THE CONSPIRACY AGAINST THE MONASTERY

Statement of the Facts:

Enclosed below are facts and statements related to The Universal Life Church Monastery's unconstitutional closure. The facts will show that the police, the city and the prosecutor treated black people and gay people, as a pattern and practice, with prejudice and violation of federal statutes and constitutional law. Even to the point of refusing to allow a jury trial to hear the facts in this matter, after a demand had been made and paid for. This matter is presented to the presiding judge assigned to monitor and handle complaints in relation to Seattle's consent decree in accordance to US Justice Department's overview.

A. RCW 7. 48.050-100 IS UNCONSTITUTIONAL BY BEING IN VIOLATION OF THE FIRST AMENDMENT AND PURSUANT TO THE SUPREME POWERS OF THE FEDERAL COURTS BECAUSE OF OVERBREADTH AND VAGUENESS

B. ABATEMENT OF AN OTHERWISE LAWFUL BUSINESS ACTIVITY IS NOT APPROPRIATE UNLESS THERE HAS BEEN A SHOWING THAT LESS DRASTIC REMEDIES WOULD NOT BE SUCCESSFUL.

In the case of Mathewson v. Primeau, 64 Wn 2d 929 (1964)required the Trial Court to deny Maleng's request for injunction. There the State Supreme Court stated:

"A lawful business will not be enjoined without a showing that it is impossible or impracticable to eliminate its offensive features."

Nowhere did Maleng infer, nor does the record in this instance bare any undertaking or offer, to work with the Church to ameliorate the condition Maleng perceived to be a nuisance. The record clearly shows that the Freeman did everything possible to eliminate all offensives features. Never was there any proof, that Freeman or his Church, would in the future promote or allow any of the offensive features referenced in the injunction to continue. Such a requirement is necessary for a perpetual injunction to remain in effect. National Grange v. O'Sullivan Grange, 35 Wn. App. 444 (1983).Omni Group, Inc. v.Sea. 1st Nat'al Bk, 23 Wn. App. 22, 28 (1982) State v. Book-Cellar, Inc 679 P.2d 548,139 Az.525, State ex rel. v. Holm, 685 P.2d 477,69.0r.App.335, Chambers v. City of Mount Vernon, 522 P.2d 1184,11 Wa.App. 357.

The court must compare the identified state interest with the terms of and effect of the injunctive relief. Further, for the injunction to be valid as a restriction "it" must also be **sufficiently clear** that alternative forum exists for the expression of constitutional activity. As stated in Bering v. Share, supra. an injunction imposing an absolute prohibition on a particular type of expression must be narrowly drawn to serve the state's interest, ...even when regulation is justified, it must not unnecessarily interfere with First Amendment freedoms. Schaumburg v. Citizens For A Better Env't, 444 u.s. 620,637,63 L. Ed. 2d 73,100 s.lt 826 (1980) Vision Sports, Inc. v. Melville Corp.,888 F.2d 609 (9th Cir 1989) Balancing hardships. Davis v.City & County of San Francisco, 890 F.2d 1438.(9th Cir 1989).

In United States v. Aguilar, 883 F.2d 622,705 (9th Cir.1989) the court began by noting that a two part test had to be applied in order to determine whether a churches' First Amendment rights were violated. The first part of the test involves a balancing of the individual interest against the governmental interest. The second prong involves

determining whether the least restrictive means available were used. The court said at 1513,

The government may only impinge upon religious liberty by showing that the challenged conduct is the least restrictive means of achieving a compelling a state interest Thomas v. Review Bd. of Indiana Employment Sec., 450 U.S. 707,719,101 S.Ct.1425,1432,67 L.Ed.2d 624 (1981); United States v. Lee, 455 U.S. 252, 258, 102 S.Ct. 1051, 1055,71 L.Ed.2d 127 (1982); Wisconsin v. Yoder, 406 U.S. 205,214-10 107,719,101 tea states Vios 5.11 L. Ed 15,92 S.Ct. 1526,1532-33, 32 L.Ed.2d 15 D(1972); Presbyterian Church (U.S.A.) v. United States, 752 F. Supp.1505,1513 (D.Ariz. 1990) Regarding the second prong, the court in

United States v. Aguilar, said at 1515,

The government, however, does not have unfettered discretion to conduct investigations and law enforcement activities. The first amendment limits the government's ability and authority to engage in these activities when groups are engaged in protected first amendment activities. There are "two limitations on the government's use of undercover informers to infiltrate an organization engaging in protected first amendment activities. First, the government's investigation must be conducted in good faith; i.e., **not for the purpose of abridging first amendment freedoms."** [citations omitted] "Second, the first amendment requires that the undercover informers adhere scrupulously to the scope of the defendant's invitation to the participation in the organization." [citations omitted].

The Aguilar Court fashioned an injunction prohibiting governmental intrusion except under these to conditions. Application of these

principles to the case at bar conclusively establishes that Norm Maleng's exploits constituted a unreasonable violation of the sanctity of the Monastery.

