

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

FREEDOM FROM RELIGION FOUNDATION, )  
INC., DAN BARKER, ANNIE LAURIE )  
GAYLOR, AND DAVID WILLIAMSON, )

Plaintiffs )

v. )

ORANGE COUNTY SCHOOL BOARD, )

Defendant )  
\_\_\_\_\_)

Civil Action No: \_\_\_\_\_

**COMPLAINT – INJUNCTIVE RELIEF SOUGHT**

**INTRODUCTION**

1. Defendants Orange County School Board created a limited public forum in Orange County public schools. Defendants then permitted an evangelical Christian group to distribute Bibles in that forum. In response, Plaintiffs sought to distribute their own atheist, humanist, and freethought literature. Defendants prohibited most of Plaintiffs' literature.

2. Prior to the distribution, Defendants censored Plaintiffs' message, which was critical of the Bible and religion. Defendants prohibited one of Plaintiffs' books in part because, "[t]he claim that Jesus was not crucified or resurrected is age inappropriate for the maturity levels of many of the students in high school." *Exhibit A, page 2, ¶ 3*. The

Bible Defendants approved for distribution claims that Jesus was crucified and resurrected. Permitting one viewpoint (the crucifixion and resurrection occurred) and censoring the opposing viewpoint (the crucifixion and resurrection did not occur) is unconstitutional.

3. Defendants' justifications for prohibiting Plaintiffs' literature apply with equal force to the Bible. Though equally objectionable, the *New International Version* Bible, which expresses a Judeo-Christian view of God and religion, was approved and distributed while Plaintiffs' literature expressing an opposing view was prohibited.

4. Plaintiffs seek relief from this illegal viewpoint discrimination and prior restraint including a declaration that the censorship violates the First and Fourteenth Amendments and an injunction against future viewpoint discrimination and prior restraint.

5. Our public schools exist to educate, not to serve as conduits for advertisers, proselytizers, and special interest groups seeking to propagandize a captive audience of young students. Plaintiffs prefer that no dissemination of outside materials, such as Bibles or their own literature, occur in Orange County Public Schools. But since Defendants are allowing distributions, all viewpoints must now be granted fair and equal access.

### **PARTIES**

6. Plaintiff Freedom From Religion Foundation ("FFRF") is a national non-profit IRC 501(c)(3) educational charity and a Wisconsin non-stock corporation. FFRF

defends the constitutional separation between state and church, and educates the public about the views of non-theists. FFRF has more than 19,000 members nationwide, including more than 900 members in Florida, members in Orange County, and a local chapter, the Central Florida Freethought Community (CFFC). FFRF advocates on behalf of its members throughout the United States.

7. Eight members of FFRF participated in the May 2<sup>nd</sup> literature distribution. FFRF sells one and publishes four pieces of literature prohibited by Defendants.

8. Plaintiff Dan Barker is Co-President of FFRF and author of two pieces of literature prohibited by Defendants: *Why Jesus?* and *Dear Believer*.

9. Plaintiff Annie Laurie Gaylor is Co-President of FFRF and author of one piece of literature prohibited by Defendants: *What does the Bible say about Abortion?* Plaintiff Gaylor edited another prohibited noncontract, *An X-Rated book: Sex and Obscenity in the Bible*.

10. Plaintiff David Williamson is a member of FFRF, Organizer of CFFC, and is a resident of Florida. Williamson, on behalf of FFRF and CFFC, sought to distribute atheist and humanist materials in Orange County Public Schools (OCPS).

11. Defendants injured Plaintiffs by prohibiting most of the materials they proposed to distribute.

12. Plaintiffs intend to repeat this distribution every school year.

13. Defendant Orange County School Board is a body politic and corporate entity that was established, organized, and authorized pursuant to Florida state law with the

authority to sue and be sued, and was at all times relevant herein acting within the course and scope of its authority and under color of State law. The Board is responsible for governing OCPS and is the final policymaker for the limited public forum created therein.

