

February 1, 2005

Commentary — From the Margins
Published & Produced Without Written Permission
A Sudy Explanation from Port Austin

Midsummer 1996, John A. Murray telephoned, and asked permission to include a portion of *At Abby Creek*, a 109 stanza long sonnet cycle I wrote while in graduate school, in an anthology he was then beginning to compile. I gave him verbal permission to use as much of the poem as he desired. He said he would send the necessary copyright paperwork, but I didn't receive any correspondence from him during the remainder of 1996 or for all of 1997. I suspected he had changed his mind about using the poem. By 1996, two publishers had suffered bankruptcy after accepting, or while seriously considering the cycle for publication. So even though the cycle had been nominated for a Pushcart, I had quit circulating the cycle, which seemed destined not to appear in print. Thus, I was surprised when my wife, in December 1998, found that twenty-four stanzas of the poem were in Murray's *Best of 1998 Nature Writing* (Sierra Club Books) anthology.

Midsummer 2004, Elizabeth A. Drieman, an aspiring songwriter, allowed Norman Scott Edwards to use six of her songs in a then forthcoming music camp, during which a CD would be made and distributed. She gave only verbal permission. Thus, on October 17, 2004, Elizabeth Drieman, 20 years old, home schooled and the daughter of Paul Drieman, founding member of the Port Austin Sabbatarian Church Community (PASCC), sent Edwards a letter in which she asked Edwards to acknowledge her as the author of the songs which Edwards had recorded, produced, and distributed during his Feast of Tabernacles conclave. She wrote, "I would deeply appreciate it, for my peace of mind, if you would sign a paper reassuring me that your intentions are honorable, and that you will not try to use these God-given songs for any personal gain and that you will acknowledge to all who ask that these songs are, in all respects, mine" ([letter of 10/17/04](#)). She wrote because both the title of the CD Edwards produced and five of the fourteen songs on CD Edwards produced are her intellectual property. Edwards was distributing the CD in exchange for an unspecified donation that went into his Church Bible Teaching Ministry (CBTM) checking account in Regions Bank, headquartered in Birmingham, Alabama.

Finding that Murray had published nearly a fourth of my sonnet cycle with only verbal permission to do so upset me—I certainly could have used the publication credit on job searches during 1997 and 1998. So I was disappointed in Murray, whom I knew well enough to consider a friend. If I hadn't considered him a friend, I probably would have said more to him than I did. As it was, I sent him a letter authorizing his use of the poem, and Sierra Club Books sent me a copy of the anthology. However, I chided him for his professional sloppiness.

Finding that Edwards had distributed the CD he produced, with help from Anna Delong, with only verbal permission to do so had to upset Ms Drieman. In her letter of October 17th, she wrote, "I do feel the need to let you know that I am

disappointed in the fact that on two songs the notes don't follow the original way I sang them." In fact, on two songs she is completely left off. Her voice track was "lost," according to Edwards and DeLong's verbal statements. However, overall, Ms Drieman was satisfied with the production of her songs. She wrote to Edwards, "[Y]ou did an excellent job and the songs sound great."

Finding stanzas of *At Abby Creek* in Murray's anthology wasn't the first time my writing had been published without the formality of written permission. During Feast of Tabernacles services held in Anchorage, Alaska's Captain Cook Hotel in 1983, I was asked to sign an article I had written that appeared in the then current issue of *Alaska Outdoors* magazine. Although I knew nothing of the article's publication—and I certainly hadn't been paid for the article, which I had sent to another magazine, and which was published by that other magazine (*Salmon, Trout, Steelheader*)—I signed the article, then contacted the magazine's publisher. A check was forthcoming, so the magazine's use of intellectual property without permission was not pursued.

Therein is where my experience of having intellectual property used without the formality of written permission differs from the experience of Elizabeth Drieman's: when I contacted Murray, John did what he could to immediately rectify the problem. When I contact *Alaska Outdoors*, the magazine had a check to me within days. On both occasions, error was acknowledged and remedy was forthrightly undertaken. But when Ms Drieman wrote Norman Scott Edwards, Edwards replied, "I realize that you were not here for the music camp so you did not hear what we had to say about rights to the music, etc." (from [Edwards letter to Elizabeth Drieman](#), dated October 29, 2004). Edwards reply continues:

We talked for some time about how Christian music has become a money-maker, with profits more of an interest than making it easy for people to praise God. We are not going to sell the CD's that we make. Our goal is to distribute them free of charge and to allow other people to copy or perform them without charge. [paragraph break] The last group of songs that we put on a CD contained the following statement: *All selections are © copyright 2004 by their authors and composers. Permission is hereby granted to copy, perform or record these selections provided all performances and products are free of charge.* [paragraph break] The same statement will be included on any CD that contains your songs.

