

1 Marc J. Randazza, NV Bar No. 12265  
2 Ronald D. Green, NV Bar No. 7360  
3 Alex J. Shepard, NV Bar No. 13582  
4 RANDAZZA LEGAL GROUP, PLLC  
5 8991 W. Flamingo Rd., Ste. B  
6 Las Vegas, NV 89147  
7 Telephone: 702-420-2001  
8 ecf@randazza.com  
9 Attorneys for Defendants  
10 Keith Hodge, Kevin Hodge, and Hodgetwins, LLC

7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**

9 PASTOR STEVE SMOTHERMON,  
10 Plaintiff,  
11 v.  
12 KEITH HODGE, an individual; KEVIN  
13 HODGE, an individual; HODGETWINS,  
14 LLC, a limited liability company,  
15 Defendants.

Case No. 2:25-cv-01858-APG-BNW

**DEFENDANTS' AMENDED  
ANSWER AND AFFIRMATIVE  
AND OTHER DEFENSES**

15 Defendants Keith Hodge, Kevin Hodge, and Hodgetwins, LLC (“Defendants”) amend their  
16 Answer to the Complaint filed by Plaintiff Steve Smothermon (“Plaintiff”), as follows:

17 **ANSWER**

18 **NATURE OF THE ACTION**

19 1. Answering Paragraph 1 of the Complaint, Defendants are without knowledge or  
20 information sufficient to allow them to admit or deny the allegations that Smothermon is a  
21 “conservative” or a “Bible-based Pastor” as both of those terms are matters of opinion. As such,  
22 Defendants deny the allegations. However, without prejudice to this denial, Defendants have  
23 located significant information that Smothermon is a pastor and leader of Legacy Church in New  
24 Mexico. *See Exhibits 1-23.*

25 2. Answering Paragraph 2 of the Complaint, Defendants are without knowledge or  
26 information sufficient to allow them to admit or deny the allegations contained therein and much  
27 of this is a matter of opinion. As such, Defendants deny the allegations.

1 3. Answering Paragraph 3 of the Complaint, Defendants deny the allegations.

2 4. Answering Paragraph 4 of the Complaint, Defendants deny that they caused any  
3 injury to Plaintiff. With regard to the remaining allegations, Defendants are without knowledge  
4 or information sufficient to allow them to admit or deny the remaining allegations. As such,  
5 Defendants deny the allegations.

6 5. Answering Paragraph 5 of the Complaint, Defendants deny the allegations.

7 6. Answering Paragraph 6 of the Complaint, Defendants deny. *See Exhibits 22-23.*

8 7. Answering Paragraph 7 of the Complaint, it contains conclusions of law to which  
9 no response is required. To the extent that a response is required, Defendants deny the allegations.

10 8. Answering Paragraph 8 of the Complaint, Defendants assert that it does not contain  
11 allegations necessitating a response and is largely a statement of opinion. To the extent that a  
12 response is required, Defendants deny the allegations.

13 9. Answering Paragraph 9 of the Complaint, Defendants deny the allegations.

14 **THE PARTIES**

15 10. Answering Paragraph 10 of the Complaint, Defendants admit this allegation.

16 11. Answering Paragraph 11 of the Complaint, Defendants admit the allegations.

17 12. Answering Paragraph 12 of the Complaint, Defendants admit the allegations.

18 13. Answering Paragraph 13 of the Complaint, Defendants admit the allegations.

19 14. Answering Paragraph 14 of the Complaint, Defendants deny the allegations.

20 **JURISDICTION AND VENUE**

21 15. Answering Paragraph 15 of the Complaint, it contains conclusions of law to which  
22 no response is required. To the extent that a response is required, Defendants deny the allegations.  
23 Specifically, Defendants deny that there is more than \$75,000 at issue.

24 16. Answering Paragraph 16 of the Complaint, it contains conclusions of law to which  
25 no response is required. To the extent that a response is required, Defendants deny the allegations.

26 17. Answering Paragraph 17 of the Complaint, it contains conclusions of law to which  
27 no response is required. To the extent that a response is required, Defendants deny the allegations.

**GENERAL ALLEGATIONS**

1  
2 18. Answering Paragraph 18 of the Complaint, Defendants admit that Kevin and Keith  
3 Hodge are American twin brothers, that they have a YouTube channel and a “social media  
4 presence,” and that they have engaged in fitness advice, reaction videos, stand-up comedy, and  
5 conservative political commentary. Regarding the remaining allegations of the Paragraph,  
6 Defendants are without knowledge or information sufficient to allow them to admit or deny the  
7 allegations. As such, Defendants deny the allegations.

8 19. Answering Paragraph 19 of the Complaint, Defendants admit that Kevin and Keith  
9 Hodge perform comedy shows and have an online presence as conservative twins. Regarding the  
10 remaining allegations of the Paragraph, Defendants are without knowledge or information  
11 sufficient to allow them to admit or deny the allegations. As such, Defendants deny the allegations.

12 20. Answering Paragraph 20 of the Complaint, Defendants are without knowledge or  
13 information sufficient to allow them to admit or deny the allegations. As such, Defendants deny.

14 21. Answering Paragraph 21 of the Complaint, Defendants assert that its averments are  
15 irrelevant to the allegations of the Complaint and were included for an improper purpose.  
16 Defendants admit that the referenced group criticized them as promoting “harmful conspiracy  
17 theories about Jewish individuals” and that they used “their platform to amplify antisemitic  
18 rhetoric” but deny that their opinions actually did these things.

19 22. Answering Paragraph 22, Defendants deny that their YouTube channel “boasts  
20 nearly 3.5 million followers.” Regarding the remaining allegations in the Paragraph, Defendants  
21 are without knowledge or information sufficient to allow them to admit or deny the allegations.  
22 As such, Defendants deny the allegations.

23 23. Answering Paragraph 23 of the Complaint, Defendants admit that their Facebook  
24 page has over 6.3 million followers. Regarding the remaining allegations in the Paragraph,  
25 Defendants are without knowledge or information sufficient to allow them to admit or deny the  
26 allegations. As such, Defendants deny the allegations.

1 24. Answering Paragraph 24 of the Complaint, Defendants are without knowledge or  
2 information sufficient to allow them to admit or deny the allegations. As such, Defendants deny.

3 25. Answering Paragraph 25 of the Complaint, Defendants are without knowledge or  
4 information sufficient to allow them to admit or deny the allegations. As such, Defendants deny.

5 26. Answering Paragraph 26 of the Complaint, Defendants are without knowledge or  
6 information sufficient to allow them to admit or deny the allegations. As such, Defendants deny.

7 27. Answering Paragraph 27 of the Complaint, Defendants are without knowledge or  
8 information sufficient to allow them to admit or deny the allegations. As such, Defendants deny.

9 28. Answering Paragraph 28 of the Complaint, Defendants are without knowledge or  
10 information sufficient to allow them to admit or deny the allegations. As such, Defendants deny.

11 29. Answering Paragraph 29 of the Complaint, Defendants are without knowledge or  
12 information sufficient to allow them to admit or deny the allegations. As such, Defendants deny.

13 30. Answering Paragraph 30 of the Complaint, Defendants are without knowledge or  
14 information sufficient to allow them to admit or deny the allegations. As such, Defendants deny.

15 31. Answering Paragraph 31 of the Complaint, Defendants are without knowledge or  
16 information sufficient to allow them to admit or deny the allegations. As such, Defendants deny.

17 32. Answering Paragraph 32 of the Complaint, Defendants are without knowledge or  
18 information sufficient to allow them to admit or deny the allegations. As such, Defendants deny.

19 33. Answering Paragraph 33 of the Complaint, Defendants admit the allegation that  
20 “[s]ome media outlets have praised Cracker Barrel’s recent transformation as a positive shift—  
21 from being perceived as exclusionary to actively embracing LGBTQ+ inclusion. These outlets  
22 often attribute this corporate direction to the leadership of Steve Smotherman.” Defendants also  
23 specifically admit –the need for the Plaintiff to point out “note the different spelling” for the reader  
24 to determine the difference between Smotherman and Smothermon.

25 34. Answering Paragraph 34 of the Complaint, Defendants admit.

26 35. Answering Paragraph 35 of the Complaint, Defendants admit.  
27

1 36. Answering Paragraph 36 of the Complaint, Defendants are without knowledge or  
2 information sufficient to allow them to admit or deny the allegations. As such, Defendants deny.

3 37. Answering Paragraph 37 of the Complaint, Defendants admit that some people hold  
4 these opinions while others hold the opposite opinions.

5 38. Answering Paragraph 38 of the Complaint, Defendants are without knowledge or  
6 information sufficient to allow them to admit or deny the allegations. As such, Defendants deny.

7 39. Answering Paragraph 39 of the Complaint, Defendants admit the allegations.

8 40. Answering Paragraph 40 of the Complaint, Defendants admit the allegations.

9 41. Answering Paragraph 41 of the Complaint, Defendants admit the allegations.

10 42. Answering Paragraph 42 of the Complaint, Defendants are without knowledge or  
11 information sufficient to allow them to admit or deny the allegations. As such, Defendants deny  
12 the allegations. One part of the allegation is specifically admitted – that being the need for the  
13 Plaintiff to point out “note the different spelling” for the reader to determine the difference at issue  
14 between Smothermon and Smotherman. This proves part of the Defendants’ argument.

15 43. Answering Paragraph 43 of the Complaint, Defendants are without knowledge or  
16 information sufficient to allow them to admit or deny the allegations. As such, Defendants deny.

17 44. Answering Paragraph 44 of the Complaint, Defendants deny the allegations.

18 45. Answering Paragraph 45 of the Complaint, Defendants are without knowledge or  
19 information sufficient to allow them to admit or deny the allegations. As such, Defendants deny.

20 46. Answering Paragraph 46 of the Complaint, Defendants deny the allegations and  
21 note that this is entirely a matter of subjective opinion.

22 47. Answering Paragraph 47 of the Complaint, Defendants deny the allegations.

23 48. Answering Paragraph 48 of the Complaint, Defendants deny the allegations.

24 49. Answering Paragraph 49 of the Complaint, Defendants admit the allegations  
25 therein to the extent that Defendants have been able to confirm some of this information after the  
26 lawsuit was served on them. *See Exhibits 1-7, 9.*

1 50. Answering Paragraph 50 of the Complaint, Defendants are without knowledge or  
2 information sufficient to allow them to admit or deny the allegations. As such, Defendants deny.

3 51. Answering Paragraph 51 of the Complaint, Defendants are without knowledge or  
4 information sufficient to allow them to admit or deny the allegations. As such, Defendants deny.

5 52. Answering Paragraph 52 of the Complaint, Defendants are without knowledge or  
6 information sufficient to allow them to admit or deny the allegations. As such, Defendants deny.

7 53. Answering Paragraph 53 of the Complaint, Defendants are without knowledge or  
8 information sufficient to allow them to admit or deny the allegations. As such, Defendants deny.

9 54. Answering Paragraph 54 of the Complaint, Defendants are without knowledge or  
10 information sufficient to allow them to admit or deny the allegations. As such, Defendants.

11 **CLAIMS FOR RELIEF**

12 **FIRST CLAIM FOR RELIEF**

13 **Defamation.**

14 55. Answering Paragraph 55 of the Complaint, Defendants repeat and reallege their  
15 responses to the preceding paragraphs as if set forth fully herein.

16 56. Answering Paragraph 56 of the Complaint, Defendants deny the allegations.

17 57. Answering Paragraph 57 of the Complaint, Defendants deny the allegations.

18 58. Answering Paragraph 58 of the Complaint, Defendants deny the allegations.

19 59. Answering Paragraph 59 of the Complaint, Defendants deny the allegations.

20 60. Answering Paragraph 60 of the Complaint, Defendants deny the allegations.

21 61. Answering Paragraph 61 of the Complaint, Defendants deny the allegations.

22 **SECOND CLAIM FOR RELIEF OR, IN THE ALTERNATIVE, REQUESTED REMEDY**

23 **Permanent Injunctive Relief.**

24 62. Answering Paragraph 62 of the Complaint, Defendants repeat and reallege their  
25 responses to the preceding paragraphs as if set forth fully herein.

26 63. Answering Paragraph 63 of the Complaint, it contains conclusions of law to which  
27 no response is required. To the extent that a response is required, Defendants deny the allegations.

1 64. Answering Paragraph 64 of the Complaint, Defendants deny the allegations.

2 65. Answering Paragraph 65 of the Complaint, Defendants deny the allegations.

3 66. Answering Paragraph 66 of the Complaint, Defendants deny the allegations.

4 67. Answering Paragraph 67 of the Complaint, Defendants deny the allegations.

5 **AFFIRMATIVE AND OTHER DEFENSES**

6 Defendants' affirmative and other defenses, as set forth herein, are based solely upon  
7 Plaintiff's allegations in his Complaint, which do not describe events with sufficient particularity  
8 to enable Defendants to determine each and every defense which might exist to Plaintiff's claims.  
9 Defendants reserve the right to assert and rely upon additional defenses that become available or  
10 apparent during the pendency of this action and to modify the affirmative defenses asserted herein  
11 as additional information is obtained by Defendants.

12 Defendants assert the affirmative and other defenses set forth below, each as separate and  
13 distinct affirmative defenses to Plaintiff's causes of action. Insofar as any of the following  
14 expresses denial of an element of any claim alleged against Defendants, that denial does not  
15 indicate that Plaintiff is relieved of his burden to prove each and every element of such claims, or  
16 that Defendants have assumed any burden of proof. Defendants hereby give notice that they intend  
17 to rely upon such other and further defenses as may become available or apparent during, for  
18 example, pre-trial proceedings in this case and hereby reserve the right to amend this Answer and  
19 offer or assert additional defenses that cannot now be articulated because, among other reasons,  
20 the parties have not conducted discovery.

21 **FIRST AFFIRMATIVE DEFENSE**

22 **The Claims Are Barred by *New York Times v. Sullivan* and Its**  
23 **Progeny, Which Require Clear and Convincing Evidence of**  
**Actual Malice for a Public Figure to Prevail in a Defamation Claim.**

24 1. Plaintiff's Complaint fails to state a cause of action upon which relief can be  
25 granted, in part because Plaintiff fails to properly allege actual malice, which even if alleged, could  
26 never be proven by clear and convincing evidence as required by the First Amendment in cases  
27 involving public figure plaintiffs. The following rebuts any proof Plaintiff may offer:

**Plaintiff is a Public Figure.**

2. Legacy Church advertises that it has “nine church campuses in New Mexico and a worldwide church campus online.” *See* Legacy Church, Who We Are webpage, attached hereto as **Exhibit 1**.<sup>1</sup> The Church has over 10,000 weekly in-person attendees and membership of approximately 20,000 members.

3. In Legacy Church’s 2024 Annual Report, Steve Smothermon and the Church boasted that they had “reached over 28 MILLION people through social media” and have “over 440,000 followers” across social media platforms. *See* Legacy Church 2024 Annual Report, attached hereto as **Exhibit 2**.<sup>2</sup> Upon information and belief, those numbers have increased over the past two years.

4. Legacy Church’s 2024 Annual Report additionally provides that Plaintiff Steve Smothermon and Legacy Church have overseen grants to Make-A-Wish of over \$2 million, have packed over 270,000 meals for Kids Around the World, have gained massive veteran support, and engaged in extensive homeless ministries, which have garnered considerable press and community attention. *See* **Exhibit 2**.

5. Legacy Church has an app available on iPhone, iPad, Apple TV, Android, Amazon, and Roku. *See* Legacy Church App webpage, attached hereto as **Exhibit 3**.<sup>3</sup> Among other things, the app features Steve Smothermon’s podcast, the ability to livestream Steve Smothermon’s sermons, and access to his past sermons. It additionally encourages users to share Steve Smothermon’s sermons on social media.

6. Legacy Church has a YouTube channel that primarily features Steve Smothermon’s sermons. At the time of this filing, that channel has over 91,000 subscribers and features over 2,400 uploaded videos. *See* Legacy Church YouTube account, attached hereto as **Exhibit 4**.<sup>4</sup>

<sup>1</sup> Available at: <<https://www.legacychurch.com/>>.

<sup>2</sup> Available at: <<https://www.legacychurch.com/images/uploads/AnnualReport/2024%20Annual%20Report%20FINAL.pdf>>.

<sup>3</sup> Available at: <<https://www.legacychurch.com/legacyapp?sapurl=LysxOWE4L2FwcD9lbWJlZD10cnVlJnJlY2Vu dFJvdXRlPW FwcC53ZWItYXBwLnJlZGlyZWNo3ImcmVjZW50Um91dGVUbHVnPW Fw>>.

<sup>4</sup> Available at: <<https://www.youtube.com/legacychurchabq>>.

1 7. Steve Smothermon's videos generate considerable traffic. By way of example, his  
 2 video "I'm a Right Wing Extremist and Here's Why!," published on September 18, 2025, has over  
 3 117,000 views as of the date of this filing. See "I'm a Right Wing Extremist and Here's Why!"  
 4 video, attached hereto as **Exhibit 5**.<sup>5</sup>

5 8. Steve Smothermon has an Instagram account with over 20,000 followers. See Steve  
 6 Smothermon Instagram, attached hereto as **Exhibit 6**.<sup>6</sup> Legacy Church, which prominently  
 7 features Steve Smothermon, also maintains an Instagram account with over 45,000 followers. See  
 8 Legacy Church Instagram, attached hereto as **Exhibit 7**.<sup>7</sup>

9 9. Steve Smothermon is a published author with two books for sale on Amazon: *Large*  
 10 *Large Living in a Small Small World* and *Big Problems, Bigger God: Whatever You Need for*  
 11 *Whatever You Face*. See Amazon Author Page, attached hereto as **Exhibit 8**.<sup>8</sup>

12 10. Steve Smothermon has sought, and received, nationwide attention as the pastor of  
 13 Legacy Church, including for hosting Charlie Kirk at Legacy Church on August 10, 2025, shortly  
 14 before Mr. Kirk's assassination. See John San Nicholas, "Charlie Kirk Visits Legacy Church in  
 15 Albuquerque, New Mexico," PATHEOS.COM (Sept. 11, 2025), attached hereto as **Exhibit 9**.<sup>9</sup>

16 11. Steve Smothermon has morphed from a religious leader to a large public figure in  
 17 the political landscape of the State of New Mexico.

18 12. Smothermon has inserted himself into New Mexico politics, including in its  
 19 gubernatorial races. See, e.g., "New Washington Post Column Exposes Mark Ronchetti for Trying  
 20 to Hide His Extreme Anti-Abortion Stance," DEMOCRATIC GOVERNORS ASS'N (Sept. 1, 2022),  
 21 attached hereto as **Exhibit 10**;<sup>10</sup> Sherry Robinson, "Ronchetti, McCleskey size up Republican  
 22 Presidential Candidates," NEW MEXICO NEWS SERVICES, LLC (Aug. 28, 2023), attached hereto as

23 <sup>5</sup> Available at: <<https://www.youtube.com/watch?v=fLHyP8osyrU>>.

24 <sup>6</sup> Available at: <<https://www.instagram.com/stevesmothermon/?hl=en>>.

24 <sup>7</sup> Available at: <<https://www.instagram.com/legacychurchabq/?hl=en>>.

25 <sup>8</sup> Available at: <[https://www.amazon.com/stores/Steve-Smothermon/author/B00JA8F4U4?ref=ap\\_rdr&shoppingPortalEnabled=true&ccs\\_id=f887dae1-ffcf-4d5b-af38-4cc5c74c9348](https://www.amazon.com/stores/Steve-Smothermon/author/B00JA8F4U4?ref=ap_rdr&shoppingPortalEnabled=true&ccs_id=f887dae1-ffcf-4d5b-af38-4cc5c74c9348)>.

26 <sup>9</sup> Available at: <<https://www.patheos.com/blogs/faithfulpolitics/2025/08/charlie-kirk-visits-legacy-church-in-albuquerque-new-mexico/>>.

27 <sup>10</sup> Available at: <<https://democraticgovernors.org/updates/new-washington-post-column-exposes-mark-ronchetti-for-trying-to-hide-his-extreme-anti-abortion-stance/>>.

1 **Exhibit 11**;<sup>11</sup> “Episode 99: Inside New Mexico with Steve Pearce,” *Inside New Mexico with Steve*  
 2 *Pearce Podcast Episodes* (Jan. 24, 2021), attached hereto as **Exhibit 12**;<sup>12</sup> Jesse Lopez, “Forgiving  
 3 Smothermon; praying for those his words affect,” NMPOLITICS.NET (Feb. 20, 2012), attached  
 4 hereto as **Exhibit 13**<sup>13</sup>; Laura Thoren, “Legacy pastor fires back on highlighted ballot issue,”  
 5 KOAT.COM (Oct. 27, 2024), attached hereto as **Exhibit 14**<sup>14</sup>; John Cardinale, “Legacy Church  
 6 stirs the pot during election season,” KOAT.COM (Aug. 3, 2022), attached hereto as **Exhibit 15**.<sup>15</sup>

7 13. Plaintiff additionally inserted himself into the country’s and the state’s policies  
 8 during the COVID-19 shutdowns. *See, e.g.*, Pastor Dewey Moede, “ABQ Fire Marshal Says the  
 9 City and State Police Will Be Visiting Churches to Make Sure Public Health Orders Are Be  
 10 Practiced,” FGGAM.ORG (Oct. 23, 2020), attached hereto as **Exhibit 16**;<sup>16</sup> Pastor Dewey Moede,  
 11 “COVID Shutdown is Destroying New Mexico! Where is The NM GOP? HELLO!?!?!,”  
 12 FGGAM.ORG (Sept. 1, 2020), attached hereto as **Exhibit 17**;<sup>17</sup> Brandon Showalter, “New Mexico  
 13 Megachurch sues state over policy limiting gatherings to 5 or fewer,” CHRISTIAN POST, (April 15,  
 14 2020), attached hereto as **Exhibit 18**;<sup>18</sup> Pastor Dewey Moede, “UPDATED: Legacy Church in  
 15 ABQ Files a Request for an Injunction in Federal Court to Stop Gov. Lujan Grisham’s Order  
 16 Against Churches,” FGGAM.ORG (April 13, 2020), attached hereto as **Exhibit 19**.<sup>19</sup>

17 14. Given that federal law forbids churches from endorsing political candidates, Pastor  
 18 Steve Smothermon has additionally sought, and received, considerable nationwide attention for  
 19 his conservative political advocacy and endorsements of conservative political candidates. *See*

20 <sup>11</sup> Available at: <<https://nmopinions.com/sherry-robinson-6-26-23%2B>>.

21 <sup>12</sup> Available at: <<https://podcasts.apple.com/us/podcast/episode-99-inside-new-mexico-with-steve-pearce/id1455383209?i=1000505357620>>.

22 <sup>13</sup> Available at: <<https://nmpolitics.net/index/2012/02/forgiving-smothermon-praying-for-those-his-words-affect/>>.

23 <sup>14</sup> Available at: <<https://www.koat.com/article/legacy-pastor-fires-back-on-highlighted-ballot-issue/5060019>>.

24 <sup>15</sup> Available at: <<https://www.koat.com/article/legacy-church-stirs-the-pot-during-election-season/40788765>>.

25 <sup>16</sup> Available at: <<https://www.fggam.org/2020/10/abq-fire-marshall-says-the-city-and-state-police-will-be-visiting-churches-to-make-sure-public-health-orders-are-be-practiced/>>.

26 <sup>17</sup> Available at: <<https://www.fggam.org/2020/09/covid-shutdown-is-destroying-new-mexico-where-is-the-nm-gop-hello/>>.

27 <sup>18</sup> Available at: <[https://www.christianpost.com/news/new-mexico-megachurch-sues-state-over-policy-limiting-gatherings-to-5-or-fewer.html?\\_\\_cf\\_chl\\_tk=xKnEsjZPMueeBH6iya5xS7e7CC9JgNT3QtKuhVbt1N0-1772483564-1.0.1.1-EGPERRpijXF0jyZCiC8fOvS4up1XE6bfYHbFzDTLNDs](https://www.christianpost.com/news/new-mexico-megachurch-sues-state-over-policy-limiting-gatherings-to-5-or-fewer.html?__cf_chl_tk=xKnEsjZPMueeBH6iya5xS7e7CC9JgNT3QtKuhVbt1N0-1772483564-1.0.1.1-EGPERRpijXF0jyZCiC8fOvS4up1XE6bfYHbFzDTLNDs)>.

<sup>19</sup> Available at: <<https://www.fggam.org/2020/04/legacy-church-in-abq-files-a-request-for-an-injunction-in-federal-court-to-stop-gov-lujan-grishams-order-against-churches/>>.

1 Jessica Priest and Jeremy Schwartz, “These 20 churches supported political candidates. Experts  
2 say they violated federal law,” TEXAS TRIBUNE (Nov. 7, 2022), attached hereto as **Exhibit 20**.<sup>20</sup>

3 15. Plaintiff is a public figure, and any claims to the contrary are sanctionable under  
4 Fed. R. Civ. P. 11. If the Plaintiff does indeed deny this allegation, Defendants will file a motion  
5 for sanctions under Fed. R. Civ. P. 11.

6 **The Claims Are Brought Against Non-Actionable  
7 Speech Made in Good Faith Without Actual Malice.**

8 16. This Complaint is brought because Defendants made a post on their Facebook page  
9 “Cracker Barrel’s WOKE Past Comes Back to Light” that detailed criticized Cracker Barrel’s  
10 rebranding and political activism efforts (the “Facebook Post”). *See* Facebook Post, attached  
11 hereto as **Exhibit 21**.

12 17. “Woke” is a term that defies a clear definition. “The tug-of-war over definition is  
13 evident: one side sees \*\*‘woke’ as ‘aware and compassionate’, the other side sees \*\*‘woke’ as  
14 ‘oversensitive and radical.’” Matthew J. Cahill, “Woke: How a Word Went Global, Went Viral,  
15 and Got Weaponized,” PERCIPIO COMPANY (Dec. 4, 2025).<sup>21</sup>

16 18. These policy shifts at Cracker Barrel were spearheaded by an executive at the  
17 company named Steve Smotherman. *See* **Exhibit 21**.

18 19. Defendants spelled Mr. Smotherman’s name correctly in the post.

19 20. Defendants wished to include a photograph of Steve Smotherman in the Facebook  
20 Post and performed a Google image search for Mr. Smotherman.

21 21. A Google image search for Steve Smotherman primarily returned, and still  
22 primarily returns to this day, images of Steve Smothermon. *See* Google Search Results, attached  
23 hereto as **Exhibit 22**.

24 22. Defendants did not know that the images Google showed them were not of Cracker  
25 Barrel’s Steve Smotherman.

26  
27 <sup>20</sup> Available at: <<https://www.texastribune.org/2022/11/07/churches-list-violations-johnson-amendment/>>.

<sup>21</sup> Available at: <<https://percipiocompany.com/woke-how-a-word-went-global-went-viral-and-got-weaponized/>>.

1 23. Despite using reasonable care, they inadvertently published a photo of someone  
2 else with the Facebook Post.

3 24. The Post correctly identified that Steve Smotherman spearheaded Cracker Barrel's  
4 LGBT inclusion and DEI efforts.

5 25. The photo the Defendants posted does not even remotely resemble Plaintiff  
6 Smothermon, at least not as he appears today.

7 26. Smothermon and Smotherman are phonically identical and are difficult to tell apart  
8 even when using reasonable care.

9 27. Defendants did not know the photo they obtained by searching for Steve  
10 Smotherman in Google image search was actually a photograph of Plaintiff Smothermon.

11 28. Moreover, the photograph that they selected for the Facebook Post did not resemble  
12 Steve Smothermon's present-day appearance. The left image below is the image included in  
13 Defendants' Facebook Post, while the right image is from a video Steve Smothermon posted from  
14 August 21, 2025, the day before the Facebook Post:



23 29. These do not even remotely look like the same person and no reasonable person  
24 who knows the man on the left would presume that the man on the right is the same person.

25 30. If a person were to create a "missing" poster for Plaintiff Smothermon, and they  
26 used the photo on the left, it would be a reasonable conclusion that the person had no interest in  
27 actually finding Steve Smothermon.

1 31. Defendants used the photograph of Steve Smothermon in good faith, as that term  
2 is described in the Nevada Anti-SLAPP statute and without actual malice as that term is defined  
3 under *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964) and its progeny.

4 **The Facebook Post is Not Defamatory.**

5 32. In the Facebook Post, Defendants stated that Cracker Barrel’s Steve Smotherman  
6 was a “former Cracker Barrel management and training leader” and that he “joined the Human  
7 Rights Campaign’s (HRC) Business Advisory Council” after he left Cracker Barrel. **This**  
8 **statement is true.**

9 33. The Facebook Post additionally stated that Cracker Barrel’s Steve Smotherman  
10 “founded an LGBT employee group” at Cracker Barrel, “helped move Cracker Barrel’s HRC  
11 Corporate Equality Index score from ZERO in 2002 to 80 by 2021,” stopped Cracker Barrel from  
12 discriminating on the basis of sexual orientation,” and “championed corporate activism.” This  
13 statement is true.

14 34. The Facebook Post was about Steve Smotherman, and to the best of Defendants’  
15 knowledge, the post is true as to Steve Smotherman.

16 35. The Facebook Post was not about Steve Smothermon. However, even if it was, the  
17 statements made in it by Defendants would not tend to lower Steve Smothermon in the estimation  
18 of the community, excite derogatory opinions about Steve Smothermon, or hold Steve  
19 Smothermon up to contempt.

20 36. In fact, at least half of the country, if not more, would find these statements to be  
21 praise that Steve Smothermon had not earned.