C. RCW 7.48.050-100 WHEN APPLIED TO A CHURCH IS UNCONSTITUTIONAL UNDER THE WASHINGTON STATE CONSTITUTION

From the onslaught of this action, Maleng lacked an interest sufficiently compelling to overcome the religious guarantees of the Monastery Church and its duly ordained chaplain, Freeman. The real scope of Maleng's intervention was commenced to close this church whose teachings were diametrically opposed to Norm Maleng's well-known conservative republican political agenda. Maleng and his fundamentalist Christian confederates objected to numerous sermons wherein Freeman taught that the Christian age of reason had been articulated by Jesus in the Temple at the age of twelve and that the Jewish rite of Bar mitzvah sets forth historical foundation and conclusive direction for self responsibility for mind and body decisions, than contemporary law which is out of synchronization. The undeniable motive of Maleng's veiled assault, was that the straight sons and daughters of Bellevue were being integrated into the church's congregation, subscribing to the Freeman's sermons and beliefs that all people, gay, straight, black, brown and white are intentionally created as such, by the same indifferent God.

Perhaps the most important aspect of privacy is that it confers upon each person the right to be one's self and the right to be left alone while doing so, As Justice Brandeis said in his now celebrated and vindicated dissent in Olmstead v. U.S., 277 U.S. 438 (1928):

The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man's spiritual nature, of his feelings and of his intellect. They knew that only a part of his pain, pleasure and satisfaction of life are to be found in material things. They sought to protect Americans in their sensations They conferred, as against the government, the right to be let alone-the most comprehensive of rights and the right was valued by civilized man.

Churches, as organizations, suffer a cognizable injury when assertedly illegal government conduct deters their adherents from freely participating in religious activities protected by the First Amendment. Cf. NAACP v. Alabama ex rel. Patterson, 357 u.s. 499,463–65, 78 S.Ct. 1163, 2 L.Ed.2d 1488 (1957). City of Sumner v. 1st Baptist Church of Sumner,639, P.2d 1358,97 Wash.2d

Maleng impermissibly painted the Monastery as a **business or club and not a church**. Maleng, Congress and the Courts, are prohibited by the First Amendment from making religious distinctions based on the truth of falsity, orthodoxy or unorthodoxy of religious beliefs. United States v. Ballard, 322 u.s. 78, 86-87 (1944)

"Pursuant to RCW 84.36.020, the Monastery Universal Life Church, Inc. is considered a church by definition of this statue by the Board of Tax Appeals." State Bd of Tax Appeals NO.23959 2/14/84

This state tax tribunal with inherent powers to decide what is or not a bona fide church and or religion declared the Monastery Church a bona fide church after discovering what Melang refused to unveil ... **hundreds of people were housed, fed, and given financial subsistence for medical and educational purposes through the**

years. Municipal Judge E. Joseph Burnstin held on 31 January, 1983, in City v. Freeman, No. 82-113-0028

“.... musical events in the Judgment of the court if the Monastery is deemed to be a church, is an integral part of the religious rites of the Monastery. The admission fee or tithing collected in that regard, it seems to me, is directly analogous to the sales of pamphlets in Murdock and to the passing of a collection plate in a church and the court believes on the basis of Murdock that **the city's attempt to require the Monastery to obtain a business license is an unconstitutional attempt on the part of the city to regulate the religious activities of the Monastery."** Murdock v. Commonwealth of Penn, 391 U.S.105 63 S.Ct. 870,87 L Ed. 1292 (1932)

Our State Supreme Court held that application of a governmental regulation need not have a directly adverse impact upon a fundamental religious tenet in order for it to conflict with the First Amendment freedom of religion guarantee. State v. Meacham, 93 Wn. 2d 735 (1980), Sumner v. First Baptist Church, supra **1. A SHOWING OF CLEAR AND PRESENT DANGER IS REQUIRED**

The scales of all courts must always be weighed in favor of free exercise of religion and the state's interest must be compelling, it must be substantial, and the danger must be clear and present and so grave as to endanger paramount public interest before the state can interfere with the free exercise of religion. State ex rel Swann v. Pack, 527s.w.2a 99 (TN, 1975)

D. SELECTIVE ENFORCEMENT THAT DISCRIMINATES AGAINST CERTAIN CLASSES OF PEOPLE OR CERTAIN POINTS OF VIEW IS UNCONSTITUTIONAL UNDER ARTICLE 1 OF THE WASHINGTON STATE CONSTITUTION

The doctrine of selective prosecution was set forth in Yick Wo v. Hopkins, 188 U.S. 356 (1886). A Chinese national was convicted of violating a San Francisco ordinance prohibiting unlicensed laundries in wooden buildings. The evidence showed that out of 280 applicants, 200 Chinese were denied licenses while 80 non-Chinese were granted licenses The Supreme Court reversed the conviction and ordered the case dismissed on the grounds that the law was used to selectively prosecute and as such, denied him equal protection of the laws. The court said at 373 -4,

Though the law itself be fair on its face and impartial in appearance, yet if it is applied and administered by public authority with an evil eye and an unequal hand, so as practically to make unjust and illegal discriminations between persons in similar circumstances, material to their rights, the denial of equal justice is still within the prohibition of the Constitution.

