old audiocassette, some Xerox copies and a few miracles led to a hugely popular book losing its copyright and entering public domain

by Michael Braunstein

In October of 1965, Helen Schucman thought she was going crazy. It didn't make sense to her that she was sitting up nights with a steno pad taking notes from an internal voice. In fact, she found it pretty upsetting. Here she was, a Ph.D. in clinical psychology, a tenured Associate Professor at Columbia University Medical Center and she was hearing inner dictation? That wasn't the worst of it. She was Jewish by descent and atheist by decision and the voice, when queried, told her that she could call him "Jesus." All this did not sit well with the 56-year-old researcher. Plus, it was costing her sleep.

Her boss, Dr. William Thetford, noticed Helen's apparent preoccupations after a few weeks. When prodded, she told her colleague about the nightly scribbling. He asked to see the manuscripts. Thetford was mightily impressed with what he read. There was a clarity and consistency of content that convinced him that something important was happening.

Over the next seven years, Helen and Bill compiled the product of her scribing. She would dictate from her handwritten

notes and he would dutifully transcribe into typewritten text. That manuscript became what the world would know as *A Course in Miracles*.

The result of Helen Schucman's experience was a three-volume set of hardcover books titled *A Course in Miracles* (ACIM), a spiritually-based, psychologically-oriented self-study course intended to gently guide the student toward a shift in perception and the experience of inner peace. Neither Helen nor Bill claimed authorship and it was generally acknowledged that the content was directly channeled to Helen from the source who called himself Jesus.

A U.S. copyright was granted to the Foundation for Inner Peace, which published the set in 1975. But that wasn't the first copy of ACIM to see print. Copies of ACIM had been previously disseminated and in April of 2004, that caused a federal court to void the 1975 copyright, putting ACIM into public domain. How the court came to see that evidence is part of our story.

How it came to be

After nearly seven years of laborious transcription, Helen and Bill had a finished manuscript that up till then had been seen by only a few acquaintances.

In 1973, copies of that manuscript



BILL AND HELEN.

COURTESY BOB SKUTCH

were given to more people, including Hugh Lynn Casey, the son of the late psychic, Edgar Cayce. Others who received copies included a co-worker, a fellow psychologist named Kenneth Wapnick, a Catholic priest and another friend. All of them were similarly impressed with the work. In 1975 *A Course in Miracles* was published in three hardcover volumes: a 622 page Text, a 478-page Workbook for Students and an 88-page Manual for Teachers.

The original publishers were two friends of Helen and Bill named Judith and Robert Skutch. They published the *Course* through the Foundation for Inner Peace and there was no author credited. Helen and Bill were reluctant to be identified with the *Course* because of concern over what some of their colleagues in the scientific community might think.

The *Course* became known as a self-study curriculum that could help the student shift or change perception of the

world. Teaching that cause was within rather than without and that a connection with the energy of the universe, love, would manifest miracle-mindedness, ACIM flourished and propagated around the world. By 1999 there were about 1.5 million copies in print and thousands of study groups.

ACIM cannot accurately be described as a movement or a cult or religion: there was and is no titular head or organization, though many of its better-known students wrote books and became closely associated with it. Oprah mentioned it often and author Marianne Williamson and others wrote about it freely in best-selling books. Ministers and clerics quoted it in sermons while others, notably fundamentalists, criticized it as “new age.”

Its proliferation and recognition led to its increased stature. Willis Harman, a scholar and Regent of the University of California, professor at Stanford and major player at the highly respected Stanford Research Institute said of it, “*A Course in Miracles* comprises perhaps the most important writing in the English language since the translation of the Bible.” That feeling was shared by many scholars and students of the *Course*.

In the early years, the Foundation for Inner Peace, the original copyright holders, had a very *laissez-faire* attitude toward reprinting or citing passages from the *Course*. That suited students and groups using it in their materials. In 1999, nearly 25 years after initial publication, the copyright changed hands and became owned by Kenneth Wapnick and his Foundation for A Course in Miracles (FACIM). Things changed.