22 37. In other words, the statements made in the Facebook Post are not capable of a  
23 defamatory meaning, and do not defame Steve Smothermon, nor do they defame Steve  
24 Smotherman, nor anyone else.

25 38. It is not defamatory to state that someone works or worked as an executive for  
26 Cracker Barrel.

1 39. It is not defamatory to state that someone stopped a form of unlawful  
2 discrimination. In fact, it is generally a compliment to say so.

3 40. It is not defamatory to state that someone founded an employee support group. In  
4 fact, it is generally a compliment to say so.

5 41. It is not defamatory to state that someone improved a company's HRC Corporate  
6 Equality Index score. In fact, it is generally a compliment to say so.

7 42. It is not defamatory to state that someone is engaged in corporate activism. In fact,  
8 it is generally a compliment to say so.

9 43. The descriptors "woke," "anti-American," and "anti-family values" are subjective  
10 labels, rhetorical hyperbole, and expressions of opinion. Thus, they are protected by the First  
11 Amendment to the United States Constitution and Art. I, § 9 of the Nevada Constitution.

12 44. Defendants did not defame Steve Smothermon.

13 **SECOND AFFIRMATIVE DEFENSE**

14 **Plaintiff's Damages, if Any, Were Caused in Whole or in Part**  
15 **by Third Parties Over Whom Defendants Had No Control.**

16 The following rebuts any proof that Plaintiff may offer:

17 45. If there were any damages from Smothermon being confused with Smotherman in  
18 an image search, the liability should lie with the image search platform, not with those who  
19 innocently used it.

20 46. Plaintiff's damages, if any, were caused in whole or in part by Plaintiff's own  
21 actions. These actions include a KOAT TV identifying the Plaintiff as "Steve Smotherman." *See*  
22 **Exhibit 15**. On information and belief, Smothermon has never tried to correct the KOAT TV  
23 identification of him as "Steve Smotherman."

24 47. Plaintiff's damages, if any, were caused in whole or in part by YouTube identifying  
25 the Plaintiff as "Steve Smotherman," attached hereto as **Exhibit 23**. On information and belief,  
26 Smothermon has never tried to correct the YouTube's identification of him as "Steve  
27 Smotherman."

1 48. Plaintiff's claims are barred by his failure to mitigate his damages, if any.

2 49. Those damages could have been mitigated by Smothermon requiring corrections to  
3 YouTube or KOAT TV for the misspelling of his name, and the eventuality that others might  
4 secondarily make the same error.

5 50. Plaintiff's damages and injuries, if any, are not attributable to any act, omission, or  
6 other conduct on the part of Defendants.

7 **THIRD AFFIRMATIVE DEFENSE**  
8 **The Complaint Fails to Allege Special Damages**  
9 **and/or Specific, Quantifiable Economic Loss.**

10 51. No further allegations necessary for this affirmative defense.

11 **FOURTH AFFIRMATIVE DEFENSE**  
12 **The Defendants Rely on the Wire Service Defense.**

13 The following rebuts any proof that Plaintiff may offer:

14 52. Third party, reliable media outlets and search engines spelled the Plaintiff's name  
15 as "Steve Smotherman."

16 53. For example, a Google search for "Steve Smotherman" returns primarily images  
17 that on information and belief are the Plaintiff. *See Exhibit 22.*

18 54. Given that these sources were reliable, it was reasonable for the Defendants to rely  
19 upon them in their publication.

20 55. The re-publication of the third party information was not done with actual malice.

21 **FOURTH AFFIRMATIVE DEFENSE**  
22 **Defendants Were Not Negligent in Making the Facebook Post.**

23 The following rebuts any proof that Plaintiff may offer:

24 56. As Plaintiff is a public figure, negligence is not the standard here, and Plaintiff is  
25 required to show actual malice. Nevertheless, in the alternative, Defendants can and will refute  
26 any claim that they were negligent.

27 57. Defendants had a duty to use reasonable care in finding and posting the correct  
photo. Defendants used reasonable care and did not breach that duty.

1 58. Commonly used search engines, such as Google, return Plaintiff's photos when an  
2 Internet user searches for "Steve Smotherman." *See Exhibit 22.*

3 59. In fact, photos of Plaintiff are the vast majority of the results when an Internet  
4 search is performed for "Steve Smotherman." *See Exhibit 22.*

5 60. In multiple public-facing sources, Plaintiff's name is even spelled "Steve  
6 Smotherman." *See Exhibit 23.*

7 61. A person of ordinary intelligence and diligence would reasonable conclude that  
8 searching for "Steve Smotherman" in a search engine would primarily result in images of "Steve  
9 Smotherman."

10 62. "Steve Smothermon" and "Steve Smotherman" are so alike phonetically and  
11 visually that a person using ordinary care could easily confuse the two. ECF No. 1 at ¶¶ 33, 42.

12 63. "Steve Smothermon" and "Steve Smotherman" are often confused, even by  
13 professional journalists. *See Exhibit 15.*

14 64. Defendants had no motivation to use an incorrect photo.

15 65. Even if Defendants had taken extra, and unnecessary, care, the photo that was  
16 returned, and that they are alleged to have used, looks nothing like what Plaintiff looks today.

17 66. Even if Defendants failed to use reasonable care, which they did not, this failure  
18 was not the cause of any harm to Plaintiff.

19 67. Even if Defendants breached their duty of care, which they did not, Plaintiff's  
20 damages for such breach are *de minimis*, if any, or cannot be proven.

21 **Matters of Opinion.**

22 68. The complaint *passim* contains many allegations that are mere matters of opinion  
23 or taste, which are non-actionable.

24 69. This includes allegations that are mere disputes of taste or opinion, and it includes  
25 also statements of pure opinion in the Facebook post that predicated this complaint.

26 70. There is no remedy available for a difference of opinion.  
27



Case No. 2:25-cv-01858-APG-BNW

1  
2 **CERTIFICATE OF SERVICE**

3 I HEREBY CERTIFY that on March 17, 2026, I electronically filed the foregoing  
4 document with the Clerk of the Court using CM/ECF. I further certify that a true and correct copy  
5 of the foregoing document being served via transmission of Notices of Electronic Filing generated  
6 by CM/ECF.

7  
8 /s/ Ronald D. Green  
9 RONALD D. GREEN  
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# **EXHIBIT 1**

Legacy Church, Who We Are Webpage



**GIVE ONLINE TODAY!**

## WHO WE ARE

Legacy Church exists to help people connect with God, grow relationships, and live generously and is led by Pastor Steve Smothermon. Legacy Church has nine church campuses in New Mexico and a worldwide church campus online!

**CONNECT  
WITH GOD**

**GROW  
RELATIONSHIPS**

**LIVE  
GENEROUSLY**

These foundational principles guide everything we do as a church, shaping our vision and driving our passion to make an impact. We're currently in our "Just One More" campaign that represents our commitment to sharing God's love with everyone, one person at a time. Through this initiative, we strive to inspire individuals to live out their purpose



and make a difference. Learn more about how Legacy Church is working to reach "Just One More," and how you can be part of this mission. Together we can make a difference in our community, our city, and our world.



## VISIT ONE OF OUR LOCATIONS

Legacy Church has many locations throughout New Mexico in Albuquerque, Rio Rancho, Edgewood, Tucumcari, Clovis, Portales, Carlsbad, & Grants. We are one church in many locations, including online! View all our campus locations here.



[Service Times](#)

[Just A Thought](#)

[Water Baptism](#)

[Give](#)

[Contact Us](#)

[Employment](#)

[Share Your Testimony](#)

[Healing Scriptures](#)



# **EXHIBIT 2**

Legacy Church 2024 Annual Report

**LEGACY<sup>®</sup>**  
CHURCH

**20**

**24**

**ANNUAL REPORT**

# LEGACY<sup>®</sup>

CHURCH

Dear Legacy Church Giver,

I want to take a moment to personally thank you for your generosity and faithfulness to God and Legacy Church. Your giving is a powerful testament of your dedication to advancing His Kingdom and creating a lasting impact in our community and beyond.

Because of your partnership, we achieved incredible milestones last year. In 2024, we granted *29 wishes* to children in New Mexico through the Make-A-Wish foundation, bringing our total donations to over *\$2 million* for Make-A-Wish! During our Men's Forged Conference, we packed *270,000 meals* for Kids Around the World. Even more, we blessed the communities of Carlsbad, Clovis, Grants, Portales, and Tucumcari with Bibles, backpacks, and shoes—serving over *2,000 children*. None of this would have been possible without the faithfulness of people like you who believe in the mission God has given to us.

Your giving is more than a financial contribution—it is a spiritual act of worship and obedience that honors God and brings hope to countless lives. In Matthew 6:21, Jesus reminds us, "*Wherever your treasure is, there the desires of your heart will also be.*" Thank you for pouring your heart into the work of the Lord through Legacy Church.

With Gratitude,



Pastor Steve Smothermon

# A NOTE FROM OUR AUDITORS

At the heart of our ministry lies a deep commitment to biblical stewardship, recognizing that all resources belong to God and are entrusted to us for His purposes. As faithful servants of these gifts, we take seriously our responsibility to manage His resources with excellence and integrity.

To ensure the highest standards of fiscal accountability, we undergo a comprehensive annual audit conducted by MP Group Inc, an independent accounting firm. In their recent evaluation, they noted:

*"Working with Legacy has been remarkable because of their commitment to strong internal controls. Their meticulous approach to financial management and transparent processes not only safeguards assets but also fosters trust within the congregation and the community. It's refreshing to see an organization where accountability and integrity are embedded into their operations, setting a standard for effective stewardship."*

-Donna Peace, CPA



This external validation reinforces our dedication to transparent financial practices, allowing our congregation to give with confidence knowing that every gift is carefully stewarded to advance God's kingdom. We view this level of accountability as both our sacred duty and an expression of our gratitude for His provision.

# LEGACY ACADEMY SILVERBACKS

## DIRECTOR'S CUP RECIPIENT

The Director's Cup is awarded to the top NMAA schools based on success in activities, athletics, and sportsmanship.

### FOOTBALL

Our Football team had **ELEVEN** All-State players.



### POWERLIFTING

Girls' & Boys powerlifting were district champions and our girls were state champions.

### VOLLEYBALL

Our volleyball team were District Champions and ranked **#1** in 2A Regular Season.



### TRACK & FIELD

Girls' State Champions and Boys' and Girls' District Champions.



# CONNECT. GROW. LIVE.



## TEN CAMPUSES



# OVER 1550

BAPTISMS

# OVER 3,800

HAVE MADE COMMITMENTS TO JESUS THROUGH CONNECT CARDS





**OVER**  
**4,500**  
**ACTIVE VOLUNTEERS**

**OVER**  
**950**  
**NEXT STEP GRADUATES**

**OVER**  
**250**  
**MOVING FORWARD GRADUATES**



# OPERATION EMPTY SEAT

Through the highways and byways of the modern era—social media—we reach people who have never been to church or haven't been in years, offering prayer and a personal invitation to experience church. When they respond, our team calls, prays with them, meets them where they are, and invites them to take their next step in connecting with God and growing relationships with others who can support them. With the support of our liaison and concierge teams, we ensure they feel seen, supported, and truly welcomed into church.

*"And the Lord said unto the servant, Go out into the highways and hedges, and compel them to come in, that my house may be filled." Luke 14:23*

**5171**  
REQUESTS  
RECEIVED

**445**  
PEOPLE WHO  
CAME  
TO CHURCH

**161**  
RECEIVED  
JESUS

WE HAVE REACHED OVER  
**28 MILLION**  
PEOPLE THROUGH  
SOCIAL MEDIA

**LEGACY<sup>®</sup>**  
CHURCH

LS

LKIDZ

LEGACY  
tots

LW

WE HAVE OVER  
**440,000**  
FOLLOWERS ACROSS  
ALL PLATFORMS

CHECK OUT ANY OF OUR 75  
FELLOWSHIP, SUPPORT, & BIBLE GROUPS  
[LEGACYCHURCH.COM/GROUPS](https://www.legacychurch.com/groups)

# EASTER AT LEGACY

OVER  
**32,000**  
IN ATTENDANCE (IN-PERSON & ONLINE)

OVER  
**700**  
BAPTISMS

OVER  
**40,000**  
IN ATTENDANCE (IN-PERSON & ONLINE)

OVER **1000**  
BIBLES GIVEN

# CHRISTMAS AT LEGACY

# NIGHT TO SHINE



Since 2015, we have had the honor of hosting the annual Night to Shine prom. Night to Shine is an exceptional and heartwarming prom night experience that revolves around the theme of God's love, specifically tailored for individuals aged 14 and older with special needs.

This event continues to offer a memorable and inclusive experience, celebrating the worth and significance of every individual it serves.

**THIS YEAR, WE GAVE OVER**

# \$40,000

**TO NIGHT TO SHINE**

# LEGACY IN THE COMMUNITY

feed**NM**kids

In 2024, Feed New Mexico Kids supported over 15 schools, delivering a total of

**42,050 SNACK PACKS**

to students experiencing food insecurity.

Since 2018, Legacy Church has joined forces with Feed New Mexico Kids, contributing a combined total of

**194,421 SNACK PACKS**

equating to an impactful

**496,186 POUNDS OF FOOD**

## BACKPACK MINISTRY

Legacy Clovis/Portales and Legacy Tucumcari blessed their communities with a back-to-school backpack drive. In 2024, they collectively distributed a total of **1,309** backpacks.

Clovis/Portales also provided **775 pairs of shoes and 564 coats** to school aged children. Over the past three years, this back-to-school initiative has not only equipped students but has also led to **847 salvations**. Remarkably, it has touched the lives of more than **4,456** families in New Mexico, reflecting a commitment to both education and community well-being.

Since 2014, Legacy Church has been committed to our monthly support to Israel. We do this by supporting Bridges for Peace & American Friends of Leket Israel.

Their mission is to support Israel and build relationships between Christians and Jews.

Legacy Church proudly supports our Veterans. Since 2014, Legacy Church has donated over

**\$290,000**

to Veteran supporting ministries including Veterans Integration Center, The Roever Foundation, and Warriors Serving Warriors. These ministries purpose to remember, honor, and serve Veterans and their families by helping them.

Legacy Church also supports our active duty military family and friends.

We send out

# MILITARY CARE PACKAGES

a couple of times a year to show our appreciation and provide a bit of comfort and encouragement to those who serve our country.



AT LEGACY CHURCH WE BELIEVE IN SUPPORTING OUR MILITARY.

## CONVICTION MINISTRIES

Conviction for Christ Ministry was created to reach those who are in the prison system. Eddie and Sandi B along with their great team have reached thousands in the prison system and even kids in schools through the gift of music.

LEGACY CHURCH IS A PROUD MONTHLY DONOR TO CONVICTION FOR CHRIST MINISTRY SINCE 2014.

## TEEN CHALLENGE

Teen Challenge is a faith-based non-profit organization that endeavors to help people become mentally sound, emotionally balanced, socially adjusted, physically well, and spiritually alive.

LEGACY CHURCH HAS SUPPORTED TEEN CHALLENGE OF NEW MEXICO WITH MONTHLY SUPPORT SINCE 2014.

## EXPECT A MIRACLE MINISTRIES

Expect a Miracle Ministries offers a free year-round discipleship program for anyone who has a desire to change and learn how to live a life as a Disciple of Christ with the option of furthering their knowledge of the Word of God. Legacy Church donates and supports Expect a Miracle with monthly giving due to your generous giving.



# S.O.S. HOMELESS MINISTRY



Legacy Church's commitment to reaching the streets of Albuquerque through our S.O.S. Homeless Ministry is commendable with approximately 190 dedicated volunteers, they have already served over

## 3,100 MEALS IN 2024

provided clothing for **2,800 individuals**, which include nonperishables, hygiene packs, and even Bibles, among other items. In addition to our street outreach, we've extended our support to Genesis Nursing Home, offering online church services to those who may not be able to attend in person.

Convoy of Hope is a faith-based organization with a driving passion to feed the world through children's feeding initiatives, community outreach, and disaster response.

**SINCE 2021, WE HAVE GIVEN**  
**OVER \$250,000**  
**TO CONVOY OF HOPE**



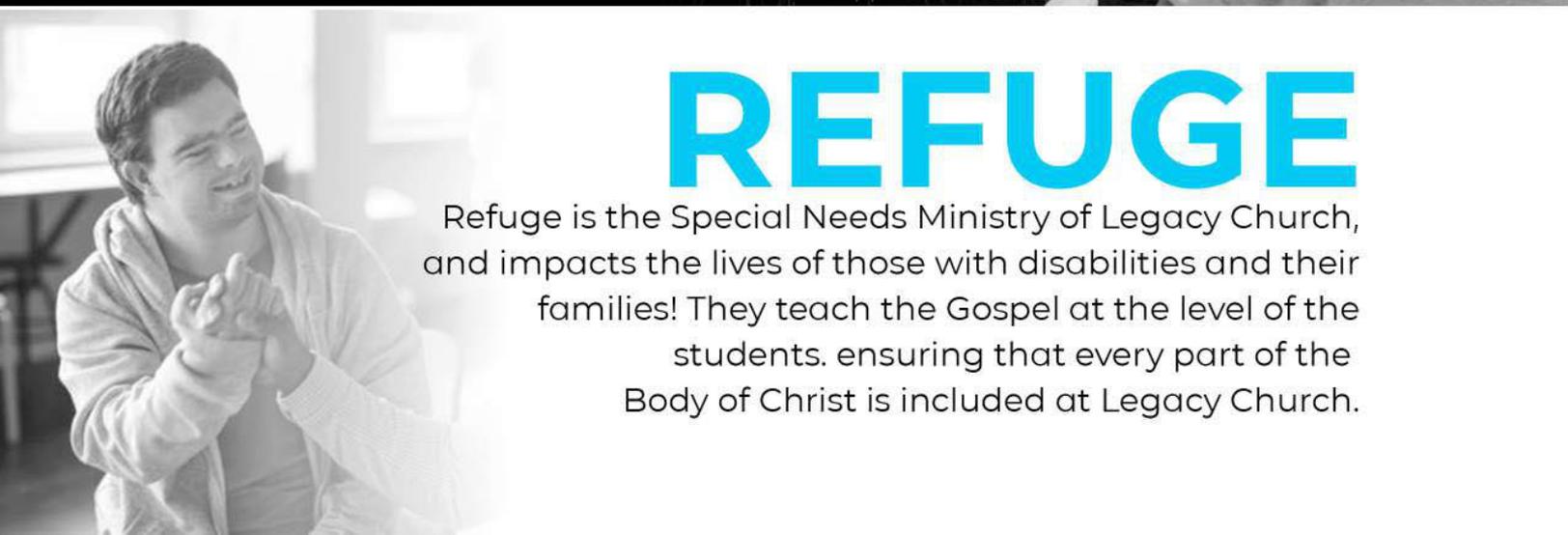
# CASA HOGAR

For over 20 years, Legacy Clovis campus has been a steadfast supporter of Casa Hogar Bethel Orphanage. Casa Hogar offers food, clothing, education, and healing support to abused and abandoned children. Their goal is to restore the lives of these children so they might serve God, provide for their future families, and always show love and respect for others. In 2024, the campus continued its commitment by offering monthly support to the well-being and care of the children living there.



# THE LIGHTHOUSE MISSION

Legacy Church provides monthly support to the Lighthouse Mission in Clovis, NM. The Lighthouse offers shelter to the homeless, addiction recovery programs, and provides food and clothing.



# REFUGE

Refuge is the Special Needs Ministry of Legacy Church, and impacts the lives of those with disabilities and their families! They teach the Gospel at the level of the students, ensuring that every part of the Body of Christ is included at Legacy Church.

# FISCHER FAMILY MINISTRIES

We support Fischer Family Ministries in China. For twenty years, Fischer Family Ministries has actively shared the love and message of Jesus within the Chinese community and teaches others to do the same.



# RESCUE HER

Legacy Church is a dedicated partner in the fight against human trafficking through its collaboration with Rescue Her. Thanks to your support, We sponsor ten women each month as they embark on their path to recovery, healing and ultimately freedom. This vital contribution reflects Legacy Church's commitment to making a tangible difference in the lives of survivors of human trafficking.



# OPERATION SMILE

Legacy Church, is a proud monthly supporter of Operation Smile, an incredible organization that's changing lives, one smile at a time, through surgeries for children suffering from cleft lip or cleft palate.

Operation Smile restores more than a child's ability to speak and eat; it restores their confidence, joy, and potential.

Our consistent contributions help ensure that no child is left without a smile or hope, reflecting our belief in a world where every individual deserves the chance to thrive.



# BOLD HOPE

We provide monthly support to Bold Hope and their initiative to offer hope to those outside of our country.

These teams serve impoverished communities with education programs, medical care, community outreach, community development, children's ministry, and church partnerships.

Our Legacy Academy's Senior Class has actively joined hands with Bold Hope for the past four years, embarking on week-long missions trips to extend their support.

# GIFTING CHRISTMAS

For over five years, Legacy Church has brightened Christmas for hospitalized children who are unable to be home for Christmas. Expanding our reach each year has allowed us to serve children and their siblings in metro area hospitals and some urgent care and emergency rooms. Legacy's aim is to provide hope and joy to these children who may be facing what can be a frightening time.

**THIS YEAR, WE GAVE OUT  
OVER 300  
CHRISTMAS GIFTS**

# LKIDZ SUMMER CAMP

OVER  
**700**  
KIDS

OVER  
**70**  
BAPTISMS

# LEGACY STUDENT CONFERENCE

OVER  
**530**  
STUDENTS

OVER  
**80**  
BIBLES  
GIVEN AWAY

# FORGED

MEN'S CONFERENCE  
OVER

2,100

ATTENDEES

OVER

50

BAPTISMS

OVER

\$35,000

RAISED IN A GUN RAFFLE

FOR:



ROEVER  
foundation

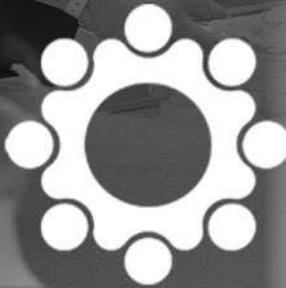


MIGHTY OAKS  
FOUNDATION

DCNMI

# FORGED

X



kids around the world<sup>®</sup>

We made a global impact by packing nutritious meals for children in need. Through dedicated volunteer efforts, we provided sustenance and hope to kids facing hunger, embodying our mission to serve and uplift communities worldwide.

WE SENT OVER

**270,000**

MEALS TO THE DOMINICAN  
REPUBLIC



We have demonstrated one of our core values, "We give, we don't take," through our commitment to Make-A-Wish.

**SINCE 2003, WE HAVE PLAYED  
A SIGNIFICANT ROLE IN GRANTING**

**275 WISHES**

**OVERALL, AMOUNTING TO  
A TOTAL OF OVER**

**\$2 MILLION**

**IN 2024, WE GRANTED**

**18 WISHES**

**TOTALING OVER**

**\$200,000**

**WE SUPPORT OVER 100 MINISTRIES & ORGANIZATIONS**

**AMERICAN FRIENDS OF LEKET ISRAEL, AMOR RICO MINISTRIES, ANGEL MINISTRIES, APD CHAPLAIN UNIT FUND, APD APPRECIATION BAGS, ARTISTS OF CHRISTIAN TESTIMONY INTL, ATRISCO HERITAGE ACADEMY HIGH SCHOOL, AUGUST DREAM CENTER, BACKPACK OUTREACH, BELONGING CHURCH, BENEVOLENCE, BETHEL STOREHOUSE, BOLD HOPE, BOSS COMBAT SPORTS, BRIDGES FOR PEACE, BCSOCAA TRIUMPH, CARE NET, CASA HOGAR, CHAMPIONS CHURCH, CHS FOOTBALL BOOSTERS, CHS WILDCADETTE, CHURCH ON THE MOVE ROSWELL, CITIZENS DEFENDING FREEDOM, CLEVELAND TRACK AND FIELD, CLOVIS CHRISTIAN SCHOOL, COMMUNITY OUTREACH, COMPASSION INTERNATIONAL, CONVICTION MINISTRIES, CONVOY OF HOPE, COUNSELING FOR CHURCH MEMBERS, CRU DONATION MINISTRIES, DREAM CENTER, DREAM CITY FOUNDATION, ELDORADO BASEBALL, ELDORADO BIBLE CLUB, EQUIP LEADERSHIP, EXPECT A MIRACLE, FAITH MINISTRY, FAITHBRIDGE CHURCH, FEED NEW MEXICO KIDS, FIRE CAMS, FISCHER FAMILY MINISTRIES, FOLLOW THE SUN BIBLE CLUB, FOOD BANK OF EASTERN NM, FOREVER YOUNG VETERANS, FOSTER CARE CHRISTMAS OUTREACH, FREEDOM PROJECT, FUNERALS, GIDEONS, GOOD NEWS PHOENIX CHURCH, GRACE OUTREACH CENTER, GUATEMALA ELDERLY CARE PACKAGES, HEARTS FOR NEPAL FOUNDATION, HOMELESS MINISTRY, HOPE CHILDREN'S HOME, HOMELESS MINISTRY, IKG GLOBAL, ISAIAH'S BACKPACK, JESUS IS LORD FELLOWSHIP, JIMMY CARTER MIDDLE SCHOOL, K-LOVE RADIO, KIDS AROUND THE WORLD, LEASEA GLOBAL, LIFE CHOICE PREGNANCY CENTER, LIGHTHOUSE MISSION, MAKE A WISH, MANZANO MONARCHS, MELROSE HIGH SCHOOL, MIKEL FRENCH MINISTRIES, MILITARY CARE PACKAGES, NATIVE AMERICAN OUTREACH, NEW MEXICO BOYS AND GIRLS RANCH, NEW MEXICO VETERANS INTEGRATION CENTERS, NEXT STEP MINISTRIES, NOON DAY MINISTRY, OES, OPEN HEAVEN MINISTRIES, OPERATION SMILE, OPERATION WARRIOR RECONNECT, PREPARE INTERNATIONAL, PRISON MINISTRY, PROVISIONS MINISTRY, RECOVER AMERICA, RESCUE HER, RICK SCARBOUGH MINISTRIES, RINO FOUNDATION, RIO GRANDE FOOD PROJECT, RIO RANCHO BASEBALL TEAM, RIO RANCHO HIGH SCHOOL, ROCKER W RANCH, RYAN OTERO MISSIONS, SCHROER FOUNDATION, SHARE THE WARMTH, SPECIAL OLYMPICS NEW MEXICO, STATERS 4 STATERS, STEELBRIDGE, STUDENT MINISTRY OUTREACH, TEEN CHALLENGE OF NEW MEXICO, TEEN CHALLENGE NEW MEXICO, THE WHITE ROSE RESISTANCE, TONY COOKE MINISTRIES, TRUNK OR TREAT, VALLEY HIGH SCHOOL FOOTBALL TEAM, VVHS FOOTBALL BOOSTERS, WARRIORS SERVING WARRIORS, WEST MESA HIGH SCHOOL YOUTH SPIRIT SQUADS**

**IN 2024,  
WE SPENT  
OVER**



**\$3.7  
MILLION**

**ON MISSIONS  
& OUTREACH**

THANK YOU  
FOR LIVING  
GENEROUSLY



**THANK YOU  
FOR LIVING  
GENEROUSLY**



THANK YOU  
FOR LIVING  
GENEROUSLY

# **EXHIBIT 3**

Legacy Church App Webpage

### The Legacy Church App

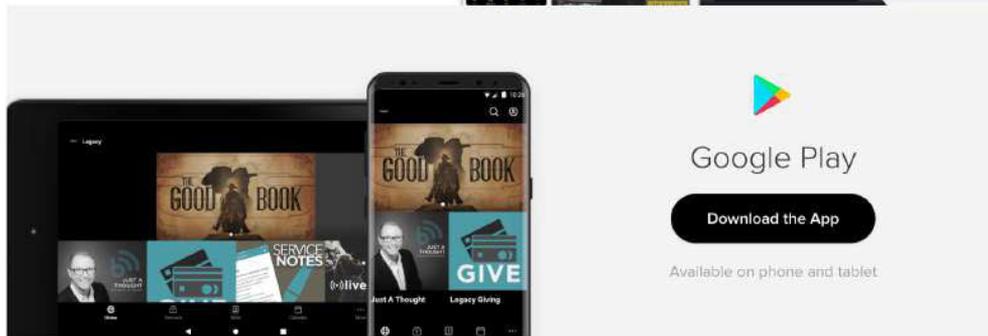
- Watch or listen to past sermons
- Stream our services live
- Keep up with events
- Stay up to date with push notifications
- Share your favorite messages via Facebook, Instagram, Twitter, or email
- Take notes
- Download messages for offline listening



App Store

Download the App

Available on iPhone iPad and Apple TV

Google Play

Download the App

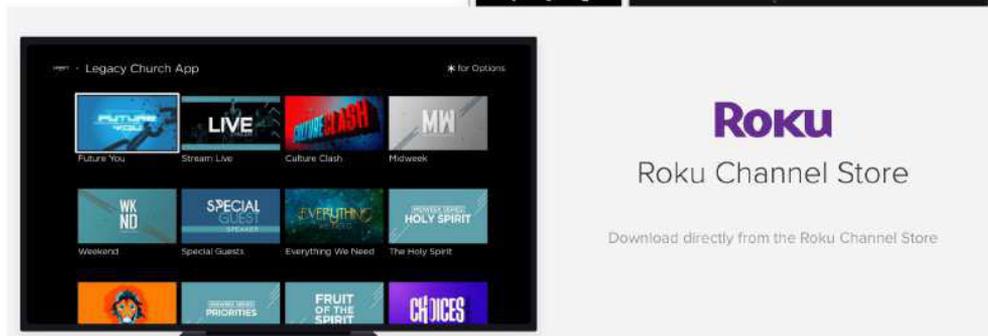
Available on phone and tablet



Amazon Appstore

Download the App

Available on phone and tablet



Roku Channel Store

Download directly from the Roku Channel Store

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[Give](#)      [Healing Scriptures](#)

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# **EXHIBIT 4**

Legacy Church YouTube Account

YouTube

Search

Legacy Church

LEGACY CHURCH

**YOUTUBE LIVE**

SUNDAYS AT 9 AM, 10:45 AM, 12:30 PM  
WEDNESDAYS AT 6:30 PM

**Legacy Church**

@LegacyChurchNM · 91.2K subscribers · 2.4K videos

Legacy Church™ helps people connect with God, grow in relationships, & live generously. ...more

legacychurch.com and 5 more links

Subscribe

Home Videos Shorts Podcasts Playlists Posts



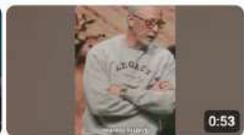
**I'm a Right-Wing Extremist and Here's Why!**

117,435 views · 5 months ago

I am a right-wing extremist!  
Because I believe life begins at conception.  
Because I believe God made male and female.  
Because I believe marriage is one man and one woman.  
Because I believe Jesus is the only way to heaven.

