State of Oregon vs. Jared Essig
23CR03591 Criminal Trespass II at Athey Creek "Bible" Church, 24th December 2021
Clackamas County Court

Objection to the charging information: Failure to state a valid legal claim; unconstitutional overbroad application of anti-trespass statute violates right to free-exercise and non-establishment.

Summary of objections and demurrer

Demurrer to State's complaint

2nd Revision 10 May 2023. 3rd Revision 5 June 2023.
To visit a church on christmas eve, as Mr. Essig did in 2021 is **not a disruption or a crime**. He approached to ask the question "Why the christmas tree and what does it represent?" Since no churchman has been able to answer this question, after decades of asking it, Mr. Essig did the research himself and presented an essay explaining his findings to many churches in the region, most of whom - although they did not act on its recommendations - politely received it without offense.
To present a letter or essay to church leaders is not an offense or disruption, or excommunicable offense.
To hold a sign outside a church is not a disruption of the service,
to **preach the bible outside does not interfere with members ability to access the service or to freely exercise their faith.**
To speak the truth is an threat only to frauds and bible preaching is an offense only to idolaters. Mr Essig stated in 2021 that *"Jesus wasn't born on December 25th"*, *"Santa Claus does not exist", and* is not a disruption of the service, it does not interfere with clergy or members ability to perform their purpose in being there, and they will agree with Mr. Jared E. on each of these points. Therefore it **did not violate their security policy in any discernible way**, the stay-away order was issued in error by an ignorant security guard, and Mr. Essig is following biblical church discipline in humbly making an appeal to pastors and elders that they exercise independent judgement. He asks the elders to decide according to biblical law and ethics, rather than blindly obeying big men who bear arms and passively doing whatever they say.

Other preachments included: *"The fear of the Eternal God is the beginning of wisdom: the fear of endless winter is not wise, since winter will end"*. "*Superstition and Magic are forbidden to the God-fearing*", "science and natural philosophy are to be preferred", "*It is morally wrong to trick children, or to 'put a stumbling block before the blind', and forbidden in scripture*", "Deceit and lies are forbidden generally", *"It is forbidden to pray to demons, angels, or idols such as S.C."* This is not a disruption of the service, it does not interfere

with clergy or members ability to perform their purpose in being there, and they will agree with Mr. Jared E. on each of these points. His willingness to preach it **does not interfere with the church's right to expressive association**, as derived from the first Amendment by subsequent case law. Attached is a table of authorities on Free exercise and non-establishment, arguing for Constitutional guarantees of religious liberty on both sides in the matter of Oregon and Athey Creek Bible Church v. Jared Essig (2023)

Even though he believed the stay-away order to have been issued in error, and a reasonable council of church elders would probably agree that it was issued in error, Mr. Essig complied with the security guard's order to not return. Mr. Essig waited a year, at which point, common moral intuition holds that a stay-away order will expire, since nothing lasts forever, and no one is eternal except God, and no specific time period was given. Moreover, christianity is a religion that expects repentance, forgiveness, and reconciliation, as the pastors admit, therefore he had good reason to return the next year to seek it, and it is within **his right to free-exercise of his faith to seek reconciliation, a right which the court should protect.**

Stipulations and Facts Alleged

- In compliance with their request to not hold signage, Mr. Essig held no signage or insignia, the next year on 24th December 2022 when he returned.
- In sensitivity to their fear of disruption, he approached toward the end of the service rather than at the beginning, so as be as unthreatening as possible.
- He returned in good-faith with a letter to deliver to an associate pastor or deacon, so as to reassure them that he would not raise his voice and start publicly preaching outside the gates, which they fear and wish to avoid.
- He verbally stating his commitment to heed the apostle Paul's admonishment to behave "decently and in order" while dialoguing.
- He held a copy of a greek-english parallel new testament, to demonstrate his willingness to practice biblical ethics and scholarly discourse, and he sat down to read it while waiting for a pastor. This is a demonstration of good faith, and the church is engaging in tendentious slander for holding it to be a disruption or threat. This act of "crying wolf" doesn't make them safe, it endangers them. He was offering the bible as a gift to the church so that they could keep it in the narthex / lobby, a sign of respect for the scriptures, since these are and should be the most important sacrament of the church, much more important than bogus holidays invented by Roman idolaters. While not a universal christian opinion, this understanding of sacrament is shared by Athey Creek Church's official doctrine, therefore Mr. Essig had good "reason to believe" that they would affirm it. He had asked them in years past to make copies of the bible available in its original languages, to encourage scholarship and discipleship, but they had not complied.

