

MATHIS, DONHEISER & JETER  
ATTORNEYS & COUNSELORS

2575 TRAMMELL CROW CENTER  
2001 ROSS AVENUE  
DALLAS, TEXAS 75201  
(214) 303-1919  
FAX (214) 303-0399

RANDAL G. MATHIS

www.mathisdonheiser.com

Writer Direct:

June 24, 2011

RE: Military Religious Freedom Foundation  
Mikey Weinstein  
[REDACTED] - June 2011 Internet Posting

Dear Mr. and Mrs. [REDACTED]:

Our office represents Mikey Weinstein and the Military Religious Freedom Foundation. Mr. Weinstein has contacted us with questions surrounding your Internet posting earlier this month.

As you may know, Mr. Weinstein is a civil rights leader (whose organization has now been nominated three times for the Nobel Peace Prize) who is trying to help ensure religious freedom for all United States Marines, sailors, soldiers, airmen, cadets, and midshipmen at the Academies, National Guard and Reserve personnel, Coast Guard personnel, and Veterans. Interestingly, about 96 percent of the Foundation's clients are practicing Protestants and Roman Catholics.

With that in mind, his interests are for a free, open, lively, and on occasion even heated, public debate concerning the subject of religious freedom, or interference with it.

That said, expression of opinion is one thing; insinuating falsehood is sometimes quite another.

The statement "... he currently is using the media to implicate a negative image of the Academy..." seems to us calculated to imply falsehood by way of misleading innuendo.

For security and safety reasons, Mr. Weinstein must, of necessity, be mindful of statements which by implication imply things

June 24, 2011

Page 2

which might incite unstable people who might read them. These are not imagined concerns. Mr. Weinstein's property in the past has been damaged, his residence shot at, and he is the subject of numerous threats of violence. We have a lawsuit of interest pending in Dallas, a copy of which I am enclosing with this letter.

In the future, we would very much appreciate your being careful in any Internet posting to distinguish between declarative statements and expressions of opinion. That should help minimize the potential for problems. Also, if the Academy Parents Club there carries insurance and/or if you do, which has a notice of circumstance clause, we would appreciate your placing them on notice of our concern.

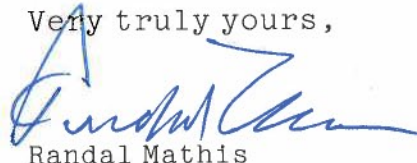
From review of your e-mail exchanges, I am given to the impression that your knowledge of events at the Academy and the environment there is somewhat limited. I hope the experience of your two children there has been good, but indications are that has not been the case for any number of cadets and staff discriminated against, in a variety of hurtful ways, on the basis of their particular faith.

I suspect you would find periodic perusal of the Foundation's web site ([www.militaryreligiousfreedom.org](http://www.militaryreligiousfreedom.org)) to be informative with regard to that subject, although I believe the more you learn about past discrimination at the Academy, the more disconcerting it may be.

Whether the Academy experience of your children has been good obviously does not minimize the harmful effects of other people's, quite discriminatory, experience.

Assuming that your children finish at the Academy and go on to continue in the service, I am sure Mr. Weinstein and the Foundation would enjoy hearing about their continued experience the next few years. Hopefully, they will not ever experience the kind of hurtful, unconstitutional, discrimination the Foundation seeks to prevent, but if they do, I can assure you that both Mr. Weinstein and the Foundation will be available to assist if requested.

Very truly yours,



Randal Mathis

RM:jw

FILED  
CAUSE NO. 09-12981-C

2010 JUL -7 PM 4:09

MICHAEL L. WEINSTEIN and BONNIE  
L. WEINSTEIN,

Plaintiffs,

v.

ELMER HARMON (JIM) AMMERMAN,  
THE CHAPLAINCY OF FULL GOSPEL  
CHURCHES, and GORDON  
KLINGENSCHMITT,

Defendants.