I want you to hear this statement: the world may call that ...  
READ MORE

**Pastor Steve Sermons** ▶ Play all

				
<b>Hidden Sin Will DESTROY You...</b>	<b>Listen to this story. too many churches in America are too...</b>	<b>Are you living in the lie that you have to clean up before...</b>	<b>Are You Waiting to "Clean Up" Before Coming to God?...</b>	<b>The Lord will not and does not condemn you. He loves...</b>
Legacy Church 28 views · 22 minutes ago	Legacy Church 2.4K views · 5 days ago	Legacy Church 1.9K views · 6 days ago	Legacy Church 2.1K views · 7 days ago	Legacy Church 2.4K views · 8 days ago

**Legacy Church Staff Sermons** ▶ Play all

				
<b>Why Control Feels Like Faith (But Isn't)</b>	<b>Why You Keep Losing Spiritual Battles (You Skipp...</b>	<b>Do You Pray from FEAR or FAITH?</b>	<b>Put On the FULL Armor of God and Watch Everything...</b>	<b>The 4 Names of Jesus That Destroy Every Fear, Shame,...</b>
Legacy Church 708 views · 3 days ago	Legacy Church 1K views · 10 days ago	Legacy Church 901 views · 2 weeks ago	Legacy Church 1.4K views · 1 month ago	Legacy Church 1.1K views · 2 months ago

**Featured Channels**

		
<b>Legacy Worship</b> 36.1K subscribers	<b>The LKIDS Show</b> 102K subscribers	<b>Legacy Students</b> 1.53K subscribers
Subscribe	Subscribe	Subscribe

**Posts**

Legacy Church · 3 days ago

Some of us are exhausted because we're trying to do God's job. Managing outcomes. Managing the future. Reading every sign. Trying to keep everyone happy. Trying to make sure nothing fall...



80

Legacy Church · 2 weeks ago

Daniel 6:3 (KJ21) – Then this Daniel was preferred above the presidents and princes, because an excellent spirit was in him; and the king thought to set him over the whole realm. Excellent is defined as: extremely good, outstanding, extraordinary, pre-eminent. When you begin to excel, you will...

32

Legacy Church · 2 v

Make church part c >

10:45 AM, and 12:30

20

Collaborations ▶ Play all



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# **EXHIBIT 5**

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Pastor Steve Smothermon

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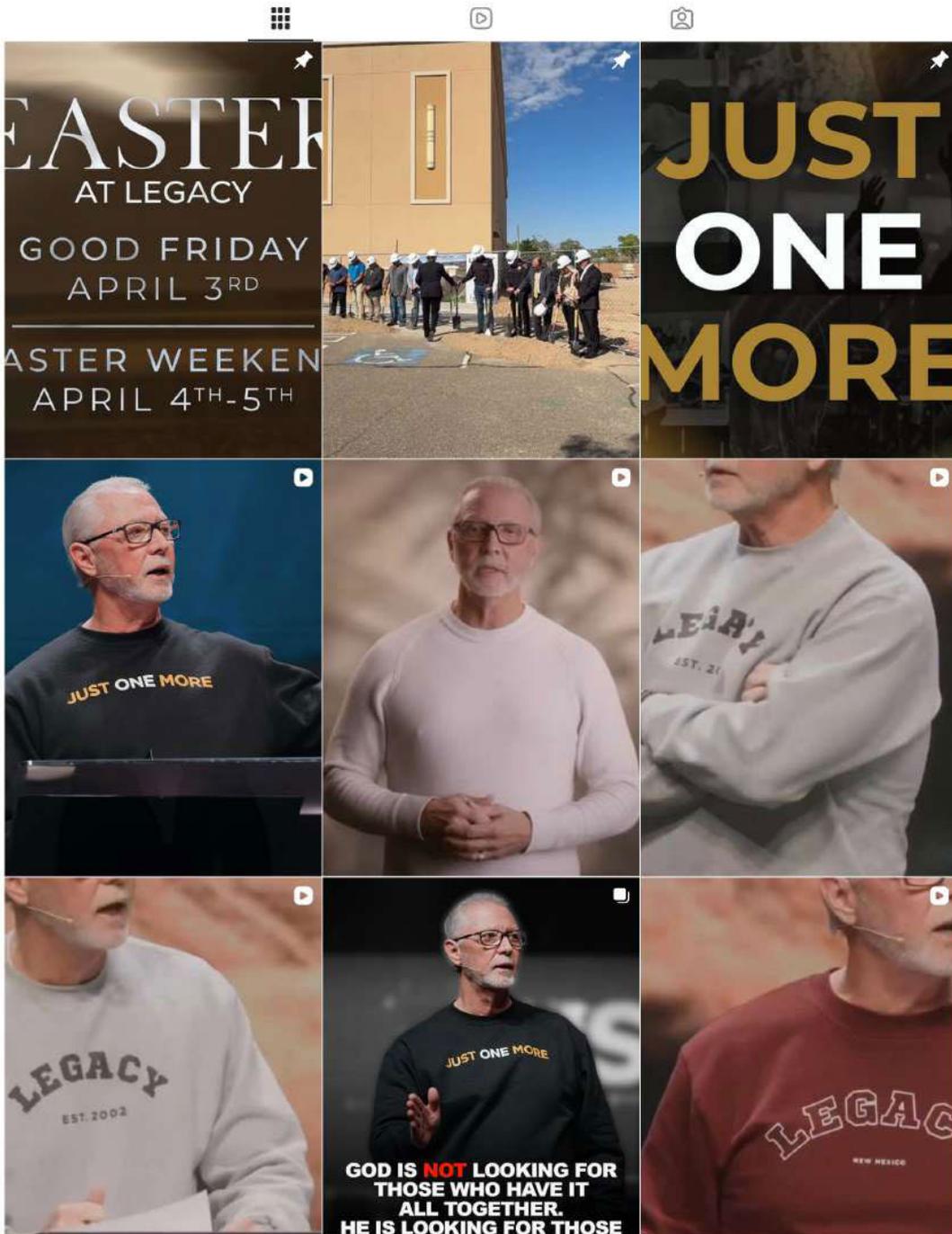
Senior Pastor of @legacychurchabq

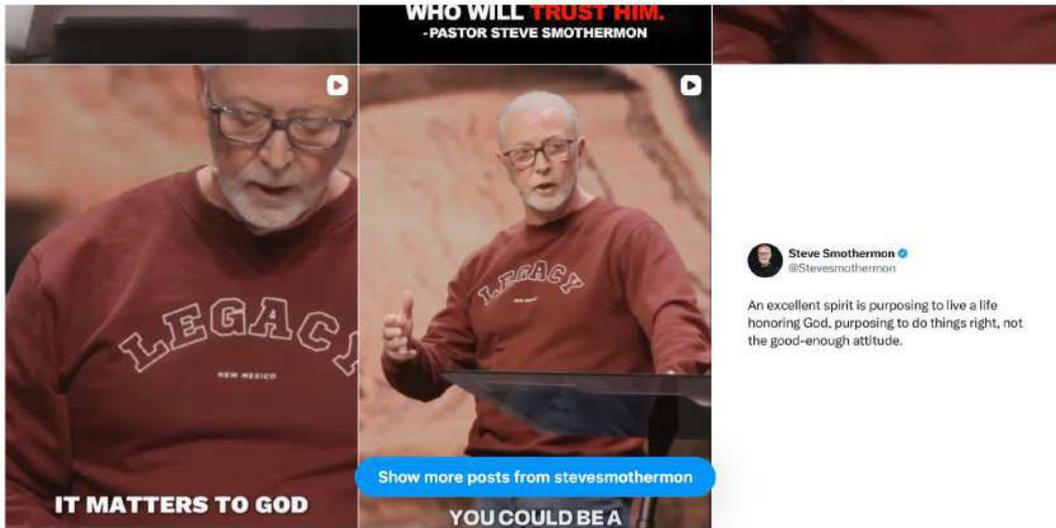
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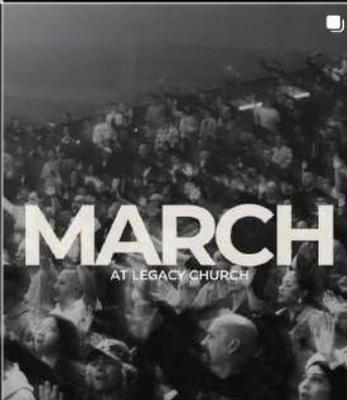
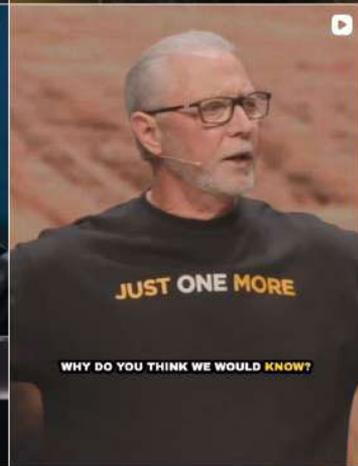
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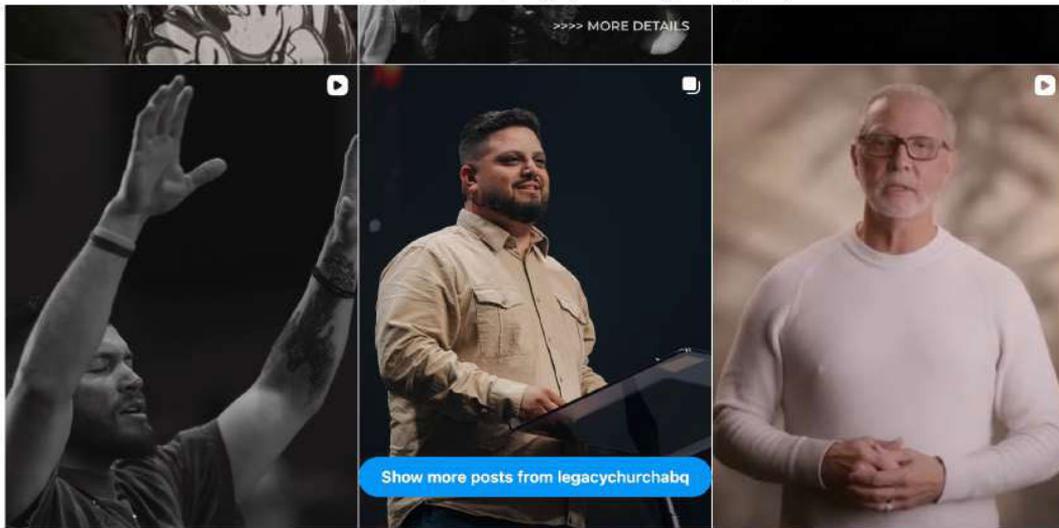


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### About the author

Steve Smothermon is senior pastor of Legacy Church, a large and growing church in Albuquerque, New Mexico ([www.legacychurchnm.com](http://www.legacychurchnm.com)). He earned a bachelor of theological studies degree from Vision International...

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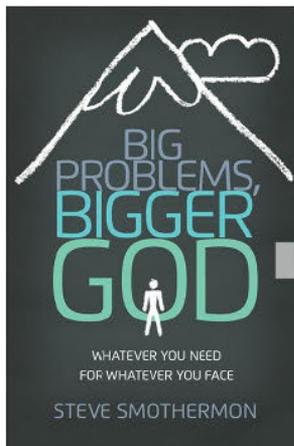
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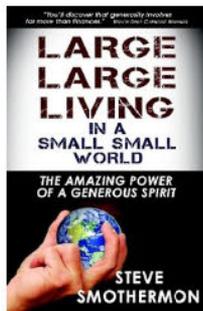
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# **EXHIBIT 9**

John San Nicholas, “Charlie Kirk Visits  
Legacy Church in Albuquerque, New  
Mexico” (Sept. 11, 2025)

# Faithful POLITICS

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Home > Evangelical > Politics and Religion > Charlie Kirk Visits Legacy Church in Albuquerque, New Mexico

## Charlie Kirk Visits Legacy Church In Albuquerque, New Mexico

LAST UPDATED ON: SEPTEMBER 11, 2025 AT 1:40 PM BY JOHN SAN NICOLAS 0 COMMENTS



Charlie Kirk speaking with attendees at the 2021 AmericaFest at the Phoenix Convention Center in Phoenix, Arizona. | Gage Skidmore, CC BY-SA 2.0, via Wikimedia Commons.

ALBUQUERQUE, NM — On August 10, 2025, Charlie Kirk visited an Albuquerque megachurch's "Freedom Night" service. Kirk is the founder of conservative organization, Turning Point USA (TPUSA). TPUSA runs several operations, including a **political action committee** which donates money to Republican politicians and an endowment which racks in **millions** of revenue each year.




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I attended Freedom Night at Legacy Church to document the event itself and get perspectives from the Americans who went to protest it. First, we will give some background on Legacy Church and its political activities in recent years. Second, we will hear from protestors to learn why they were there. And finally, we will examine what the TPUSA CEO had to say about immigration, assimilation, and Muslims.

### Legacy Church’s Political History

Legacy Church is a politically conservative nondenominational megachurch. Steve Smothermon founded the church in **1980**. Its alliance with TPUSA did not materialize out of nowhere. In fact, the church has a long history of conservative political engagement in Albuquerque.



### Gay Rights

In 2012, Smothermon protested when a gay politician was appointed to the New Mexico Public Regulation Commission. **In a sermon** (indirectly) to then-Governor Susana Martinez, he said,

These aren’t the people we voted for you to appoint. We voted for you to appoint people who think like we do.

In 2015, the megachurch pastor **called** *Obergefell v. Hodges* (which legalized gay marriage) an assault on the “constitution and the democratic process.”

### Endorsing and Opposing Politicians

In 2014, the church distributed voter guides with highlighted names to congregants. Smothermon later **said** that these names were highlighted because they were church members.

In 2021, Smothermon used comments to vote for a



in 2021, urged congregants to vote for Lori Robinson, a candidate in a city council run-off race. He thought Robinson would oppose Albuquerque's Democrat mayor. And in 2022, the pastor told attendees to vote for Mark Ronchetti, the Republican candidate for governor of New Mexico, telling his congregation,

You need to vote. Let me just stop right here. We have two choices in New Mexico. We have the Wicked Witch of the North [referring to Governor Michelle Lujan Grisham]. Or you have Mark Ronchetti.

### Disobeying Gathering Restrictions

Of all these activities, Legacy garnered the most attention for defying government gathering restrictions during the COVID-19 pandemic.

In response to gathering restrictions and fins, Legacy sued the State of New Mexico, claiming that restrictions violated their freedom of religious exercise and free assembly. Additionally, the church issued a preliminary injunction which would allow houses of worship to meet as the case went on. The injunction, claim, and appeal were denied and dismissed.

### Perspectives from the Protests

Before entering the church, I stopped to speak with some of the protestors. The first protestor I spoke with, Johnny Juarez with the Southwest Solidarity Network, wasn't there for Charlie Kirk at all. As Juarez told me,

We know the Legacy wants us to focus on the fact that Charlie Kirk is here and focus on his culture wars. But we're here to uplift that this is a violent and dangerous church in our community that protects pedophiles, people who harm children, people who harm women, and we're here to make sure that that is not lost in this conversation, because we know that ultimately this is about distracting their base and stirring division.

Catalina with the Burque Autonomous Brown Berets of



Charlie Kirk Visits Legacy Church in Albuquerque, New Mexico, and San Nicolas, Nuevo Mexico, agreed with Juarez. As she said,

We're here today to stand with survivors and our community against institutions that protect predators and give platforms to hate. Survivors deserve to be heard believed and defended, not silenced or pushed aside. . . . We're here to say, 'enough', and we'll always defend our people, speak truth to power, and hold those in positions of influence accountable.



Juarez and Catalina are referring to two sexual abuse cases which implicate Legacy Church's hiring practices. The first case rose out of Legacy Church's Steelbridge Ministries, a homeless outreach.

Steelbridge's former executive director, Travis Clark, is accused of sexually abusing one of the patients. As local journalist Cristiana Ramos reported late last year,

The civil lawsuit filed Monday stated during her substance abuse counseling, Clark was offering her an expedited release from custody if she agreed to his sexual demands.

Other women at Steelbridge allege that this Jane Doe was not a lone victim. Clark resigned after allegations were raised and began working for Crossroads for Women, a nonprofit focused at helping formerly incarcerated women. Prior to working for Legacy, Clark was tried for an alleged sexual relationship with a student while working at Liberty High School in Colorado Springs. The inconsistency of the young girl's testimony led to the dismissal of Clark's case.

The second case pertains to Kelly McEachran. McEachran was accused of committing sexual contact with two students during his time as a teacher at Hope Christian School. McEachran is currently in jail until his trial. Before teaching at Hope, McEachran was an executive pastor at Legacy Church.

### Charlie Kirk and Freedom Night

I went inside the church to observe the Freedom Night service. As soon as Smothermon introduced Kirk, a woman

stood up, calling Kirk a "piece of shit." Church security escorted the woman out, as Kirk muttered a prayer over her.

Smothermon and Kirk talked mostly about immigration. Kirk claimed that New Mexico's crime rates are down (violent crime has **fallen** by 3% from 2023 to 2024, and homicide by 7%). He attributed this to Trump's strict border policy, saying,

We just need to praise Donald Trump and his team for securing the southern border.

Kirk enshrined his politics with biblical language, insisting that according to the Bible, "Immigration without assimilation is invasion." Kirk was not too clear on what assimilation means, aside from learning English and following US law. (And, as Smothermon added, assimilation also includes "denouncing" your home country.)

Then, Kirk started talking about Muslim immigration. In a way reminiscent of **Jay Sekulow**, Kirk claimed that while congregants might know one or two nice Muslim neighbors, Muslims are coming en masse to "conquer [America] without ever having to fire a shot."

Kirk claimed that Islam is incompatible with "Western values." And New York City's "fall" to Zohran Mamdani "twenty-four years after 9/11" was met with uproar from the crowd. Kirk warned against Muslims settling in America, because it meant the "mass production of new babies" who, according to him, will enact Sharia law in America.

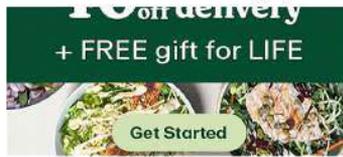
### Zionism and Other Issues

Immigration made up the bulk of the conversation. But Kirk touched on other issues. He accused liberal churches of "desecrating" their churches with "the homosexual flag." He urged parents to homeschool their kids to avoid handing their children over to "government masters."

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As the Palestinian death toll has exceeded 60,000 since October 7,2023, Kirk told congregants to continue blessing Israel to receive blessings themselves. And while he said that blessing does not mean approval, it was not clear what blessing Israel means to the thousands of Palestinians currently starving under Netanyahu's regime.

Kirk blamed city crime on a Democrat establishment and mass immigration under the Biden administration. To young people, Kirk said they must continue to aspire towards the dream of homeownership—even as this dream is now mostly viable for those who will **inherit a house**.

During the question and answer session, one brave, albeit standoffish questioner asked Kirk about indigenous land rights. Kirk called for the abolition of the Bureau of Indian Affairs. He brought up alcoholism on indigenous reservations and claimed that Native Americans have become "dependent" on the government. Volunteers led the questioner out of the sanctuary.

### Rhetoric in Need of Correction

Political actors have a considerable degree of responsibility for what they say. Politics affects all of us. And the court of public opinion should scrutinize the ideas that political influencers like Charlie Kirk spread.

This is especially the case when political actors invoke God to justify their ideas. As Smothermon claims of Kirk, "God elevated him supernaturally." Kirk's elusive discussions of assimilation, his blatant and absurd generalizations about Muslims and Indigenous Americans, and his general distrust of his own fellow Americans stand in need of correction. And because God is being invoked, these ideas stand in need of rebuke.



Charlie Kirk invoked "Christendom" and Christians' need to defend it against the supposed foes of Marxism and "Mohammedism." The idea of Christendom, or a Christian

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civilization, is often the site of delusion and death of Christian witness. As Kierkegaard did in the 1850s, I shall issue my own attack upon "Christendom."

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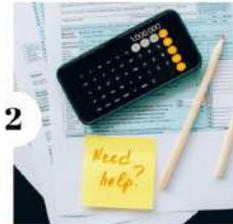
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# **EXHIBIT 10**

“New Washington Post Column Exposes Mark Ronchetti for Trying to Hide His Extreme Anti-Abortion Stance” (Sept. 1, 2022)



# New Washington Post Column Exposes Mark Ronchetti for Trying to Hide His Extreme Anti-Abortion Stance

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A new column from the Washington Post is detailing how New Mexico candidate for governor Mark Ronchetti is **“scrambling to dial down [his] extreme views on women’s reproductive rights,”** because he knows how unpopular they are with voters.

James Hohmann writes, **“Ronchetti recently deleted language on his website that described him as ‘strongly-Pro-Life’ and cast him as a ‘champion’ on the issue.”**

Don’t let Ronchetti fool you — he’s made his extreme stance on banning abortion loud and clear. He has been secretly scheming to end *all* abortion in New Mexico. According to his friend, conservative pastor Steve Smothermon, Ronchetti’s **“goal would be to end abortion in New Mexico.”** Smothermon also admitted Ronchetti is hiding his extremism **“because we won’t ever get elected.”**

Ronchetti has previously opposed abortion at “all stages” of life and touted his endorsement from National Right to Life, a group that drafted an Ohio law that would force a 10-year-old rape victim to carry her pregnancy to term.

Despite Ronchetti’s extremism, an overwhelming majority of New Mexicans support abortion. An Albuquerque Journal survey conducted Aug. 19-25 puts Ronchetti down seven points and finds that 57 percent of likely voters say abortion should always or mostly be legal.

While Ronchetti is **“Exhibit A,”** he’s just one of the many GOP candidates for governor desperately trying to erase mention of their hardline anti-abortion positions. Recent reporting from Axios details how GOP candidates for governor in Oregon and Minnesota have, like Ronchetti, scrubbed extreme anti-choice rhetoric from their websites.

**“Mark Ronchetti knows his extreme plans to strip New Mexicans of their reproductive freedoms are unpopular, so he’s desperately trying to walk them back,”** said DGA Senior Communications Advisor Christina Amestoy. **“Try as he may, Ronchetti has already set the forecast for his hardline anti-abortion stance, and just like the weather, he can’t change it now.”**

Read key excerpts of the op-ed from the Washington Post below:

**Washington Post: Republicans retreat on abortion, for now**

By James Hohmann

A good weatherman knows when the winds have shifted. But it is getting late for New Mexico's Mark Ronchetti to save himself from a surprise late-summer storm.

Ronchetti gave up his job as the longtime chief meteorologist for Albuquerque's CBS and Fox affiliates to run as a Republican for an open U.S. Senate seat in 2020. After falling only six points short that year, he decided to challenge incumbent Gov. Michelle Lujan Grisham this year in what everyone assumed would be a more favorable moment for the GOP.

Ronchetti's aides said internal polling gave him a one-point lead in mid-June, but that was the week before the Supreme Court overturned *Roe v. Wade* and rattled American politics from top to bottom. An Albuquerque Journal survey conducted Aug. 19-25 puts Ronchetti down seven points and finds that 57 percent of likely voters say abortion should always or mostly be legal.

The New Mexico contest is just one more example of how Republicans are scrambling to dial down their extreme views on women's reproductive rights.

Ronchetti recently deleted language on his website that described him as "strongly Pro-Life" and cast him as a "champion" on the issue. The updated page says he'd "seek a middle ground" and would permit abortions in cases of rape, incest and to protect the mother's life. Ronchetti acknowledges he'd support banning the procedure after 15 weeks of pregnancy but points out that he couldn't pass such a bill without the approval of New Mexico's Democratic state legislature and promises that he'd protect access to contraception.

"I'm personally pro-life," Ronchetti says in a recent television commercial, "but I believe we can all come together on a policy that reflects our shared values."

Compare that to what Ronchetti's website said in October 2020: "Life should be protected – at all stages. ... He believes unborn babies have souls, can feel emotions, and are every bit a human being; they just happen to be living inside their mother."

Thank goodness for the Internet Archive's Wayback Machine, a site which constantly downloads content across the web and makes it easy to track when GOP candidates edit their webpages to minimize references to Donald Trump or, as many have done lately, abortion. In recent days, all kinds of Republicans have been busy whitewashing their records on the procedure and trying to sound more moderate, more conciliatory and — in short — more anything but antiabortion.

[...]

Ronchetti is Exhibit A in this case. Steve Smothermon, the senior pastor of Legacy Church in Albuquerque, said in a July sermon that Ronchetti told him he wouldn't be able to get elected if he ran on banning abortion altogether. "But his goal would be to end abortion in New Mexico. You say how do I know that? Because I talked to him for hours," Smothermon told his flock.

Ronchetti's campaign denied the report, but his remarks are reminiscent of those made by then-candidate Glenn Youngkin when he was heard on tape last summer saying he was biting his tongue on abortion to avoid alienating independent voters he needed ahead of Virginia's gubernatorial election. "When I'm governor, and I have a majority in the House, we can start going on offense," Youngkin promised.

After the court reversed *Roe*, Youngkin said he would push for a 15-week ban come January 2023. But that was before Kansas voters rejected an antiabortion ballot measure and Democrats unexpectedly won a special congressional election in New York by making it a referendum on reproductive rights. Red states will continue enacting bans, but how

hard GOP leaders keep pushing in purple states will depend on how big a backlash the Supreme Court has bequeathed upon the party in November.

Until they get a look at those numbers, Republicans will keep their fingers in the wind.

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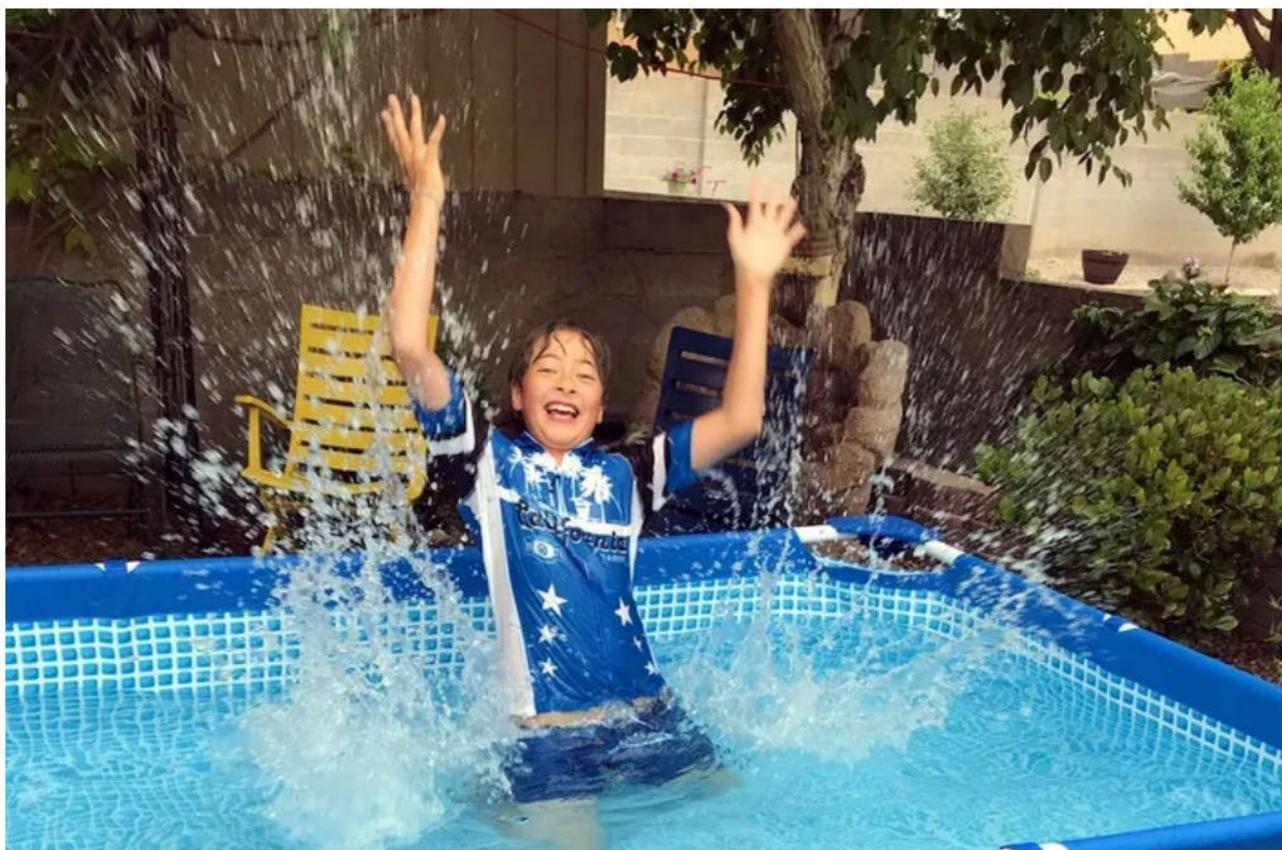
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# **EXHIBIT 11**

Sherry Robinson, “Ronchetti, McCleskey  
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## SHERRY ROBINSON 6-26-23 ON

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**Ronchetti, McCleskey size up Republican presidential candidates**

**By Sherry Robinson**

All She Wrote

Republicans got a look at their party’s presidential candidates last week during a televised debate, and three prominent New Mexico Rs had plenty to say about it.