The elements of religious constitutional abuse, racial discrimination, and invidious homosexual classifications by Norm Maleng and his deputy's are without question! Thus, grounds for elements of a claim of selective prosecution are;

(1) There must be others who are similarly situated who have not been prosecuted, United States v. Wilson, 639 F.2d 500, 504 (9th cir.1981);

(2) The discriminatory selection must have been based on an arbitrary, invidious or impermissible consideration such as race, religion or other arbitrary classification United States v. Steele, 461 F.2d 11 48 (9th Cir. 1972).

In Steel, the defendant had participated in a census resistance movement, publicizing a dissident view of the census as an unconstitutional invasion of privacy He was prosecuted along with three others for refusing to answer questions on the form. At least six others had committed the same offense but background reports were compiled only on those who had publicly attacked the census. The court held that the defendant "demonstrated a purposeful discrimination by census authorities against those who had publicly expressed their opinions about the census". . . and reversed his conviction.

E. THE DEFENDANTS WERE SINGLED OUT FOR PROSECUTION BECAUSE OF THEIR RELIGIOUS BELIEFS, RACE AND SEXUAL CLASS

In the present case, Freeman presented a preponderance of evidence that fully satisfies any challenge of proof, that this never ending injunction is premised upon arbitrary racial, religious and homophobic discriminatory administration of the law. Sexual orientation must therefore be considered a fundamental right under equal protection and due process, requiring the compelling state interest test analysis when sexual orientation is the basis of discrimination or denial of rights and benefits. Meada v. Amemiyam, 60 Haw. 662,668,594 P. 2d 136,140 (1979) The true fact is, the City of Seattle had an ongoing policy to eradicate all gay establishments that allowed gay youth to integrate with straight youths. In September of 1977, Capt. Dale Douglass headed SPD's Vice unit with orders to infiltrate all Gay youth organizations with the intent to try to drive gay affiliations out of patronage. The Monastery was first targeted by attempting to entrap Freeman into being paid "a lot of cash" for use of the church to film a "gay sex film" and further, entrapping Freeman to provide "a chicken boy for a rich California John" who really turned out to be vice officers

acting on behalf of the City of Seattle. Vice was rebuffed by Freeman who released the police report to the media. A Gay teen club "The Association" was also set up in the city's on-going crusade to close gay youth organizations. Moreover, SPD's Vice was able to entrap the owner of The Association into a charge of promotion of Prostitution.

1. **GAY YOUTH ORGANIZATIONS TERMINATED**

1977: THE ASSOCIATION, SUCCESSFULLY DISCONTINUED

1985: THE MONASTERY, SUCCESSFULLY TERMINATED

1987: CITY BEAT, SUCCESSFULLY TERMINATED

CITY BEAT 2015 Boren Ave. 1985-87 After repeated complaints from the neighborhood businesses of violence, sex, drug usage and vandalism, was investigated only **because the majority of the patrons were Homosexual**, and thus charged by Norm Maleng pursuant to RCW 7.48, State v. City Beat, supra. **CITY BEAT IS ABATED AND BANKRUPTED**

2. **WHITE HETEROSEXUAL OWNED TEEN CLUBS**

a.) SKOOCHIE'S 131 Taylor Ave. N. 1983-86 After repeated complaints from a neighborhood complaint committee headed by Jim King of the Executive Inn, of violence, one young man murdered at the front door, two kids stabbed inside, drug usage and vandalism..

NO ABATEMENT CHARGES FILED!

b.) ENCORE Renton 1984-87 Having in excess of 175 criminal citations for marijuana, underage drinking, and assaults with knives and guns, in and around the club issued by the Renton Police...

NO ABATEMENT CHARGES FILED!

c.) CLUB BROADWAY 1115 BROADWAY 1983-86 In the months of October, 1983, Officers Shilling and Furier wrote 32 criminal citations in the area of this teen club and in the first half of November another 44 similar citations were written. The citations were for Minors in Possession of Alcohol, possession of drugs, Lewd Conduct, Drinking in Public and Urinating in public. Approximately 80% of those cited were under 21 years of age, and 40% of those cited were under 18 years of age. After repeated neighborhood petitioning to close the club in 1986 due to it's nuisances and a clash that sent two police officers to the hospital. Club Owner John Schloredt, while sitting on the Mayor's task force on teen clubs, had been robbing utilities at his home and place of business for years. Even after affidavits of proof were submitted by the attorneys for WA Natural Gas as proof of theft.

NO ABATEMENT OR CRIMINAL CHARGES FILED !

NO WHITE STRAIGHT TEEN CLUB HAS EVER BEEN ABATED!

3. **<u>WHITE OPERATED CHURCHES 1986</u>**

This statistical evidence of the discriminatory application of the this statute is quite obvious in light of the Burien Community Chapel. A little 5 year-old was drowned by her mother because of the church's teachings that demons possess innocent children. Numerous indecent liberties criminal offenses with children of the church, were committed

by church members and the staff. Two members of the church committed suicide. The teachings of this church were claimed to be dangerous by several high ranking elders and teachers who fled the dangerous church. The pastor of this church was charged by four women in civil actions for sexual assault.

