

PEOPLE'S REPUBLIC OF ELMIRA, NEW YORK
Judge fines Christians for praying in Public Park and threatens jail if they do it again
by James Sundquist

I thought you would be interested in knowing about the results of the trial on Friday Feb 29, 2008 where seven Christians were charged with disturbing the peace in July of 2007. The charges had been dropped on three of the seven, but the remaining four asked for a trial. The judge fined the defendants \$100 each plus \$95 each for court costs. In addition, all seven defendants who were arrested are on probation. The judge ruled that if they go back to the park again and do the same thing (pray prostrate on the ground on public property), they will be arrested and go to jail. I just returned from the trial of the four remaining Christians who were found guilty of praying in a public park in Elmira, New York.

The trial lasted 5 hours. The judge's ruling is literally mind-blowing, because he ruled Julian Raven's group could mingle in the event, the presiding police officers said they could mingle, the gay-pride event sponsor said they could mingle, and the speaker on the platform told the crowd from the nearby stage to let the protesters do what they wanted to do and not to worry because the police have everything under control. But this request by one of the Gay Pride event speakers went unheeded by the arresting police officers. In initiating an arrest, how did the Officer Moyer know that the defendant's intent was to pray while lying on the ground? And if so, how is that a justification for arrest? The judge, in fact, ruled that he did not like the praying posture of the defendants. So, how did he know that praying is what they were doing in order to back the action of the arresting police officers? In the end it was the police who disturbed the peace and should be disciplined for disorderly conduct and not keeping the peace and fomenting a possible riot. The police were so worried about what seven unarmed protesters might do in this public park who complied with the police officer's order to not confront anyone personally or speak, yet took no action against any of the angry participants of the few hundred event participants, far outnumbering the demonstrators. The defendants had actually obeyed the police Officer Moyer (though her orders were unlawful). They remained silent in and around the Gay Pride event, they personally confronted no one and did not even speak or retaliate to hecklers who were yelling at them. Why weren't the police concerned about a riot that could ensue because the agenda of the event organizers was to force their agenda on everyone in the park with loudspeakers (the defendants didn't even have), so that even the general public who just happened to be in the park that day were compelled to hear the Gay Pride speeches whether they chose to or not. And how did the police even know how many gathered around the event were even Gay Pride participants? I used to live in New York City where spontaneous performing events were happening all the time...sometimes hundreds of people who were just curious would wander in or be drawn in because they wondered what was happening. What would happen to them if any of them happened to be wearing the wrong T-shirt and/or were lying down too? Officer Moyer became unhinged when she heard someone yelling. But couldn't even hear what the yeller was saying. Also, with the music blasting she could not have heard what the shouters were saying anyway...she just rushed to judgment. How did she know that it wasn't two Gay Pride participants...one yelling at the other because they did not show up last week to mow their lawn? The prosecutors argued that the police must act this way or there will be anarchy. But the reality is that if all police act this way, there certainly won't be anarchy, but the United States will become a police state. Arresting activist police officer Moyer acted as though she had the right to redesign the First Amendment and render and act on a personal opinion not even Supreme Court Justices would even dare to tread, let alone, a local traffic cop. Julian Raven did not even have to tell

the police officer what he was going to do in the park. He did so out of courtesy to allay any fears of their intentions and that they were not a hate group. Had Julian Raven simply exercised his First Amendment in the park, would the Officer Moyer still have arrested them? In either case, where did she obtain this authority or permission to trash the First Amendment and take it upon herself where in the public park it could be exercised? And by what authority does Officer Moyer arrest anyone who did not confront anyone and in fact remained silent up through the arrest? This was totally lawful non-violence peaceful demonstration. Officer Moyer needs to look up the **definition of "Confront"**:

confront (kən-frŭnt')

v. **confront ed, confronting, confronts**

v.tr.

1. To come face to face with, especially with defiance or hostility: I wish to confront my accuser in a court of law. <http://www.thefreedictionary.com/confrontative>