14. The Board, through various agents and employees, prohibited Plaintiffs from distributing most of their literature.

### **JURISDICTION & VENUE**

15. This action arises under the First and Fourteenth Amendments to the U.S. Constitution and 42 U.S.C. § 1983. This Court has jurisdiction under Article III of the U.S. Constitution and 28 U.S.C. § 1331.

16. Declaratory relief is sought under 28 U.S.C. §§ 2201 and 2202.

17. This Court is the proper venue pursuant to 28 U.S.C. § 1391(b).

### **FACTS & ALLEGATIONS**

18. Defendants created a limited public forum in Orange County public schools.

19. Groups with no relation to OCPS (“outside groups”) are permitted to passively distribute materials in the forum, if Defendants approve those materials first.

20. Defendants explain, “Passive distribution means the approved materials may be placed on one unmanned table for distribution in a location where students normally congregate during non-instructional time.” Representatives of outside groups must not speak to or encourage students to take materials. *Exhibits K and L.*

**21.** On January 16, 2013, an outside group, World Changers of Florida (WCF) used the forum to distribute *New International Version* Bibles to students in eleven of Defendants' public schools.

**22.** The Bibles distributed by WCF are a specific, evangelical translation "of the Word of God, through which [many] will hear his call to faith in our Lord Jesus Christ and to service in his Kingdom." Committee on Bible Translation, "A Word about the NIV," in *Holy Bible, New International Version*, 877 (Biblica, Inc. 2011) (hereinafter "WCF NIV Bible").

**23.** Defendants did not vet or read the WCF NIV Bible prior to approval.

**24.** Defendants did not object to a single word in the WCF NIV Bible, but approved it fully and without comment for distribution in public schools.

**25.** WCF is an evangelical group that "support[s] the biblical account of Creation, including having Creation theory taught in our public schools" and "speak[s] out against humanistic views contrary to the Biblically [*sic*] based founding fathers' Constitutional vision."<sup>1</sup>

**26.** Plaintiffs expressed to Defendants their belief that public schools should not allow literature distributions by outside groups in a January 15, 2013 letter. *Exhibit D*. Plaintiff Williamson reiterated this opinion to Defendants at their January 29 school board meeting. In the January 15 letter, Plaintiffs encouraged Defendants to adopt a policy that "prohibits outside groups from turning schools into religious battlegrounds

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<sup>1</sup> World Changers of Florida website, [http://www.worldchangersfl.com/?page\\_id=12](http://www.worldchangersfl.com/?page_id=12) ("About Us" tab, then "Our Objectives"), last accessed May 6, 2013.

while preserving the distribution system for the benefit of the school” and suggested model language. Defendants refused. *Exhibit E*.

**27.** Plaintiffs alternately asked to “arrange for the distribution of FFRF materials in OCPS schools sometime in the next two weeks.” OCPS Counsel granted verbal permission for Plaintiffs’ distribution and confirmed permission in a January 22, 2013 letter. *Exhibit E*.

**28.** The January 22 letter stated that Defendants: “...require the materials to be submitted to us in order to ensure they are not the types of materials we may prohibit from distribution under the Collier County Consent Decree.”

**29.** Defendants have no written policy<sup>2</sup> on distributing of materials by outside groups in their limited public forum, but by practice follow the Collier County Consent Decree.

**30.** The Collier County Consent Decree is an agreement between the District School Board of Collier County and WCF. Neither Plaintiffs nor Defendants are parties to the decree, which has no precedential value. The decree prohibits viewpoint discrimination. *Exhibit F, pp. 2-3*.

**31.** WCF was the first outside group to use the forum.

**32.** On January 29, 2013 Plaintiff Williamson submitted Plaintiffs’ and other secular groups’ desired literature to OCPS counsel John Palmerini for approval.

**33.** The materials included nine “nontracts,” five brochures, eight books, one essay, and one sticker.

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<sup>2</sup> Defendants’ policy KHC is dedicated to outside groups distributing materials “through pupils,” which neither WCF nor Plaintiffs used. Policy KHC prohibits the distribution of religious literature.