Mark Ronchetti, former candidate for governor, and his wife Krysty host a podcast, “No Doubt About It.” They invited political consultant Jay McCleskey to join them in a lively

critique of the debaters.

Ronchetti was a political newbie, but he and his wife earned campaign savvy the hard way during his two runs for high office. I've criticized McCleskey in the past for hardball tactics. He's been controversial even among Republicans, but, like him or not, he's carved out a place in New Mexico politics.

On the debate performances, they agreed on Florida Gov. Ron DeSantis and former governor and former U.N. Ambassador Nikki Haley.

All eyes were on DeSantis. He holds a distant second place after the former president, but he's been treading water in polls.

"DeSantis had to stop the bleeding tonight, and I think he did," said Ronchetti. "He had some good moments." McCleskey agreed. "One thing people need to understand is that presidential campaigns are expensive. If you lose donor support early, you're done." DeSantis was effective enough to keep the donations rolling in, McCleskey said, and so was Haley. He noted that entrepreneur Vivek Ramaswamy was aggressive in getting his share of air time.

The young Trump wannabe sparked criticism from Mark Ronchetti: "He's too slick. He has a solid delivery, but "once you look into him it gets shaky... Vivek is a phony. His approach is not going to wear well." Ramaswamy tends to say the first thing that comes to mind that will deliver a punch, but "he's said bonkers stuff about 9-11. He's obnoxious and was obnoxious the whole time."

McCleskey observed that Ramaswamy will have some appeal, but his biggest problem is he's appealing to Trump's base. He added that voters will change their opinions as they get more information, and Ramaswamy's comments on camera could be used against him.

The candidate recently suggested during an interview with The Atlantic that federal agents may have been on board planes involved in the 9/11 attacks. Could Ramaswamy have been more cautious during an interview with the left-leaning magazine? The implied question led to a moment of candor.

"People who support you most will get you in the most trouble," Ronchetti said. His own supporters might worry about interviews before an unfriendly audience, he said, but that's

when he's careful to stick to his talking points. However, before a friendly audience, a candidate can be too eager to agree, "and that will get you in trouble."

Ronchetti apparently referred to his interview with Legacy Church Senior Pastor Steve Smothermon last summer, in which he said he wanted to ban abortion. Previously, he said he would permit abortion up to 15 weeks and in cases of rape, incest and risk to the mother. Smothermon went public with the interview, which hurt Ronchetti's campaign and contributed to his loss.

On abortion – and most other subjects – Krysty Ronchetti thought Nikki Haley shined. Haley explained the legislative process and the politics of the issue. Republicans simply don't have the votes in Congress for a federal ban on abortion. And they're not going to get traction on punishing women. She appreciated Haley saying, "We need to stop demonizing this issue... Can't we all agree to ban late-term abortion?"

The best line of the night, she said, was Haley's "Strong girls become strong women who become strong leaders." That resonated with the Ronchetti daughters.

Abortion, the three acknowledged, is one of the Democrats' issues, but it's fraught for Republicans. Both sides would do well to heed Krysty Ronchetti and Nikki Haley on abortion.

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## **Virgin Galactic shows the world that safety is everything in adventure tourism**

**By Sherry Robinson**

All She Wrote

When the Titan submersible imploded in June, killing its CEO and four passengers near the Titanic wreckage, I wondered if it would deal a blow to adventure tourism, namely Virgin Galactic and its flights from New Mexico's Spaceport America.

It didn't. Virgin's VSS Unity flew on August 10 with its first three paying tourists and has many more lined up.

The difference in the two companies and their preparation is night and day. It's a lesson to anybody who plans to shepherd tourists on risky excursions.

From news coverage we now know that the Titan was not just unsafe but a disaster waiting to happen. Experts warned for years – some of them telling CEO Stockton Rush to his face – that his submersible had design flaws. He dismissed them all and fired his own director of marine operations when he reported serious defects.

Now consider Virgin Galactic.

CEO Richard Branson in 2005 told New Mexico, if you build it we will come. Under Gov. Bill Richardson, taxpayers spent \$225 million to build Spaceport America in southern New Mexico.

Branson optimistically predicted the company’s flights would begin in 2011, but the timetable stretched from one year to the next because it was new technology, and nobody really knew how long it would take. Virgin’s executives cautioned again and again that they wouldn’t fly passengers to the edge of space until it was safe.

The company was testing and retesting the SpaceShipTwo rocket in Mojave, Calif. The repeated delays stoked skepticism about the project’s viability. “The technology has its own timeline,” an officer told the Albuquerque Journal.

Meanwhile, the Legislature debated whether to protect Virgin’s suppliers from liability in event of an accident, which added to the uncertainty. There were disputes over rent. Virgin needed FAA approvals. Spaceport directors came and went. Lawmakers debated funding.

On Oct. 31, 2014, SpaceShipTwo broke apart during a test flight; one pilot died and another was seriously injured. It was devastating to Virgin Galactic employees and to the business. It took three years to manufacture another spaceship and resume test flights. Not until 2019 did Virgin move space vehicles and employees to Spaceport America.

Even then the pace remained deliberate. In May 2021 VSS Unity successfully flew into space from the spaceport. Two months later it soared into suborbit with Branson and Virgin Galactic crew members on board.

They still weren’t finished. Virgin improved the spaceships’ durability for repeated use. This summer three Italians conducted on-board experiments during a successful flight. And finally, just weeks ago, the first bona fide tourists got the thrill of their lives when Virgin Galactic delivered on its promise of space flight for everybody.

It was a historic – and flawless – event. Throughout its painstaking development of the program and the spacecraft, Virgin has been stubbornly consistent in keeping safety its first priority, even when delays hurt its credibility with legislators and the public.

As I was starting this column, federal investigators reported that a 2021 balloon crash was the result of pilot error and that pilot Nick Meleski had used cannabis within hours of the mishap and also had cocaine in his system. Meleski, an experienced balloon pilot, flew into power lines. Two Albuquerque couples and Meleski died.

In the Titan and balloon calamities, Stockton Rush and Nick Meleski had one thing in common – hubris. Rush would hear no criticism of his submersible. He and four people died. Meleski had notched so many balloon flights, maybe he didn't think a little weed would impair him. He and four people died.

Richard Branson is usually described as an eccentric billionaire. That may be true, but he's no fool. He understands that without utmost attention to safety there is nothing.

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## **Dems tout Bidenomics in plans of two manufacturers**

**By Sherry Robinson**

All She Wrote

In the years I covered economic development, manufacturing was always the gold standard because of its high wages. So two announcements in a week, which also coincided with the president's visit, felt almost like the good old days of the 1980s when we had a lot of those announcements.

First there was Arcosa Wind Towers Inc., a manufacturing company, rolling out the red, white and blue bunting for President Biden as the company and Democrats celebrated Arcosa's new manufacturing center near Belen.

CEO Antonio Carrillo told the small, enthusiastic and, no doubt, carefully selected audience: "A year ago Arcosa had no work. We were really struggling." Then Congress passed the Inflation Reduction Act, and a few months later Arcosa received a \$1.1 billion order for wind towers, the largest order in its history. Now Carrillo needed to expand, and a shuttered Solo Cup facility will be busy again.

“This is a great example of how policy has a direct impact,” Carrillo said. That’s exactly the point Biden wanted to make on the first anniversary of the Inflation Reduction Act. He tied that law to his Infrastructure, Investment and Jobs Act and CHIPS Act. In New Mexico it translates as \$160 million for the Eastern New Mexico Rural Water Supply Project to pipe water from Ute Lake to Clovis and Portales and \$25 million to rebuild the Uptown Transit Center in Albuquerque.

He told New Mexicans and the rest of the country that his mission is to invest in America.

Then he talked about Bidenomics, the real reason for his visit to the Southwest and the subject of future presidential trips across the nation. In conversations directly with the public, he intends to explain his plan for the economy to voters who are more aware of the price of toothpaste than they are of landmark legislation.

Biden wants to say goodbye to Reaganomics and trickle-down theory – the idea that if you give tax breaks to big business and the rich it will trickle down to everybody – in favor of “building from to bottom up and the middle out.” “When the middle class does well, everybody does well,” he said. Bidenomics, according to the White House, is targeted public investment that can attract more private sector investment, especially in infrastructure, computer chips, clean energy and climate security.

The Wall Street Journal and Republicans have used “Bidenomics” as a derogatory term; Biden has embraced it as a shorthand way of referring to his economic legislation. The Inflation Reduction Act invests in clean energy and manufacturing. The bipartisan infrastructure plan invests in transportation. The CHIPS Act incentivizes domestic semiconductor manufacturing.

Both sides are spinning Bidenomics to suit win over voters. Republicans think the economy is performing poorly, and it’s all Biden’s fault. Biden argues that the economy has grown since he took office, and inflation is dropping. “Our plan is working,” he said.

Three days after Arcosa’s party, Maxeon Solar Technologies announced it will build a \$1 billion manufacturing plant in Albuquerque to make solar cells and panels. The nation’s solar cell makers all moved offshore after the 2008 recession; Maxeon is the first to return, according to the Albuquerque Journal. We have the Inflation Reduction Act (plus state and

local incentives) to thank for Maxeon’s 1,800 new jobs. It’s the biggest private-sector move since Intel put New Mexico on the map in 1980.

However, Bidenomics is wrapped in politics, as was Reaganomics and all the other presidential economic policies. Peel away the wrapping and ask, is it working? Maxeon and Arcosa would say yes. Numbers are mostly encouraging. Construction spending on new factories is up. Manufacturing jobs are at a 15-year high after growing by nearly 800,000 during Biden’s first term, according to the Associated Press, but hiring has slowed recently.

Bidenomics has another year to prove its value.

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### **Fixing New Mexico’s dangerous roads**

**By Sherry Robinson**

All She Wrote

Wherever you live in the state, you’re probably convinced you have the worst roads. But southeastern New Mexico has, hands down, the state’s lousiest roads, and it has the data to prove it.

Enter a private-industry group that has crafted and funded solutions that can now benefit other counties as well.

In 2021, New Mexico was fourth nationally with 22.3 fatalities per 100,000 people, according to the Insurance Institute for Highway Safety. It was the state’s highest count ever and more than 50% higher than the national average, said Michael Smith, managing director of the Permian Road Safety Coalition. He testified recently before the legislative Transportation Infrastructure Revenue Subcommittee meeting in Hobbs.

Now look at the Permian Basin. Lea, Eddy and Chaves counties, with just 9% of New Mexico’s population, have 11.5 % of the state’s roadway deaths, Smith said. Complicating factors are bad roads, poor driver behaviors, distances that increase response times, and industry impacts.

In 2016 a group of energy company representatives began meeting to talk about impacts of the oil and natural gas industry. Road safety quickly dominated the

conversation. Everybody seemed to know somebody who'd been injured or killed in a crash. In 2018, nearly 300 people died on the roads of the Permian Basin.

In 2019 the group launched the Permian Road Safety Coalition as a not-for-profit organization in New Mexico and Texas.

Sheriffs, fire chiefs, county emergency coordinators, and EMS directors told the coalition they needed equipment that was beyond the budget of small counties. First responders often had to watch citizens die while waiting for an ambulance to reach a remote accident.

The coalition listened to first responders and developed a compact kit that would allow responders first on the scene to help accident victims immediately. It included the Jaws of Life, used to cut victims from smashed vehicles. They began with \$240,000 and after two grants totaling \$4.4 million from the Permian Strategic Partnership, the coalition provided kits to 82 departments across 27 counties of West Texas and Southeast New Mexico.

Next the coalition provided clothing and protective gear to fire fighters, compressed-air foam systems for use in brush fires caused by vehicle accidents, and lighting to prevent injuries to responders from oncoming traffic while responding to accident scenes.

These steps alone have reduced fatalities 20% over the last three years, Smith said. But helping first responders is just one piece of the puzzle. The other two are changing driver behavior and road improvements.

Half of recent local road deaths are from not using seatbelts and distracted driving, Smith said; the southeast had the worst numbers for seatbelt use. The coalition is trying to educate drivers and wants MVD to do the same.

Smith pleaded for the state to improve N.M. 31 and 128 and U.S. 380. The state Department of Transportation reports deterioration approaching failure, and yet these deadly roads are crucial to oil and gas. In House Bill 223 this year legislators listed them for reconstruction.

He explained that even though construction is planned and projects get funded, sometimes they're unfunded or delayed. It's no way to treat the industry providing nearly half the general fund budget.

Smith's testimony teaches us that you don't have to wait for the state to solve your problems. The coalition's process, brainstorming and results are admirable. And the coalition's work can benefit the state. Its information gathering and equipment sourcing save three years of legislative studies, and its safety kit can and should be replicated in all rural areas.

It's unfortunate that the Southeast has to remind Santa Fe of its contributions to state coffers in the context of road requests. It shouldn't be necessary. In the same universe where roads to tourist meccas are well maintained, the oil patch roads should also be well maintained. That universe shouldn't end at U.S. 380.

Letter received from Harold Houston: *I followed a job from Texas to NM in late 1956 and have remained here. Having friendly people, little crime, a reasonably friendly climate, and no sandstorms like I left behind in Texas makes it a nice place to live even if we do get the short end of the stick from the state in everything. I repeat, EVERYTHING. Eddy county gets a little better treatment and Chaves even more so but still poor compared to the central part of the state.*

*In the mid '70's the state rebuilt the road from Lovington to Maljamar. The state road department did the dirt work and it took them an entire year of holding up shovels to do it. Then a contractor came in and applied the topping in less than two weeks. It has no shoulders, just steep drop offs, and has remained that way all these years with a couple of chip sealings and now some patching done by state employees and when they do a patch job it's just as rough as it was before they arrived. Years ago an armored truck ran off the road and turned over on it's side. The state's solution was to drop the speed limit to 55 mph and as long as traffic can move on it will remain like it is.*

*Three years ago they were supposed to start rebuilding main street and part of Avenue D in Lovington, both state highways, and be done in two years. Nothing happened for a year. Now, close to finishing its second year of construction the intersection of main and D are torn all to pieces and the rest of the road is just waiting. Constuction will cease for winter and hopefully they will finish sometime next year while we have to travel in maze like conditions to get around in town.*

*what ever the state does to the roads in Lea County will be the least they can figure out how to get by with and it will not only take a long time it will be completely worn out before it's ever redone again. We have learned from experience that all the state wants from us is our money with as little return to us as possible. We don't have the votes to change anything and never will so we have learned to live with it.*

*We are referred to as either "Little Texas" or "The Third World" by the northern "elites" but we fit the the third world moniker better because Texas has good roads.*

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## **Outdoor Recreation Division deserves kudos, but don't neglect state parks**

**By Sherry Robinson**

All She Wrote

Carl Colonius, an outdoor recreation planner for the state Outdoor Recreation Division, sat down before the Legislative Finance Committee recently, prepared to talk about trails. He found that lawmakers want to know about more than hiking. They're eager to learn about the full range of outdoor recreation enjoyed all over the state.

In the conversational silos of state budgeting, they weighed outdoor recreation only from the Outdoor Recreation Division's perspective, which they support. Days later, another silo of state government revealed the bare bones, neglected state of state parks.

Colonius talked about trails because the LFC was meeting in Farmington, which is rightfully proud of its river walk. He didn't mean high-country trails winding through aspens but trails as human transportation inside towns. Trails, he said, are gathering places that encourage physical activity and draw a wide variety of people. They add to a town's vitality in a way that will draw new businesses. Speaking alongside Colonius, Farmington economic developer Warren Unsicker said his city's eight miles of trails are assets helping rebuild the population after economic downturns. With help from the Outdoor Recreation Division, Farmington has added signs and increased marketing as it plans to extend the river trail to Aztec and even add a River Wave for surfing.

It's part of the city's turnaround. Farmington's huge inventory of houses at bargain prices drew new people from Colorado and California who found the city a nice place to

live. Last year home prices rebounded, Unsicker said.

“Outdoor recreation is big business,” Colonius said – big enough to now be measured by the U. S. Department of Commerce.

In New Mexico the economic output of outdoor recreation last year was \$2.3 billion. Outdoor recreation employment grew a healthy 5.3%, and compensation to New Mexicans increased 7.6%. The division supports outdoor recreation businesses with help in branding and marketing. The Outdoor Equity Fund makes grants to nonprofits and schools that introduce kids to the outdoors. Last year 57 groups received funding that benefited 22,000 kids.

The Trails+ program makes grants for planning, engineering and development of recreation infrastructure, such as parking lots, pullouts and latrines. Funding has increased from \$500,000 in 2021 to \$7 million last year.

This year the Legislature provided a \$10 million, and the grant cycle is still open. The program has projects in 22 of 33 counties plus tribal lands, but not so much in southeastern New Mexico. Colonius admitted he needs more “traction” in the southeast.

LFC Chair George Muñoz, D-Gallup, complimented Farmington on creating options for locals so they don’t need to seek recreation in Durango, but he observed, “We need to expand our vision. There’s no single way to do it. Recreation can be many things.”

The Outdoor Recreation Division is already on it. The question they hear most often from communities and tribes is how to develop outdoor recreation that’s right for their residents. So the division hired a consultant to survey opportunities and gaps across the state and develop plans. It’s called the New Mexico Uplift Initiative.

The division deserves credit for standing up useful programs, helping recreation businesses get off the ground, and adding infrastructure. However, state parks also need the LFC’s love. They provide long-standing, essential infrastructure for New Mexico’s outdoor offerings, and yet many parks have one lone, over-extended employee and aging facilities.

The state hasn’t raised park fees in 20 years, wrote Sarah Cottrell Propst, secretary of the state Energy, Minerals and Natural Resources Department, in an op ed the same week

as the LFC meeting. Her department is also studying how to improve state park operations and facilities while remaining affordable.

Infrastructure is infrastructure. How is it that lawmakers ramped up one program in the Outdoor Recreation Division by a whopping \$3 million this year while state parks go begging?

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### **Ambitious Farm bill will be a heavy lift**

**By Sherry Robinson**

All She Wrote

Modernization and current conditions are two themes as Congress constructs this year’s Farm Bill. Inflation, safety nets and climate change will all inspire changes.

The Farm Bill, a product of the New Deal in 1933, comes up every five years. The current law will expire in September, and it’s not likely that Congress will finish crafting the new bill by then. That’s not necessarily a bad thing. In this big, kitchen-sink type bill, it’s better to take the time it requires.

“The renewal provides an opportunity for producers and consumers to make decisions about commodities to grow, conservation practices to invest in, and requirements to establish the nutrition programs that are important to so many people,” said Jeff Witte, secretary of the state Agriculture Department, in an op ed.

The first Farm Bill tried to shore up prices for surplus crops by paying farmers to reduce production. The bill still includes the Federal Crop Insurance Program that helps farmers by protecting against losses in yield and revenue.

Over the years, the bill has also taken on everything from hemp to farmers markets.

The broad-shouldered Farm Bill also carries SNAP, the Supplemental Nutrition Assistance Program, which helped 435,659 New Mexicans in fiscal 2020. Two-thirds of recipients are kids, seniors and disabled people. The \$51 million in average monthly SNAP benefits also support New Mexico farmers, food processors, distributors and retailers, Witte said.



The Emergency Food Assistance Program buys nutritious foods and makes them available to state agencies for distribution to low-income people. Roadrunner Food Bank writes that last year it distributed 12 million pounds of food.

Farm Bill 2023 will determine funding for all these programs and more for the next five years, and as usual money is a big debate.

For agriculture, there are two drivers. One is the ag industry itself, which is busily lobbying. The other is interest groups that see the bill as a way to shape agriculture in the future.

Growers, slammed by inflation and higher production costs, want to modernize crop insurance, according to the Farm Journal. Livestock producers want more money for animal disease prevention, a disease traceability system, and disaster preparedness.

The New Mexico Farm & Livestock Bureau wants Congress to keep nutrition and agriculture programs joined, make sure the USDA is adequately staffed to deliver programs, and improve wolf depredation compensation. Witte told Colorado public radio that climate change is a big part of the Farm Bill.

"There's going to be some opportunities for our landowners to really look at improving their own operations and hopefully participate in some of the climate-smart projects that will bring a return to the farm," Witte said.

The U.S. Department of Agriculture already underwrites 141 projects that reduce greenhouse gas emissions through farming, ranching or forestry practices.

A question that deserves more attention is whether Farm Bill programs benefit big corporate operations more than the family farm or ranch. That's a big deal in New Mexico.

"It's clear farm bill subsidies have created inequality for young and small land farmers like those that are part of the (National Young Farmers Coalition)," writes Megan Gleason in Source New Mexico. "Over the last 25 years, more than 79% of federal farm subsidies went to just 10% of farms and individuals that qualify, according to a study by the Environmental Working Group."

The federal Inflation Reduction Act has a program to help young farmers buy land, but the young farmers coalition wants it included in the Farm Bill to ensure it lasts.

The 2023 Farm Bill has a lot of big, moving parts. Lawmakers reportedly agree on a lot, but striking a balance and then funding this ambitious bill will be a heavy lift.

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## **Research, technology ride to the rescue of water supplies**

**By Sherry Robinson**

All She Wrote

The conversation about cleaning up municipal wastewater, brackish water, and produced water from oil and gas extraction is starting to change. For years, the oil and gas industry and some tech companies have said, we have water we can reuse.

Environmentalists argue it can't be done, and even if it can, who wants to drink that stuff?

And now, apparently, it can be done, and more people are willing to drink this water. It's a function of evolving technology and sheer need.

Doubters should have heard the upbeat presentation made recently by Professor Pei Xu, of New Mexico State University, who is also research director of the New Mexico Produced Water Consortium.

New Mexico needs new water, she told the Legislative Finance Committee, and the usual strategy, water conservation, can only take us so far.

"Municipal wastewater is generated every day," she said. "We can use that water, but it must be treated."

Brackish water, which has a higher salinity, can also be treated and reused. New Mexico, unlike many states, has brackish aquifers scattered across the state.

And according to the consortium, New Mexico's oil and gas industry generates as much produced water every day as the state's municipalities consume.

These waters can all be treated to meet different needs, such as agricultural or industrial uses, Xu said.

"We have desalination technologies, and they've been implemented" in a limited way, she said. "We can get fresh water." The challenge is cost and dealing with the waste.

NMSU and its partners pursue all levels of research from basic all the way through testing to verify water quality to technology commercialization. In the long term, they expect

to develop new materials and technologies. The consortium works with federal and state agencies, other universities, industry, 17 national labs, Australia and Israel. The water program is a national leader, Xu said.

One pilot project is with El Paso Water, the city's utility, which operates the largest desalination plant in the nation. Right now the project extracts about 80% clean water, so it must contend with the 20% wastewater; the goal is no waste. Current work is focused on converting salts into usable chemical products.

Other projects involve reducing salinity of brackish water using wind and solar power and recovery of potable water from wastewater. They're taking place at the federal Brackish Groundwater National Desalination Research Facility in Alamogordo.

"Doing research is not cheap," Xu told the LFC. State funding is used for federal matches. LFC Chairman George Muñoz, D-Gallup, asked Xu how much money they need.

"We need \$1 million a year for research," she said.

"We've got funding," he said. "We just need to get it to you." Legislators budgeted for desalination in the last session.

That was an unusual exchange. Muñoz's duty is to parcel out money carefully. LFC support underscores the need across the state for desalination and the new water it promises.

The city of Las Vegas, because of last year's forest fires, must contend with increased contaminants along with the usual challenges of supply and climate change. Now, according to Source New Mexico, an online news outlet, Las Vegas is working with the state Environment Department on water reuse.

The department says about 78% of New Mexicans rely on ground water, which can be precarious. The department would like communities to have more than one source of water, and recycled water counts. Las Vegas plans to use some of its federal reparation to treat wastewater. Muñoz sees desalination plants helping support the Navajo-Gallup Water Supply Project. I don't have space here to list the communities the process could help.

Water experts caution that recycled water is no silver bullet and can't replace existing supplies, but in a dry future, it can stretch supplies a little farther.

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## **Remembering the nation's first female county extension agent**

**By Sherry Robinson**

All She Wrote

It's not every day that an old friend becomes a museum exhibit.

The New Mexico Farm & Ranch Heritage Museum in Las Cruces recently opened an exhibit, "Beyond the Farm: Groundbreaking Agriculture," to honor seven people. One was the late Jessie Fitzgerald, the nation's first female county extension agent.

When I met Jessie, I was a rookie reporter in Grants, and we were part of a circle of women friends, all with challenging jobs. Not until much later did I learn Jessie came from a historic family and had herself made history.

Jessie Fenton Fitzgerald grew up on a homestead in the Jemez Mountains. Fenton Lake was named for her family. Her mother home-schooled Jessie, and she finished high school at Menaul School in Albuquerque. In 1950 she married Dick Fitzgerald, and for eight summers Jessie and Dick both worked as cowboys.

On the Baca Ranch, now part of Valles Caldera National Preserve, Frank Bond needed a ranch foreman. Hiring a woman was unheard of, so he hired Dick.

"Daddy hired Richard Fitzgerald in order to have Jessie. She was one of best horsemen in the world," said Mary Ann Bond Buntten.

Jessie and Dick had a small ranch in Cebolla. When the marriage ended, Jessie moved her two young sons into an old dugout in Española and looked for a job. Despite her skills and knowledge, area ranchers and even the local feed store wouldn't hire a woman.

She then ran 4-H clubs all over the Jemez Mountains, working with County Extension Agent Jim Sais. She needed a job, and Sais offered her summer work as an aide with New Mexico State University's extension program. Sais encouraged her to complete a bachelor's degree so she could work in agricultural research or teaching. She wanted to be a county ag extension agent and wouldn't be dissuaded.

No woman had ever held that job, but Sais arranged for Jessie to meet NMSU Assistant Dean of Agriculture Josh Enzie, who thought it was entirely possible. At age 37 she returned to school. During summer breaks she worked at Ghost Ranch in northern New Mexico as a dude wrangler and volunteer on wilderness rides. She helped many a rider gain confidence with horses.

In 1970 Jessie earned her bachelor’s degree in agricultural and extension education in 1970. The official story is that Jessie immediately became the nation’s first female county ag extension agent. Well, no.

Her friend Linda Grilli Calhoun recalls that at NMSU she and Jessie ran into a friend, Ted Arviso, who worked in NMSU’s personnel office. He asked if she’d been hired yet. She hadn’t. All summer, the office said they had nothing available.

“Because of the civil rights laws, they couldn’t just come out and say they weren’t going to hire her because she was female,” Calhoun said. “They were just hoping she’d get discouraged and go find something else.”

Calhoun told Jessie and Arviso the school’s stonewalling was illegal and offered to put Jessie in touch with the ACLU. Arviso apparently informed personnel, and suddenly they had an opening. NMSU offered her a job as extension agent on the condition that “if it turns out to be too much for you, you’ll resign without a fight.”

Jessie was the agent in Grants for 22 years, earning many honors. When she retired in 1992 there were hundreds of female ag extension agents. She died in 2013 at age 83.

Calhoun recalls that Jessie always believed the ripe apple was green first; all accomplished people were once beginners, so each of us should pass on what we know.

I have a faded, hand-written sign in my office that once hung in Jessie’s office: “TRIUMPH is TRI with a little UMPH added.”

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**July 4, 1946: celebrating in post-war NM**

**By Sherry Robinson**

All She Wrote

July 4, 1946, was the first Independence Day after the end of World War II. Because a lot of events were canceled during the war years, the nation was just starting to return to normal. In some ways 1946 bears a resemblance to this year, when some activities came back to life post-COVID.

With the war's end there was jubilation and relief, but the military was still reporting losses. That July 4, the Navy Department published a list of 231 New Mexicans known dead and missing for the Navy, Marines and Coast Guard. First on the list was Jacob David Aire, of Española.

In pre-war New Mexico every community of any size had a Fourth of July rodeo, but in 1946, the number of rodeos around the state was less than half the pre-Pearl Harbor levels, one newspaper reported. A handful of communities held rodeos – Silver City, Magdalena, Capitan, Clovis, Albuquerque, Gallup and Mescalero.

Magdalena, west of Socorro, had a four-day celebration with a parade, rodeo and horse races. "Beauty won't be the determining factor to the cowhands when they choose their rodeo queen," wrote a correspondent. "The men of the saddle want their queen to be singled out on horsemanship alone."

McGaffey, now a ghost town but then a mountain community, revived its rodeo after a three-year shutdown, but the McGaffey Rodeo Association held its event in nearby Gallup because of fire danger in the Zuni Mountains. The Albuquerque Journal reported somewhat breathlessly that Navajos would participate in the rodeo. The Journal also seemed a bit surprised that "at Mescalero the Apaches run everything." Mescalero that year had a rodeo and baseball games.

Baseball was a centerpiece of several celebrations. In Albuquerque the Dukes were playing a doubleheader against the Lubbock Hubbers at Tingley Field, located in the Barelás neighborhood. And Clovis was hosting a much anticipated game between the Clovis Pioneers and the Amarillo Gold Sox. Albuquerque also had stock car races and a golf tournament but no fireworks because of dry conditions. And the Conservancy Beach, later called Tingley Beach, was closed because of contaminated water.