NO ABATEMENT CHARGES WERE EVER FILED!

From the outset it was clear that politician Maleng singled out Freeman and the Monastery for selective prosecution for political reason also, as exhibited by Maleng's TV campaign

"It's a smoke screen whose time has come to end it."

4. **SELECTIVE ENFORCEMENT**

An overly-broad statute is highly vulnerable to selective enforcement if it discriminates against certain classes of people or certain points of view. Aptheker v. Secretary of State, 378 U.S. 500 (1964). In 1985, in a three month police sting exercise embroiling over 600 undercover hours in the church. **The police held off arresting five felons, just to get Freeman!** Had open arrests been made promptly at the time of the sale by the police, a proper enforcement of the law would have saved this Court and Freeman, the burden of eight years of needless litigation of these issues! "He who comes into equity must come with clean hands." Gray ex rel Simmons V. Mayor, etc. of Patterson, 60 NJ Eq 385,45 A 995. None of the people below, had any connection with the operation of the church or Freeman. They were mere pawns on candidate Norm Maleng's biased one-sided political playing field.

A statute is overbroad if, in addition to proscribing activities which may constitutionally be forbidden, it also sweeps with its coverage speech or conduct which is protected by the guarantees of free association Seattle v. Huff,767 P.2d 572,11 Wa. 2d 923. Thornhill v. Alabama, 310 u.s. 88 (1940)... This Injunction has had a chilling effect on Freeman's freedom of association, his right to be employed and has unconstitutionally impacted his life for eight years. Duranceau v. City of Tacoma, 684 P 2d 1311,37 Wn. App.846.

This Court cannot overlook that the statue upon which this injunction is largely based was found unconstitutional by the ninth Circuit in Spokane Arcade, Inc. v. Brockett, 631 F. 2d 135 (1980). Although parts of it were saved under the U.S. Supreme Court's ruling in Brockett v. Spokane Arcades, 86 L. Ed 2d 395 (1985) also Seattle v. slack, 784 P.2d 494,113 Wa.2d 850, State v. J-R Distributors, Inc.,765 P.2d 281,111 Wa.2d 764 reh'g denied.Unlawful activity can never be condoned as acceptable, yet it is clearly unusual punishment to permanently enjoin George Freeman for eight years, for the misdeeds of the people above.

F. THE TRIAL COURT ERRED IN FAILING-TO-CONSIDER FREEMAN's 7th AMENDMENT RIGHT TO TRIAL BY JURY

Freeman's rights were further abridged, given all the other outrageous procedural conduct in this matter, when the **King County Courts denied Freeman's demand for Jury Trial on three separate occasions**. See Pasco V. Mace,___, State v. Browet, Inc., 103 Wn. 2d 215 also U.S. Const. Ammend. 6,7. The right of trial by jury as declared by Article 1 S 21 of the Constitution or as given by a statue shall be preserved to the parties inviolate. Deference should be given to constitutional right if nature of the case is doubtful. S.P.C.S. v.

Lockheed Ship Bid'g. & Const. Co. 631 P.2d 999,29 Wn App. 930 rev. denied; Graves v. P.J. Taggares Co., 616 P.2d 1223, 94 Wn 2d 298

G. FREEMAN WAS ENTITLED TO EFFECTIVE ASSISTANCE OF COUNSEL AFTER HIS ABILITY TO PAY FOR COUNSEL WAS DRAINED BY MALENG'S BURDENSOME NUISANCE ACTION

Freeman, broke and unable to retain counsel, the court refused to assign counsel. Thus, being under extreme mental stress and depression during and after the trial he could not effectively render a right-minded defense in this case or to an appeal back in 1985. An attorney is deemed incompetent if his advice and representation is so lacking in diligence and competence that the rights and protections guaranteed by due process are denied. State v. Ray 116 Wa.2d 531 at 548., U.S.C.A.Const.amend.6. Reasonable probability exist that if Freeman had been afforded knowledgeable counsel these egregious constitutional errors would not be of issue herein. Brecht v. Abrahamson, 759 F. Supp. 500, reversed 944 F.2d 1363, reh'ng denied. Neal v. Grammer, 769 F.Supp 1523, Baer v. Peters, 950 F.2d.469 In one darken day, after eight years, Chaplain Freeman lost his church, his home, reputation and his right of assembly. No citizen should be subjected to having struggle for his soul and home from being ripped off, without being afforded competent counsel. State v. Thomas, 109 Wa. 2d 222, 743, P2d 816, U.S. V. Nino, 878 F.2d 101.

H. THE GOOD FAITH EFFORT OF EVICTION BY A OWNER OF THE PROPERTY IN AN ABATEMENT ACTION CANCELS THE NUISANCE

A nuisance cannot be abated through the courts if it has been discontinued when proceedings are begun against it. See Benton City v. Adrian, 50 Wash App 330,748 P 2d 697 also Taylor v. Colvin,

(La.App. 2d Cir) 84 So 2d 286. Freeman's due process rights are being violated by continuance of this timeless injunction, in that RCW 7.48. Allows for the good faith effort by any owner to abate the nuisance and prevent the same from being established or kept.

