
 NO. A09-1492

STATE OF MINNESOTA

IN COURT OF APPEALS

In re the Marriage of:

Patricia L. Rooney,

Respondent,

v.

Michael T. Rooney,

Respondent,

and

Christ's Household of Faith, Inc.

Third-Party Defendant, Appellant,

and

Ramsey County,

Intervenor, Respondent.

MICHAEL T. ROONEY'S RESPONSE TO APPELLANT'S BRIEF AND APPENDIX

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The appendix to this brief is not available for online viewing as specified in the *Minnesota Rules of Public Access to the Records of the Judicial Branch*, Rule 8, Subd. 2(e)(2).

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PURPOSE OF THIS RESPONSE

I, Michael Rooney, am writing this brief in response to the appeal submitted by my congregation because I am the "forgotten obligor." The issues involved in these divorce, child support and spousal maintenance litigations are inextricably tied to matters of deep, personal, faith and conscience-bound beliefs held by me and, formerly, by my wife, Patricia Rooney. Throughout the course of this case my faith and my beliefs have been overlooked, ignored and dismissed by the Ramsey County Family Court and, in the last two reviews, by the Minnesota Court of Appeals. In the zeal of the Ramsey County Family Court and the Ramsey County Attorney's office to get money from my church, the terrible spiritual burden that has been laid on me by the Court and the truths relating to that burden have been swept under the table and forgotten. I am compelled to bring before this court some of these forgotten facts. Since I am awkward in the use of legal terms, such as "respondent obligee" or "respondent obligor", I will write the rest of this brief in the third person as Michael Rooney.

HISTORY OF THE CASE -- SOME OVERLOOKED FACTS

There are some facts that have been glossed over during the history of this case, facts which are key to understanding the constitutional issues involved, facts, which when considered reveal the abuse of discretion exercised by the Ramsey County Family Court.

Patricia Rooney and Michael Rooney both experienced a call by God that resulted in their repenting of their secular lifestyle. They were compelled to give their lives back to their Maker and Redeemer. Sincerely believing that their lives now belonged to God, who had saved them from a lost world, they were convicted that all of their energies, assets, and time allotted to each in this life were owed to Him and, therefore, to be used at His direction. They believed that God directed them to become part of a congregation of like-minded believers, Christ's Household of Faith. Michael and Patricia Rooney began to grow their own family and raise their children in what they both, at that time, believed to be a spiritually and morally rich environment. By secular standards the lifestyle was very austere, nevertheless, the social and material needs of the children were always provided.

Patricia Rooney decided to return to her secular world's lifestyle. She reneged on her vows to God, her husband, and to her church family and left them, and took with her the four youngest children. Then she asked the Ramsey County Family Court to order child support and spousal maintenance from Michael Rooney and *her former church*, the same church to which they had both claimed to be debtors.

JUST SO YOU KNOW

- 1. When Patricia Rooney left her church, she and the children immediately moved into a lifestyle that was materially superior to the frugal lifestyle she and the children had experienced while with the congregation.**

It is an indisputable fact that the children, since they were taken by Patricia Rooney from their church family, were supported by the combined efforts of their parents, Patricia and Michael Rooney, at a much higher standard of living than that which they were experiencing prior to the divorce. The “*Compelling State Interest That Children Be Supported By Their Parents*” has always been satisfied throughout the history of this case. The Court has used this as an excuse to infringe Michael Rooney’s constitutional rights and those of his congregation in willful ignorance of facts clearly shown in the record of this case. This case has never really been about these children needing support.

The bitter irony is that the only privations suffered by any children named in this case are those experienced by those who have returned to the congregation, who have had to sacrifice basic necessities, along with the rest of their fellow believers, to help pay for the legal defense against Ramsey County's attempts to destroy the faith and witness of their church by means of this case. This judgment to "provide support for the children of Michael and Patricia Rooney” is a judgment that, if successful, will seize money from the common treasury that is presently used to support three of Michael and Patricia Rooney's children and 15 of their grandchildren. [See affidavit of Victoria Rooney Gustason in Christ's Household of Faith's brief]

2. **The attempt by the Ramsey County Family Court to transfer Michael Rooney's support obligation to his congregation, a third-party to which he is indebted and which owes him nothing but to love him, is not only strongly against his wishes, but a crass denial and belittlement of his faith and beliefs, and a cruel infringement of the dictates of his conscience that govern his relationship with his God and fellow believers.**