**34.** “Nontracts” are the freethought answer to ubiquitous religious tracts. They are brief, easy to read, 3 1/2 x 4 1/4-inch folded brochures that address many common myths about freethought or religion. Their size requires that they contain significantly less information than a book.

**35.** Plaintiffs voluntarily rescinded three books.

**36.** Plaintiffs rescinded the books under pressure by Defendants, who were delaying approval.

**37.** Defendants prohibited four of Plaintiffs’ five remaining books leaving one partial book and several small pamphlets. Even though 11 of 20 submitted materials were approved, the substantial majority of Plaintiffs’ message was forbidden.

**38.** The full literature list and approval result appears below:

**Nontracts:**

- a. Why Jesus?<sup>3</sup>
- b. Dear Believer<sup>4</sup>
- c. An X-Rated Book: Sex and Obscenity in the Bible<sup>5</sup>
- d. What Does The Bible Say About Abortion?<sup>6</sup>
- e. Why Women Need Freedom From Religion
- f. What Is A Freethinker?
- g. What's Wrong With The Ten Commandments?
- h. What They Said About Religion
- i. Ten Common Myths About Atheists

**Prohibited****Prohibited****Prohibited****Prohibited**

Approved, solicitation removed

Approved, solicitation removed

Approved

Approved

Approved

**Brochures:**

- j. Secular Student Alliance
- k. What is an Atheist?
- l. Nontheistic Students in Your School
- m. I'm A Humanist/Humanist of Year wallet card
- n. Don't Believe in God? You May be a Humanist

Approved, solicitation removed

Approved

Approved

Approved

Approved

**Essay:**

- o. *The Truth* – Robert Green Ingersoll

**Prohibited****Books:**

- p. Letter To A Christian Nation – Sam Harris
- q. Why I Am Not A Muslim – Ibn Warraq
- r. Jesus Is Dead – Robert Price
- s. What On Earth Is An Atheist – Madalyn M. O'Hair
- t. God Is Not Great – Christopher Hitchens
- u. The God Delusion – Richard Dawkins
- v. Why I Am Not A Christian – Bertrand Russell
- w. The Age Of Reason, Pt. III – Thomas Paine

**Prohibited****Prohibited****Prohibited****Prohibited**

Plaintiffs rescinded

Plaintiffs rescinded

Plaintiffs rescinded

Approved

**Sticker:**

- x. Good without God

All stickers prohibited

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<sup>3</sup> Text of nontract is Exhibit G.

<sup>4</sup> Text of nontract is Exhibit H.

<sup>5</sup> Text of nontract is Exhibit I.

<sup>6</sup> Text of nontract is Exhibit J.



39. Defendants eventually approved a distribution date of May 2, 2013 for literature surviving the approval process. Out of seven books and one partial book, only the partial book survived the approval process.

40. On April 22, less than two weeks before the May 2 distribution, Defendants censored all but one of the books and four of the nine nontracts. Defendants forbade the Ingersoll essay on April 25. *Exhibits A and B*.

41. Plaintiff protested this censorship in an April 23 letter. *Exhibit C*. Defendants maintained that the censorship was valid in their April 25 letter. *Exhibit B*.

42. Defendants approved WCF NIV Bibles for distribution that contained content virtually identical to Plaintiffs', but a message contrary to Plaintiffs' message. "When the government targets not subject matter, but particular views taken by speakers on a subject, the violation of the First Amendment is all the more blatant." *Rosenberger v. Rector & Visitors of Univ. of Virginia*, 515 U.S. 819, 829, 115 S. Ct. 2510, 2516, 132 L. Ed. 2d 700 (1995).

43. For instance, Defendants prohibited the *Why Jesus?* nontract alleging it "will cause a substantial disruption because it argues that Jesus did not promote equality and social justice, was not compassionate, was not reliable and was not a good example." *Exhibit A*.

44. *Why Jesus?* asks questions such as "Was Jesus peaceable and compassionate?," and "What were his views on equality and social justice?" It answers these questions with 49 Bible quotes and concludes by noting, "Although other verses can be cited that

portray Jesus in a different light, they do not erase the disturbing side of his character.”