On May 31,1985, three weeks prior to the beginning the abatement trial, the owner of the property, under terror of further persecution, canceled the Church's lease, thus making the trial proceedings **moot and impermissible** 32 N.W. 2nd 190, 192. State v. Humphery, 94 Wash. 599, 602 (1917). Conclusive proof of a good faith abandonment of a nuisance will authorize the refusal of an injunction. State v. Jerome, 1431 P.753,80 Wash. 261. Defunis v. Odegard, 416 U.S. 312 (1974)

I. HABEAS CORPUS PROCEEDING PURSUANT TO RCW 7.36 INITIATED IN THE SUPERIOR COURT IS A PROPER REMEDY TO INQUIRE INTO UNCONSTITUTIONAL COLLATERAL CONSEQUENCES OF SUFFERING UNDER A RESTRAINT NOT SHARED BY THE PUBLIC

The standard for habeas corpus in this circuit is noted in Robbins v. Christianson, 904 F.2d 492. C.A.9 (1990) ...possible loss of employment. Should Maleng in the future seek to have Freeman confined under a breach of this vage civil injunction, the state would do so without ever having met RCW 7.48A.030's standards of "burden of proof," "presumption of innocence" or "beyond reasonable doubt." Obvious lack of scienter presumptions do violate due process under both the Fifth and Fourteenth Amendments of the u.s. Constitution. Thus, constitutional error has worked to Freeman's actual and substantial prejudice. D.S.A. v. Circuit Ct. Branch 1, 942 F2d 463. cert.denia 112 s.ct.1196,117 L.Ed.2d 436. also matter of Reismiller, 678 P. 2d 323, 101 Wash.2d 291, U.S. Const. Ammend. 14, Lovelace

v. Lopes, 632 F.Supp. 306, affirmed 802, F.2d 443. Misapplication of state law that lead to deprivations of liberty may be reviewed Ballard v. Estelle, 97 F.2d 453.9th Cir (1991) also Prosecutor's misconduct Brown v. Borg, 951 F.2d 1011.

Judge Quinn erred by failing to consider the evidence of collateral consequences. "Custody", for purposes of habeas corpus, is a restraint on a person's liberty not shared by the public in general. Schauer V. Burleigh County, 626 F. Supp. Maleng v. Cook, 109 S.Ct. 1923,490 U.S. 488,104 L.Ed.2d 540, Herandez v. Ylst, 930 F2d 714. Crescenzi v. Supreme Court of N.Y., 749 F. Supp 522. Freeman's overall treatment in this matter is noticeable and unmistakably unusual and as such triggers the U.S. Constitution's prohibition of **Unusual Punishment**.

1-VAGUENESS

A statue will be held void for vagueness if the conduct forbidden by it is so unclearly defined that persons of common intelligence must necessarily guess at its meaning and differ as to its application. Connally v. Gen. Const. Co.,269 u.s. 385 (1926). This is more readily clear when even Frank Sullivan, a distinguished Superior Court Judge says; "case law in this area is highly confusing and it is unclear whether these provisions are unconstitutional." Freeman has had to suffer for eight years because no Court has yet discharged this question

2-NUISANCE AND ABATEMENT

On March 13, 1987 King County Judge Frank Sullivan held in State v. City Beat NO.86-2-25875-2 Findings of Fact and Conclusions of Law which states:

"Plaintiff's eighth and ninth causes of action were based on the moral nuisance provisions of Chapter 7.48 RCW, specifically RCW 7.48.052 (6) and 7.48.052 (7). **The case law in this area is highly confusing and it is unclear whether these provisions are constitutional.** But even assuming these provisions are constitutional, it is apparent to the court that they were enacted to deal with pornography and obscenity and not nuisances of the type presented by this case.

There was no evidence presented there had been any dissemination of obscene materials or pornography of any sort. As a result, plaintiff's eighth and ninth causes of action should be, and hereby are, dismissed.

3-STRICT CONSTRUCTION, AMBIGUITY AND RULE OF LENITY

On July 29, 1985 Judge Gerald M. Shellan, of the King County Superior Court, authored Findings of Fact and conclusions of Law under State of Washington Ex Rel. Norm Maleng v. George Freeman, et al., civil No. 85-2-06736 which were **not presented or undersigned** by defendant George Freeman. After finding that certain activities of Freeman and other defendants constituted a nuisance, the Court ordered: (CPD) p.30

"The court having made the above Findings of Fact and Conclusions of Law now, therefore, IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. Operation of the Monastery by defendants Freeman and Universal Life Church is hereby abated in all respects.
2. Defendants Freeman and the Universal Life Church are hereby **permanently enjoyed from establishing, operating, conducting or allowing others to establish, operate or conduct, whether as an Owner, manager or in any other supervisory capacity, activities which are identical or substantially the same as that have heretofore been conducted at the Monastery.**
3. The permanent injunction against defendants Freeman and Universal Life Church shall apply to all Localities within the jurisdiction of this court.
4. The activities proscribed by this permanent injunction shall include, among others, the following:

(a) the use, sale possession or consumption of intoxication beverages by minors, or the act of tolerating, facilitating, or condoning any such consumption of alcohol within any such premises, including by non-minors, unless there has been full compliance with all applicable liquor laws of the state of Washington.