In Carlsbad locals looked forward to the fireworks display on hiatus since 1942. The town's fire department took on the responsibility, but they had to raise \$500 (yes, two

zeros) to cover the cost. Spectators watched from the beach and park on the west side of the Pecos River, while the fireworks were on the east side.

For many years after the American Revolution, Independence Day was commemorated with patriotic speeches. Long speeches. In time this tradition faded, but not in the town of Bernalillo in 1946. There the local Veterans of Foreign Wars Post 4243 staged an old fashioned program with patriotic speeches, a baseball game between the Sandia Air Base team and the VFW team, a dance, and a parade featuring VFW members in uniform, the sawmill workers union 2864, and the Spanish Mutual Protection Society.

Those who wanted to get out of town now had that option because gas rationing and limitations on travel ended. Anglers could return to their favorite fishing streams in distant mountains, but they couldn't light fireworks because the national forests were too dry.

New Mexicans welcomed a return to normal on July 4, 1946, but they knew they and the nation would never be the same. The Albuquerque Journal editorialized: "With the war over, we have the task of preserving our form of government, and working to secure the peace of the world, and the freedom of other people saved from dictators who sought to conquer them. We should rededicate ourselves to these tasks."

Post-war, it was a new world. Post-pandemic, we're also forever changed.

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## **Getting internet service to rural NM takes more than 'doing the math'**

**By Sherry Robinson**

All She Wrote

Spools of fiber-optic cable are becoming a more common sight around the state since the federal government started funding internet projects. That's a good thing, right? Maybe not, if you listen to naysayers.

In April the U.S. Department of Agriculture announced that New Mexico would receive \$40 million for three rural broadband projects, courtesy of the Bipartisan Infrastructure Law. That brings the total to 18 projects worth more than \$200 million.

For people in remote places with slow or no internet service, it means they can enjoy all the services and amenities that people in cities take for granted.

This round of funding sends \$23.8 million to Western New Mexico Telephone Co. to build a fiber-to-the premises network that will deliver high-speed internet access to 206 people, five businesses and five farms in Catron County.

Peñasco Valley Telephone Cooperative will get \$13.9 million for 550 people, 11 businesses and 48 farms in Chaves, Eddy, Otero and Lincoln counties, according to the USDA news release.

And ENMR Telephone Cooperative will get \$2.6 million for one farm and 27 people in De Baca, Guadalupe, Harding, Quay, San Miguel, Socorro and Union counties.

All three utilities will make the service affordable to customers by participating in Affordable Connectivity Programs (ACP). A program of the Federal Communications Commission, ACP subsidizes the cost of internet up to \$30 per month, so that service is free or inexpensive.

New Mexico has an ACP enrollment rate of 38% of eligible households, which ranks us 7th in the nation, according to the Southern New Mexico Journalism Collaborative. And the state's Office of Broadband Access and Expansion is working to drive enrollment higher.

A few letter writers took a dim view of spending \$40 million to get cable to 783 people, 16 businesses and 54 farms. They had "done the math," they said, and it didn't make sense.

One critic argued that the government was spending many thousands per customer when, for the same price, they could receive years of service from HughesNet Satellite or Starlink. He then points out that HughesNet costs \$149 a month for service he describes as "kind of slow," plus the user must install a router, while Starlink costs \$700 the first month and \$110 a month after that.

So let's say the government paid for satellite service. We're talking years. The fiber-optic is there forever, like your electric line.

Kelly Schlegel, director of the state Office of Broadband Access and Expansion, responded in an op ed that it's easy to opine from the comfort of the city, but we're talking about real people who face real consequences when their internet goes down.

"Many 'less expensive' alternatives that critics suggest our rural neighbors should accept without complaint simply aren't viable options for reliable internet in every

circumstance,” she writes. Fiber-optic, compared to the alternatives, is the fastest, most reliable technology over time, said Schlegel, who spent 40 years in the tech industry. And the utility partners have skin in the game. They have to match 25% of the federal grant. It’s a lot for small providers, but then they have a stake in making this work.

A little internet research reveals that many Starlink customers swear by it, but customer service and communications with the company are abysmal. In many rural areas, it’s simply not available. It’s expensive, and the company raised its rates twice in its first two years of operation.

HughesNet Satellite Internet also provides fast internet in rural areas, although it’s not available in some areas, and it restricts the amount of data that can be used each month. It can also be prone to service outages.

Maybe in the future rural customers will have their choice of providers, but right now they have nothing. These projects have the best chance of connecting them soon with affordable, reliable service.

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# **EXHIBIT 12**

“Episode 99: Inside New Mexico with  
Steve Pearce,” (Jan. 24, 2021)

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JANUARY 14, 2021 · 27 MIN

## Episode 99, Inside New Mexico with Steve Pearce

### Inside New Mexico with Steve Pearce

▶ Play

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In this week's episode, Steve talks about the attack on the U.S. Capitol January 6, the impeachment of President Trump, how the media and Big Tech are attacking the President, social media giants banning the President, the close vote in the 2020 election, the future of the Republican Party, the 2022 gubernatorial race and his election to the RNC Budget Committee at its annual Winter Meeting in Florida. Steve also talks about the need for Republican values in these tough times. Steve also talks with the Steve Smothermon, Pastor of Legacy Church in Albuquerque, about whether Christians should be involved in the political process, how the governor is assaulting our freedom of religion and destroying our economy and the importance to fight for our Constitutional rights.

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[Episode Webpage](#) 📄

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**Information**

Show	Published	Length
<a href="#">Inside New Mexico with Steve Pearce</a>	January 14, 2021 at 11:15 PM UTC	27 min
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# **EXHIBIT 13**

Jesse Lopez, “Forgiving Smothermon; praying for those his words affect” (Feb. 20, 2012)

# Forgiving Smothermon; praying for those his words affect

By Jesse Lopez | February 20, 2012



Lopez, shown here in a report from KOAT-TV in Albuquerque, helped lead a protest in front of Legacy Church earlier this month in response to comments Pastor Steve Smothermon made to NMPolitics.net. "...we are taking all of that hate that that man has put out, and we are gonna send as much love as God calls us to, to send back on him," Lopez was quoted by KOAT as saying.

**I've already forgiven Legacy Church Pastor Steve Smothermon for comments he made to NMPolitics.net and preached from the pulpit. I pray for him, but, more importantly, I pray for those his words affect.**

It is an essential element of Americanism, and humankind; we show love, respect and equality to one another. But laid in the fabric of American history lies the truth behind what has not always been so American.

History tells us Native Americans had their land taken away, forced to follow Christianity, learn English, and learn the way of the "White Man." Africans were brought to the United States to become slaves for the wealthy elite of white society. Women could not vote, much less run for office. The list goes on from one minority group to another.

One compelling truth that binds each of these struggles together is that Christianity played a key role in the lack of fast movement toward equality. This is our history, the unfortunate truth of our country. Not all Christians showed hate, but many did.

It took people dying, marches and protests, but in the end each group has reached a "point" of equality. We learned that separate-but-equal does not work, being a woman makes you no less than a man, and the color of one's skin has nothing to do with one's integrity.



Jesse Lopez

## The LGBT movement's struggle

As we have entered the 21 Century, the gay, lesbian, bisexual, transgender movement is embarking on its own struggle, one where Christianity, yet again, is at the center. People are dying, countries are divided, and families are being torn apart. Did we fail to learn anything from history?

In brief, here is a GLBT historical perspective about which many of you may not be aware:

- A **pink triangle arm band** (<http://www.pink-triangle.org/>) was given to homosexuals in World War 2; they, like so many others, died at the hands of Nazis.
- In the 1960s, homosexuality was declared a psychological disorder and, to this day, shock treatment is one method used to “prevent” homosexual behavior.
- Up until 2011, when President Obama **repealed the Don’t Ask, Don’t Tell policy** (<http://www.washingtonpost.com/wp-srv/special/politics/dont-ask-dont-tell-timeline/>), gays and lesbians could not serve in the military.
- To this day countries like Iran have laws that put to death gays, lesbians, bisexuals and transgender individuals. We see the **Westboro Baptist Church** (<http://www.godhatesfags.com/>) protesting at military men’s and women’s funeral services, at parades, and at political rallies, holding signs that read “God Hates Fags.”

When does the hate end? When can society view individuals as people, and the color of their skin, their national origin and their sexual preference as things that do not matter? When will the killing, suicides, bullying, belittling and 2nd-class citizenship because you are gay go away?

When will pastors and priests realize it’s not ok to preach hate from the pulpit and insert that same hate into politics? You don’t have to believe in Jesus Christ to know the Bible says the greatest of all things is to love, right?

## A Christian and gay

Recently I found myself in a self-battle. As a Christian I am called to be Christ-like. I have lived my life always having my own personal relationship with Jesus Christ; whenever under attack for being gay it was Jesus Christ I went to, not the church. I read my Bible attend church services and truly try to live a good, ethical, moral life.

I learned a long time ago that, when dealing with my own internal battles, I have two options. One, I can sit quietly, or, two, I can put the “**Armor of God**” (<http://www.biblegateway.com/passage/?search=Ephesians+6%3A10-18&version=NIV>) on and help bring light to a world that is often dark. When Legacy Church Pastor Steve Smothermon made **bold remarks to NMPolitics.net** (<https://www.nmpolitics.net/index/2012/01/like-christie-martinez-appointed-gay-man-to-office/>) that criticized Governor Martinez’s appointment of openly gay PRC Commissioner Doug Howe, Pastor Smothermon engaged in a conversation and then latter preached these words at the pulpit.

“With a governor who looked me in the eye personally and said she’s socially conservative, she believes that marriage is between one man and one woman, who said she wouldn’t espouse the homosexual agenda, I think this goes against that,” Smothermon told NMPolitics.net. “... These aren’t the people we voted for you to appoint. We voted for you to appoint people who think like we do.”

In those words, my battle began. Do I call upon the community to rally in the name of anger, hate or love? I ran into Father Rusty Smith that day, explained to him my concern, and he said “Jesse, the Bible and love is not a weapon or tool of hate. If you do a rally, do it in the name of love. That is what Christ calls us to do.”

It made sense to me. We **moved forward** (<https://www.nmpolitics.net/index/2012/02/pastor%e2%80%99s-comments-spark-protest-online-debate/>), and began the conversation about the difference between love and hate, tolerance and in-tolerance, lawful and unlawful, sinful and un-sinful, and so on. More so, it has sparked a conversation about what churches can morally, legally and ethically do.

## It's time to be Christ-like

Did Pastor Smothermon want Governor Martinez to discriminate against a man for being gay, to break the law and not appoint him to the PRC? Well, with a statement that reads “espouse the homosexual agenda,” I am lead to only one conclusion: yes.

And what about the other politicians that have sought his advice, asked to speak to his congregation, or attended, do they feel the same way? What can we expect from individuals like Bernalillo County Sheriff Dan Houston, City Councilor Dan Lewis, and so on? Are we to assume they too hold the same beliefs?

Pastor Smothermon says he will not apologize for his or Legacy Churches' stances. So until politicians like Houston and Lewis answer, one can only assume and speculate they agree.

Pastor Smothermon does not need to apologize. I have already forgiven him. I pray for him, but more importantly I pray for those his words affect.

The kids that are bullied on the playground because Pastor Smothermon says being gay is wrong. The individual that continues to seek God's love but can't find it because Pastor Smothermon says there is no love, and in essence gays should not hold any job.

The time has come to claim our humanity and be human, be Christ-like and show love.

I forgive.

*Lopez is president-emeritus of **Albuquerque Pride, Inc.** (<http://abqpride.com/>) , and a member of **Get Equal New Mexico** (<http://www.facebook.com/NMGetEQUAL>) .*

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# **EXHIBIT 14**

Laura Thoren, “Legacy pastor fires back on highlighted ballot issue,” KOAT.COM

NOWCAST

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75°

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## Legacy pastor fires back on highlighted ballot issue

Smothermon: We've done nothing wrong

Updated: 8:35 AM MDT Oct 27, 2014

[Editorial Standards](#) ⓘ

**Laura Thoren**

General Assignment Reporter

**ALBUQUERQUE, N.M.** — The pastor at Legacy Church came out swinging Sunday after several Action 7 News reports about highlighted sample ballots at the church.

Some parishioners said the highlighted sample ballots made it seem like the church was backing specific candidates, which nonprofit organizations are not allowed to do.



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Legacy Church pastor Steve Smothermon told his congregation the church did nothing wrong.

“Why is it the Church is the only one in America that cannot say anything?” Smothermon said.

Smothermon spent a good chunk of time at Sunday’s services criticizing Action 7 News and the recent reports on Legacy Church.

“They try to intimidate, and I’m not going to let Channel 7 or any of these yahoos suppress our ability as Americans to have a say in this nation,” Smothermon said.

Action 7 News was the first to report that Legacy Church handed out sample ballots after last Sunday’s service with some names highlighted.

Parishioners called Action 7 News concerned the bright yellow ink meant the church was endorsing those candidates. That’s a no-no for any nonprofit that wants to keep its tax-exempt status. 501 C-3s are allowed to back issues but not specific candidates.

Smothermon told his congregation the church is in the clear.

“I sought out expert advice from leading experts and the best attorneys,” he said. “The truth is we’ve done nothing wrong.”

According to a letter from the Liberty Counsel, an international litigation organization and self-proclaimed Christian ministry, “There are no constitutional or federal tax law issues presented by these sample ballots.”

Smothermon also said the names were highlighted because those four candidates are members at Legacy Church.

Action 7 News has been reaching out to Smothermon for comment since the first story aired. He has not returned any calls.

**MOBILE USERS: [Tap here for video](#)**

# **EXHIBIT 15**

John Cardinale, “Legacy Church stirs the pot during election season,” KOAT.COM

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## Legacy Church stirs the pot during election season

Updated: 8:07 AM MDT Aug 3, 2022

[Editorial Standards](#) ⓘ

**John Cardinale** ✉

National Investigative Correspondent

**ALBUQUERQUE, N.M.** — Since it's election season, public endorsements will try to get you to vote for certain candidates, but some are excluded from doing so.

One local church is stirring the political pot, once again.

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Recently Target 7 received viewer e-mails about Legacy Church Pastor Steve Smotherman.

Some feel he breached his 501c3 status when he made certain comments about political candidates at a church service several weeks ago.

"We got to change our thinking on what it means to vote. You need to get registered to vote. You need to vote. Let me just stop right here. We have two choices in New Mexico. We have the Wicked Witch of the North. Or you have Mark Ronchetti," Smothermon said at a service on July 11, 2022.

The IRS code says if you're a church for a nonprofit, you cannot endorse political candidates or you cannot oppose political candidates directly or indirectly, or you lose your tax-exempt status.

"Now I'm going to say this publicly. I'm going to say for all the news to get on and talk tonight. If they want or tomorrow about how we are a 501c3 which their so stupid, you have no idea what you're talking about. I'm telling the media that. But they won't put me on to do a live debate with all these attorneys they have that know nothing about what they're saying," Smothermon said.

Smothermon is referring to a report KOAT aired on Nov. 19, 2021. At the time, the pastor made comments at church in support of City Council Candidate Lori Robertson.

"Listen, early voting is open now. Go vote till December 4 because we need people like her on the city council. We need people like her to make sure this crazy guy they call mayor doesn't continue to push his agenda," Smothermon said back in November.

In that instance, KOAT legal expert John Day said Smothermon may have breached 501c3 status rules.

"Having watched the video a couple of times, more than a couple of times, I would think if the IRS looks at it, they'll say, You know what, You're really crossing the line. You're saying, Get the vote the mayor out, vote these councilors in. Whether they actually take action against them, who knows," Day said.



"Throughout history, that's only happened once. So in the mid-nineties, there was a church that was advocating against the Clinton campaign, and they found the case to be so extreme, they went ahead and revoked their exempt status," Dillavou said.

What is more common is a penalty on the church.

"So if they were assessed an excise tax for this violation, they maintain their 501c3 status. So they don't take that away. They have to pay that tax for the period that the IRS deemed they violated it. So if they look back and they say, hey, you broke this rule for six months, so all of your income that came in during that period, we're going to assess of an excise tax on it," Dillavou said.

So did Legacy Church possibly violate its 501c3 status again?

"I think what happens here, the reverend, very smart guy, very savvy guy, probably talked to his lawyers who said you can come close to the line, just don't cross it. Otherwise, you're going to get the IRS looking at whether you're endorsing someone. And I think he comes close to the line, but he doesn't cross it here," Day said.

We reached out to Legacy Church about why the comments were made they told us in a statement, "God says we should not shed innocent blood. There is none more innocent than babies in the womb, yet this governor has turned New Mexico into a late-term chamber of horrors. She has the worst and most murderous COVID response in the country."

We also reached out to the IRS to see if the church is under investigation, they said they can't disclose that information.

Most 501c3 violations are caught when someone files a 13909, a complaint form asking the IRS to investigate a possible violation. Once a complaint is filed the IRS website says they usually respond to it within 30 days.



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## TOP PICKS

**Heads up, spring break travelers, airports are about to be packed: But here's what you can do.**

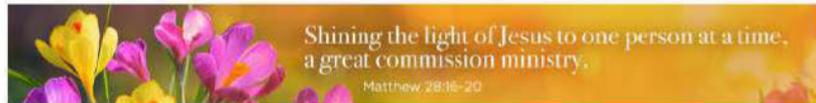
**What's in the 'SAVE America Act' and why is it so important to President Trump?**



# **EXHIBIT 16**

Pastor Dewey Moede, “ABQ Fire Marshal Says  
the City and State Police Will Be Visiting  
Churches to Make Sure Public Health Orders  
Are Be Practiced” (Oct. 23, 2020)

FGGAM.ORG



Home > The World We Live In > ABQ Fire Marshal Says the City and State Police Will Be Visiting...



# Albuquerque Fire Rescue Fire Marshal's Office



Paul W. Dow, Fire Chief

Gene L. Gallegos, Fire Marshal

Tuesday, October 21<sup>st</sup>, 2020

Dear Houses of Worship,

During these difficult times we understand and appreciate the importance of worship in our communities of faith. With the recent increase of COVID-19 cases in our local community it is more important than ever that we protect the health and wellbeing of our staff, congregations, and loved ones. The City of Albuquerque is asking for your cooperation in adhering to the State of New Mexico's Public Health Order. Please help maintain a safe environment at your house of worship by enforcing the 3 important guidelines below for services held inside or outside.

- Ensure that all individuals wear a mask or face covering, unless a healthcare provider instructs otherwise.
- Maintain 6 ft. of social distance
- Do not exceed 40% of maximum occupancy of any enclosed building

COVID-Safe Practices for Houses of Worship suggest adjusting seating capacity and stage setting to meet occupancy guidelines and 6 feet of distance between individuals and performers.

The City of Albuquerque and New Mexico State Police will be visiting Houses of Worship to ensure that all are compliant.

For the current Public Health Order, please visit

<https://cv.nmhealth.org/public-health-orders-and-executive-orders/>

We encourage you to review the guidelines and COVID-Safe Practices for Houses of Worship, found on pages 33-34 in the "ALL TOGETHER NEW MEXICO: COVID-Safe Practices for Individuals and Employers" document. For a digital version please visit

<https://cv.nmhealth.org/covid-safe-practices/>

Deputy Chief G. Gallegos, Fire Marshal

The World We Live In

# ABQ Fire Marshal Says the City and State Police Will Be Visiting Churches to Make Sure Public Health Orders Are Be Practiced

By **Pastor Dewey Moede** - October 23, 2020

1588 0



A letter that was sent to Churches by the City Fire Marshal that says the City and State Police would be visiting Churches to see if they are abiding by the Public Health order was brought up by Legacy Church Pastor Steve Smothermon on Facebook.

"The New Mexico governor and the Albuquerque Mayor, Keller, they must be stopped," Smothermon said. "They must be stopped. They're both really communists."

[City of Albuquerque sending mixed messages about monitoring church services](#)

[Pastor Steve Smothermon video](#)

[John MacArthur to Pastors: 'Open Your Church'](#)

[Archdiocese of Santa Fe to put hold on in-person Mass amid COVID-19 spike](#)

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**TAGS** Albuquerque Fire Marshall COVID Church Restrictions FGGAM Legacy Church New Mexico Churches Public Health order New Mexico Public Health order New Mexico State Police Steve Smothermon Tim keller

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[Those in Denial Need Not Respond](#)

Next article

[Dr. Jim Denison: The presidential debate and a viral video: Two surprising explanations for our divisiveness and three biblical responses](#)

### Pastor Dewey Moede

<https://fggam.org>

Pastor Dewey Moede is a preacher, speaker, and news commentator. Pastor Dewey and his wife, Sharon founded FGGAM in August of 2012. It is their calling by God that established this ministry. Dewey is from Windom, Minnesota and always credits his hometowns Christian foundation for where he is at in life. Drop him at note at: PO Box 65516 Albuquerque, NM 87193 [pastordewey@fggam.org](mailto:pastordewey@fggam.org)

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For God's Glory Alone Ministries is based in Albuquerque, New Mexico. We are dedicated to serving the body of Jesus Christ through preaching, teaching, and commentary on current events.



# **EXHIBIT 17**

Pastor Dewey Moede, “COVID  
Shutdown is Destroying New Mexico!  
Where is The NM GOP? HELLO!!!??!!”  
(Sept. 1, 2020)

FGGAM.ORG



Home » Dewey's Daily Cup » COVID Shutdown is Destroying New Mexico! Where is The NM GOP? HELLO!?!?!

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# WATCHMAN

## *On the Wall*



Ezekiel 33:6

But if the watchman see the sword come, and blow not the trumpet, and the people be not warned; if the sword come, and take any person from among them, he is taken away in his iniquity; but his blood will I require at the watchman's hand.

## For God's Glory Alone Ministries

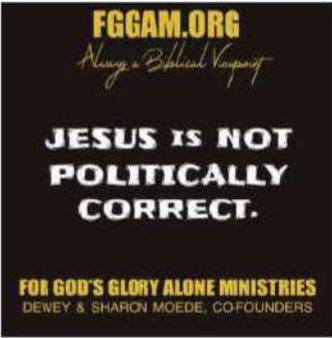
Dewey and Sharon Moede  
Co-Founders

# COVID Shutdown is Destroying New Mexico! Where is The NM GOP? HELLO!?!?!

By Pastor Dewey Moede - September 1, 2020

632 0





Yes, Jesus is not Politically Correct! I walk with no political party, I walk with JESUS! AMEN!

The Governor continues to rule over our everyday lives, so many of our freedoms are gone. When will they come back? I am still in shock that a Governor can rule over God's Church!!!!!!!!!!!!!!!!!!!!!! The Governor has destroyed much of our economy. So many 'so called leaders' are silent! The New Mexico Republican Party seems to me so very weak in this time of our freedoms being taken away, this is the worst disaster in my lifetime, and all I hear is crickets from the New Mexico GOP. There are a few that have spoken out, some lawsuits but this destruction continues. Lives and dreams are being destroyed as I type this....

Just think, we live in a time where the Democratic Governor rules over GOD'S CHURCHES!!! I thank Pastor Steve Smothermon for pushing ahead with the lawsuit against the Governor. She rules over our children, our schools, our shopping, our restaurant folks, many family owned restaurants have closed and will close. She rules over visits to our loved ones in Hospitals and Nursing homes, she rules over our parks, no baseball, softball, football...etc... She is telling us to stay home Labor Day Weekend, what will happen with Thanksgiving? Christmas? Will she try to rule over Jesus' Birthday?

I have not talked to one Republican in the last several months, NOT ONE that is happy with the leadership of the NM GOP. Whatever strategy the NM GOP is using it is not working. I would have my dear friend Couy Griffin give a call to President Trump and ask for urgent help. I would invite President Trump to New Mexico and force a meeting with the President and the Governor. I can see some shaking their heads, "That crazy Moede" that is okay, I am not her to please people, I am here to serve God and His people. I believe President Trump would love to have the meeting. It is about time the Governor is called out!

I am weeping inside as I type this....23,000 New Mexico Restaurant workers are unemployed. I thank KOB TV for this report.

Carol Wight, CEO of the New Mexico Restaurant Association: "We just came out with the August numbers for the state and accommodation and food services has lost \$382 million and that's gross receipts by the entire industry and that's just devastating—that's a 31 percent loss." [KOB TV REPORT](#)

HOW OUT OF CONTROL IS THE GOVERNOR:

**House GOP Leadership calls out Governor for retaliatory eviction of PRC**

Santa Fe, NM – House Republican Leadership recently questioned the Lujan Grisham administration about their forced eviction of the New Mexico Public Regulation Commission (PRC), and why the relocation of the PRC has not been resolved.

In March 2020, following the Governor's attempted takeover to control the PRC ([HB 11](#)), the Lujan Grisham administration gave notice that the PRC would need to vacate their offices, located in the historic PERA office building. The Governor's administration did not provide alternative locations, and additionally the forced government shutdown impeded the PRC finding a new office location. In the meantime, the PRC has been forced to work remotely, without an office location that they can return to. The state's Government Services Division has changed the locks on the office and not provided access to PRC employees for equipment or other business needs.

House Republican Leaders blasted the Governor in their letter: "We are writing to express our frustration with your administration's unwillingness or inability to locate appropriate office space for the New Mexico Public Regulation Commission (PRC). The failure to provide this constitutionally established entity with a proper location to conduct its statutory responsibilities is, frankly, incomprehensible."

[Office eviction leaves PRC homeless, without funds](#)

###

**From the writings of the Rev. Billy Graham IS THERE HOPE FOR OUR NATION?**

Q: Is there hope for our nation — and world — for a better tomorrow and if so who should we turn to in order to find the solution our problems? — B.T.

A: Political parties, social improvements, education, world peace conferences — all of these are viewed as answers to the world's problems, but they have all fallen short.

Why? Because mankind has fallen short of God's standard. We have fallen short to do His will. To live in obedience to His Word as communicated in the Bible we are told: "If My people who are called by My name will humble themselves, and pray and seek My face, and turn from their wicked ways, then I will hear from heaven, and will forgive their sin and heal their land" (2 Chronicles 7:14).

This verse has been quoted so much that many miss its meaning. God's people are those who have repented of sin and accepted Him as Savior and Lord of their lives.

A U.S. congressman once declared, "Most of our present-day troubles are due to the fact that we've forgotten the faith of our fathers and no longer do we, as a nation, follow in the footsteps of the Lord."

The psalmist cried out and said, "Blessed is the nation whose God is the Lord" (Psalm 33:12). This applies to the United States and any other nation who will turn to the Lord God of Heaven.

America cannot organize her way out, nor buy her way out. America must pray her way out. Who can bring us to our knees in contrition? It is the Man called the Lord Jesus Christ. Will we as individuals, and as a nation, humble ourselves before Him and submit to His perfect will? This is the only hope for America and for the world.

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**PASTOR DEWEY MOEDE**

**THE**

**WATCHMAN**

Isaiah 21:6  
*For thus hath the Lord said unto me, Go, set a watchman, let him declare what he seeth.*

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Dewey & Sharon Moede, Co-Founders





From Adrian Rogers: It's amazing what gets folks all excited. A Russian came to the United States during football season, and friends took him to a great bowl game. Afterward, they asked him what he thought about it.

Do you know what he said? "I've never seen so much first-rate enthusiasm for such a second-rate cause."

What's the first-rate cause? What's the most important thing? "for the Son of Man has come to seek and to save that which is lost" (Luke 19:10).

Getting souls saved is what it's all about. "Those who are wise shall shine like the brightness of the firmament, and those who turn many to righteousness like the stars forever and ever" (Daniel 12:3).

You may have members of your family who are lost. One day they will die, and you'll say, "My God, why didn't I witness?"

American Pastors Network:

**Pastors Have the Responsibility to Confront the Sin of Lawlessness at Every Level of Government:**

*'The Usurpation of Power by the Governor is Not Just Unlawful it is Sinful Because it Disobeys the Plan for Authority God Established in Scripture'*

\*\*\*\*\*

Pastor Steve Somthermon: "How long is it going be before we rise up and say 'OK, that's it'" POINT ON PASTOR! Thank you Pastor! The Governor is ruling over our Churches, our everyday lives, schools, hospital/nursing home visits to our loved ones, businesses, parks, recreation....and more and more as we suffer in many ways as a state. What will Thanksgiving and Christmas look like this year for our families? The Governor speaks down to us! Look what she said about the people of Espanola! Read more below.

[Legacy Church in ABQ Leads The Charge For The Church](#)

Read much more below:



Now it is required that those who have been given a trust must prove faithful. 1 Corinthians

4:2

After the Governors COVID update this past Thursday I was very unsettled. My spirit was very disturbed as a Pastor and news reporter. She gave us all the dickens and really hammered on the Espanola community about not wearing masks. The last time I had heard anything like that was years and years ago back home in Windom, Minnesota, the great Hubert Humphrey came to my hometown and gave the farmers the dickens. The difference here was the farmers knew Hubert was right and they had great respect for him. The Governor of New Mexico has and is losing the respect of the people New Mexico. In South Dakota awhile back the people held a parade of cars around the Governors mansion in appreciation for the work during COVID of done by Governor Kristi Neom. I do not think that will ever happen here. The people of South Dakota love their Governor. [What is Godly Leadership?](#)

I wanted to share about this bright and early Friday but I was still praying to the Lord as to what to say about this. I had a prayer meeting with an Albuquerque businessman yesterday morning and on the way I got a call of the passing of a dear, dear friend. That took a lot of the wind out of my sails. Pray for the Susan Saludo Parks family, Susan could not be more than 45, she had had chemo and a bone marrow transplant....she went through so very much. Susan has two boys. Please keep them and her Mom and Dad in your prayers. I first met Susan in 1995 when I moved here to Albuquerque, we worked together in radio.