So where and when did Julian Raven or any of the defendants come face to face with any of the gay event participants? Answer: NEVER! Officer Moyer is a poster child for who not to have as a peace officer, particularly in light of the fact that she perjured herself by testifying before the court and the judge that the defendants were allowed in the park to the event when in fact she had barred them from entry and even protested that they had disobeyed the direct orders of a police officer when they went ahead and entered the park. In a brilliant stroke by Joel Oster, the defending counsel, he caught Officer Moyer red handed in pointing out to the court that her testimony in the trial directly contradicted her own sworn testimony. The contradiction in her testimony should have been obvious to everyone! Then the judge should have cited Officer Moyer on the spot for perjury. When the judge disregarded the motion to dismiss on that fact alone and he quashed the witness who could have testified to the fact that Julian Raven's previous behavior in the same public park was peaceful and non-confrontative and would also have been able to testify whether or not he observed anyone every lying down in the park in the summer, it became clear how he was going to rule. Julian Raven's historical behavior in the park where he was a regular visitor, conducting peaceful evangelism, was most relevant to this case because it was just one more in a series of being an evangelist. If anything, Julian Raven and his colleagues did LESS, and in fact NO out loud preaching or witnesses to the public or event participants, then he had in previous visits to the park. In fact, they never even had the opportunity for one on one conversations with event attendees.

The deal closer for the judge was that he didn't like the posture of their praying. He ruled that the fact that they prayed laying down on the ground was "reckless" endangerment.

So in one stroke of the pen, this judge effectively overturned the Rosa Park's case which launched the civil rights movement...i.e., you can sit here, but you can't sit there on a public bus. The court was also hypocritical because the event celebrated diversity of lifestyle and costumes you wear...that is unless you are a Christian wearing a T-shirt proclaiming Christ crucified. So stifled was their free speech, the defendants never even really exercised their free speech on public property. They were arrested for praying silently...a real death blow to the First Amendment and certainly to the defendant's civil rights which were totally violated. The ramifications for this verdict are staggering. Christians can't only not speak in the public forum, they can't even remain silent. God help any other Christian who wants to

carry out the Great Commission in the public forum, but gets arrested because a judge doesn't like their praying technique or posture!

Also see: World Net Daily's March 1, 2008 article "**Christians ordered to pay big bucks – for praying! Lawyer plans appeal of convictions for disorderly conduct at 'gay' fest**"
<http://www.worldnetdaily.com/index.php?fa=PAGE.view&pageId=57757>

and Associated Press:

Gay Pride protesters found guilty

03/01/2008 06:44 PM

By: AP Wire Service

ELMIRA, N.Y. -- Four Christian protesters are found guilty of disorderly conduct at a Gay Pride festival. Julian Raven, Maurice Kienenberger, Gloria Raven, and Walter Quick protested the festival in Elmira last June by wearing T-shirts and lying down in front of the stage after police ordered them to stay in a corner of the city park.

The defense lawyer argued the arrests violated free speech rights, but a judge agreed with prosecutors that their actions threatened public order. All four were sentenced to pay \$100 in fines. An appeal is planned.

One of the defendants is still a member of Southside Alliance Church. And do you think their pastor John McConnell was present? No...even though the church is only blocks away. This is just the latest chapter and latest example of the theology of abandonment practiced by the C&MA, on the heels of their abandonment of the Chinese Christians in Colorado Springs, whose church they closed then absconded with their property. Approximately three thousand emails were sent out to C&MA pastors and workers, informing them all of this travesty. The response and lack of response was astounding. Only five out of three thousand show any concern whatsoever for the plight of the Chinese Christians. Two out of these five wish to remain in hiding for fear of retribution by their pastor or district superintendent. Most of the responses were pastors retaliating against me for exposing this deed of darkness. Almost all of those pastors who retaliated against me did not even bother to read the full report. So brainwashed are the pastors of the C&MA by its leadership at its headquarters and district superintendents, that 99% of these C&MA pastors did not repent for promoting Rick Warren, Purpose Driven Church, forced covenants, compulsory personality profiling divination for workers and missionaries, Church Growth Movement propaganda, or any other false teachers, and punishing non-compliance. So Mr. McConnell has been well groomed to march lock-step and toe the party line, along with almost all of the other C&MA pastors, that his treatment of the Ravens came as no surprise, mirroring the treatment of the Chinese Alliance Church members in Colorado Springs. Assistant Vice President, Daniel Wetzel had a hand in the demise of the Ravens in Elmira, New York, and circulated a letter bearing false witness against me regarding the release of the story about the Chinese Christian Alliance Church. And none of this mattered to pastors and workers in the C&MA.