In 1999, Wapnick sent letters refusing permission for a number of ACIM study groups to publish excerpts from the work. This had been unheard of in

ILLUSTRATION BY JASON HAYS



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the past and what followed was as American as apple pie: lawsuits.

The Omaha Angles

The stated motivation for studying the *Course* is peace. To find peace, forgiveness or changing our perception of the values we place on things of the material world is necessary. It was ironic then, that in 1999 the new owners of the ACIM copyright, FACIM, Wapnick and his wife Gloria, became embroiled in a contentious lawsuit with a community in Wisconsin known as the Endeavor Academy, comprised of longtime students of ACIM. Here were two proponents of a course of study that teaches peace and is believed to be channeled from the Prince of Peace Himself and they were acting anything but peaceful.

What transpired was that in April of 2004, a Federal judge set aside the copyright that had been granted to Foundation for Inner Peace back in 1975. *A Course in Miracles* entered the public domain. Omaha attorney Tom Whitmore was a major energy leading to that historic ruling. He and the group he formed to further the free use of ACIM have also been involved in litigation with the Wapnicks and FACIM.

Shift happens

Whitmore began studying the *Course* in 1992.

"It was the bookstore angels that did it. I was in Pegasus Bookstore one day, browsing," said Whitmore. "I was in the spirituality section and the thing basically fell off the shelf and landed on my foot. I don't recall if that's literally true but I've told the story so many times now that it seems like it is. I didn't know anything about the *Course* nor had I ever even heard of it.



TOM WHITMORE.

"The book was wrapped in plastic like a *Penthouse* or something and I bought it. I brought it home and I opened it to the introduction and I read that first paragraph and it just seized me."

A Creighton graduate and a practicing attorney in Omaha since the mid-70s, Whitmore recognized the importance of access to the material contained in ACIM. Groups had used parts of it in teaching for years.

"When the *Course* first came out, [the original publishers] were allowing people to publish excerpts from it and artists to use phrases and so on," Whitmore added.

Things changed when the copyright shifted from the Skutch's Foundation for Inner Peace. It's a murky story why that happened in the first place.

"The story put out to the world was that Judy and Robert Skutch were getting on in years and it was time to pass the torch to the next generation. At least, that was the way they spun it," Whitmore recounted. "But I believe there was some infighting going on. Gloria and Ken Wapnick were agitating for tighter control of the *Course* and tighter enforcement of copyright. I've heard from insiders that Skutch basically just threw her hands up and said, 'You guys do it. I'm not going to have any part of this.' That is what I understand.

"And that resulted in commercialization of the *Course*. As soon as Wapnicks got control of the copyright, they entered this multimillion-dollar contract with Penguin Books for publishing and

Penguin began a campaign to proselytize the Course in the world.

“Gradually [FACIM and Wapnicks] began to tighten the process until even what we consider fundamental fair use was restricted,” Whitmore said.

Contention escalated into the inevitable lawsuit. A fateful demonstration of pride started the ball rolling.

Oops!

“It’s a series of lawsuits, really,” explained Whitmore. “One was brought [against] the New Christian Church of Full Endeavor in Wisconsin Dells, Wis., also known as the Endeavor Academy.

“Endeavor is a Course-based community. They have residential facilities and what I would call graduates of that residential program who are out in the community and have jobs but are still centered around the Academy.

“Endeavor printed materials from ACIM to help with teaching programs. For example, they took lessons from the Workbook and printed them in booklets with places for notes. They have done teaching videos, audiotapes and printed material.

“They had done a printing that contained extensive ACIM quotations and teachings around that material. They weren’t selling it or anything. They were giving it away to their students.

“One day, they proudly sent a copy off to Wapnick at FACIM. It was ironic in a way, because they really just wanted to show him the kind of work they were doing. That was apparently the wrong thing to do because when Wapnick received it, he turned around and sued them for copyright infringement. That is the beginning of the litigations.”

Part 2: The ghost of Rosemary Woods or the Case of the Lost Tapes

Part of the contention of the Endeavor Academy legal team was that *A Course in Miracles* is the word and teaching of Jesus and therefore, as channeled information, is public domain. Although some case law supports that contention, it turned out not to be the strongest argument.