§ GARY FITZGERALD  
§ DISTRICT CLERK THE DISTRICT COURT  
§ DALLAS CO., TEXAS  
§ DEPUTY

68TH JUDICIAL DISTRICT

DALLAS COUNTY, TEXAS

**PLAINTIFFS' FOURTH AMENDED PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, MICHAEL L. WEINSTEIN and BONNIE L. WEINSTEIN, and file this Fourth Amended Petition seeking a money judgment and an injunction against ELMER HARMON (JIM) AMMERMAN, THE CHAPLAINCY OF FULL GOSPEL CHURCHES, and GORDON KLINGENSCHMITT for the following reasons:

**DISCOVERY**

1. The discovery in this matter is intended to be conducted under Level 3.

**THE PARTIES**

2. Michael L. Weinstein is an individual residing in Albuquerque, New Mexico.
3. Bonnie L. Weinstein is an individual residing in Albuquerque, New Mexico.
4. Elmer Harmon (Jim) Ammerman is an individual residing in Dallas County, Texas. He has been served, has answered, and is before the Court.

5. The Chaplaincy of Full Gospel Churches is an organization organized under the laws of the State of Texas. It has been served, has answered, and is before the Court.

6. Gordon Klingenschmitt, upon information and belief, is a resident of the State of Colorado. He has conspired and continues to conspire with Texas residents, Elmer Harmon (Jim) Ammerman and The Chaplaincy of Full Gospel Churches to commit torts in the State of Texas as stated below in paragraphs 22 through 27. He came to Texas regularly to speak and raise money (for himself and for others to whom he is related). He actively solicits speaking engagements in Texas. He makes a substantial portion of his income from Texas, either through speaking engagements or internet solicitations. He gives five percent of his earnings to the CFGC. The CFGC is his endorsing agency, which allows him to continue to call himself "chaplain," despite his having been court-martialed and which allows him to work throughout the country, including Texas, as a CFGC traveling evangelist for Mission and Evangelism Outreach. He has been served.

#### **JURISDICTION AND VENUE**

7. Michael and Bonnie Weinstein seek compensatory damages and an injunction falling within this Court's general subject matter jurisdiction. The incurred damages for which Defendants are liable are in excess of the minimal jurisdictional limits of this Court. Venue is proper in this county because Defendants Elmer Harmon (Jim) Ammerman and The Chaplaincy of Full Gospel Churches are residents of Dallas County.

#### **FACTUAL BACKGROUND**

#### **THE PLAINTIFFS**

8. The Weinstens are an Air Force family. Bonnie and Michael Weinstein are married. Plaintiff Michael Weinstein ("Mikey") graduated with honors from the United States Air Force Academy at Colorado Springs in 1977. Both of their sons have graduated from the Air Force Academy. Their daughter-in-law graduated from the Air Force Academy. Mikey's and Bonnie's brother-in-law graduated with distinction from the Air Force Academy. Mikey's father, however, graduated with distinction from the United States Naval Academy at Annapolis. But at that time, although the Air Force had been created as a separate branch of the military, the Air Force Academy had not yet been created. Mikey's father transferred into the Air Force shortly after graduating from Annapolis.

9. While in the Air Force, Mikey received his law degree. After serving his country in the military, Mikey left the Air Force to serve his country as a legal counsel to the White House under President Reagan. He served for three years, and then went into private practice, working with law firms in Washington, D.C. and New York, and then taking a general counsel position with Perot Systems but his career path took a turn, when Mikey's two sons and future daughter-in-law were at the Air Force Academy.

10. For example, as in all aspects in American life, there has been religious discrimination in the military. Catholics could not be chaplains until 1846. Jews could not be chaplains until 1862. Greek Orthodox priests could not be chaplains until World War II. Buddhists could not be chaplains until 1987 and Muslims not until 1993. But over the years, as American society has changed, the military has changed and adapted and has done a fairly good job in addressing these issues. It has never been perfect (Mikey observed and suffered some

religious discrimination when he was at the Air Force Academy in the 1970's) but over time, it has made efforts and achieved real results.

11. Therefore, when Mikey's and Bonnie's two sons and future daughter-in-law were at the Air Force Academy, they were surprised to find extreme religious intolerance. In thoroughly preparing to present his concerns to the administration of the Air Force Academy, to the degree of thoroughness which he applies to everything, Mikey was shocked to find out that in recent years things had gotten much worse after decades of gradual improvement.

12. Eventually, when his concerns were not adequately addressed by the Air Force Academy or by the Department of Defense, Mikey founded the Military Religious Freedom Foundation ([www.militaryreligiousfreedom.org](http://www.militaryreligiousfreedom.org)), a nonprofit, charitable organization devoted to protecting and preserving Constitutional religious freedom for our fighting men and women. Mikey believes they should have the same freedoms that they are fighting to preserve and protect for the rest of us.