For Press Release see:

see: **CHRISTIAN & MISSIONARY ALLIANCE NAMED IN CONSPIRACY LAWSUIT FILED**
at:

<http://www.abrahamic-faith.com/James/CMAChinesePressReleaseSatATTNYC&MAPDF.pdf>

For Full Report:

<http://www.abrahamic-faith.com/James/CMAChineseHijackingTOCPDF.pdf>

(See Appendix M for report on Pastor John McConnell, Southside Christian & Missionary Alliance)

The mayor spoke at this Gay Pride event celebrating homosexuality in which he endorsed them. Yet he said on the witness stand he represents all of the citizens of Elmira. So while on stage he missed a golden opportunity and was derelict in his duty to announce to the crowd that he also represents the protesters right to be there too (even if he personally disagrees with them). Also this was a summer day in July. The prosecutors loved to trot out their Google Satellite photos of the park and point out where the protesters were lying down. It would have been common for many people in the public park to be lying down to get a suntan or just to relax. Why didn't the police arrest any of them? It is common for attendees of rock concerts in parks to sit crowded right up to the edge of the stage. But at this small scale event, there was plenty of open grass area in front of the stage to sit or lie down. So the protesters saw open grass in front of the stage to lay down. What is wrong with that? And no speaker or usher asked them to move away from that area. When Police Officer Moyer arrested the seven Christian protesters for supposedly disobeying her orders to not confront any of the event participants, they were not actively engaged in any confrontative behavior, or were they in any threatening posture. In fact, the defendants were in the most nonthreatening posture that was possible...faced down fully prostrate. This is the most desirable, and, in fact mandated posture for police when they decide to arrest a citizen. The judge was also worried about the safety of the children. So where was the threat to public safety here coming from the defendants? How are children endangered when the defendants are in the most possible unantagonistic nonthreatening posture possible...flat on the ground? This is "reckless behavior"? How can being totally silent, lying on the ground, faced down be construed as "disorderly conduct"? The judge has totally redefined the definition of "disorderly" and made a mockery of the statute. It was the judge who had total disregard for the law. It was the judge who was reckless, not the defendants!

The Gay Pride event organizer from Park Church testified in the trial what the nature and purpose of the event was, when she stated that it was to:

"celebrate diversity in who we are, whoever we are"

She even confirmed that Christians could come as part of the invited public and mingle. The advertising confirmed this, and the permit the secured confirmed this. So the police should have known this. So the public would not necessarily know that there are any boundaries in the park which are off limits to guests or participants, including the area in front of the stage where the Christian protesters were lying. There were no ropes or barricades. And no public access was impaired or

blocked by the defendants. And there certainly is no city ordinance stating that there is some area in the public park where citizens can not lie down. If celebrating diversity is the theme of this event, then why did one of the witnesses for the prosecution call the Christian defendants “ding ding bells”? Wouldn't they also be good candidates for celebrating diversity? The gay participants cheered when the Christians were arrested. But aren't Christians part of the public who should also be tolerated and celebrated for their diversity?

I hope in the Court of Appeals, that Joel Oster of the Alliance Defense Fund will grill the police officers about their views of Christianity, to balance the prosecutors badgering the witnesses who were the defendants about the Bible. The prosecutor had rebuked Julian Raven for not being like Jesus who made himself of “no reputation”. So why didn't the prosecutor ask the Gay Pride event organizer why they were going out of their way to make a public spectacle to promote the gay agenda? Why couldn't they be more nonthreatening, instead of promoting their agenda with loudspeakers and possibly antagonizing citizens in the park who are not interested in their message? In other words, the prosecutor wants Christians to make themselves of no reputation, but it is OK and even applauded if gay event organizers sponsor and event participants make a public spectacle reputation for homosexuals.

In the Court of Appeals, in Chemeung County, I hope that Joel Oster, the attorney for the Christian defendants will ask these questions of the Gay Pride event organizer and police officers:

"I note that you just swore on the Bible before you testified. Are you aware that the Bible you just swore on condemns homosexuality in both the Old and New Testaments?"

"And since you have now chosen to uphold that Bible, why would you want to arrest people who are quietly protesting what God condemns that you just swore to uphold?" "Why would you want to arrest people who actually believe the Bible you just swore on and wish to share that message in a public park?"

And ask the arresting police officers:

“Did you make any attempt to simply walk up to the protesters lying down and simply tell them that they had to move and simply escort them away from the area...after all, you are the ones with the weapons to easily enforce this request? “ “Did you ask those in charge of the event if the protesters should be escorted away?”

And again ask the Gay Pride event organizer these questions:

“Is it OK for revelers to stand at your event”? “Is it OK for revelers or minglers or non-event participants to sit at your event?” “Is it OK if revelers, minglers, general public you invited, the general public who didn't even know why they were there, but just wandered in, to lie down on the ground?” “And if no one was informed, was there any printed program or announcement made to those gathered that this behavior was not permitted and not to be tolerated, so they would at least have the opportunity to comply?” “Was lying down spelled out in the permit you secured?”