The word of Jesus wasn’t enough but divine intervention may have played a part.

To challenge the copyright, Endeavor Academy eventually chose to assert that the copyright should be voided since so many copies of the Course had been disseminated in various forms prior to copyright filing. At least four versions existed and were distributed without restriction before the first 1975 copyrighted edition. One of the reasons Endeavor chose that defense was because of the discovery of some compelling evidence.

“That [it was channeled] was the thrust of Endeavor’s defense in the beginning,” Whitmore said. “They thought that was a pretty good argument. I don’t want to claim credit for putting the winning argument in their hands because I think they had it before. I do suppose I would claim that I had influence on them focusing more energy on that prior publication issue than they had previously. When they had the summary judgment hearing in 2002, the judge threw out all claims other than the premature publication claim and left that one issue for trial.”

That turned out to be the key legal point and it wouldn’t have worked but for two crucial pieces of evidence. One was the prior copy given to Hugh Lynn Cayce, now called the HLC text, two years before the 1975 copyright.

“Without naming names,” Whitmore demurred, “one of the publications of the

Course that was a cornerstone of Judge Sweet’s opinion that the material had already gotten into the public domain was a complete copy of the *Course*, all three volumes, that Bill Thetford had sent to Hugh Lynn Cayce at the Cayce Institute in Virginia Beach, Va. in 1973. That three-volume set ended up in the library at the Cayce Institute where the public could view it.

“In 1999, a person, or persons, unknown went to that library and withdrew the only remaining volume, the Text portion; took it to a Kinko’s, copied it and brought it back,” Whitmore revealed. “Some say it was done without the approval or knowledge of the librarian on duty; some say otherwise. Nevertheless, a copy of the Hugh Lynn Cayce text got into the hands of some people who transcribed it and put it on the internet.”

To recap the madcap path of miracle texts

“The first version, of course, was the handwritten steno books that Helen wrote down herself [publication 1],” Whitmore related. “From her dictation of those, Thetford typed a triplicate carbon set. That transcription of 2000 pages is called the Urtext [publication 2]. That was subjected to some editing by Bill and Helen correcting grammar and such. That Urtext is now lodged in the Copyright Office and Dr. Wapnick claims, I believe, personal copyright on that material as ‘Schucman’s unpublished notes.’

“From that Urtext, Thetford added headings and chapter breaks and edited out a lot of the personal material. He bound that in what are often called ‘thesis bindings’ and he sent a copy like that to Hugh Lynn Cayce. That is known as the Hugh Lynn Cayce (HLC) version [publication 3]. I think there were about six peo-

CONTINUED ON PAGE 22

ple, including two at Columbia, who got it.

“The copy retrieved from the Cayce library and submitted for evidence was one of those typewritten versions. I have a photocopy of that original version. That is the version posted on the internet in December of 1999.