13. While much of the work of the MRFF deals with policies and procedures of the Department of Defense, the majority is dealing with the problems of individual servicemen and women (and their families) who have been discriminated against, formally or informally, in the military. Although the Weinstens are Jewish, and initially noticed anti-Semitic trends in the military, the vast majority of the servicemen and women who come to the MRFF for assistance are Christians, roughly 96%. A quarter of that 96% of Christians who come to the MRFF for assistance are Roman Catholics. It may be disappointing that minority religions in this country still suffer discrimination; it is truly amazing that Roman Catholics and mainstream Protestants do.

14. Needless to say, since he founded the MRFF in 2005, the Weinstens have received hate mail, vandalism and even threats of physical violence. But they had seen nothing like what they would encounter when Mikey and the MRFF crossed paths with the Defendants.

#### **THE DEFENDANTS**

15. Elmer Harmon (Jim) Ammerman is the founder and principal of The Chaplaincy of the Full Gospel Churches (hereinafter "CFGF"). The CFGF, amazingly, is an authorized "endorser" of chaplains to the Department of Defense. Gordon Klingenschmitt was dropped by his endorsing church and picked up by the CFGF (to whom he became responsible and accountable) just before he was court-martialed for wearing his uniform for personal purposes. He now serves as Ammerman's (and the CFGF's) henchman. Ammerman serves on the Advisory Board of Klingenschmitt's "Pray in Jesus' Name Project."

16. Despite its name, the CFGF is not a bone fide religious organization. Rather, it is a front for anti-government extremists to infiltrate the military and obtain information to use against the United States in advancing its extremist viewpoints. Ammerman has made his positions quite clear, in publically available speeches and articles. He believes that the United States government is planning to turn over sovereignty to the United Nations. He believes that there are secretly hidden throughout the United States, especially in inaccessible parts of National Parks, foreign troops ready to take over. He further believes there are anywhere from 400,000 to 1,300,000 foreign troops here, including a contingent of Russian tanks in the Great Smokey National Park, all of which are under United Nations control. He believes that Holloman Air

Force Base in New Mexico has been given to the Russians; and that Fort Bliss in El Paso has been given to the Germans.

17. He believes all of this is under control of eight ruling families of the world, including the Rothchilds, Warburgs and Rockefellers, who own the United States Federal Reserve and who dictate who is elected in this country. Ammerman believes that he and his followers are slaves under a dictatorial state in an undeclared state of war. He believes that our highest government officials are traitors and has called for the hanging of President Obama, Vice-President Biden, Secretary of State Clinton and Senator Dodd of Connecticut. CFGC as an organization has done nothing to stop it and has by its silence endorsed and ratified Ammerman's actions and statements.

18. But usually in his speeches, he is very careful not to actually advocate violence against the government. He knows to stop just short of that. Rather, by spouting all of this hatred and intolerance, he whips his crowd into a frenzy and then nods and smiles while members of the audience make the actual threats of violence.

#### **MIKEY TAKES ON THE RELIGIOUS FRONT PUT UP BY THE DEFENDANTS**

19. If all Ammerman and his group were concerned about were "black helicopters," they would not have in any way attracted Mikey's or the MRFF's attention, as potential domestic terrorists are not the MRFF's concern. Even the virulent anti-Semitism of Ammerman and his group would not have been a concern if they had remained merely private citizens. The hatred that Ammerman and his group feel towards Roman Catholics, Muslims, and even mainstream Protestant groups (who they believe have been taken over by the vast conspiracy), would not have been the MRFF's concern, if this hatred had stayed out of the military.

20. But Ammerman and his crowd chose the military chaplaincy as an inroad into the armed forces. Not only do they need another forum in which to express their anti-American ideals, but as Ammerman has repeatedly stated, he uses chaplains such as Klingenschmitt to gather information to use in his crusade against the United States. It is through his chaplains that he knows that Fort Bliss has been given to the Germans and Holloman AFB to the Russians.

