

CAUSE NO. 98-10829

LANDOVER BAPTIST I, LTD.,
LANDOVER S & L CORP.,
and WEXLER OFFSHORE HOLDINGS, P.L.L.C.
Plaintiffs,

VS.

CENTRAL IOWA ARCHDIOCESE
OF THE HOLY ROMAN CATHOLIC
AND APOSTOLIC CHURCH, UNITED
METHODIST COUNCIL, LUTHERAN
CHURCH OF NORTH AMERICA, ET AL,
Defendants.

§ IN THE DISTRICT COURT OF
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§ FREEHOLD COUNTY, IOWA
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§ 109TH JUDICIAL DISTRICT
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ORDER

On the 15th day of February, 2001 came to be heard the application of Plaintiffs, LANDOVER BAPTIST I, LTD., LANDOVER S & L CORP. and WEXLER OFFSHORE HOLDINGS, P.L.L.C. (hereafter collectively “LANDOVER”) for a permanent injunction enjoining Defendant churches, atheists, agnostics and others similarly situated (hereafter collectively referred to for convenience as “THE UNSAVED”) from physical presence within a 10-mile radius of Landover Baptist Church. In particular, LANDOVER seeks to make the temporary orders which this Court has granted since 1956 permanent, thereby obviating the need for LANDOVER to petition the Court periodically for equitable relief. Also before the Court is Defendants’ Motion for Recusal. For the reasons stated herein, the Court concludes Plaintiffs’ application should be GRANTED and Defendants’ motion DENIED

The Parties

Each plaintiff company maintains an ownership interest in Landover Baptist Church of Freehold, Iowa. While other entities maintain similar title and right, for purposes of this lawsuit, power of attorney of all owners has been assigned to the named plaintiffs, the remaining owners desiring their identities to remain confidential. Landover Baptist, colloquially recognized as “America’s Favorite Church” and the place “Where the Worthwhile Worship” has been an historic, religious and patriotic symbol of pride for this county for several hundred years. LANDOVER has donated millions of dollars to the coffers of the county and to the community of Freehold. LANDOVER is responsible for the erection of countless county buildings, including the very courthouse in which this order was prepared.

The defendants include a collection of individuals without religious beliefs and various allegedly Protestant denominations whose effect on the community has been modest, at best. Nonetheless, the Court sanguinely acknowledges these entities are entitled to the same Constitutional protections as any others.

The Facts

For more than 40 years, LANDOVER has made periodic and repeated applications to this judicial district for restraining orders to exclude certain individuals considered undesirable from presence around the church perimeter. The first such application was made in 1956 when a group of women called “nuns” from the local Catholic “church” established a semi-permanent presence on the sidewalk across the street from Landover Baptist Church, under the guise of collecting for charity. In reality, as this Court then found, the nuns were engaged in a concerted and highly organized effort to coerce Landover Baptist members to join the Catholic “faith” – a belief structure many Biblical scholars have deemed a dangerous cult and the majority of saved Christians believe ensures an eternity in Hell. Finding irreparable harm if these women were allowed to continue to solicit saved Christians, this Court granted LANDOVER’s initial claim for relief and prohibited the presence of Catholic nuns and clergy within 10 miles of Landover Baptist. However, the Court declined to grant a permanent or broader injunction on the ground there was no evidence the Catholics were likely to repeat their manipulative tactics and no justiciable controversy concerned any other individuals, hence any litigation involving other groups was not ripe.

Since 1956, the Court has granted at least one restraining order to LANDOVER each year. Among those unsaved individuals who have been enjoined from presence at or around Landover Baptist at some time during the last 40 years are members of the following groups: Hebrews, Arabians, Mexicans (and other Catholics), Pentecostals, Unitarians, Democrats and California biking clubs. In each instance, the Court found that the individuals in question posed an imminent threat to the autonomy of the church and/or to the physical or spiritual health of its members. Each time, the Court indicated its reluctance to grant injunctive relief beyond the particular conduct alleged unless and until a justiciable controversy arose.

On January 4, 1998, LANDOVER filed the instant petition, seeking permanent injunctive relief against THE UNSAVED. THE UNSAVED responded by denying LANDOVER’s allegations, asserting various Constitutional protections as affirmative defenses and moving the Court to recuse itself from consideration of LANDOVER’s request.