  To return at a proper time to seek orderly dialogue, inquiry, and reconciliation according to biblical instruction, is an act of moral conscience, as such protected by the 1st amendment, as it is encouraged by the apostles and is

therefore a fundamental aspect of Mr. Essig's right and anyone else's to free exercise of his or their faith.

Court should Protect the Freedom of Preach

The court has a compelling interest in protecting this "right to preach outside churches", in general, since it protects the specific religious speech acts of which Mr. Essig is accused, which the church itself privately endorses, but is unwilling to publicly declare. The Separatist-Puritans who settled Plymouth plantation and Massachusetts Bay Colony also rejected "Christmas" as a novelty invented by the Roman catholic churches and perpetuated in ignorance or bad-faith by the Anglicans, in denial of the scriptures forbidding novel religious obligations. Mr. Essig is continuing their well-founded critique, and **since this religious speech act was that upon which the nation was founded**, since it is demonstrably correct, and since it is widely denied in popular culture, it is one which **the court has an especially compelling interest to protect the right to speak it against encroachment by quasi-established and false state religion**.

The court should require the church to practice basic entreatability before entertaining a criminal prosecution initiated by them against a street-preacher and former congregant. The court is not violating the church's First Amendment right of expressive association by declining to prosecute. Moreover their is precedent in Roberts v. Jaycees (1984)

Mr. Jared E. is **not asking the court to be as proactive as it was in helping Ms. Roberts et al obtain membership in the Jaycees, but the court should follow its reasoning in that case by declining to assist the church in excommunicating Mr. Jared E. on the mere basis of his bible preaching and subsequent non-observance of Christmas as a holiday**, since this has little nothing to do with the "mission or message" of evangelical christianity, even as interpreted by the church theologians and pastors themselves. It has nothing to do with the mission or message of christianity as expounded by the apostles in the new testament, as almost all scholars concur, which contains no record of what day or month the incarnation or birth of Jesus occurred, and although it has a record of Jesus celebrating Hannukah, it contains no record of Jesus or anyone else celebrating his birthday. The birthday and "incarnation" can therefore be remembered at any time of year, or every day throughout the year, and not necessarily at mid-winter specifically.

The court should instruct the police to not respond next time the church requests to have him forcibly expelled from the church property. The church already has a team of 5 bouncers who can and do use force to detain heretics.
They should have escorted him off the property rather than detaining him on it. They don't need more help with security; if anyone will need a peace keeping presence from a County officer next year, it will be Mr. Essig. If forcibly removed from the property, Mr. Essig has a right to remain outside the permiter on public land, and that this right is constitutionally protected is beyond dispute. The court is permitted to abstain from assisting the church in a

tendentious and unjustifiable excommunication, Moreover it is obliged by its own constitution to do so.

This excommunication has been compounded by a criminalization of moral conscience, a defamation of character, and unjustified citizen's arrest, and making a knowingly incomplete and therefore false report. Now this is leading to an abuse of christian witness and the taking of God's name in vain.

Motion to Dismiss for Lack of Subject Matter Jurisdiction

Excommunication having been effected after the 2021 preachment, whether rightly or wrongly, **the state has no obligation to act as an agent of the religious institution by enforcing that excommunication through a stay-away order**, when there is no danger to life and limb, and no personal or property crimes alleged to have been threatened. And there was not in this case. The danger that the church is facing is that their fraudulence will found out and their hypocrisies unmasked. This is a real crisis they will face, since Mr. Essig can demonstrate it beyond a reasonable doubt. However it is in their interest and in the interest of their congregants to allow him to succeed at this, and the court must either use church doctrine to decide the question of who is the "person-in-charge", or else it must dismiss the case for lack of subject matter jurisdiction.