21. It was these activities, in the very chaplaincy of our armed forces, that led Mikey and the MRFF to first question and later challenge the right of CFGC to be an official “endorser” of chaplains. In turn, those actions by Mikey and the MRFF are what led to the following:

**THE DEFENDANTS ISSUE A FATWAH AGAINST MIKEY**

22. Soon after the MRFF began to complain about some of the actions of the Defendants in the military, Ammerman began to include Mikey in his rants, along with the United Nations, the “eight ruling families,” and the various “traitors” running our government. He made speeches and statements attacking Mikey and his family and containing virulent anti-Semitic comments. Ammerman described Mikey as a madman, falsely stated that one of Mikey’s sons had renounced Judaism and said other hurtful and despicable things.

23. The hate mail (and hate e-mail) that Mikey and the MRFF regularly received increased thereafter, but Mikey was undeterred and continued pursuing the MRFF’s mission.

24. In April of 2009, and again in May 2009, Defendant Klingenschmitt issued a “fatwah” against Mikey (and the Reverend Barry Lynn of the Americans United for Separation of Church and State). In other words, Klingenschmitt called upon his followers to commit violence against, or even kill, Michael Weinstein, and even his family (as well as the Rev. Lynn). On or about April 25, 2009, Klingenschmitt published his first fatwah on his internet site as follows:

“Let us pray. Almighty God, today we pray imprecatory prayers from Psalm 109 against the enemies of religious liberty, including Barry Lynn and Mikey Weinstein, who issued press releases this week attacking me personally. God, do not remain silent, for wicked men surround us and tell lies about us. We bless them, but they curse us. Therefore find them guilty, not me. Let their days be few, and replace them with Godly people. Plunder their fields, and seize their assets. Cut off their descendants, and remember their sins, in Jesus’ name.”

On or about May 20, 2009, he issued his second fatwah as follows:

“Let us pray. Almighty God, today we pray your blessing upon the Chief of Army Chaplains, Major General Douglas Carver, who called for a day of prayer and fasting for our troops, then got falsely accused of violating the U.S. Constitution by the anti-Christian activist Mikey Weinstein, simply because he invited chaplains of all diverse faiths to fast and pray for our soldiers safety and health. God we proclaim Deuteronomy 23, that you will bless those who honor and obey your laws, and curse those who dishonor you, in Jesus name, Amen.”

25. The MRFF’s dispute with the CFGC did not involve Klingenschmitt, who by that time had already been court martialed and was no longer in the military. But the CFGC was still his endorsing agency (as chaplain and traveling evangelist for Mission and Evangelism Outreach) and Ammerman was Klingenschmitt’s “trusted advisor” and advisory board member. Acting on behalf of Ammerman and the CFGC and, upon information and belief, at the direction of Ammerman and the CFGC, Klingenschmitt made these calls for violence. On information and belief, he has left these fatwahs in place without retracting them for more than a year. On

information and belief, throughout that time Ammerman and the CFGC have taken no action to require Klingenschmitt to withdraw the fatwahs and have, therefore, ratified and endorsed them. Klingenschmitt wants to return to the military, but needs the CFGC and Ammerman to remain an endorsing agency, because presumably no one else would or will endorse him. He, therefore, is willingly trying to silence Mickey and the MRFF on behalf of the CFGC, to preserve what he imagines to be his chances of returning to the armed forces.

26. These “fatwahs” are hidden in terms of imprecatory prayers. Imprecatory or “curse” prayers, in mainstream Christianity and Judaism, are prayers for the Lord to protect the weak and faithful from the strong and wicked. While they may be infrequently used in mainstream Christianity and far less if at all in Judaism, they are recognized as part of Judeo-Christian tradition.

27. But make no mistake; Klingenschmitt is not appealing to the Lord. He is appealing to the Defendant’s followers, using Biblical quotes as a code (attempting to disguise or conceal what amounts to a coded message under the false label of prayer), urging the Defendant’s followers to acts of imminent violence. His imprecatory prayers (referenced in paragraph 24 above) were, in reality, coded suggestions of criminal violence and appeals to their followers to threaten acts of violence, such as the hate mail and email, intimidating internet postings and intimidating acts such as they have experienced (shots being fired at their home, fires being set on their lawn, dead animals being left on their porch, etc.) Plaintiffs will put on expert testimony, by recognized experts in domestic terrorism, that that is what the Defendant intended by these fatwahs.

28. Since these fatwahs were issued, the threats and hate mail have increased exponentially. Plaintiffs justifiably live in fear of imminent violence against their person and their family. Despite Plaintiffs' repeated requests that Defendants withdraw the fatwahs and refrain from such acts in the future, Defendants have refused.