(b) the use, sale, trade, offering, possession or consumption of any controlled substances by minors or others, or any conduct that tolerates, condones, knowingly permits or acquiesces in such behavior by anyone within such premises;

c) any conduct that permits, tolerates, condones, ignores or acquiesces in any act of prostitution or the solicitation thereof, lewd conduct or sexually deviant behavior among minors within such premises; and (d) any act or conduct which actively intends to encourage, promote or overly tolerate and suffer any of the previously-described activities or conduct with respect to minors within any such premises.

5. This injunction shall in no way apply or relate to any expression of religious belief, whatever or wherever that may be, or to any worship that is incidental to such belief so long as such conduct does not impact or violate any law of compelling state interest, especially those relating to the protection and welfare of minors. clerk's papers submitted by defendant.

On October 7, 1987 Freeman filed a "Petition For Habeas Corpus Relief" under RCW 7.36. Failing to consider any testimony about the impacts the injunction had on Freeman, the matter was dismissed by Judge Brucker. Judge Brucker premised that even if the injunction decreed unconstitutional restraints on Freeman, habeas corpus pursuant to RCW 7.36 was not attainable to correct a civil injunction wherein the petitioner is not taken into custody.

Judge Brucker spurned hearing testimony, or examining evidence, she found Freeman's habeas corpus action was barred. Judge Brucker's order constituted a final dismissal of Freeman's action. She failed to make any findings of fact to

support the legal reasons for her dismissal, which is contradictory of Civil Rule 52 (1).

Freeman appealed to this Court under cause No. 21398-9-I. On July 11,1988 Commissioner Wm. H. Ellis, Jr. granted Maleng's motion on the merits by affirming only one of the of the three issues raised, Commissioner Ellis said:

"Freeman has a proper remedy for raising questions as to the continuing validity of all or part of the injunction. RCW 7.40.180 provides, "motions to dissolve or modify injunctions may be made in open court, or before a judge of the superior court, at anytime after reasonable notice to the adverse party. **"Habeas Corpus is the proper procedure only when there is no available statutory judicial remedy."** [Citations omitted].

Because the court's order did not impose any restrictions on Freeman's freedom of movement, and because **an alternate judicial remedy exists**, Freeman's grounds for relief are not reviewable. in a habeas corpus proceeding."

Accordingly, on September 23, 1992 Mr. Freeman moved to dissolve the aforementioned injunction in conformance with RCW 7.40.180. and as advised by Commissioner Wm. Ellis. On October 2,1992 The matter was heard by Judge Norman Quinn (King Co. NO.85-2-06736-3) wherein Freeman raised the following inquires as to his standing and rights, as a citizen trying to remedy a momentous issue of grave constitutional significance and the Injunction’s continuing impact upon his First Amendment and Due Process rights.

1. RCW 7.48 has, in effect, permitted a chilling consequence's upon Freeman's First Amendment freedoms.
2. RCW 7.48.050-100 is vague and unconstitutional when applied to a Church, as opposed to a commercial business.
3. RCW 7.48.240 requires the plaintiff prove the defendants intended to debauch or corrupt people's' morals in order to prevail State v. Clancy, 99 Wash. 47,49 (1819).
4. RCW 69.50.402 (a) (6) are criminal statutes pertaining to illegal use of controlled substances which do not even apply to this nuisance action and have violated Freeman's Fifth and Fourteenth Amendment rights.
5. RCW 7.48.052 allegations of lewdness, assignation or prostitution which, as a regular course of "business" are criminal in nature and as such require due process and equal protection under law. Allegations are not sufficient to maintain a perpetual injunction. Restraining Freeman without proof is impermissible.
6. RCW 26.28.080 (2) requires that the church was a "dance house" in order to prevail. A church in not a "dance house" by any stretch of the imagination and to so rule violates the provisions of the First Amendment. Any form of dancing which occurred in the Monastery was merely part of the religious ceremonies inherent to the beliefs of the church.
7. RCW 26.28.080 (3) only pertains to a "business" which knowingly allows narcotic drugs to be used.

8. Freeman was disallowed his request for a jury trial in violation of his due process rights.
9. RCW 7.48.110, Defendant's due process rights were violated because prior to any court action the owner of the property, under terror - of persecution, canceled Freeman's lease on May 31, 1985. Thus making Respondent's abatement proceedings moot.

Within minutes of Freeman's closing statement, Judge Quinn denied the Motion to Modify and/or Dissolve the Injunction. Thereupon, Freeman moved in open court, pursuant to habeas corpus RCW 7.36, raising issues of collateral consequences, citing his denial of employment, as a direct consequences of the vague injunction. Judge Quinn also denied the subsequent oral habeas corpus motion. The order is defective of any findings of fact to support his legal reasons for dismissal. (CPP) pp.9-10

Freeman has been subjected to blacklisting by governmental officers in violation of RCW 49.44.010. and consequently lost his job and is broke.