Michael Rooney sincerely believes he now belongs to God and owes the debt of love to God's family. What ever value Michael Rooney's church family experiences from his love and devotion to the Body of Christ is, at best, reasonable service to God to Whom he owes all. In short, Michael Rooney believes he is now a son of God and, *because he owes his life to God*, serves as a member in the Family of God. The Court, in its reasonings to claim money from his church, states that Michael Rooney does not have the right to maintain this relationship with his God and God's family. The Court is declaring that Michael Rooney serves the body of Christ as a hireling and that now the Family of God should ante up and "withhold" on the unpaid wages this hireling deserves for the "value" it has received. It appears that the **Family** Court fails to understand the difference between a business and a **family** unit, be it physical or spiritual.

If a court were to issue a withholding order on a family which employed a gardener who is a debtor, that would be reasonable because the family has a quid pro quo relationship with the gardener. On the other hand, imagine a court issuing a withholding order on a family because the

mother is a debtor. The court reasons that the mother performs housekeeping, cleaning, cooking, day care and chauffeur services valued at least \$36,000 a year. The court further reasons that since the mother has only received in-kind benefits such as housing, food, clothing, and so forth, the family must be keeping the mother's \$36,000 a year value for its own use. Since it is a family of 20 years, the court issues a retroactive withholding order on the \$720,000 the family has received for the value of the mother's services to be paid to the mother's creditor.

Would such an order survive an appeal? Of course not. The relationships between family members are not the same as those relationships between employees and management in a dime store. A family does not owe the mother for her service. A family does not owe the father for his service. A family does not owe children for their service. If Michael Rooney is a hireling or in any way an employee of the church family, then he is not a member of that family. If the Family of God owes Michael Rooney for his devotion and service, then he is not part of that family. Yet, this Court has had the temerity, the audacity, to say that its judgment that Michael Rooney is an employee, and Christ's Household of Faith is his "payor of funds" does not infringe on the dictates of his conscience, does not interfere with his beliefs, and does not affect his relationship with his God! There once was a time when the Constitution of the United States and especially the Constitution of the State of Minnesota, prevented judges from easily dismissing matters of faith and conscience and imposing their beliefs into the affairs of religious minorities as is being done in this case. Perhaps it is now true that "the appellate court is where policies are made." (Sonia Sotomayor)

- 3. Michael Rooney reminds this court that the Apostolic Fellowship, Christ's Household of Faith, owns no personal property, no assets, and no funds that belong to Michael Rooney or are owed to Michael Rooney.**

How then did Michael Rooney's obligation get transferred to his Apostolic Fellowship, a federally recognized 501 (d), non profit, religious community? How can such a third-party have a withholding order when it possesses nothing of and owes nothing to Michael Rooney? Have the principles of contract law suffered the same fate as constitutional protections in this case?

- 4. It is undisputed that one of the beliefs and doctrines of Christ's Household of Faith is that it cannot and will not support apostates, those adult believers who have given their lives to God and subsequently abandoned their faith. The church cannot provide "spousal maintenance" or any type of direct support for Patricia Rooney, who is such an apostate.**

Throughout the history of this case Michael Rooney has never received any benevolences from his church family to be used to support his ex-wife, because she is an apostate. There is no "compelling state interest" that wives be supported by their ex-husbands, especially when faith and conscience forbid such support. It was not until *Rooney III* that the court arbitrarily assigned Michael Rooney's spousal maintenance obligation to his church. There has never been any constitutional analysis offered for

this decision. How may a court order a church to support an ex member, contrary to its beliefs and doctrines?

5. Michael Rooney would point out to this court that he loves his pastor, Donald Alsbury. The fact that this court has ordered the incarceration of this 77-year-old man, crippled in long years of service to God and God's Family, is a severe burden on Michael Rooney's conscience.

The court has ordered the incarceration of pastor Alsbury until he and the congregation have agreed to comply with the court order. For the congregation to agree with the court's reasoning that Michael Rooney is an employee of God's Family instead of a born again member of God's family would be to deny the work of God in Michael Rooney's life. For the congregation to agree with the court's reasoning that this Apostolic Fellowship is a business enterprise instead of a Family of God, would be to deny the work of God in the hearts and lives of all the believers. In so doing, Reverend Alsbury and the members of the congregation would be admitting they are not a Family of God as their faith and witness declares, but merely another worldly business enterprise using God's name to promote its interests. Neither Reverend Alsbury, nor any born again believer in this church, will jeopardize their eternal life by agreeing with this court's antichrist and unconstitutional judgments regarding the form, nature and function of His body of believers. Reverend Alsbury will not deny God to get out of the workhouse. The order states that Reverend Alsbury is to be incarcerated indefinitely until he complies. In short, the court has ordered Michael Rooney's pastor to *life imprisonment*

in its attempts to extort Michael Rooney's debt obligation from his congregation. This is a grievous burden on Michael Rooney's conscience as well as being a senseless travesty of justice. Just so you know.