### **CAUSES OF ACTION**

#### **Threat of Imminent Violence.**

29. Defendants have made threats (and given their nature, continue to do so) against Plaintiffs and their family in violation of Texas Penal Code §22.01 and §22.07. These threats were made with the intent to and did cause Plaintiffs to be in fear of imminent physical violence.

#### **Intentional Infliction of Emotional Distress.**

30. Defendants' conduct (see paragraphs 22-27 above) was intentional and reckless, their conduct has been extreme, continuing, and outrageous, and Plaintiffs have suffered severe emotional distress as a result of that behavior. Accordingly, Defendants should be held liable for intentional infliction of emotional distress.

#### **Conspiracy**

31. Defendants acted in concert to accomplish an unlawful purpose and to continue that purpose (see paragraphs 22-27 above), and Plaintiffs suffered damages as a proximate result. Each had a specific intent to injure Plaintiffs. Accordingly, Defendants are liable for civil conspiracy. CFGC is vicariously liable for the acts and continuing acts of the other Defendants.

#### **Injunction**

32. For the reasons stated above, Defendants should be enjoined from making further threats and should be enjoined from encouraging, soliciting, directing, abetting, or attempting to

induce others to engage in similar conduct or to harm Plaintiffs or their family or to have any further contact with any of their children.

### **APPLICATON FOR TEMPORARY RESTRAINING ORDER**

33. Plaintiffs would show the Defendants, and others with whom Defendants are acting in concert can, and likely will, cause irreparable harm to Plaintiffs' ability to prove their case if Defendants are not enjoined from destroying, secreting, altering, amending, or deleting documents, either in hardcopy form or stored electronically on hard drives, CDs, DVDs, or any other media or memory devices, including, but not limited to, e-mails, text messages, digitally-stored photographs, video and images, social networking website entries and any other form of electronic communication and data storage. Accordingly, Plaintiffs seek injunctive relief on the grounds that there is a threat of imminent harm and irreparable injury to Plaintiffs' interests as described herein for which there is no adequately remedy at law pursuant to Tex.Civ.Prac. & Rem. Code §65.011(1). Plaintiffs will post the necessary reasonable bond to facilitate the injunctive relief requested.

### **REQUESTS FOR DISCLOSURE**

34. Plaintiffs request that the Defendants provide all information responsive to Texas Rules of Civil Procedure 194.2(a) through (l) in accordance with such rules.

### **REQUEST FOR PRODUCTION**

35. Plaintiffs request that the Defendants produce all correspondence, e-mails, written documents of any nature, and video/audio referring in any way to Plaintiffs or the MRFF.


**REQUEST FOR COURT REPORTER**

36. Plaintiffs request a Court Reporter for all proceedings in this matter.

**PRAYER**

37. WHEREFORE, PREMISES CONSIDERED, Plaintiffs MICHAEL L. WEINSTEIN and BONNIE L. WEINSTEIN respectfully pray that Defendants ELMER HARMON (JIM) AMMERMAN, THE CHAPLAINCY OF FULL GOSPEL CHURCHES, and GORDON KLINGENSCHMITT be cited to appear to answer herein and that upon final hearing that the Court enter a judgment in favor of Plaintiffs for actual (not to exceed \$100,000 each) and exemplary (to be determined by the finder of fact, but no to exceed \$200,000 each, in part taking into consideration attorneys' fees and expenses of this suit) damages against Defendants, for an injunction prohibiting such conduct in the future, for pre and post judgment interest of the highest rate allowed by law, for costs of court, and for such other and further relief to which he may be justly entitled at law or in equity.

Respectfully submitted,



RANDAL MATHIS

State Bar No. 13194300

MARK M. DONHEISER

State Bar No. 05974800

MATHIS & DONHEISER, P.C.

2575 Trammell Crow Center

2001 Ross Ave.

Dallas, TX 75201

Telephone: (214) 303-1919


Facsimile: (214) 303-0399

Email: [rmathis@mathisdonheiser.com](mailto:rmathis@mathisdonheiser.com)

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document has been forwarded to all other known counsel of record in accordance with the Texas Rules of Civil Procedure on this 6<sup>th</sup> day of July 2010.

  
RANDAL MATHIS