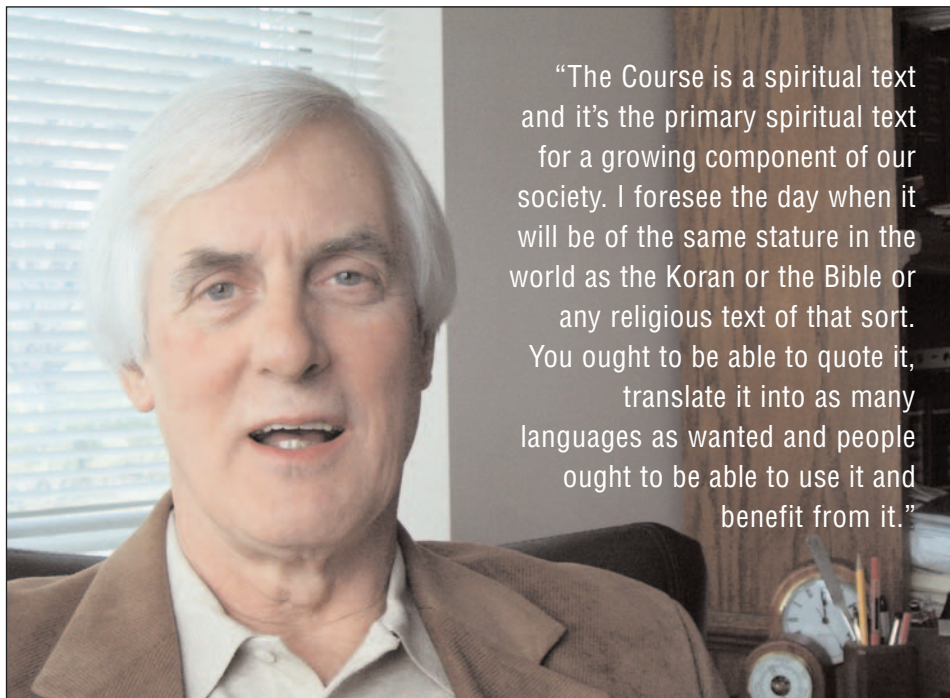
“When Wapnick got his copy of the HLC version back in 1973, he said to Schucman that it seemed rough and she agreed. So they did some editing on that one. *That* edited version became the so-called “Nun’s Version” [publication 4] because it was retyped by Maryknoll nuns. That was the version that was photo-reduced and published as the Criswell edition [publication 5]. It was named such after the woman who helped get it printed. That version was the first one that had a notation of copyright on it.”

The copyright Wapnick eventually acquired in 1999 was based on the 1975 copyright application submitted by the Skutch’s and the Foundation for Inner Peace for that Criswell printing. In the lawsuit, Wapnick, with supporting testimony from Judith Skutch, maintained that the earlier versions prior to the 1975 printing were working manuscripts that existed only in a small number.

Judged Judy and the smoking tapes

Establishing that there were previously distributed copies of ACIM floating around long before the 1975 version was a crucial part of the Endeavor Academy’s defense. The copy of that HLC text was important for that. But an even more compelling piece of evidence seemed to seal the deal. An audiotape was discovered that held the voice of Judith Skutch from a lecture she delivered sometime in the 1970s.

“We had already begun to assist the



“The Course is a spiritual text and it’s the primary spiritual text for a growing component of our society. I foresee the day when it will be of the same stature in the world as the Koran or the Bible or any religious text of that sort. You ought to be able to quote it, translate it into as many languages as wanted and people ought to be able to use it and benefit from it.”

Endeavor Academy on their legal case,” recounted Whitmore. “An interesting story that involves an important piece of evidence involves Joy Steadman from Omaha. She was a member of our group, A Course in Miracles Society, and she was traveling to visit her sister in Arizona. She stopped at a friend’s house, a fellow *Course* student, in Santa Fe.

“She learned that one of the people there, a fellow named Lee, had recorded a Judy Skutch presentation about the Course in Miracles back in the middle 1970s, when the ink was still wet. Lee recalled that in that presentation Skutch had talked about all the enthusiastic copying and distribution of the Course prior to the time the Criswell text had been printed. Now, realize, that is an important point about prior distribution.

“Lee thought he had a copy of that tape. Well, after a few days, he went looking and found it.

“On that tape, you hear Judy Skutch around 1977 saying, ‘Oh, yeah! We print-

ed hundreds of copies of that thing. That’s why we had to print the Criswell because the demand was so strong for it we couldn’t keep up with it at the Xerox machine. Can you imagine a nickel a page?’ The court hearing her own voice saying that was a pretty persuasive piece of evidence for Judge Sweet that there had been prior unrestricted distribution.

“Lee, the man from Arizona, traveled to New York to authenticate it and that was important. In court depositions, Skutch claimed that it was just ‘sales talk,’ hyperbole.

“You know, the story of this legal action is full of miracles. Finding that tape was one of them,” Whitmore smiled.

The Omaha beef

Whitmore received a copy of the early HLC text.

“I didn’t know what it was when I got it. I eventually opened it and saw how dif-

ferent it was from the popular 2nd edition that is in bookstores that I had been studying for 10 years or so,” Whitmore said.