Findings of Fact and Conclusions of Law

“A party is entitled to a permanent injunction if proof exists that the injunction would prevent irreparable harm and if the party has no adequate remedy at law.” *Hockenberg Equipment Co. v. Hockenberg’s Equipment & Supply Co.*, 510 N.W.2d 153, 158 (Iowa 1993) (*citing Presto-X-Co. v. Ewing*, 442 N.W.2d 85, 89 (Iowa 1989)). A court, however, should grant an injunction “with caution and only when clearly required.” *Denison v. Calbaugh*, 306 N.W.2d 748, 755 (Iowa 1981).

Irreparable harm exists not only when monetary damages would be insufficient to compensate the applicant fully, but also when the defendants' acts are likely to be repeated and undeterred by the threat of judicial sanction. *See Hockenberg Equipment*, 510 N.W.2d at 639-40.

The Court is convinced LANDOVER will face irreparable harm for which there is no legal remedy if THE UNSAVED are not permanently enjoined. The Court finds persuasive the fact that LANDOVER has been compelled to petition this Court no less than 52 times for injunctive relief. This is strong evidence of a pattern of abuse of LANDOVER's rights by THE UNSAVED who refuse to respect the Church's autonomy and independence. The Court takes judicial notice of the fact that the morality of this society is deteriorating at an unprecedented rate. When the man holding the highest office in the land is caught engaging in promiscuous, extra-marital sex, one of the top-rated television programs is about encouraging couples to split up, and another top-10 shows glorifies homosexuals and alcoholics, something is seriously amiss. LANDOVER's website has, itself, exposed much of this corruption. The erosion of Judeo-Christians values (to use Justice Scalia's oft-used phrase) ensures there will constantly be individuals attempting to harass the God-fearing parishioners of Landover Baptist.

LANDOVER has no adequate remedy at law because THE UNSAVED are undeterred by the threat of judicial intervention, as evidenced by their repeated harassment of Landover Baptist and its members. Furthermore, the emotional trauma experienced by church members as they are subjected to claims of apparition-spotting, consubstantiation and the purported supremacy of Mary (just to name the elements of Catholic coercion) cannot be recompensed monetarily. Dollars and cents could never make up for such severe psychological discomfort.

THE UNSAVED erroneously argue that a permanent injunction applying to a 10-mile radius would be overly broad and would infringe upon their freedom of religion and expression as guaranteed by the First Amendment to the United States Constitution. The Court strongly disagrees. Time, place and manner restrictions on both expression and worship have never been deemed unconstitutional. The only question, then, is whether a 10-mile radius is a reasonable restriction. The Court concludes affirmatively. Landover Baptist is situated on well over 1,000 acres of land. This figure excludes surrounding land masses which are likewise owned by LANDOVER but which are involved in business concerns or are, as yet, undeveloped. All of the homes surrounding Landover, to an average of five suburbs deep, are owned by Landover members. Restrictive covenants in the original deeds preclude ownership by anyone other than saved Southern Baptists. Thus, a broad geographic scope to any injunction is essential to protect the church members, but will not overly burden THE UNSAVED since they would be unlikely to find a receptive audience in the enjoined territory.

LANDOVER has met all requirements for a permanent injunction.

Motion to Recuse

THE UNSAVED have moved that this judge recuse himself on the ground that he is a silver-level tithing member of Landover Baptist and therefore cannot be objective. While this Court has managed to overlook the assault on its integrity, it nonetheless is compelled to cavalierly deny this poor conceived motion. All of the district court and county court-at-law judges in Freehold County are Landover Baptist members. These judges, including this one, have repeatedly evaluated the church's conduct in various civil cases and have never issued improper or biased rulings. THE UNSAVED fail to specify a single statement or deed by this Court which would suggest its inability to remain impartial. THE UNSAVED's argument is tantamount to saying that because this judge is a major contributor to the Republican Party, he should recuse himself from hearing any cases involving Republicans. In short, THE UNSAVED's argument is devoid of merit and has been brought in bad faith. Therefore, the Court denies the motion and, *sua sponte*, sanctions THE UNSAVED \$100,000.00 for the filing of a frivolous pleading.

Holding and Mandate

For the reasons stated, IT IS ORDERED that all individuals other than saved Southern Baptists and their children are prohibited from physical presence within 10 miles of Landover Baptist Church until such time as this order may be dissolved. The prohibited area extends in the north to Oak Street, in the east to the E.O. Johnston & Co. corn fields, in the south to the Masons' storm shelter and in the west to F.M. Road 89257. IT IS FURTHER ORDERED that Defendants pay the sum of \$100,000.00 to Plaintiffs within 10 days of the signing of this order as sanctions for a frivolous filing.

Signed this 15th day of February, 2001.

A handwritten signature in black ink, appearing to read "Eugene S. Justice", is written over a thick, horizontal black line.

PRESIDING JUDGE