All of the above has happened, because Norm Maleng has cleverly used the law, to rob Freeman of protections guaranteed by the Constitution. Freeman borrowed the cash to cover the filing cost.

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THE SUPREME POWERS OF THE FEDERAL COURTS BECAUSE OF OVERBREADTH AND VAGUENESS

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This Court cannot overlook that the statue upon which this injunction is largely based was found unconstitutional by the ninth Circuit in Spokane Arcade, Inc. v. Brockett, 631 F. 2d 135 (1980). Although parts of it were saved under the U.S. Supreme Court's ruling in Brockett v. Spokane Arcades, 86 L. Ed 2d 395 (1985) also Seattle v. slack, 784 P.2d 494,113 Wa.2d 850, State v. J-R Distributors, Inc.,765 P.2d 281,111 Wa.2d 764 reh'g denied.

DECLARATION OF GEORGE FREEMAN ON ATTACHED EXHIBITS

Being over the age of eighteen, I make this Declaration upon personal knowledge. I am the Plaintiff in this matter and have personal knowledge of the facts, which are enjoined herewith. The enjoined declarations support my assertion and further evidence that I have requested that this court grant me a continuation on the motions for summary judgment of the various defendants. Which I needed, to

effectively set forth the facts and exhibiting why additional discovery would aid this court in discerning the issues of martial fact. The following exhibits display the tenor of the times and the implementation of the times the implementation of the collusion and scheme to get George Freeman and his Church. It is important for this court to ascertain the material facts of contrivance and collusion between the governmental defendants herein and “Parents in Arms“ crafted by attorney David Crosby along with his friend, King Co's. Bar Assoc. President Bill Dwyer and their cabal of racial and sexual applications of disparity in closing and permanently enjoining my Church and myself. The enclosed search warrant was issued for Club Broadway's owners John and his wife, prior felon Tony Schloredt, stole natural gas at their home and club for years. Norm Maleng with his prevalent application of racial, religious and sexual disparity, selected not to prosecute the Schloredts, because John Schloredt was a heterosexual member of the City of Seattle's current controversial “Teen Dance Ordinance" drafting committee and a Christian white man.

Dated this 27th day of August, 2000

George Freeman PLAINTIFF'S DECLARATION ON EXHIBITS 1

On July 29, 1985 Judge Gerald M. Shellan, of the King County Superior Court, authored Findings of Fact and conclusions of Law under State of Washington Ex Rel. Norm Maleng v. George Freeman, et al., civil No. 85-2-06736 which were **not presented or undersigned** by defendant George Freeman. After finding that certain activities of Freeman and other defendants constituted a nuisance, the Court ordered: (CPD) p.30

"The court having made the above Findings of Fact and Conclusions of Law now, therefore, IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. Operation of the Monastery by defendants Freeman and Universal Life Church is hereby abated in all respects.
2. Defendants Freeman and the Universal Life Church are hereby **permanently enjoyed from establishing, operating, conducting or allowing others to establish, operate or conduct, whether as an Owner, manager or in any other supervisory capacity, activities which are identical or substantially the same as that have heretofore been conducted at the Monastery.**
3. The permanent injunction against defendants Freeman and Universal Life Church shall apply to all Localities within the jurisdiction of this court.
4. The activities proscribed by this permanent injunction shall include, among others, the following:

(a) the use, sale possession or consumption of intoxication beverages by minors, or the act of tolerating, facilitating, or condoning any such consumption of alcohol within any such premises, including by non-minors, unless there has been full compliance with all applicable liquor laws of the state of Washington.

(b) the use, sale, trade, offering, possession or consumption of any controlled substances by minors or others, or any conduct that tolerates, condones, knowingly permits or acquiesces in such behavior by anyone within such premises;

c) any conduct that permits, tolerates, condones, ignores or acquiesces in any act of prostitution or the solicitation thereof, lewd conduct or sexually deviant behavior among minors within such premises; and (d) any act or conduct which actively intends to encourage, promote or overly tolerate and suffer any of the previously-described activities or conduct with respect to minors within any such premises.

5. This injunction shall in no way apply or relate to any expression of religious belief, whatever or wherever that may be, or to any worship that is incidental to such belief so long as such conduct does not impact or violate any law of compelling state interest, especially those relating to the protection and welfare of minors. clerk's papers submitted by the defendant.

On October 7, 1987 Freeman filed a "Petition For Habeas Corpus Relief" under RCW 7.36. Failing to consider any testimony about the impacts the injunction had on Freeman, the matter was dismissed by Judge Brucker. Judge Brucker premised that even if the injunction decreed unconstitutional restraints on Freeman, habeas corpus pursuant to RCW 7.36 was not attainable to correct a civil injunction wherein the petitioner is not taken into custody.

Judge Brucker spurned hearing testimony, or examining evidence, she found Freeman's habeas corpus action was barred. Judge Brucker's order constituted a final dismissal of Freeman's action. She failed to make any findings of fact to support the legal reasons for her dismissal, which is contradictory of Civil Rule 52 (1).