“In the first four chapters [the HLC text] contained 25% more material than the [bookstore] editions. Some of it was pretty significant to me. Some was subtle and some changes in emphasis and nuance and some of it was absolute change in meaning.

“I thought, ‘We need to get this out.’ So we created a non-profit corporation. There were a lot of collaborators in this process. We had people on four continents in the group, called Course in Miracles Society.

“By spring of 2000, we took the internet version of the HLC text and had it reproduced in print form, easier to deal with than an electronic file and we published it as the *Jesus’ Course in Miracles* (JCIM). It was bound and contained the entire HLC 31 chapters plus an appendix that compared the HLC version to the published [bookstore] 2nd edition.”

Of course, publishing that version opened Whitmore and his group to legal interaction with Wapnick and FACIM.

“We printed 1500 and within a couple weeks had mailed about 500 to people who wanted it and then were hit by an injunction and had to stop.

“Two things happened. When we published, we filed a lawsuit in Federal court in Omaha seeking a declaratory judgment that the copyright was invalid and unenforceable, which would permit us to continue our publication. Four days later, FACIM, Dr. Wapnick’s organization, filed a lawsuit against us in Louisville, Ky., where one of the directors resided, claiming an infringement on their copyright. So we had these Federal court cases pending. They prevailed on the judge in Louisville to issue an injunction prohibiting us from

distributing pending this litigation. Eventually they got the Nebraska case transferred to Louisville.

“Our case is still pending but we’re on the cusp of settlement. We have a settlement agreement in our hands that has been verbally agreed upon between the two sides. It hasn’t been executed yet. The terms will have to remain confidential under the agreement itself but it will allow us to resume publication.

“The outcome of our case has been dictated by the setting aside of the copyright. And because [the Endeavor] case was further along than ours, we kind of put the brakes on our case and focused our energy on assisting with their case, providing them with the witnesses we had and the information that we had.”

Judged Wapnick

After FACIM gained control of the *Course* copyright, it seemed to become like any other book. *Course* students don’t think of ACIM like that.

“It’s the commercialization of it. [FACIM] treat it like a bag of Fritos™ and then they try to put a copyright on the material and then put a trademark on the name, of all things,” continued Whitmore. “They are trying to trademark the title of the book. That’s the last part of the Endeavor Academy suit that still has to be decided, the validity of that trademark. I think that will be thrown out, too.

“It’s the proper name of a book and case says you cannot copyright a proper name like that unless it has gained secondary meaning for the works of the author. Nobody associates *A Course in Miracles* with FACIM, the seekers of the trademark. Ask the man on street who Ken Wapnick is and they won’t know. And if you ask them to name a person they associate with *A Course in Miracles* they’ll probably say Oprah or Marianne Williamson rather than the foundations or

individuals involved in them. So I think they have a pretty impossible task of trying to show secondary meaning.”

Students of the *Course* believe its content should be free to reprint. Whitmore explained the importance of this landmark copyright decision.

“People like to quote the Bible and they like to quote extensively from it,” Whitmore pointed out. “The *Course* is a spiritual text and it’s the primary spiritual text for a growing component of our society. I foresee the day when it will be of the same stature in the world as the Koran or the Bible or any religious text of that sort. You ought to be able to quote it, translate it into as many languages as wanted and people ought to be able to use it and benefit from it.”

And the Omaha version of the *Course*?

“They’re here in Omaha, under lock and key. When the court dismisses the case we’ll release them,” Whitmore asserted. “We’ve got people wanting them.”

“All things work together for good.”

– Text, Chapter 4

If Wapnick’s lawsuits and restrictions on the use of the words in *A Course in Miracles* had not happened now, the status quo (i.e., somewhat limited and allowed use of ACIM content, done with a wink and a nod but no officially granted freedom) may have continued for years. Who knows? Years down the road, if restrictions and lawsuits materialized then, perhaps no copies of previously published versions of the text or dusty audiocassettes may have existed. Defendants in any lawsuit then may have claimed prior publication, but without evidence, it would have been hard to prove. Now it’s done. Jesus got his copyright back. 