CONCLUSION

Ramsey County is attempting to seize nearly a quarter million dollars from the community treasury of an apostolic Fellowship, ostensibly to provide support for children, children who already have been supported through their emancipation. The treasury from which these funds are being seized is used primarily to support a community that is mostly composed of the elderly and children, including three children, and fifteen grandchildren of Patricia and Michael Rooney. The court has ruled that this judgment is "neutral" and does not interfere with the constitutional rights or the faith and beliefs of this community. Yet the appeal before this court is seeking to prevent at least one member from indefinite imprisonment for failing to change his beliefs. The congregation feels so strongly about this attack on their faith and witness that they have spent more than three quarter million dollars in legal fees in their efforts to prevent Ramsey County from imposing its beliefs, conscience and its values upon this Family of God. The congregation obviously and sincerely believes that its witness, its way of life and its relationship with their God will be dramatically impacted and changed by any acquiescence to this court's imperious ruling. Michael Rooney is not a legal expert, but Michael Rooney knows this case is a mess. Michael

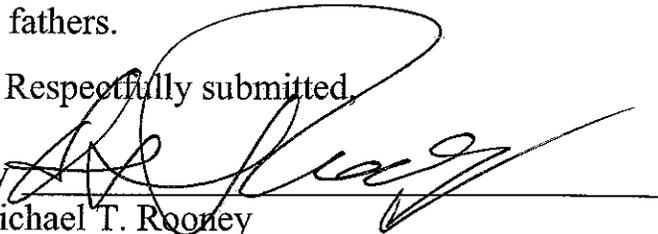
Rooney, in his relationship with his God and fellow believers, has chafed for 21 years under the burdens of conscience caused by the effects of the plain errors and clear errors of the petitioner, county attorney, and the court which are manifest in the record of this case from its inception until this present time.

It is hoped that this court has the authority and jurisdiction, not only to undo the injustice of incarcerating a 77-year-old disabled, handicapped pastor for refusing to go against his conscience, but to restore faith in our court system by reviewing and applying the constitutional safeguards that have been ignored and neglected in this decades long case. Michael Rooney begs the Court to release this Church Family from an artificially imposed obligation that it cannot acknowledge without denying the faith and witness defines their relationship with their God.

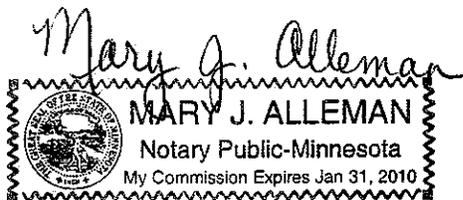
If it is outside the jurisdiction of this court to review this case in the light of just, legal principles and the protections afforded by the Minnesota Constitution, perhaps it has the authority to refer this matter to the Supreme Court of the state of Minnesota, which does have the authority to review this 20+ year judicial debacle in the light of those principles held precious by our founding fathers.

Respectfully submitted,

Dated: October 19, 2009

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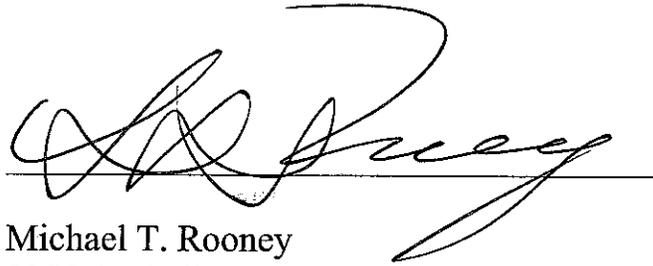


CERTIFICATE OF COMPLIANCE

I certify that this brief conforms to the Minn. R. Civ. App. P. 132.01, subd. 3, for a brief produced using the following font:

Proportional serif font, 13-point or larger.

The length of this brief is 2,401 words. This brief was prepared using Microsoft Word 2003.



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