I am still mourning over Susan's passing and got some calls from friends that also worked with Susan, she was the one of the sweetest people I have ever met in my life.

This morning I continued to pray what to write about Governor Michelle Lujan Grisham. I have never seen a Governor take control of a state like her. The Governor has been allowed to control our lives, our Churches, restaurants and all other businesses, schools...on and on. The Supreme Court rules in her favor on everything when they hear a case from the people.

On Thursday when she really hammered on the Espanola community, she got down right mean. She likes to threaten us all with further action and rolling back lockdowns. The Governor talked to the Espanola folks like they were little kids misbehaving. She belittled them and us all here in the state, awful stuff. She acts like we are all dummies. This is no way to be a leader. I have lived here since 1995 and we have not had a Governor worth a hoot. I do not know why New Mexico fails at electing a good Governor, it saddens me. The last Governor was a Republican and she also failed to end abortion and other evils in the state and left the citizens of New Mexico in a lurch, paying out big bucks because of monkey business in her administration. She also failed to invite us all to her famous pizza party.

The Governor and her people at these COVID updates keep saying they want New Mexico to be number one in fighting COVID, wear your mask, wash your hands, do social distancing....on and on.....they want to be number one in this COVID deal but we are already number one in suicides, alcohol related diseases, we are number one in America in underprivileged children, we kill God's babies thorough abortion, many business have closed for good, lives have been ruined, dreams have been crushed and on and on and you can make a list I am sure. We are number one in failure. I have never seen a Governor in all my years take such control of a state and its people and CHURCHES!!!!!!

New Mexico is burning down, the foundation is crumbling at this moment. Right now I see no end in the near future for this madness to end. It is like a Nightmare.

[Read The Letter Here](#) from the Mayor of Espanola responding to the belittling from the Governor to the people of the beautiful Espanola Valley. God Bless you Mayor Javier Sanchez for standing up for the people of Espanola!

**Pastors Have the Responsibility to Confront the Sin of Lawlessness at Every Level of Government:**

**APN:** *'The Usurpation of Power by the Governor is Not Just Unlawful it is Sinful Because it Disobeys the Plan for Authority God Established in Scripture'*

**PHILADELPHIA** — More pastors are speaking out against mandates Penns/vania Gov.

Tom Wolf and other members of the Executive Branch continue to impose on citizens in the name of public health. Increasingly, pastors are urging that corrective action come not only from the General Assembly but from every pulpit across the Keystone State.

Churchgoers throughout Pennsylvania have begun asking their pastors why they signed an [Open Letter](#) that the **American Pastors Network** (**APN**, [americanpastorsnetwork.net](#)) and **Pennsylvania Pastors Network** (**PPN**, [papastors.net](#)) recently sent to all three branches of state government.

The Open Letter details why pastoral leadership is warranted in calling Pennsylvania citizens to [Restore the Law](#) ([RestoretheLaw.org](#)), and it includes a Resolution citing coronavirus-related Executive and Judicial Branch abuses of power, along with Defining the Problem, the Causes, and the Solution to the governor's unconstitutional mandates imposed on the Commonwealth's citizens as a result of his Declaration of Emergency on March 6, 2020.

***"Unless families and churches stand up and hold state leaders accountable to Pennsylvania statute, the Constitution and the Bible as the ultimate source and limitation of authority, our citizens will continue to lose their freedoms to the sinful encroachment of unlawful governance," said APN President Sam Rohrer, a nine-term state representative.***

***"Pastors must take, and are even now taking, the lead in holding members of the Executive and Judicial Branch accountable for imposing restrictions on citizens that only the Legislative Branch has the authority to impose," Rohrer continued. "This usurpation of power by the governor is not just unlawful — it is sinful, because it disobeys the plan for authority God has established and made plain in Scripture."***

**APN's** insistence that government officials obey both civil law and Biblical principles of authority follows closely on the heels of the Republican National Convention last week, which highlighted the importance of law and order in society.

***"The violence must stop, whether in Minneapolis, Portland or Kenosha," said Vice President Mike Pence during the convention on August 26, referring to violent, vandalizing riots that government officials have failed or refused to contain. "Too many heroes have died defending our freedom to see Americans strike each other down. We will have law and order on the streets of this country for every American of every race and creed and color."***

Rohrer says, ***"Pastors have the responsibility to confront the sin of lawlessness at every level of government.***

***"God has a plan for authority, and no one is above His plan, just as no one is above the law — including and especially the governor, as the head of the branch of government responsible for enforcing the law."***

Pastors, congregants, voters and state officials are out of excuses to ignore the governor's and the court's abuses of power, **APN's** Open Letter states.

**"Now the Lawmaking Authority of the Commonwealth has been unlawfully seized by the Executive Branch and the Law spurned. ... The serious and deteriorating nature of the COVID-19 policies confronting the citizens of this Commonwealth and the violations of Statutory Law and the Constitution, precipitated by the actions of the Executive and Judicial Branches, is clear. The disenfranchised and aggrieved position of the General Assembly as the Constitutionally authorized lawmaking Body in this Commonwealth is now beyond dispute," the pastors write.**

All people are invited to read and sign the [Open Letter to the Citizens and historic resolution](#) at [www.RestoreTheLaw.org](http://www.RestoreTheLaw.org).

Rohrer, co-hosts, and guests explore topics like these on **APN's** popular, live, daily radio program ["Stand in the Gap Today."](#) Rohrer also hosts the daily short radio feature ["Stand in the Gap Minute,"](#) and "best of" shows from the week are broadcast on ["Stand in the Gap Weekend."](#) Likewise, ["Stand in the Gap TV"](#) considers transcending complex and divisive cultural issues, seemingly difficult to navigate, from a biblical worldview perspective.

View the media page for [APN here](#). For more information on **APN**, visit [www.AmericanPastorsNetwork.net](http://www.AmericanPastorsNetwork.net), its [Facebook page](#) or follow **APN's** Twitter feed, @AmericanPastors. For information about forming a state chapter of **APN**, contact [amy@americanpastors.net](mailto:amy@americanpastors.net). [KOB TV REPORT](#)

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**Pastor Dewey Moede**

<https://fggam.org>

Pastor Dewey Moede is a preacher, speaker, and news commentator. Pastor Dewey and his wife, Sharon founded FGGAM in August of 2012. It is their calling by God that established this ministry. Dewey is from Windom, Minnesota and always credits his hometowns Christian foundation for where he is at in life. Drop him at note at: PO Box 65516 Albuquerque, NM 87193 [pastordewey@fggam.org](mailto:pastordewey@fggam.org)



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# **EXHIBIT 18**

Brandon Showalter, “New Mexico Megachurch sues state over policy limiting gatherings to 5 or fewer” (Apr. 15, 2020)

# THE CHRISTIAN POS

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## New Mexico megachurch sues state over policy limiting gatherings to 5 or fewer

By [Brandon Showalter](#), Opinion writer and social commentator | Wednesday, April 15, 2020 [Twitter](#)



Legacy Church's East Mountain campus in New Mexico | Legacy Church

An evangelical church in Albuquerque is suing the state of New Mexico, arguing that the governor violated their First Amendment rights with her policy limiting gatherings due to the ongoing COVID-19 pandemic.

According to local outlet [KRQE](#), Legacy Church was attempting to livestream its Easter service as other churches around the country have done in light of the coronavirus outbreak and state-mandated social distancing policies that have forbidden large crowds from assembling in "non-essential" gatherings.

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But in New Mexico, the amended order from Governor Michelle Lujan Grisham, a Democrat, limited gatherings to no more than five people and some say it was issued in a sinister manner given its timing and constraints.

“Really what I consider a very egregious act on her part that at 5 o'clock on Saturday she puts out this new order for churches, basically not making churches essential when they were before, and she does it on the eve of Easter,” Lead Pastor Steve Smothermon told the news outlet.

The church maintains they need a group of approximately 30 people to do their livestream operation well. That group includes members of a worship team, instrumentalists, technical staff and the pastor.

“We wouldn't be able to put on the quality that we have and the engagement that we're able to do and look people in the eye, you know through the camera and say 'you know we can't be there but we're together.' And I think it would hinder our quality,” Smothermon said.

A spokesperson from the governor's office said that the updated policy clearly permits the livestreaming of religious services and that countless other congregations are adhering to the boundaries set forth in the order and that it only prohibits places from assembling more than five people into a space where they are within 6 feet of each other, according to the Albuquerque Journal Monday.

“That language is what must be abided by. I can't say whether or not the folks at Legacy Church actually read the order,” the spokesperson said.



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“At the end of the day, the most important thing is minimizing person-to-person contact in order to save lives. If someone values production quality over public health, I don’t know what to tell them.”

CP

Article by Anugrah Kumar    Published Mar 2, 2026

## Reza Pahlavi: 5 things to know about the man who wants to be Iran’s next leader

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Legacy Church has approximately 20,000 members.

“I understand the tremendous social and spiritual burden this places on New Mexicans, but ultimately, we must do everything we can to limit the spread of COVID-19, including being absolutely clear that mass gatherings of any type are not permitted in houses of worship,” Gov. Grisham said in a prepared statement Saturday.

Despite the restriction, the church proceeded with its plans to livestream their service with all the people needed to do it, having only learned of the updated order that weekend. Yet Smothermon does not like it that he is now a criminal.

The legal action comes amid growing debate about the role of government and what it can legitimately do during an emergency like a public health crisis while continuing to safeguard the constitutional freedoms of Americans.

The complaint has been filed in federal court and is seeking a temporary restraining order and permanent injunction against the public health orders. In a conference call with the U.S. District Judge James Browning, who has been assigned to the case, both sides have indicated willingness to reach a compromise. Lawyers for the church said the church would continue to turn parishioners away and have only online services.



# **EXHIBIT 19**

Pastor Dewey Moede, “UPDATED: Legacy Church in ABQ Files a Request for an Injunction in Federal Court to Stop Gov. Lujan Grisham’s Order Against Churches”  
(Apr. 13, 2020)

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# UPDATED: Legacy Church in ABQ Files a Request for an Injunction in Federal Court to Stop Gov. Lujan Grisham's Order Against Churches

By Pastor Dewey Moede - April 13, 2020

736 0



Ezekiel 33:6

But if the watchman see the sword come, and blow not the trumpet, and the people be not warned; if the sword come, and take any person from among them, he is taken away in his iniquity; but his blood will I require at the watchman's hand.

## For God's Glory Alone Ministries

Dewey and Sharon Moede  
Co-Founders

I first saw this report on Facebook last night. I waited to make sure it was correct. Legacy Church in Albuquerque led by Pastor Steve Smothermon has filed a request for an injunction in Federal court in an effort to block Governor Lujan Grisham's order against Churches.

Pastor Smothermon is quoted in this mornings ABQ Journal saying, "I don't care what is going on, you don't attack the church." [ABQ JOURNAL UPDATE](#)

[ABQ JOURNAL STORY HERE ON CHURCH EASTER SERVICES](#)

Here is a report I posted yesterday:





Happy Resurrection Sunday!!! We are praying over this news and all Pastors and congregations. I am thankful for the leadership of NM House Whip Rod Montoya, he is all about GOD'S TRUTH! Rod Montoya stands strong for God's Babies at the Capital! He stands strong for all of New Mexico! Governor material here! Pastors and worship leaders have worked so hard to be in compliance of the Governors orders, now this! FGGAM NEWS just received this news release:

House Republican Whip Rod Montoya (R-Farmington), pictured above

**Republican Whip Rod Montoya responds to Governor's order to ban churches and places of worship**

Farmington, NM- With just over 8-hours to go before Easter Sunday, the Governor's office sent out an emergency executive order adding churches and places of worship to her list of banned mass gatherings. The email was sent out to the media by the Governor's spokesperson at 4:47pm. It is unknown when this order went out to the many churches and places of worship in New Mexico.

Churches across New Mexico state have opted to broadcast their services online instead of holding in person services to help stem the spread of Coronavirus. This despite the fact they were exempted from the Governor's social distancing orders. The Governor's order today eliminating the faith exemption now means that churches across our state will be violating her order by broadcasting Easter services because it often requires more than 5 people to broadcast a service.

"It is simply impossible for churches to produce an online service without having more than five people in a room," said House Republican Whip Rod Montoya (R-Farmington).

"Governor, despite what you think, these services are essential! To make this decision the day before Easter is egregious. I am advising churches across our state to continue to produce and offer online services going forward; this order today cannot and will not stand."

The way we live often speaks far louder than words.  
-Billy Graham

Please Read this from Russell Moore of The Ethics and Religious Liberty Commission of the Southern Baptist Convention

Dear friend,

Happy Easter!

This Easter is different for all of us. Our churches are empty, and many of us are not able to gather with our family members and friends to celebrate the resurrection of Jesus Christ as we normally would. Given that, I've written [an op-ed](#) for *Christianity Today* about a facet of the Easter story that has added importance in light of this moment. I hope you'll take a few minutes to read it this evening.

[ABQ JOURNAL STORY](#)

From this morning:

It broke my heart not to be at FBC in Reserve, NM to give the Sunrise Service message. I recorded an extended Resurrection Sunday message, "It's Really Him! He's Alive!" which is

posted on the front page of this website, we like many Christian websites had a ton of traffic yesterday. PTL! Our radio ministry program "House of Hope" also aired on 5 radio stations yesterday, reaching parts of eastern South Dakota, northern Iowa and southwestern Minnesota where it was snowing yesterday! My cousin Diane lives on a farm by Storden, Minnesota and they got over 10 inches! I was super blessed to see all the services on Facebook from all over the world!!!!!!!!!!!! PTL!!! I was even more blessed to watch my mentor Pastor Paul Holt hit a grand slam for JESUS! What message! Had to use that baseball term, miss baseball and softball also! Pastor Paul leads the flock at First Baptist Church in Magdalena, NM. He is one of my main mentors! Paul did a parking lot service. He obtained an FM transmitter to broadcast into the cars and trucks of his congregation and visitors. It was a super blessed service, You work with what you got! The message was one of the best Resurrection Sunday messages I have heard in my life! I love rural America, you will be so very blessed if you ever get the opportunity to visit a rural church one day. Another mentor of mine, Pastor Randall Floyd of Clayton, NM Assembles of God has been doing his service on Facebook and YouTube. Pastor Randall has been using all technology available for a long time to get the message out to the world. Forward thinking! Pastor Randall always has such a Biblical based message in love. I have not heard his Resurrection message yet, but will listen today. I am so thankful for Pastor Paul Holt and Pastor Randall Floyd. I have to also add since I know them both very well, they have such wonderful wives that help them so very much in the ministry! Jo Holt and Cindy Floyd. Love you guys!

Just think, the Body of Christ was not able to gather together in person for the first time in about 2,000 years.....



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# A church fills its empty pews with pictures of its members: How the joy of Easter Sunday can change the world on Monday

In *The Daily Article* for April 13, 2020

- Boris Johnson released from the hospital
- A path to joy that transcends happiness
- Wisdom from a dear friend

A church in Florida appeared to be full yesterday, but this is because members of the congregation emailed photos of themselves to the staff, who then printed the images and taped them to the backs of seats in the sanctuary.

Welcome to Easter Sunday 2020.

A church in South Carolina had Easter services in their parking lot as members watched on large outdoor screens while listening to the broadcast over local radio. A youth pastor in Arlington, Texas, created an Easter egg hunt for children using the online video game Minecraft, a strategy which gained national attention.

A church in North Carolina has held a sunrise Easter service for 250 years, even through the Revolutionary War, the Civil War, and two World Wars. But for the pandemic, the celebration was replaced by an online service.

Archbishop José Horacio Gómez of the Los Angeles diocese was right: "Our churches may be closed but Christ is not quarantined and his Gospel is not in chains."

## Boris Johnson is home from the hospital

Now it's the Monday after Easter. What difference did yesterday make today?

British Prime Minister Boris Johnson was released from the hospital Sunday morning to continue his recovery from COVID-19 at home. In a video tribute, he thanked healthcare workers who "saved my life, no question." Scientists are trying to determine whether patients such as the prime minister now have an acquired immunity that protects them from reinfection or at least lessens the severity of future infections.

If so, doctors who recover from COVID-19 could care for coronavirus patients in the place of those who are still at risk. The same could be true for grocery workers, delivery drivers, and anyone else performing an essential service at the risk of infecting themselves (and then their families).

Let's consider this possibility as a post-Easter parable.

## The practical path to happiness

I have long been grateful for the work of Arthur C. Brooks, the former president of the American Enterprise Institute and now faculty member at Harvard Kennedy School and Harvard Business School. A committed Christian, he is one of the most thoughtful interpreters of culture today. His keynote address at this year's National Prayer Breakfast was just one example of his practical wisdom.

His latest article in the Atlantic is no exception. Writing on happiness in a pandemic, he cites substantive research from a class he teaches on the subject at Harvard Business School.

Brooks concludes that "substantive well-being" (a more academic description of "happiness") is the product of genes, circumstances, and habits. Habits are made up of faith, family, friends, and work. And satisfaction is produced by wanting what we have more than having what we want, by being content with our present circumstances more than seeking constantly to achieve and own more.

Here's the reason I'm writing about Brooks's article: while he is a strong Christian, his article utilizes secular research and is aimed at a secular audience. As a result, he states that "*faith* doesn't mean any faith in particular. I practice the Catholic faith and am happy to recommend it to anyone, but the research is clear that many different faiths and secular life philosophies can provide this happiness edge. The key is to find a structure through which you can ponder life's deeper questions and transcend a focus on your narrow self-interests to serve others" (his italics).

Brooks is writing to discuss happiness as something we can strive to achieve. But the good news is that Christians can do better. Much better, in fact.

### Don't live in Good Friday

Happiness (from *happy*, a Middle English term for "lucky") is based on happenings, whether they are genetic, circumstantial, or habitual. *Joy* translates the Greek *chara*, which describes a deep delight transcending circumstance. It is produced by the Holy Spirit (Galatians 5:22) and can be experienced by any Christian at any time.

For example, Paul could sing hymns at midnight in a Philippian jail (Acts 16:25) and later encourage the Philippian believers to "rejoice in the Lord always" (Philippians 4:4).

Here's my point: Christians can have joy in a fallen world because the risen Christ is risen in us.

The best-known verse in the Bible declares, "For God so loved the world, that he gave his only Son, that whoever believes in him should not perish but *have* eternal life" (John 3:16, my italics). In the moment we make Christ our Lord, we *have* eternal life. Not just when we die—right now.

So, don't settle for man-made happiness when you can have divine joy. Don't live in Good Friday when it is Easter Sunday.

If Easter is only a day on a calendar, the celebration replaces the event. Because Jesus rose from the dead, if he is your Lord, his Spirit lives in you today (Romans 8:9) and you have risen from the dead to declare the good news of eternal life to our dying world.

### A wise word from a dear friend

I received the news over the weekend that the mother of a dear friend had died. I wrote to my friend to express my condolences and promise of intercession. He wrote back, "It will be a great Easter celebration knowing mom is with our Lord." Then he signed his note, "Romans 15:13."

Here's what the verse says: "May the God of hope fill you with all joy and peace in believing, so that by the power of the Holy Spirit you may abound in hope."

Let's make Paul's prayer our own. Let's ask the risen Lord to fill us with "all joy and peace in believing." If we do, "by the power of the Holy Spirit" we will "abound in hope" and share our hope with a hopeless world.

And every day will be Easter.

#### The latest at Denison Forum

- [Pastor livestreams sermon three days before his death: Living for the One who died for us](#)
- [First Catholic priest in US to die of COVID-19: The practical good of Good Friday](#)

- [What Jim Caviezel suffered to make 'The Passion of the Christ': The cost and grace of the cross](#)

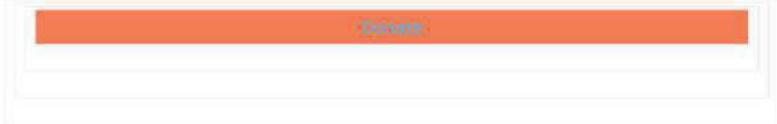


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**Pastor Dewey Moede**

<https://fggam.org>

Pastor Dewey Moede is a preacher, speaker, and news commentator. Pastor Dewey and his wife, Sharon founded FGGAM in August of 2012. It is their calling by God that established this ministry. Dewey is from Windom, Minnesota and always credits his hometowns Christian foundation for where he is at in life. Drop him at note at: PO Box 65516 Albuquerque, NM 87193 [pastordewey@fggam.org](mailto:pastordewey@fggam.org)

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# **EXHIBIT 20**

Jessica Priest and Jeremy Schwartz,  
“These 20 churches supported political  
candidates. Experts say they violated  
federal law” (Nov. 7, 2022)

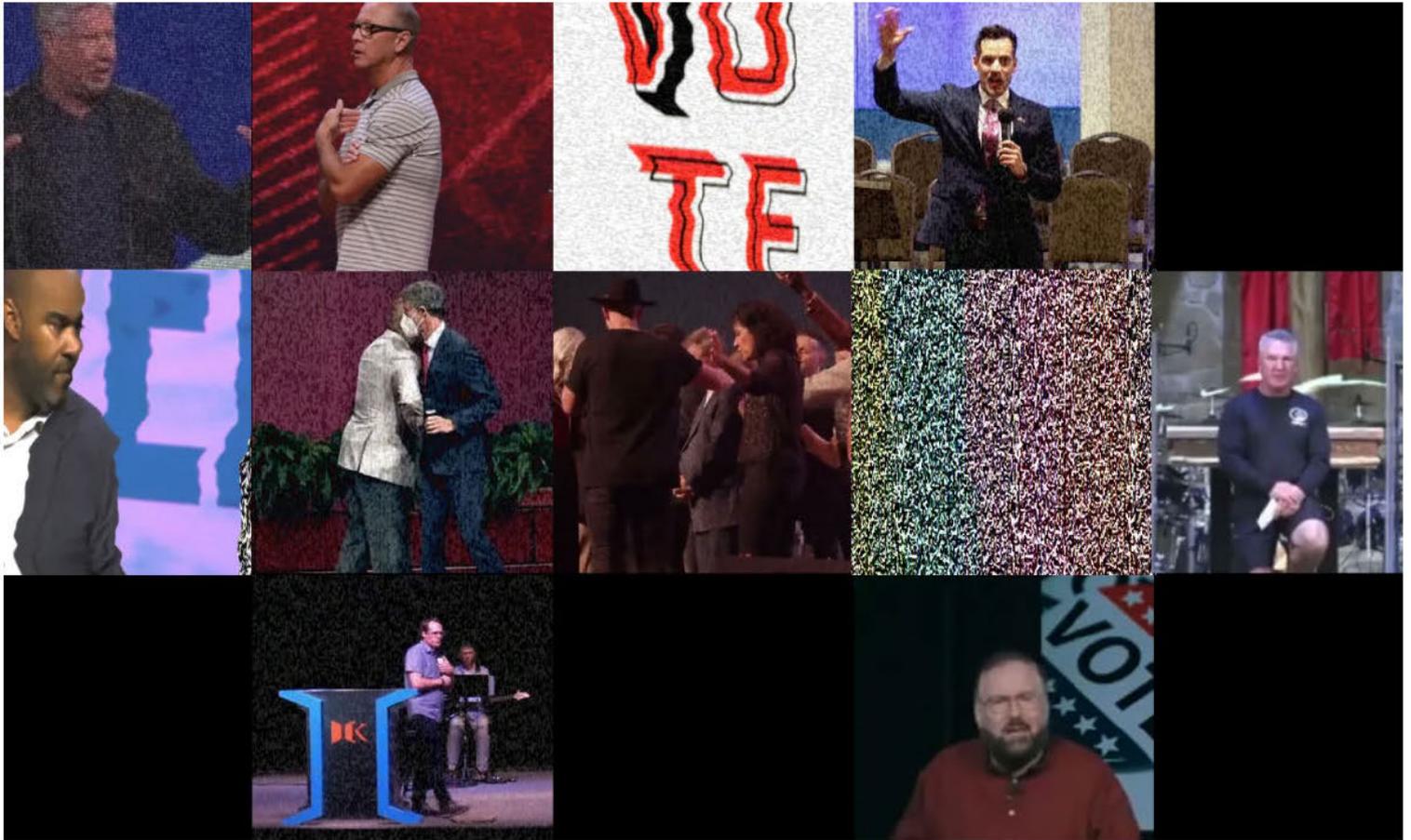
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Voter Roll Ch



## TEXAS 2022 ELECTIONS

# These 20 churches supported political candidates. Experts say they violated federal law.

Churches aren't supposed to endorse political candidates, according to IRS rules. Across the country, churches appear to be doing so anyway.

BY **JESSICA PRIEST** AND **JEREMY SCHWARTZ**, THE TEXAS TRIBUNE AND PROPUBLICA AND CHRIS MORRAN PROPUBLICA  
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Video editing by Gerardo del Valle/ProPublica. Source videos: Gateway Church, Cowboy Church of Corsicana, Mercy Culture, KingdomLife, Friendship-West Baptist Church, Sojourn Church, Beth Sar Shalom, Abundant Life Church, Unite Church, Legacy Church.

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The endorsement of political candidates by religious leaders from the pulpit has grown increasingly brazen, aggressive and sophisticated in recent years.

**ProPublica and The Texas Tribune have found 20 apparent violations** in the past two years of the Johnson Amendment, a law that prohibits church leaders from intervening in political campaigns. Two occurred in the last two weeks as candidates crisscross Texas vying for votes. The number of potential violations found by the news outlets is greater than the total number of churches the IRS has investigated for intervening in political campaigns in the past decade, according to documents obtained through the Freedom of Information Act.

Under the law, pastors can endorse candidates in their personal capacities outside of church and weigh in on political issues from the pulpit as long as they don’t veer into support or

condemnation of a particular candidate. But the law prohibits pastors from endorsing candidates during official church functions such as sermons.

Violations can lead to the revocation of a church's tax-exempt status.

Descriptions of the 20 videos we identified are below. ProPublica and the Tribune had three experts review each of them. They agreed that the cases below violate the law. The experts were Lloyd Hitoshi Mayer, a tax and election law expert at the University of Notre Dame; Ellen Aprill, an emerita tax law professor at Loyola Marymount University's law school; and Sam Brunson, a law professor at Loyola University Chicago.

## **We're not endorsing a candidate, but...**

In these cases, pastors said they were not endorsing candidates, but their actions equated to an endorsement, according to the experts. Some acknowledged that the law did not allow them to endorse before making their statements.

### **Mercy Culture**

**Location:** Fort Worth

**Pastors:** Landon Schott, Heather Schott and Steve Penate

**Context:** Pastors at Mercy Culture expressed support for political candidates in at least three sermons this year. All three instances violated the Johnson Amendment, according to the experts. During one such instance on Feb. 6, the Schotts and Penate spoke in favor of Nate Schatzline, who is running for a seat in the state House. "Now, obviously, churches don't endorse candidates, but my name is Landon and I'm a person before I'm a pastor. And as an individual, I endorse Nate Schatzline," Landon Schott said. Schatzline's appearance ended with Schott stating: "We declare Mercy Culture Church is behind you. We declare Mercy Culture Church is praying for you. We declare Mercy Culture Church is supporting you." Early voting for the March 1 primary began eight days after the church service. Schatzline qualified for a runoff, which he won on May 24. He will face Democratic nominee KC Chowdhury, a Democrat, in Tuesday's general election.



**Now, obviously, churches don't endorse candidates, but**

**Expert assessment:**

**Brunson:** “If it’s part of the religious services, his disclaimer doesn’t work and it’s a clear violation of the Johnson Amendment (albeit an almost clever, and definitely self-aware, attempt to avoid that). Penate saying ‘do something with us’ is absolutely an endorsement. If they’re doing it in their capacity as pastors, this violates the Johnson Amendment.”

**Church and candidate response:** Mercy Culture, Landon Schott and Heather Schott did not respond to questions or requests for comment. Both Penate, a church elder who said he was not speaking on behalf of the church, and Schatzline stated in separate interviews that they did not believe any laws were broken. “Mercy Culture has never endorsed anyone,” Penate said. “Mercy Culture has never told anyone to vote a certain way. Never.”

**Unite Church**

**Location:** Anchorage, Alaska

**Pastor:** Josh Tanner

**Context:** On Jan. 16, Tanner introduced his congregation to Kelly Tshibaka, a Republican candidate for U.S. Senate, and let her speak about how she expressed her faith during her

career in government. “OK, so I want you to know that we’re not just gonna be doing an endorsement for Kelly today, even though I am endorsing Kelly for U.S. Senate. And you can vote for whoever you want. I’m just letting you know who I’m voting for. It’s gonna be her.”

Tshibaka was among the top candidates to advance to the November general election. She will face incumbent Republican [Sen. Lisa Murkowski](#) and Democrat Patricia Chesbro on Tuesday.



Unite Church

We’re not just gonna be doing an endorsement for Kelly today, even though I am endorsing Kelly for U.S. Senate. And you can vote for whoever you want. I’m just letting you know who I’m voting for. It’s gonna be her.

Josh Tanner, pastor of Unite Church in Anchorage, Alaska

**Expert assessment:**

**Aprill:** “That the pastor says he personally endorses the candidate at an official function of the church makes the statement campaign intervention.”

**Church and candidate response:** Unite Church, Tanner and Tshibaka did not respond to requests for comment.

## “Uncle bill”: a new “family”-based strategy

Some churches coordinated with one another to provide their congregations with a list that singled out specific candidates and omitted others.