Mr. Essig has not and is **not demanding the church provide him with "public accommodation"**, which courts have typically not required churches to provide. Mr. Essig did not ask them to perform a ceremony on his behalf, or a wedding, funeral, or bar mitzvah ceremony. He didn't ask them to rent him the facility. He didn't ask them to serve him communion, or to give him access to the coffee and donuts in the lobby. He didn't ask for them to provide his preaching equal access to the stage, music, amplification, and stage lighting that the pastors use for their preaching, since the truth is persuasive on its own merits and doesn't need this kind of hype and exaggeration. He is not asking to be allowed to distribute leaflets, nor even asking the court to compel the church to allow him inside the building. He did not ask the state to prosecute the professional "christians" for defrauding their congregants with religious apostasy, deceptive stagecraft, and false pretenses, and the constitution protect
s their right to do so, if they insist.

Mr. Essig is asking the church to allow him to preach on their curtilage, outside the building in a manner that does not interfere with other congregants. If they refuse to allow this by claiming "privacy", he is asking the court to recognize and protect his "freedom of preach" at least one day per year, the day that they have made themselves public.

In a case where the question concerns mere doctrinal and religious opinions, if the court were to enforce an excommunication through stay-away orders and trespass prosecutions, this would be an unwarranted **intrusion into the liberty of both parties to be free from the "establishment" of a state sponsored religion**. Therefore the court is obliged to abstain from enforcing the excommunication, since **no actual crime has been committed, and the state has no jurisdiction over questions of doctrine and religious opinion**.

Within the scope of church law and justice - if the church were to practice it as instructed by Paul in 1 Corinthians, rather than by using secular courts prosecuting neighbor-believers in as they are currently doing and as the apostle expressly warns them not to - **Preaching without a licence**" **is not an excommunicable offense,** neither in the new testament nor in the protestant and reformed traditions which hold themselves forth as restoring it. Neither by the charter or bylaws of the church organization, Nor by any example or teaching that can be adduced from the biblical texts, which on the contrary give abundant examples of this manner of dialectic and preaching by the very apostolic preceptors upon whose teaching and example the church has staked its authority and witness. Instead they are adopting an theory of ecclesiastic politics based on monarchic bishops, professional clergy, and state power - which they claim to oppose. Therefore the defendant had ample *reason to believe* both that his preachment and dialectic outside the building would be tolerated, and had *reason to believe* that the security guard who detained him was in error, and would be overruled by a council of elders upon consideration of the matter on its merits. "Preaching without a licence" is not an excommunicable offense according to either the new testament, and not according the the church's own statements of faith. On the contrary, this method of expression is encouraged by both. Moreover, the substance of the defendant Mr. Essig's preachment is affirmed by the pastors and teachers of the church, as we will see.

Deciding Who is the Person in Charge

If the court decides to hear the case, it must decide according to biblical law and ethics. The lex causae must be the lex loci delictus - the law of the place where the offense is alleged to have been committed. Since the locus in quo was a church that purports to teach and uphold biblical ethics and the subset of biblical law that pertains to gentiles, that must be the law according to which the plaintiff makes a cause of action. This has been explained in Watson v. Jones (1872) and Jones v. Wolf (1979).

The bouncer / guard was acting independently of pastoral oversight, was non-responsive and hostile to dialogue on biblical ethics and theology, and therefore had no authority to unilaterally issue a stay away order, nor to presumptuously initiate police contact, which he did prior to involving a pastor, elder, or deacon, and did so tendentiously. Therefore he is not a "person in charge" by the definition of ORS 164.205. Although he is "in charge" of preventing crime and countermanding disorderly disruptions, he is not "person in charge" of deciding questions of doctrine, ethics, and religious opinion, or of establishing a religious hierarchy. Although he is an "officer" of the church, he is not a "judge" or a decisor. If the guard disagrees and holds himself to be "person in charge" of this, then the court and his own pastors ought to instruct him otherwise, and he ought to be required to affirm and explain basic principles of biblical law and ethics before given the authority to represent the church as its doorkeeper.

Given that the US Constitution's 1st amendment protects the **rights of both the accused to dialogue and preach, and also the right of the alleged victim to excommunicate, by virtue of their freedoms of assembly and free exercise**, both parties have a federal question at stake in this case. Both these rights are also guaranteed by the Oregon Constitution.