Freeman appealed to this Court under cause No. 21398-9-I. On July 11,1988 Commissioner Wm. H. Ellis, Jr. granted Maleng's motion on

the merits by affirming only one of the of the three issues raised, Commissioner Ellis said:

"Freeman has a proper remedy for raising questions as to the continuing validity of all or part of the injunction. RCW 7.40.180 provides, "motions to dissolve or modify injunctions may be made in open court, or before a judge of the superior court, at anytime after reasonable notice to the adverse party. **"Habeas Corpus is the proper procedure only when there is no available statutory judicial remedy."** [Citations omitted].

Because the court's order did not impose any restrictions on Freeman's freedom of movement, and because **an alternate judicial remedy exists**, Freeman's grounds for relief are not reviewable. in a habeas corpus proceeding."

Accordingly, on September 23, 1992 Mr. Freeman moved to dissolve the aforementioned injunction in conformance with RCW 7.40.180. and as advised by Commissioner Wm. Ellis. On October 2,1992 The matter was heard by Judge Norman Quinn (King Co. NO.85-2-06736-3) wherein Freeman raised the following inquires as to his standing and rights, as a citizen trying to remedy a momentous issue of grave constitutional significance and the Injunction's continuing impact upon his First Amendment and Due Process rights.

1. RCW 7.48 has, in effect, permitted a chilling consequences upon Freeman's First Amendment freedoms.
2. RCW 7.48.050-100 is vague and unconstitutional when applied to a Church, as opposed to a commercial business.
3. RCW 7.48.240 requires the plaintiff prove the defendants intended to debauch or corrupt people's' morals in order to prevail State v. Clancy, 99 Wash. 47,49 (1819).

4. RCW 69.50.402 (a) (6) are criminal statutes pertaining to illegal use of controlled substances which do not even apply to this nuisance action and have violated Freeman's Fifth and Fourteenth Amendment rights.
5. RCW 7.48.052 allegations of lewdness, assignation or prostitution which, as a regular course of "business" are criminal in nature and as such require due process and equal protection under law. Allegations are not sufficient to maintain a perpetual injunction. Restraining Freeman without proof is impermissible.
6. RCW 26.28.080 (2) requires that the church was a "dance house" in order to prevail. A church in not a "dance house" by any stretch of the imagination and to so rule violates the provisions of the First Amendment. Any form of dancing which occurred in the Monastery was merely part of the religious ceremonies inherent to the beliefs of the church.
7. RCW 26.28.080 (3) only pertains to a "business" which knowingly allows narcotic drugs to be used.
8. Freeman was disallowed his request for a jury trial in violation of his due process rights.
9. RCW 7.48.110, Defendant's due process rights were violated because prior to any court action the owner of the property, under terror - of persecution, canceled Freeman's lease on May 31, 1985. Thus making Respondent's abatement proceedings moot.

Within minutes of Freeman's closing statement, Judge Quinn denied the Motion to Modify and/or Dissolve the Injunction. Thereupon, Freeman moved in open court, pursuant to habeas corpus RCW 7.36, raising issues of collateral consequences, citing his denial of employment, as a direct consequences of the vague injunction. Judge Quinn also denied the subsequent oral habeas corpus motion. The

order is defective of any findings of fact to support his legal reasons for dismissal. (CPP) pp.9-10

Freeman has been subjected to blacklisting by governmental officers in violation of RCW 49.44.010. and consequently lost his job and is broke.

All of the above has happened, because Norm Maleng has cleverly used the law, to rob Freeman of protections guaranteed by the Constitution. Freeman borrowed the cash to cover the filing cost.

Criminal statutes must, of course, be strictly construed, and "[w]here two possible constructions are permissible, the rule of lenity requires us to construe the statute strictly against the State in favor of the accused." State v. Gore, 101 Wn.2 481,485-86,681 P.2nd 227 (1984); accord, State v. Hornaday, 105 105 Wn.2d 120, 127 (1986):

[F]undamental fairness that a penal statute be literally and strictly construed in favor of the accused although a possible but strained interpretation in favor of the State might be found.

In Washington, due process requires that the state prove each element of the crime charged by proof beyond a reasonable doubt. State v. Roberts, 88wn.2d 337, 562 P.2d 1259 (1977); see, State V. Baeza, 100 Wn. 2d 487,670 P.2d 646 (1983). In addition, Const. art. 1,5 22, amend.

Sacrificing the valuable guarantees enveloping Freeman and his church in this civil case, by way of Maleng's altar of political expediency, is not permissible under the laws and Constitutions of Washington, nor the United States.

CASE NO.	NAME	SENTENCE	OFFICE
85-1-01469-0	Tom Paterno	SUSPENDED	MDA
85-1-01470-3	Jack Harold Gray Jr.	3 Mos.	Marijuana
85-1-01471-1	Ronald Lee Miles	12 Mos.	MDA
85-1-01472-0	Jill Deanna Anderson	2 Mos.Wk-Release	MDA
85-1-01473-8	Wesley Michael Perkins	22 Mos.	MDA

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