Edwards gave her songs away. Anyone now can, with a request to Edwards for a free copy of the CD (and an offering given to Edwards), use Ms Drieman's songs as long as the songs are performed *free of charge*. But Edwards does not have the right to give permission to use her songs to anyone! It is questionable whether he ever had the right to use her songs in the first place.

Elizabeth Drieman might or might not freely grant permission for one-time use of her songs to anyone so requesting permission. That prerogative is hers, and hers alone. That is not a prerogative that can be assigned by a third party. Therefore, Edwards has usurped authority that was never his, and he has used

this usurped authority to transfer the intellectual property of Elizabeth Drieman to anyone who might want to use her songs sometime in the future.

The schism between the four trustees here at Port Austin surfaced when Norman Scott Edwards usurped authority that was not his to file a revised real estate contract with only his signature. He appropriated the real assets of three other men and made them his through an unauthorized trust agreement allegedly authored by Peter Kershaw of Branson, Missouri. Edwards did to Elizabeth Drieman's father (and to Philip Frankford and Terry Monte Williams) what he did on a smaller scale to Ms Drieman.

Theft of intellectual property is an issue that recording artists and the recording industry fought throughout the period when Napster was aiding the free distribution of MP3 music files over the Internet. It is an issue with which the software giant Microsoft wrestles. It is an issue that clouded U.S.-China trade talks. And it is real theft, just as much so as is theft of bicycles or automobiles. A home burglar is no more of a criminal than is the music pirate who produces or distributes records, tapes, or CDs without the permission of the recording artists and the song writers.

But most thieves are honest enough criminals to sell (pawn or hock) what they have stolen. Most women of ill repute sell their favors. The ancient nation of Israel, however, according to God, played the whore but paid her lovers (Ezek 16:33-34). And Edwards has followed the path of ancient Israel. He steals or misappropriates another person's property, then gives it away in the name of God (with donations accepted by Edwards, of course — donations made to the PASC ministry at Port Austin went into Edwards' personal CBTM Regions Bank account throughout the summer and fall of 2004).

Upon receiving Edwards' response to her October 17th letter, Elizabeth Drieman wrote to Edwards, "I must begin by saying that I suppose I didn't make my wishes clear enough in my last letter to you. I'm not just worried about my songs being used for personal gain, I am also worried about my songs being used with the wrong motives and intentions...I respectfully request that you stop all use of my songs and I ask that you send back all copies of all the words" ([letter dated December 8, 2004](#)).

Used with the wrong motives and intentions—were ancient Israel's motives and intentions to serve the God of Abraham, Isaac and Jacob when the nation sacrificed its firstborn sons and daughters (Ezek 16:20) to Molech? Actually, they were. When the elders of Israel inquired of the prophet Ezekiel about why calamity had befallen the nation, God said that He would not be inquired of by them (Ezek 20:3). God went on to say, "Moreover, I gave them statutes that were not good and rules by which they could not have life, and I defiled them through their very gifts in their offering up of their firstborn, that I might devastate them. I did it that they might know that I am the Lord" (*vv. 25-26 ESV*).

Because Israel in the nation's youth went after other lovers, other gods, the Most High God gave the erring nation statutes and rules that would devastate the nation. He did it. God gave them rules for how they should sacrifice their firstborn, not that He ever intended them to do so (Jer 7:31). But because the

nation borrowed the practice from its heathen neighbors, God commanded that the nation should wallow in this abomination until it was destroyed. His hope was that the nation would see its ugliness and turn toward Him, repent, and begin to live by His statutes, commandments, and decrees. This hope was not fulfilled on a national level.

So far, Norman Scott Edwards has not seen his ugliness before God. He, like the nation of Israel before him, is slated for destruction. Spiritual Babylon will lay seige against him, and will systematically devour him, and all who are with him. The fire in Dorm #3 is only the beginning, for during the fire Edwards hollered, *Arson, arson*, loud enough for the fire to be investigated by the State Fire Marshall's office. That office's findings will, most likely, bring heavy fines against Edwards for placing young people in harm's way without required precautions. Plus, the continued unraveling of where and how Arthur Hawkins' assets were concealed will, most likely, make future support of Edwards too risky for Hawkins and his representatives. They will, most likely, have to let Edwards go, just as they have let others covering the property here at Port Austin go. Only, Edwards now has a Warranty Deed that he shouldn't possess. So Hawkins' representative will have to overturn the bogus revised land contract and unauthorized trust agreement—they can easily do so, for Warwick Potts signed all agreements for ELBI, and his signature probably does not obligate the tax exempt corporation to anything. It seems that only Cindy Hawkins' signature is valid.

When I learned that my work was in print unbeknownst to me, my first impulses were, perhaps, testosterone driven. Elizabeth Drieman has handled the misappropriation of her songs very well. She presents herself in her letters in a mature Christian manner, and as a credit to her father and mother. The shame is that Edwards' response was less than what John Murray's or *Alaska Outdoors* magazine's were. They acknowledged unprofessional ethics and wrongdoing when both were brought to their attention.

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