### Gateway Church

**Location:** Southlake

**Pastor:** Robert Morris

**Context:** Morris is among a group of Dallas-area pastors who have coordinated to highlight certain candidates running for public office. Since 2021, Morris has shown his congregation the names of specific candidates for office at least three times. In each of those cases, Morris violated the Johnson Amendment, according to experts. (Morris also showed the names during an Oct. 23 service.) During an April 18, 2021, sermon, a day before the start of early voting, Morris displayed the names of nine candidates running in nonpartisan races for school board and City Council on a screen. “And so we’re not endorsing a candidate,” Morris said. “We’re not doing that. But we just thought because they’re a member of the family of God, that you might want to know if someone in the family and this family of churches is running.” All but one of the candidates whose names were shown either won their race or qualified for a runoff.



Gateway Church

We're not endorsing a candidate. We're not doing that. But we just thought because they're a member of the family of God, that you might want to know if someone in the family and this family of churches is running.

Robert Morris, pastor of Gateway Church in Southlake

**Expert assessment:**

**Mayer:** "This is a new (at least to me) technique, to join a group of like-minded churches and then identify to the congregation anyone who is a member of any of those churches who is a candidate for elected public office, as opposed to just identifying members of your congregation who are candidates. But this technique, even with the disclaimers made by the pastor here, is still a violation of the Johnson Amendment. While the pastor tries to avoid the violation by making various disclaimers and saying he is just giving the congregation the names and they can do what they want when they vote, those are not sufficient to cure the violation. But they do provide an argument that there is not a violation and so muddies the waters a bit, even though I believe that argument ultimately fails legally."

**Church response:** Lawrence Swicegood, Gateway Media executive director, said in an emailed statement:

"At Gateway Church:

We DON'T:

- Support any specific political party
- Endorse political candidates

We DO:

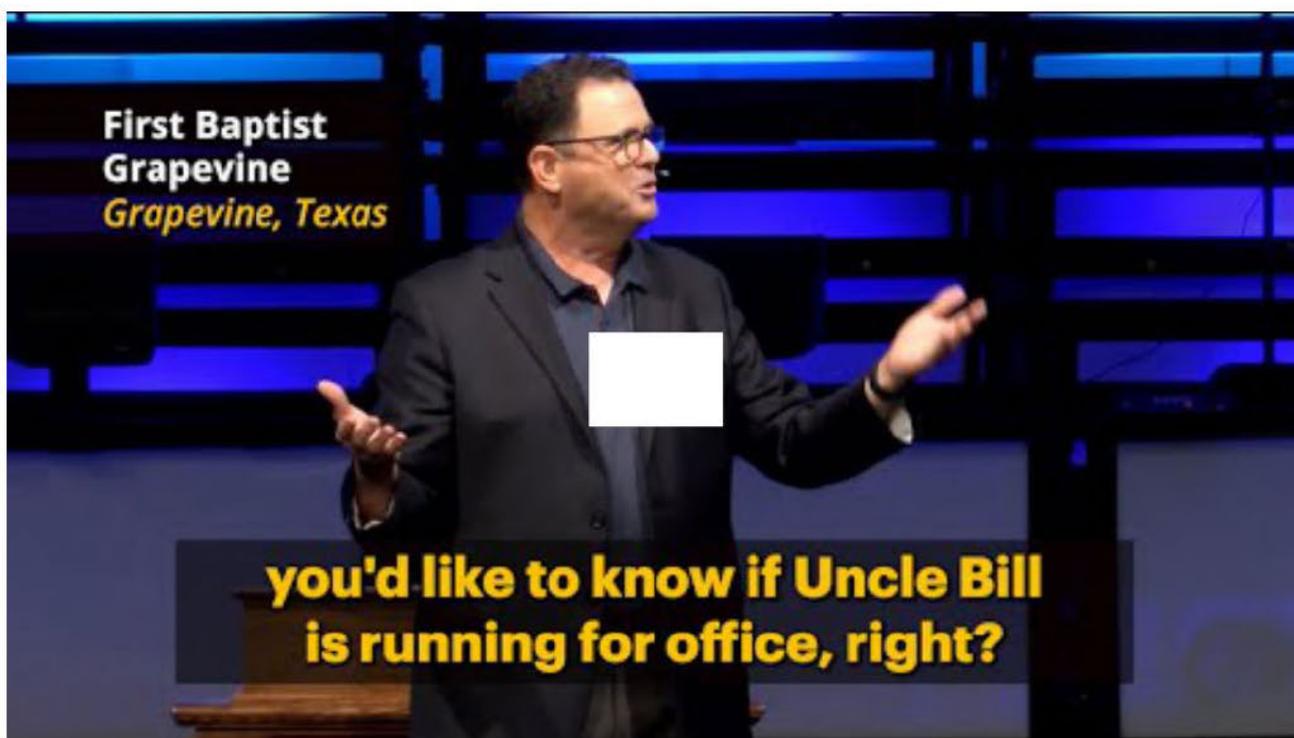
- INFORM our church family of other church family members who are seeking office to serve our community.
- ENCOURAGE our church family to vote as God leads them.
- PRAY for our elected officials regardless of their political party, or affiliation."

**First Baptist Grapevine**

**Location:** Grapevine

**Pastor:** Doug Page

**Context:** On April 18, 2021, Page showed his congregation the same list of candidates as Morris. “This is not an endorsement by us. We are not endorsing anyone. However, if you’re part of a family, you’d like to know if Uncle Bill is running for office, right? And so that’s all we’re going to do is simply inform you,” Page said.



**Expert assessment:**

**Mayer:** “This is a violation of the Johnson Amendment for the same reasons as the Gateway Church violations.”

**Church response:** “As is clearly stated in the sermon clip you provided, these candidates were named for information only, not for endorsement. First Baptist Grapevine does not and will not endorse candidates for public office. Our primary focus is the gospel of Jesus Christ and seeking to follow His will for our lives,” Page said in an emailed statement.

## Dueling endorsements

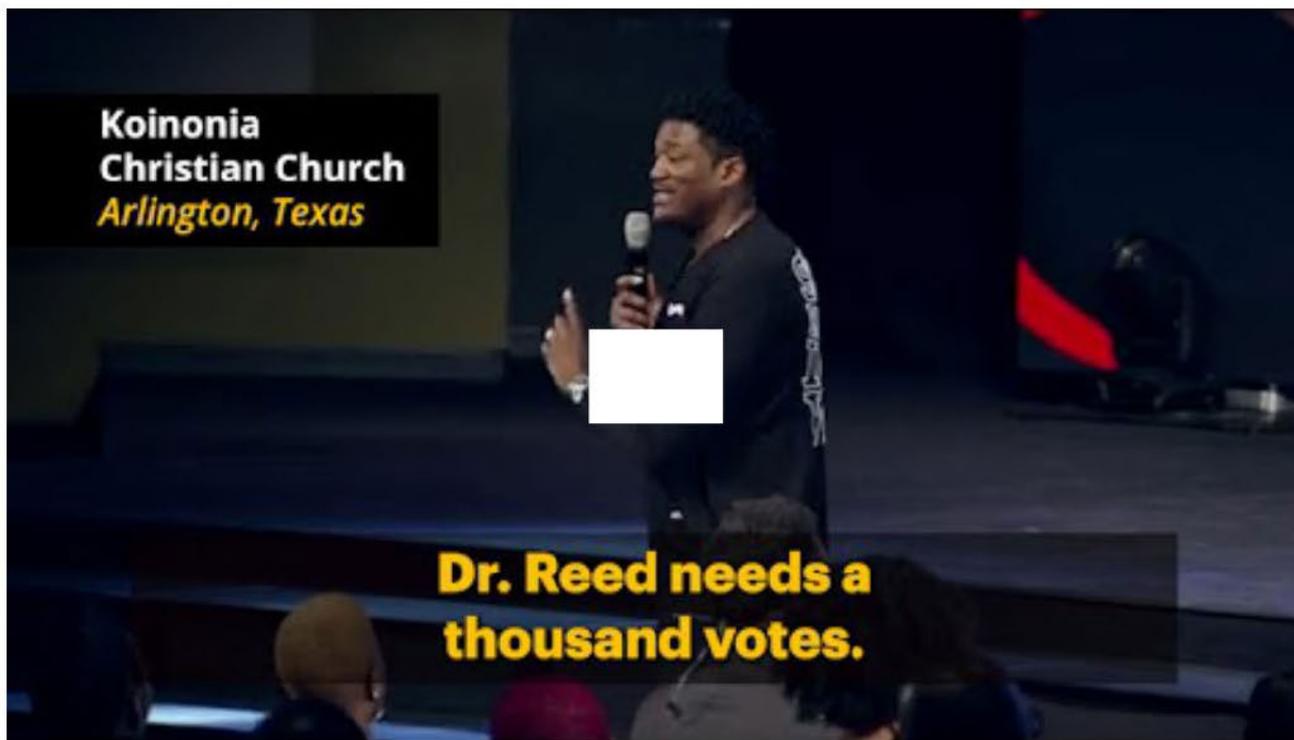
For these nonpartisan races in the Dallas-Fort Worth area, pastors from different churches endorsed opposing candidates.

### Koinonia Christian Church

**Location:** Arlington

**Pastor:** Ronnie W. Goines

**Context:** The first race involved candidates for the Mansfield school board. In a May 1 sermon, Goines implored his congregation to vote for Benita Reed in a local nonpartisan race on May 7. He said that Reed was the most qualified candidate in the race because she has worked in education for almost 30 years, but that scare tactics were being used against her. He then showed a mailer targeting Reed that read, “MISD put ‘woke’ politics over the safety of our children.” Then, Goines said, “All we got to do, people, is let’s go make a long line outside the polls and get this woman elected.” He later said: “Koinonia, we need, Dr. Reed needs a thousand votes. She needs a thousand votes. We got right at 10,000 members.”



**Expert assessment:**

**Aprill:** “This is a direct campaign intervention. He says, ‘She needs a thousand votes.’”

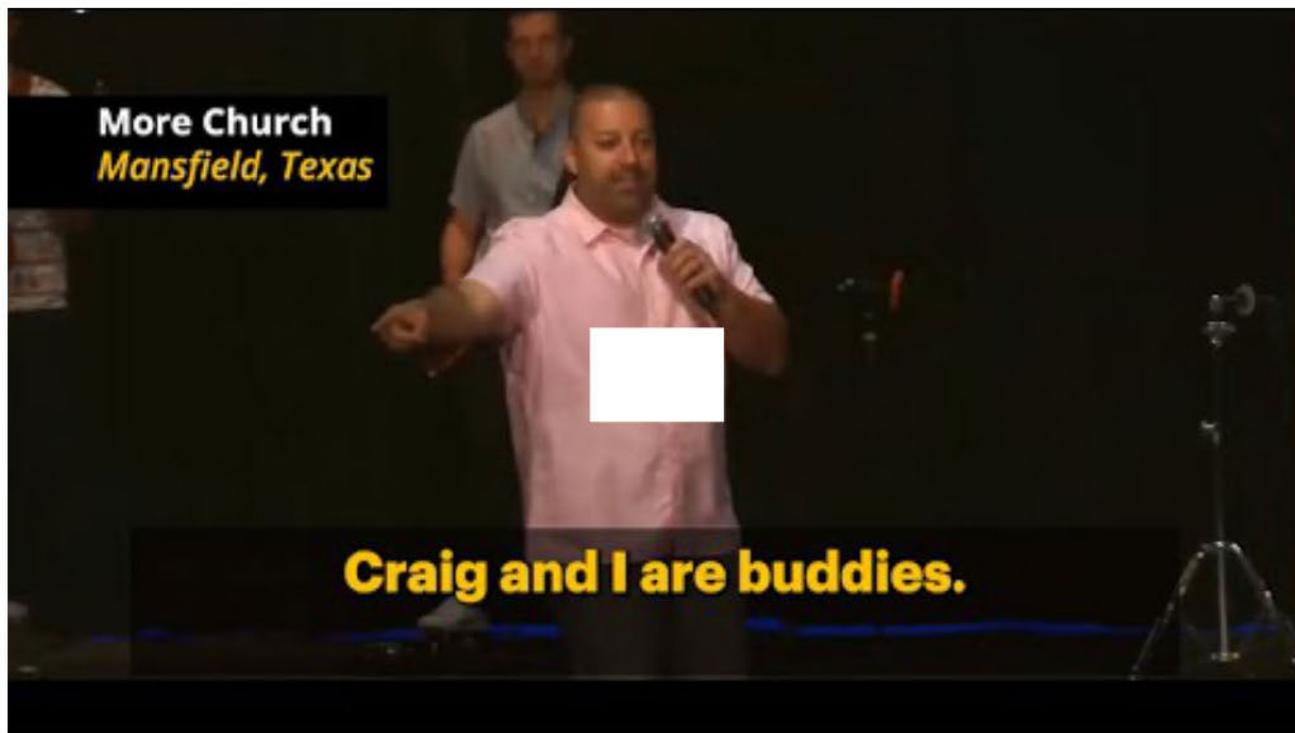
**Church and candidate response:** Reached by phone, Goines directed the news organizations to the church’s spokesperson, who did not respond. Reed did not respond to emailed questions.

### More Church

**Location:** Mansfield, Texas, southwest of Dallas

**Pastor:** Truston Baba

**Context:** None of the candidates received more than 50% of the vote during the May 7 election, leading to a runoff between Reed and Craig Tipping. During a June 12 sermon, Baba encouraged his congregation to vote in the runoff election. He then praised Tipping. “And so, Craig, thank you for running. Thank you for being obedient to do what God’s called you to do. And I’m gonna support you. And I hope that people from More Church will not just complain but will actually get out and vote. You know, we go to the booth, and we go to get these little stickers. ‘I voted.’ Y’all know you get the ‘I voted’ sticker? Come on. There’s a big one. Get out. Get the sticker. Let’s vote and help make a difference locally. Come on. Give a hand for my friend Craig today.” Tipping, a physical therapist, won on June 18.



**Expert Assessment:**

**Aprill:** “Having only one candidate appear is partisan. This pastor states at an official event that he supports the candidate. As noted earlier, that violates the prohibition. Moreover, the pastor’s comments are an endorsement of the candidate generally.”

**Church and candidate response:** Neither More Church nor Baba responded to requests for an interview or emailed questions. Tipping did not respond to emails requesting comment.

**Life-Changing Faith Christian Fellowship**

**Location:** Frisco

**Pastor:** Dono Pelham

**Context:** The second set of dueling sermons involved two candidates in a nonpartisan race for Frisco City Council. On May 2, 2021, Pelham told his congregation that his wife, Angelia Pelham, had qualified for the runoff. He encouraged them to vote in the June 5, 2021, election in which Pelham faced Jennifer White, a veterinarian who described herself as the only conservative in the race. “I’m not about to endorse, but you’ll get the message,” Pelham said.



Life-Changing Faith Christian Fellowship

I'm not about to endorse, but you'll get the message.

Dono Pelham, pastor of Life-Changing Faith Christian Fellowship in Frisco

**Expert Assessment:**

**Brunson:** "He's basically endorsing his wife, and I think it would be hard to argue anything different."

**Church and candidate response:** Dono Pelham said in an emailed statement that he did not endorse his wife in the runoff. Angelia Pelham said she and her husband were "very clear and very intentional" about not violating the Johnson Amendment.

**KingdomLife Church**

**Location:** Frisco

**Pastor:** Brandon Burden

**Context:** Six days before that runoff election for the Frisco City Council, Burden supported White from the pulpit. Burden told churchgoers that God was working through the congregation to take the country, and particularly North Texas, back to its Christian roots. He framed the race between White and Pelham as one against Frisco Mayor Jeff Cheney. Cheney had urged residents to put party politics aside and vote for Pelham because of her experience working for corporations such as PepsiCo Inc., The Walt Disney Co. and Cinemark. "I got a candidate that God wants to win," Burden said. "I got a mayor that God wants to unseat. God wants to undo. God wants to shift the balance of power in our city. And I have jurisdiction over that this morning." Pelham defeated White in the election.



KingdomLife Church

**Expert assessment:**

**Brunson:** “It’s pretty obvious, from the context and other things that he has said, that it is clear who he is saying God wants to win.”

**Church and candidate response:** Neither Burden nor KingdomLife responded to multiple interview requests or to emailed questions. White said she wasn’t in attendance during the sermon. She said she does not believe pastors should endorse candidates from the pulpit, but she welcomed churches becoming more politically active. “I think that the churches over the years have been a big pretty big disappointment to the candidates in that they won’t take a political stance,” White said. “So I would love it if churches would go ahead and come out and actually discuss things like morality. Not a specific party, but at least make sure people know where the candidates stand on those issues. And how to vote based on that.”

**“Vote her behind right out of office”: criticizing the incumbent, praising the challenger**

Pulpit criticism of sitting officeholders is permitted, except during campaigns when officeholders are running as candidates. In the cases below, pastors criticized the incumbents while praising their challengers during election season.

## Legacy Church

**Location:** Albuquerque, New Mexico

**Pastor:** Steve Smothermon

**Context:** During a July 10 sermon, Smothermon attacked New Mexico Gov. Michelle Lujan Grisham, a Democrat who supports abortion rights, and praised Republican Mark Ronchetti for seeking to end abortion in New Mexico. “We have the Wicked Witch of the North. Or you have Mark Ronchetti,” Smotherman said. Later in the sermon, Smotherman said, “You better get registered to vote, and we better vote her behind right out of office.” Grisham and Ronchetti will face each other in Tuesday’s gubernatorial election.



### Expert assessment:

**Aprill:** “This is a campaign intervention. The pastor is endorsing Ronchetti and opposing Ronchetti’s opponent.”

**Church and candidate response:** Legacy Church, Smothermon and Ronchetti did not respond to requests for comment.

**Friendship-West Baptist Church**

**Location:** Dallas

**Pastor:** Frederick Douglass Haynes III

**Context:** At the end of the church service on May 8, Haynes criticized state leaders’ response to the deadly February 2021 winter storm and praised Beto O’Rourke for donating \$25,000 to the church during that time. Haynes then invited O’Rourke to speak with his congregation. “I just want to say, because I think we need to know this in a very public way, that when there was a crisis February last year and the ineptitude of our state leadership, and then you had (Ted) Cruz going to Cancun. Lord Jesus, so Cruz went to Cancun and then (Greg) Abbott’s friends got paid. And while that was going on, Beto O’Rourke was using resources from his foundation. He was on the ground, serving people, blessing people and just, just, just doing what God wants us to do.” O’Rourke, who announced in November 2021 that he would challenge Greg Abbott in the race for governor, then gave a 10-minute speech about how the faith community played a pivotal role in the passage of the Voting Rights Act. O’Rourke was identified as a gubernatorial candidate in a caption on the church’s livestream. He ended his May speech by expressing hope that people of color who were targeted by the restrictive voting laws passed by Republicans last year would provide the margin of victory on Nov. 8.



Friendship-West Baptist Church

So Cruz went to Cancun and then Abbott’s friends got paid. And while that was going on, Beto O’Rourke was using resources from his foundation. He was on the ground, serving people, blessing people and just, just, just doing what God wants us to do.

Frederick Douglass Haynes III, pastor of Friendship-West Baptist Church in Dallas

### **Expert Assessment:**

**Mayer:** “Assuming the church is responsible for the caption (that ran under O’Rourke on the church’s livestream), this is a clear violation of the Johnson Amendment because the church explicitly identifies Beto O’Rourke as a candidate and the pastor expresses support for him.”

**Church and candidate response:** Haynes did not respond to calls and emails requesting comment. Chris Evans, communication director for O’Rourke’s campaign, said in an emailed statement: “Beto has enjoyed worshipping alongside the congregation at Friendship-West Baptist Church for years and is proud to call Pastor Haynes his friend. Pastor Haynes has long led the on-the-ground work of bringing people together to deliver for his community that Greg Abbott has absolutely failed and to fight for equality, justice, and opportunity across Texas.”

### **“My dear friend”: hosting a candidate**

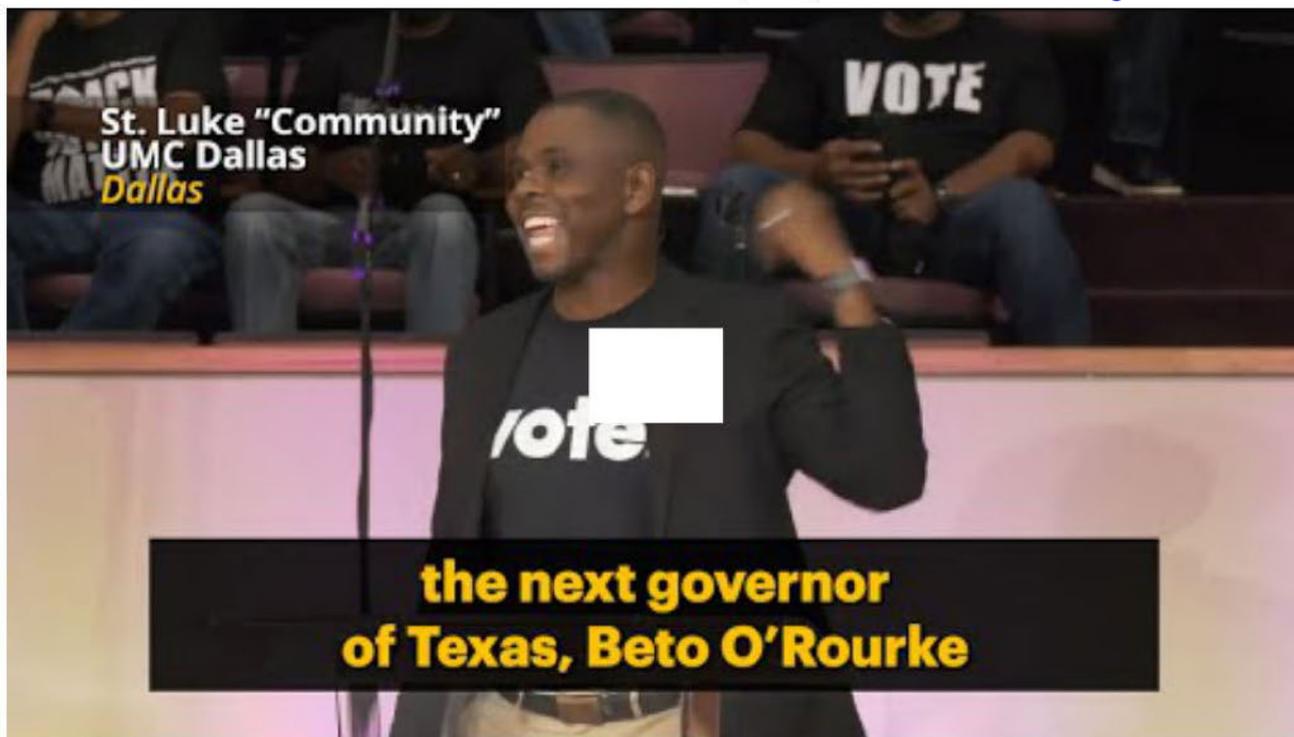
Some pastors introduced candidates during their sermons and allowed them to speak, while others interviewed them during church functions. The Johnson Amendment allows candidates to visit churches and speak to parishioners before elections, but it requires that churches maintain a “nonpartisan atmosphere” and give all candidates the same opportunity to visit.

#### **St. Luke “Community” United Methodist Church**

**Location:** Dallas

**Pastor:** Richie Butler

**Context:** On Oct. 23, a day before early voting began, Democratic gubernatorial candidate Beto O’Rourke visited the church. Butler introduced him as “the next governor of Texas.” He told parishioners: “We want to encourage him as he continues to run the race that is before him, and he needs us to get him across the finish line.” O’Rourke urged parishioners to vote and then gave a brief speech calling for fixing the state’s electric grid and expressing alarm over the high rate of school shootings and gun violence.



**Expert Assessment:**

**Mayer:** “This situation is a clear violation of the Johnson Amendment. Beto O’Rourke is introduced as the ‘next governor of Texas,’ which highlights both that he is a candidate and one whom the church supports. And O’Rourke’s comments are a sales pitch for his candidacy. There is no indication that any opposing candidate has been given a similar opportunity and, even if he had been, the favorable introduction of O’Rourke would still be across the line.”

**Church and candidate response:** In a statement, Butler said: “Black churches have been important hubs for civic engagement and organization in the fight for social justice since Reconstruction. The mixing of faith-based congregations and electoral engagement is not a new concept.” O’Rourke did not respond to a request for comment or emailed questions.

**Grace Woodlands**

**Location:** The Woodlands

**Pastor:** Steve Riggle

**Context:** Also on Oct. 23, Texas Lt. Gov. Dan Patrick, a Republican running for reelection, visited Grace Woodlands. During the sermon, Riggle said that Texas needs leaders like Patrick

who “will stand for values that are critical to the future of this nation.” Riggle praised Patrick as a “strong person” of faith whom “God has given us at the very top.” Patrick then spoke to the congregation and cast the election in stark terms. “This is not a race between Republicans and Democrats,” he said. “This is a race about darkness and light. This is a race about powers and principalities. And the devil is at full work in this country.”



**Expert Assessment:**

**Brunson:** “This is a clear endorsement of Patrick by the pastor of a church acting in his capacity as pastor in the course of ordinary church meetings. This violates the Johnson Amendment.”

**Church and candidate response:** Riggle said that his church did not endorse any candidate and said his introduction was focused on biblical values, not politics. He added that he believes the Johnson Amendment should be overturned.

“The government has no right at any time to, in any way, tell the church who it can have or who it cannot have to speak,” he said. “It can’t tell the church what it can preach on or not preach on. This is America, and we believe in a free church, not one controlled by the government.”

Patrick did not respond to requests for comment or emailed questions.

**Sojourn Church**

**Location:** Carrollton, Texas, north of Dallas

**Pastor:** Chris McRae

**Context:** During a May 1 sermon, McRae told parishioners that they were being lied to by an “invisible enemy” about issues of race, gender and abortion. He said they needed to “wake up” and confront the lies. McRae then invited Kevin Falconer, the mayor of Carrollton and a Republican candidate for Denton County Commissioner, to the pulpit to speak. “I can’t, as my friends will say, I can’t endorse him. But I do know that God loves Falcons,” McRae said. He also told his congregation he thought Steve Babick would win the upcoming nonpartisan mayoral election to fill the vacancy left by Falconer. Both Falconer and Babick won their elections.



I can’t, as my friends will say, I can’t endorse him. But I do know that God loves Falcons.  
Chris McRae, pastor of Sojourn Church in Carrollton

**Expert assessment:**

**Aprill:** “That is campaign intervention to me, even though the pastor states that he is asking Kevin to speak about communion. Context makes it an indirect campaign intervention.”

**Church and candidate response:** Sojourn Church, McRae and Falconer did not respond to requests for comment. Babick said he was unaware of any statements McRae made about him or his candidacy. “I’m not necessarily in favor or against it,” Babick said of the Johnson Amendment.

**Woodlands Church**

**Location:** The Woodlands

**Pastor:** Kerry Shook

**Context:** On Jan. 16, Shook introduced Christian Collins to his congregation. Collins was campaigning for the Republican nomination for Texas’ 8th Congressional District, which includes parts of Houston and several surrounding cities. “And so, the primaries are coming up in March, and I just wanted y’all to get to know Christian, my dear friend, and his love for Jesus Christ and pray for all of those Christ followers who are doing something that I would never do,” Shook said. The sermon occurred two and a half months before the Republican primary election. Collins lost the race.



**Expert Assessment:**

**Aprill:** “Specifically naming the primary and the candidate and saying we need Christ followers makes it campaign intervention to me.”

**Church and candidate response:** Woodlands Church, Kerry Shook Ministries and Kerry Shook did not respond to requests for comment. Through a spokesperson, Collins declined to comment.

**Abundant Life Church**

**Location:** Willis

**Pastor:** Dave Stovall

**Context:** At the end of his sermon on Dec. 5, 2021, Stovall introduced Collins as a candidate for the 8th Congressional District. He praised Collins for founding **the Texas Youth Summit**, a two-day conference that promotes conservative political activism among students. “Would you stand in honor of Christian Collins and the leader, servant-leader that he is and what he has done for this community?” Stovall asked. Collins had pledged to join the congressional Freedom Caucus, a voting bloc made up of some of the most conservative members of Congress, in contrast to his chief opponent, former Navy SEAL Morgan Luttrell, who won the Republican primary.



Abundant Life Church

Would you stand in honor of Christian Collins and the leader, servant-leader that he is and what he has done for this community?

Dave Stovall, pastor of Abundant Life Church in Willis

**Expert Assessment:**

**Mayer:** “This is a clear violation of the Johnson Amendment for the same reasons as the previous passage from Woodlands Church. (The similarity of this passage and the one from Woodlands Church makes me wonder if the pastors had been given suggested scripts from the same source.)”