If the church's wishes Mr. Essig to remain silent in church, then they could follow the example of Joshua (Jesus) who told disturbed and "demon-possessed" persons to sit in the back and be quiet. Understanding that the teaching of the the holy law had a curative effect, he offered this obvious and impartial solution, to balance the need for the congregation to be free of excessive disturbances, with the impulse of certain individuals to occasionally interject, and the need for penitents to have a path of return, and the need for students to ask questions. The church ought to learn from Jesus's example and do likewise. Instead, the church has decided to immediately expel individuals who question authority, and do so mercilessly, indefinitely, unentreatably. This is a signal of either bad-faith or cowardice.

Doctrinal Stipulations

The defendant has every reason to believe the following, and we expect the pastor as representative of the church to stipulate to each of these points, if and when he is given a subpoena order to testify at the trial, since he has already done so in person on 24th December 2021 at the scene of the alleged offense of "preaching without a license" wherefore Mr. Essig was originally excommunicated:

1. Santa claus is not real
2. Magic is forbidden by the bible
3. Lying to children is wrong, as is any form of intentional deceit to anyone (except in the case of evading a violent pursuer) - Furthermore it is counter-productive: if the parents are willing to lie about Santa claus, why should the teenage and adult children believe anything the say about Mary and Joseph and their holy baby?
4. Praying to santa claus or any other man in the north pole for presents, is a form of idolatry and "strange worship" forbidden in both the new and original testaments of the bible. Therefore the God-fearing and christian should abstain.
5. We don't know the exact date of Jesus's birth, since it is not recorded in the new testament. (Claiming that we do know it when we don't compromises the integrity of the churches witness)
6. After his detainment by the security guards, an associate pastor Gabe Carter arrived, and stipulated to all these points in conversation while awaiting the arrival of police.
7. The pastor Gabe Carter was nevertheless was unwilling to overturn the excommunication order that had been tendentiously and erroneously issued by the bouncer, and was unwilling to prevent the enforcement action in process, unwilling to seek a creative compromise.
8. The pastors' doctrine holds that the grace of God supersedes the biblical law, while simultaneously holding secular law to be absolute, suppressing his own human tendency to mercy and grace. This is incoherent, and totally contrary to biblical ethics, an abuse of his christian witness and a waste of public resources, and the pastors complaints should be dismissed.

   Therefore we argue that **no actual excommunicable offense has been committed**, and we ask a church council of elders to decide this question. The security guards are tendentious, presumptuous and quite rude. The associate pastor Carter has been derelict in his duty to administrate righteous judgement, either due to complicity or moral cowardice, and has abdicated his spiritual authority to the secular

powers that be. The church elders should take up this authority instead, assemble an ecclesiastical court, as they have been instructed to do by the apostle Paul. They should decide the question according to righteous judgement, rather than passively defering to popular ignorance, prejudice, fear of the unknown, rumors, and exaggerated mythologized threats.

Motion for Change of Venue to an Ecclesiastical Court

The defendant has every reason to believe the following, and we expect the pastor as representative of the church to stipulate to each of these points, if and when he is given a subpoena order to testify at the trial, since he has already done so in person on 24th December 2022 at the scene of the alleged crime of "tresspass" against the stay-away order, wherefore Mr. Essig was arrested, booked, charged and is now facing prosecution:

1. Christianity is a faith that admits of and indeed requires repentance and confession.
2. Reconciliation is to be sought, and even if he has no right to demand forgiveness, one who has made confession and restitution has reason to anticipate it.
3. "Leave your gift before the altar, go and be reconciled to your brother" - therefore disciples of the Nazarene have an obligation to seek reconcilation, and to seek it prior to worship and prayer.
4. Mr. Essig had reason to believe that the church believed and accepted this biblical teaching, and that reconciliation was therefore possible.
5. Mr. Essig approached the church in a peaceable and compliant manner, with a letter, seeking reconciliation, and agreeing to let all his conversation "be done decently and in order" as the apostle Paul directs in 1 Cor 14. And he did in fact conduct himself in a decent and orderly fashion:

    a. After his detainment by the security guards behind the hedges at the shed on the church grounds, and after the police were called, an associate pastor Gabe Carter arrived, and while awaiting the arrival of police, he stipulated to all these points in conversation, and received Mr. Essig's printed admonishment to the churches, that https://jaredscribe.com/evergreen-tree and attached to this pleading. The other associate pastor refused to receive the the printed document, and refused to dialogue.
    b. Mr. Essig voluntarily emptied his pockets to demonstrate that he had no weapons, knives, or sharp object other than pen and marker, and stated that "you should fear this, for the pen is mightier".
    c. He was questioned by the pastors about his past history, and gave an honest self-disclosure of a misunderstanding that had occurred 20 years ago in California that had resulted in his paranoically brandishing a weapon (though not maliciously), criminal charges that were simultaneously exaggerated and insufficient, diagnosis and treatment for mental illness, and a swift and enduring reconciliation with the victim in that case, one Dr. Fred Sontag for whom Mr. Essig affirms that he has the deepest respect and admiration, despite having rejected his neo-Platonic approach for a more neo-Aristotelian paradigm of natural philosophy, ethics, and metaphysical ontology. (which, though irrelevant to this case, will be detailed elsewhere if necessary)

6. At that time Mr. Essig stated, and pastor Carter stipulated and affirmed that “spiritual regeneration” is possible through repentance and return to God and his holy law, and leads to moral and personal transformation - something that Dr. Sontag himself believed, affirmed, and encouraged in Mr. Essig. That we should no longer be “slaves to sin” or bound by moral and mental illnesses that are somehow incorrigible and chronic, as the anti-humanist neurochemical fundamentalist psycho-pharmacological medical-legal complex erroneously would have us believe. Therefore any attempt to cast aspersions on Mr. Essig with allegations of “mental illness” and citations of ancient crimes and misdemeanor already atoned, are a red herring, and should not be admitted into discussion in this case.
7. Mr. Essig described how he had “transcended paranoia” through “cultivating the fear of the Eternal God”, and encouraged others to follow his example by rejecting the cult of the Sun at the winter solstice, and the Roman/Egyptian sun calendar, and returning to the biblical calendar which is Lunisolar. Pastor Carter likewise stipulated and affirmed along with Mr. Essig and Solomon that “the fear of the Eternal” is “the beginning of wisdom”. Mr. Essig’s portion of the mission is therefore completed, and he admonishes the pastors to drop the tendentious and unnecessary prosecution, and to instead complete their portion of this mission, by teaching and administrating this word to their congregations, according to the spiritual gifts and ministries that they have assumed upon themselves. If they will not, they ought to admit that they are imposters, renounce, and stand down.
8. The Christmas week bomb cyclone and blizzard, which tragically killed over 100+ persons, and prevented millions more from holiday travel, may be a sign from heaven that the Almighty is also unhappy with this absurd apostasy being used to take his name in vain. The preachment Mr. Essig has offered is to be heard and believed, and heaven itself has joined in witness in denouncing of the “Christmas” holiday in both its secular and religious aspects. This is to be carefully considered. Therefore Mr. Essig adjured pastor Carter, that “their lives matter more than the church’s ceremony”, and that their lives matter more than his “subjective sense of comfort”, and that “repentance is better than judgment”. That the church should therefore repent of contemptuously rejecting Mr. Essig’s preachment and for criminalizing him for preaching it. The Pastor affirmed and stipulated that “their lives matter” - the 70+ victims of that blizzard. Prophecy is not a crime or a mental illness. The church is culpable for attempting to profiteer off it while simultaneously criminalizing or pathologizing prophecy when it begins to intrude on their self-indulgence. Mr. Essig maintains that his obligation to prevent further loss of life by preaching the word of God, is a higher obligation than obedience to an arbitrary decree, issued in error by an ignoramus, and upheld in negligence, advising him to “stay away” from the church where the warning was issued.

   Therefore we conclude that **no actual crime has been committed, nor can it even be coherently alleged.**

Motion to Dismiss for failure to state a claim

As the security guards are tendentious, and presumptuous, they are also functionally illiterate, and basically ignorant, therefore they ought to be ignored in this case. **And**

we move to dismiss for failure to state a claim, and moreover in the interest of justice and of public safety.

Motion to Dismiss in the interest of Justice

Motion to Dismiss in the interest of Public Safety

Doesn't the DA have more important things to do? Than to prosecute bible scholars and street preachers who show up to discuss the bible at churches that style themselves as "bible churches"? Else we can expect a reasonable jury to nullify the statute or narrow the scope of its application, and thereby educate the pastors and lawyers on the common sense and moral decency they appear unwilling to learn any other way. If the DA is unwilling to withdraw the charges and educate the plaintiff and alleged victim on why he is declining to prosecute, the State should save the DA's office from embarrassing itself in this matter.