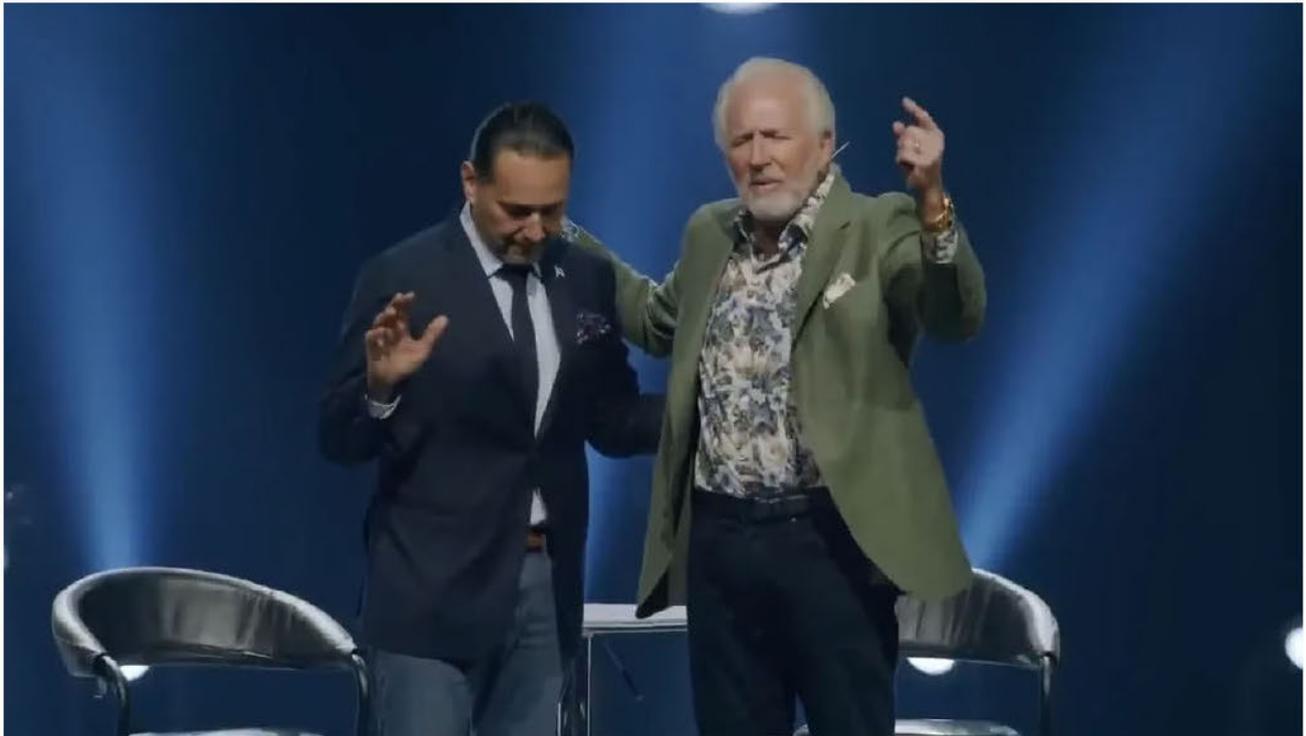
**Church and candidate response:** Abundant Life Church and Stovall did not respond to requests for comment, including the news organizations’ question about whether it had invited Luttrell or any other candidate to speak at the church. Through a spokesperson, Collins declined to comment.

**Destiny Christian Church**

**Location:** Rocklin, California, northwest of Sacramento

**Pastor:** Greg Fairrington

**Context:** In a conversation with California gubernatorial candidate Anthony Trimino, a Republican, during a May 15 church service, Fairrington told his congregation that the state needs a leader with a “vibrant faith in Jesus Christ.” He praised Trimino for his effort to unseat Gov. Gavin Newsom, a Democrat, and prayed for the Republican candidate. “Lord God, that you would inspire voters here in the state of California to cast their vote for the sanctity of life. Lord God, that they would get behind a conservative Christian candidate,” Fairrington said. Trimino came in sixth in an open party primary election on June 7. He did not advance to the November general election.



Destiny Christian Church

Lord God, that you would inspire voters here in the state of California to cast their vote for the sanctity of life. Lord God, that they would get behind a conservative Christian candidate.

Greg Fairrington, pastor of Destiny Christian Church in Rocklin, California

**Expert Assessment:**

**Mayer:** “This passage is a clear violation of the Johnson Amendment because it implicitly identifies Anthony as a candidate, specifically mentions voting and calls on the audience to get behind a conservative, pro-life Christian candidate (implicitly, such as Anthony).”

**Church and Candidate Response:** Destiny Christian Church, Fairrington and Trimino did not respond to requests for comment.

### Carver Park Baptist Church

**Location:** Waco

**Pastor:** Gaylon P. Foreman

**Context:** On April 7, Foreman livestreamed a Q&A at the church with Marlon Jones, a candidate for the Waco Independent School District school board. “Again, I endorse him fully and completely, and I wish that you would prayerfully consider helping support this mighty man of God, so he can help make kingdom impact on the Waco ISD,” Foreman said. Experts said Johnson Amendment violations can occur at any church function, not just during sermons. Jones lost the May 7 election.

### **Expert Assessment:**

**Brunson:** “This pastor doesn’t even pretend not to be endorsing the candidate, which is the honest approach. He’s clearly endorsing.”



Carver Park Baptist Church

I endorse him fully and completely, and I wish that you would prayerfully consider helping support this mighty man of God.

Gaylon P. Foreman, pastor of Carver Park Baptist Church in Waco

**Church and candidate response:** Foreman defended his discussion with Jones. “I told him about the show and he agreed to appear. I didn’t hear from or have any other contact with any other candidates or I would have gladly allowed them to appear as well,” Foreman said. “On the show, I did acknowledge that I personally supported him and that I felt that he was the best candidate. I also asked about how our community could help him. For as long as I’ve been serving as pastor, I’ve always made it clear that I never tell others who to vote for but do encourage everyone to vote.”

Jones said in an interview with the news organizations that he thought Foreman provided information and did not violate the Johnson Amendment. “I think during the broadcast Pastor Foreman was very intentional about encouraging people to vote but not necessarily saying this is who we should vote for.” Jones, who is also a pastor, added: “Saying ‘this is something I am doing’ does not necessarily mean your congregation will do that.”

## **Praising Trump before the 2020 election**

In the days leading up to the 2020 election, some pastors extolled the ways in which former President Donald Trump had delivered for Christians.

### **Cowboy Church of Corsicana**

**Location:** Corsicana

**Pastor:** Derek Rogers

**Context:** On Oct. 14, 2020, Rogers told his congregation that even though pastors aren’t supposed to talk about politics, parishioners needed to support Trump’s reelection bid. “I do not understand how anybody that calls himself a Christian could vote for the agenda and the platform of Joe Biden,” he said. “President Trump, he ain’t the greatest dude in the whole world, but he’s the closest thing that we got to what we need.”



President Trump, he ain't the greatest dude in the whole world, but he's the closest thing that we got to what we need.

Derek Rogers, pastor of Cowboy Church of Corsicana in Corsicana

### **Expert Assessment:**

**Mayer:** "This is a clear violation of the Johnson Amendment because it identifies two candidates by name and explicitly tells the congregation for which of them they should vote."

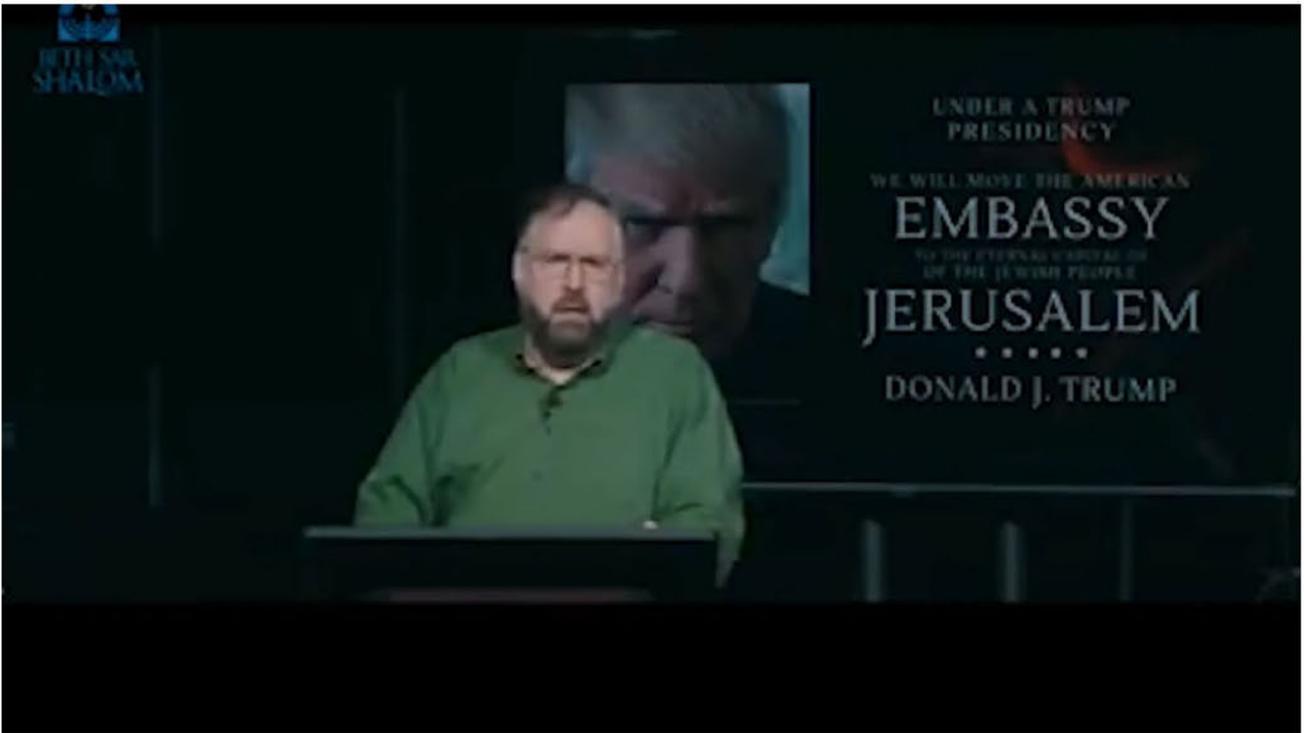
**Church response:** Rogers did not respond to requests for comment.

### **Beth Sar Shalom**

**Location:** Carrollton

**Pastor:** Steven Ger

**Context:** Ger explained to congregants why they should support Trump over Biden for president two days before the election. "I like what our president has done. He made his promises. And he kept his promises." He later called Trump the "most pro-life president ever" and said, "Vice President Biden would be the most pro-abortion president ever."



Beth Sar Shalom

I like what our president has done. He made his promises. And he kept his promises. He moved the embassy to Jerusalem. He made peace between Israel and three Arab nations. ‘Can’t be done.’ He did it.

Steven Ger, pastor of Beth Sar Shalom in Carrollton

**Expert Assessment:**

**Mayer:** “The passage is a clear violation of the Johnson Amendment because it identifies two candidates, describes their positions and then says which position (and therefore candidate) should be voted for.”

**Church response:** Executive Pastor Don Jones initially said he was willing to be interviewed, but neither he nor Ger responded to follow-up calls and emailed questions.

**Trinity Family Church**

**Location:** Forney

**Pastor:** Marty Reid

**Context:** In a sermon two days before the Nov. 3, 2020, election, Reid told his congregation that even though Trump “doesn’t know much” about Christianity, “I believe God has raised up President Trump for such a time as this.”



**Expert Assessment:**

**Aprill:** “Clearly an endorsement of Trump and campaign intervention.”

**Church response:** Trinity Family Church and Reid did not respond to requests for comment.

# **EXHIBIT 21**

Facebook Post



The Hodgetwins

1h · 🌐



### 🔥 Cracker Barrel's WOKE Past Comes Back to Light 🔥

The backlash over Cracker Barrel's recent logo change and rebrand is exposing the chain's long march toward woke politics.

👤 Meet Steve Smotherman — a former Cracker Barrel management and training leader. After leaving the company in 2020, he joined the Human Rights Campaign's (HRC) Business Advisory Council, one of the most powerful LGBT lobbying groups in America.

📌 During his time at Cracker Barrel (2005–2020), Smotherman:

- Founded an LGBT employee group that grew from just 6 members into a powerful force inside the company.
- Helped move Cracker Barrel's HRC Corporate Equality Index score from ZERO in 2002 to 80 by 2021.
- Pushed policy changes like adding "sexual orientation" to nondiscrimination rules.
- Championed corporate activism, including:
  - Pulling Duck Dynasty products in 2014.
  - Banning a pastor with traditional views in 2019.
  - Sponsoring Nashville Pride in 2024.
  - Launching rainbow-colored rocking chairs in 2023.

Now, as Cracker Barrel scraps its "old-timer" logo and faces accusations of erasing its heritage, many Americans see this as part of the same woke transformation.

Users on X are connecting the dots — accusing the chain of abandoning tradition, family, and Southern values in exchange for appeasing the woke mob.

Cracker Barrel used to be about heritage and heartland America. Today, critics say it's becoming just another corporation chasing trends instead of honoring tradition.



Comment as Michael Morin



Photo

Done

Now, as Cracker Barrel scraps its "old-timer" logo and faces accusations of erasing its heritage, many Americans see this as part of the same woke transformation.

Users on X are connecting the dots — accusing the chain of abandoning tradition, family, and Southern values in exchange for appeasing the woke mob.

Cracker Barrel used to be about heritage and heartland America. Today, critics say it's becoming just another corporation chasing trends instead of honoring tradition.



#AntiWoke #ProtectHeritage #TraditionMatters #FamilyValues #CrackerBarrel #AmericaFirst



# **EXHIBIT 22**

Google Search Results



Steve Smotherman



All Mode All Images Videos Short videos News Shopping More

Tools

Saves

- Legacy church
- Steve maxwell
- Pastor steve smothermon
- Edward smotherman
- Amazon

The search results grid displays a variety of content related to Steve Smotherman. It includes:
 

- Video thumbnails from YouTube such as 'ENCOUNTER NIGHT PASTOR STEVE SMOTHERMON', 'SUMMER REVIVAL SERIES: PASTOR STEVE...', and 'January 2026 | Pastor Steve Smotherman...'.
- Social media posts from Facebook, LinkedIn, and Instagram, often featuring photos of Steve Smotherman in various settings, including church services and public appearances.
- Articles and news snippets from sources like 'Herald Chronicle', 'Full-Time FBA', and 'Mommy Income'.
- Book covers for 'Overcoming Your FBA FEARS' and 'The BEGINNER'S GUIDE to WHOLESALE'.
- Obituary notices for Stephen Edward Smotherman and Russell Smotherman.
- Local news items from 'Full-Time FBA' and 'U.S. Term Limits'.

The rest of the results might not be what you're looking for. See more anyway

# **EXHIBIT 23**

“Smotherman” YouTube Video



# **EXHIBIT 24**

Declaration of Leora Dumanlang

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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

PASTOR STEVE SMOTHERMON,  
Plaintiff,

Case No. 2:25-cv-01858-APG-BNW

**DECLARATION OF  
LEORA DUMANLANG**

v.

KEITH HODGE, an individual; KEVIN  
HODGE, an individual; HODGETWINS,  
LLC, a limited liability company,  
Defendants.

I, Leora Dumanlang declare:

1. I am over 18 years of age and have never been convicted of a crime involving fraud or dishonesty. I have knowledge of the facts set forth herein, and if called as a witness, could and would testify competently thereto. I am employed as a Paralegal at Randazza Legal Group, PLLC (“RLG”).

2. I am submitting this declaration in support of Defendants’ Amended Answer and Affirmative and Other Defenses (“the Answer”).

3. On March 2, 2026, at approximately 10:49 a.m. Pacific time, while at my personal residence in Las Vegas, Nevada and using the Chrome web browser on my work MacBook laptop, I visited the homepage of Legacy Church at the following URL: <https://www.legacychurch.com/>. From viewing this page, I created a printout using the Awesome Screen record extension to screenshot the webpage. A true and correct copy of this printout is attached to the Amended Answer as **Exhibit 1**.

4. On March 2, 2026, at approximately 10:54 a.m. Pacific time, while at my personal residence in Las Vegas, Nevada and using the Chrome web browser on my work MacBook laptop, I visited the homepage of Legacy Church 2024 Annual Report at the following URL: <https://www.legacychurch.com/images/uploads/AnnualReport/2024%20Annual%20Report%20F>

1 INAL.pdf. From viewing this page, I created a printout by downloading the PDF to my workbook  
2 laptop. A true and correct copy of this printout is attached to the Amended Answer as **Exhibit 2**.

3 5. On March 2, 2026, at approximately 10:57 a.m. Pacific time, while at my personal  
4 residence in Las Vegas, Nevada and using the Chrome web browser on my work MacBook laptop,  
5 I visited the Legacy Church App Webpage at the following URL:  
6 [https://www.legacychurch.com/legacyapp/?sapurl=LysxOWE4L2FwcD9lbWJlZD10cnVlJnJlY2](https://www.legacychurch.com/legacyapp/?sapurl=LysxOWE4L2FwcD9lbWJlZD10cnVlJnJlY2VudFJvdXRlPWwC53ZWItYXBwLnJlZGlyZW50Um91dGVtHVnPWw)  
7 [VudFJvdXRlPWwC53ZWItYXBwLnJlZGlyZW50Um91dGVtHVnPWw](https://www.legacychurch.com/legacyapp/?sapurl=LysxOWE4L2FwcD9lbWJlZD10cnVlJnJlY2VudFJvdXRlPWwC53ZWItYXBwLnJlZGlyZW50Um91dGVtHVnPWw)  
8 w. From viewing this page, I created a printout using the Awesome Screen record extension to  
9 screenshot the webpage. A true and correct copy of this printout is attached to the Amended  
10 Answer as **Exhibit 3**.

11 6. On March 2, 2026, at approximately 11:37 a.m. Pacific time, while at my personal  
12 residence in Las Vegas, Nevada and using the Chrome web browser on my work MacBook laptop,  
13 I visited the Legacy Church YouTube channel at the following URL:  
14 <https://www.youtube.com/legacychurchabq>. From viewing this page, I created a printout using the  
15 Awesome Screen record extension to screenshot the webpage. A true and correct copy of this  
16 printout is attached to the Amended Answer as **Exhibit 4**.

17 7. On March 2, 2026, at approximately 11:40 a.m. Pacific time, while at my personal  
18 residence in Las Vegas, Nevada and using the Chrome web browser on my work MacBook laptop,  
19 I visited the Legacy Church YouTube channel at the following URL:  
20 <https://www.youtube.com/watch?v=fLHyP8osyrU>. From viewing this page, I created a printout  
21 using the Awesome Screen record extension to screenshot the webpage. A true and correct copy  
22 of this printout is attached to the Amended Answer as **Exhibit 5**.

23 8. On March 2, 2026, at approximately 11:41 a.m. Pacific time, while at my personal  
24 residence in Las Vegas, Nevada and using the Chrome web browser on my work MacBook laptop,  
25 I visited the @stevesmothermon Instagram page at the following URL:  
26 <https://www.instagram.com/stevesmothermon/>. From viewing this page, I created a printout using  
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1 the Awesome Screen record extension to screenshot the webpage. A true and correct copy of this  
2 printout is attached to the Amended Answer as **Exhibit 6**.

3 9. On March 2, 2026, at approximately 11:43 a.m. Pacific time, while at my personal  
4 residence in Las Vegas, Nevada and using the Chrome web browser on my work MacBook laptop,  
5 I visited the @legacychurchabq Instagram page at the following URL:  
6 <https://www.instagram.com/legacychurchabq/>. From viewing this page, I created a printout using  
7 the Awesome Screen record extension to screenshot the webpage. A true and correct copy of this  
8 printout is attached to the Amended Answer as **Exhibit 7**.

9 10. On March 2, 2026, at approximately 11:43 a.m. Pacific time, while at my personal  
10 residence in Las Vegas, Nevada and using the Chrome web browser on my work MacBook laptop,  
11 I visited the Steve Smothermon Amazon Author page at the following URL:  
12 <https://www.amazon.com/stores/author/B00JA8F4U4>. From viewing this page, I created a  
13 printout using the “Print to PDF” function. A true and correct copy of this printout is attached to  
14 the Amended Answer as **Exhibit 8**.

15 11. On March 2, 2026, at approximately 11:47 a.m. Pacific time, while at my personal  
16 residence in Las Vegas, Nevada and using the Chrome web browser on my work MacBook laptop,  
17 I visited the Patheos website at the following URL:  
18 [https://www.patheos.com/blogs/faithfulpolitics/2025/08/charlie-kirk-visits-legacy-church-in-](https://www.patheos.com/blogs/faithfulpolitics/2025/08/charlie-kirk-visits-legacy-church-in-albuquerque-new-mexico/)  
19 [albuquerque-new-mexico/](https://www.patheos.com/blogs/faithfulpolitics/2025/08/charlie-kirk-visits-legacy-church-in-albuquerque-new-mexico/). From viewing this page, I created a printout using the Awesome Screen  
20 record extension to screenshot the webpage. A true and correct copy of this printout is attached to  
21 the Amended Answer as **Exhibit 9**.

22 12. On March 2, 2026, at approximately 11:48 a.m. Pacific time, while at my personal  
23 residence in Las Vegas, Nevada and using the Chrome web browser on my work MacBook laptop,  
24 I visited the Democratic Governors Association website at the following URL:  
25 [https://democraticgovernors.org/updates/new-washington-post-column-exposes-mark-ronchetti-](https://democraticgovernors.org/updates/new-washington-post-column-exposes-mark-ronchetti-for-trying-to-hide-his-extreme-anti-abortion-stance/)  
26 [for-trying-to-hide-his-extreme-anti-abortion-stance/](https://democraticgovernors.org/updates/new-washington-post-column-exposes-mark-ronchetti-for-trying-to-hide-his-extreme-anti-abortion-stance/). From viewing this page, I created a printout  
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1 using the Awesome Screen record extension to screenshot the webpage. A true and correct copy  
2 of this printout is attached to the Amended Answer as **Exhibit 10**.

3 13. On March 2, 2026, at approximately 12:17 p.m. Pacific time, while at my personal  
4 residence in Las Vegas, Nevada and using the Chrome web browser on my work MacBook laptop,  
5 I visited the New Mexico News Services LLC website at the following URL:  
6 <https://nmopinions.com/sherry-robinson-6-26-23%2B>. From viewing this page, I created a  
7 printout using the “Print to PDF” function. A true and correct copy of this printout is attached to  
8 the Amended Answer as **Exhibit 11**.

9 14. On March 2, 2026, at approximately 12:21 p.m. Pacific time, while at my personal  
10 residence in Las Vegas, Nevada and using the Chrome web browser on my work MacBook laptop,  
11 I visited the Apple Podcasts website at the following URL:  
12 [https://podcasts.apple.com/us/podcast/episode-99-inside-new-mexico-with-stev](https://podcasts.apple.com/us/podcast/episode-99-inside-new-mexico-with-stev-e-pearce/id1455383209?i=1000505357620)  
13 [e-pearce/id1455383209?i=1000505357620](https://podcasts.apple.com/us/podcast/episode-99-inside-new-mexico-with-stev-e-pearce/id1455383209?i=1000505357620). From viewing this page, I created a printout using the  
14 Awesome Screen record extension to screenshot the webpage. A true and correct copy of this  
15 printout is attached to the Amended Answer as **Exhibit 12**.

16 15. On March 2, 2026, at approximately 12:23 p.m. Pacific time, while at my personal  
17 residence in Las Vegas, Nevada and using the Chrome web browser on my work MacBook laptop,  
18 I visited the NM Politics website at the following URL:  
19 <https://nmpolitics.net/index/2012/02/forgiving-smothermon-praying-for-those-his-words-affect>.  
20 From viewing this page, I created a printout using the “Print to PDF” function. A true and correct  
21 copy of this printout is attached to the Amended Answer as **Exhibit 13**.

22 16. On March 13, 2026, at approximately 4:35 p.m. Pacific time, while at my personal  
23 residence in Las Vegas, Nevada and using the Chrome web browser on my work MacBook laptop,  
24 I visited the KOAT TV website at the following URL: [https://www.koat.com/article/legacy-](https://www.koat.com/article/legacy-pastor-fires-back-on-highlighted-ballot-issue/5060019)  
25 [pastor-fires-back-on-highlighted-ballot-issue/5060019](https://www.koat.com/article/legacy-pastor-fires-back-on-highlighted-ballot-issue/5060019). From viewing this page, I created a  
26 printout using the “Print to PDF” function. A true and correct copy of this printout is attached to  
27 the Amended Answer as **Exhibit 14**.

1 17. On March 13, 2026, at approximately 4:38 p.m. Pacific time, while at my personal  
2 residence in Las Vegas, Nevada and using the Chrome web browser on my work MacBook laptop,  
3 I visited the KOAT TV website at the following URL: [https://www.koat.com/article/legacy-  
4 church-stirs-the-pot-during-election-season/40788765](https://www.koat.com/article/legacy-church-stirs-the-pot-during-election-season/40788765). From viewing this page, I created a  
5 printout using the “Print to PDF” function. A true and correct copy of this printout is attached to  
6 the Amended Answer as **Exhibit 15**.

7 18. On March 2, 2026, at approximately 12:29 p.m. Pacific time, while at my personal  
8 residence in Las Vegas, Nevada and using the Chrome web browser on my work MacBook laptop,  
9 I visited the For God’s Glory Alone Ministries website at the following URL:  
10 [https://www.fggam.org/2020/10/abq-fire-marshall-says-the-city-and-state-police-will-be-  
11 visiting-churches-to-make-sure-public-health-orders-are-be-practiced/](https://www.fggam.org/2020/10/abq-fire-marshall-says-the-city-and-state-police-will-be-visiting-churches-to-make-sure-public-health-orders-are-be-practiced/). From viewing this page, I  
12 created a printout using the Awesome Screen record extension to screenshot the webpage. A true  
13 and correct copy of this printout is attached to the Amended Answer as **Exhibit 16**.

14 19. On March 2, 2026, at approximately 12:31 p.m. Pacific time, while at my personal  
15 residence in Las Vegas, Nevada and using the Chrome web browser on my work MacBook laptop,  
16 I visited the For God’s Glory Alone Ministries website at the following URL:  
17 [https://www.fggam.org/2020/09/covid-shutdown-is-destroying-new-mexico-where-is-the-nm-  
18 gop-hello/](https://www.fggam.org/2020/09/covid-shutdown-is-destroying-new-mexico-where-is-the-nm-gop-hello/). From viewing this page, I created a printout using the Awesome Screen record  
19 extension to screenshot the webpage. A true and correct copy of this printout is attached to the  
20 Amended Answer as **Exhibit 17**.

21 20. On March 2, 2026, at approximately 12:32 p.m. Pacific time, while at my personal  
22 residence in Las Vegas, Nevada and using the Chrome web browser on my work MacBook laptop,  
23 I visited the Christian Post website at the following URL:  
24 [https://www.christianpost.com/news/new-mexico-megachurch-sues-state-over-policy-limiting-  
25 gatherings-to-5-or-fewer.html?\\_\\_cf\\_chl\\_tk=xKnEsjZPMueeBH6iya5xS7e7CC9J  
26 gNT3QtKuhVbt1N0-1772483564-1.0.1.1-EGPERRpijXF0jyZCiC8fOvS4up1XE6bfYHbFzDTL](https://www.christianpost.com/news/new-mexico-megachurch-sues-state-over-policy-limiting-gatherings-to-5-or-fewer.html?__cf_chl_tk=xKnEsjZPMueeBH6iya5xS7e7CC9JgNT3QtKuhVbt1N0-1772483564-1.0.1.1-EGPERRpijXF0jyZCiC8fOvS4up1XE6bfYHbFzDTL)

1 NDs. From viewing this page, I created a printout using the “Print to PDF” function. A true and  
2 correct copy of this printout is attached to the Amended Answer as **Exhibit 18**.

3 21. On March 3, 2026, at approximately 12:34 p.m. Pacific time, while at my personal  
4 residence in Las Vegas, Nevada and using the Chrome web browser on my work MacBook laptop,  
5 I visited the For God’s Glory Alone Ministries website at the following URL:  
6 [https://www.fggam.org/2020/04/legacy-church-in-abq-files-a-request-for-an-injunction-in-](https://www.fggam.org/2020/04/legacy-church-in-abq-files-a-request-for-an-injunction-in-federal-court-to-stop-gov-lujan-grishams-order-against-churches)  
7 [federal-court-to-stop-gov-lujan-grishams-order-against-churches](https://www.fggam.org/2020/04/legacy-church-in-abq-files-a-request-for-an-injunction-in-federal-court-to-stop-gov-lujan-grishams-order-against-churches). From viewing this page, I  
8 created a printout using the Awesome Screen record extension to screenshot the webpage. A true  
9 and correct copy of this printout is attached to the Amended Answer as **Exhibit 19**.

10 22. On March 2, 2026, at approximately 12:37 p.m. Pacific time, while at my personal  
11 residence in Las Vegas, Nevada and using the Chrome web browser on my work MacBook laptop,  
12 I visited the Texas Tribune website at the following URL:  
13 <https://www.texastribune.org/2022/11/07/churches-list-violations-johnson-amendment/>. From  
14 viewing this page, I created a printout using the “Print to PDF” function. A true and correct copy  
15 of this printout is attached to the Amended Answer as **Exhibit 20**.

16 23. On February 13, 2026, at approximately 12:02 p.m. Pacific time, while at Randazza  
17 Legal Group in Las Vegas, Nevada I received an email from Ms. Nicole A. Westbrook with a  
18 screenshot of the Facebook post attached to the Amended Answer as **Exhibit 21**.

19 24. On March 12, 2026, at approximately 1:00 p.m. Pacific time, while at Randazza  
20 Legal Group in Las Vegas, Nevada and using the Chrome web browser on my work MacBook  
21 laptop, I conducted a google search of “Steve Smotherman”. From viewing this page, I created a  
22 printout using the Awesome Screen record extension to screenshot the webpage. A true and correct  
23 copy of this printout is attached to the Amended Answer as **Exhibit 22**.

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25. On March 17, 2026, at approximately 11:11 a.m. Pacific time, while at Randazza Legal Group in Las Vegas, Nevada and using the Chrome web browser on my work MacBook laptop, I conducted a google search of “Steve Smotherman” and navigated to the ‘images’ tab. From viewing this page, I created a cropped printout using the Awesome Screen record extension to screenshot the webpage. A true and correct copy of this printout is attached to the Amended Answer as Exhibit 23.

I declare under the penalty of perjury that the foregoing is true and correct.

Dated: March 17, 2026.

  
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LEORA DUMANLANG