*Exhibit G.* The Christian viewpoint presented in the WCF NIV Bible was permitted in schools; the Plaintiffs’ critical, freethought viewpoint was prohibited. Both relied on the content of the Bible.

45. Defendants suppressed another nontract, *Dear Believer*, alleging it “will cause a substantial disruption” because it “asserts that God is hateful, arrogant, sexist and cruel.”<sup>7</sup> *Exhibit A.*

46. *Dear Believer* makes this assertion citing ten examples from the Bible. *Exhibit H.* The nontract expresses a viewpoint on the same topic as the WCF NIV Bible — the nature of the biblical god — but reaches a skeptical or critical conclusion. Plaintiffs’ viewpoint was censored; the evangelical Christian biblical viewpoint was not.

47. In addition to claiming that some of Plaintiffs’ literature will likely cause a “disruption,” Defendants claimed that some was “age inappropriate.”

48. The most blatant abuse of this rationale to muzzle a particular viewpoint was permitting the WCF NIV Bible while censoring Robert Price’s book, *Jesus is Dead*, because the “claim that Jesus was not crucified or resurrected is age inappropriate.” Defendants do not object to the content (the crucifixion and resurrection), but to Plaintiffs’ “*claim*” that neither occurred.

49. Defendants censored *Letter to a Christian Nation*, a New York Times bestseller written by Sam Harris, for several reasons, including:

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<sup>7</sup> The actual quote is “the God of the Bible, a hateful, arrogant, sexist, cruel being who can’t tolerate criticism.” Ironically, this criticism of that god was censored.

“On page 94, when describing the religious rituals of many ancient societies, the book described the sacrifice of virgins, killing and eating of children in order to ensure the future fertility of mothers, feeding infants to sharks, and the burning of widows so they can follow their husbands into the next world. These concepts are not appropriate for the age and maturity of high school students.”

**50.** The concepts that Defendants claim are age inappropriate — human sacrifice, cannibalizing children, feeding children to animals, and burning people to death — all appear in the WCF NIV Bible (as Harris points out three paragraphs later).

**51.** The Book of Judges describes how Jephthah sacrificed his “virgin” daughter to the “LORD” in return for helping him “devastate” twenty Ammonite towns. 11:29-40.<sup>8</sup> Human sacrifice is common in the Bible. *See* Exodus 22:29-30; 1 Kings 13:1-2; 2 Kings 3:27; 2 Kings 23:20; Numbers 31:40; Deuteronomy 13:13-18; in Genesis 22:1-10 (God demands that Abraham sacrifice Isaac); and, of course, the sacrifice of Jesus in the New Testament.

**52.** Cannibalism of children frequently appears in the district-approved Bible: “You will eat the flesh of your sons and the flesh of your daughters.” Leviticus 26:29. “...you will eat the fruit of the womb, the flesh of the sons and daughters ...” Deuteronomy 28:53. *See also* Deuteronomy 28:57; Isaiah 9:20, 49:26; Jeremiah 19:9; Ezekiel 5:10; 2 Kings 6:28-29; Lamentations 4:10; Revelation 17:16.

**53.** The Bible does not record any instances of feeding children to sharks,<sup>9</sup> but the biblical deity does feed children to bears. Elijah, a balding biblical prophet, “called

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<sup>8</sup> All Bible quotes in this Complaint are from the *New International Version* Bible, the same version distributed in the OCPS limited public forum by WCF.

<sup>9</sup> The biblical deity does direct a huge fish to eat Jonah, but no digestion occurs: “Now the LORD provided a huge fish to swallow Jonah, and Jonah was in the belly of the fish three days and three nights.” Jonah 1:17.

down a curse ... in the name of the Lord” on children who mocked his receding hairline and “two bears came out of the woods and mauled forty-two of the boys.” 2 Kings 2:24.

**54.** The Bible mandates burning people to death: “If a man marries both a woman and her mother, it is wicked. Both he and they must be burned in the fire...” Leviticus 20:14. Also, “If a priest’s daughter defiles herself by becoming a prostitute, she disgraces her father; she must be burned in the fire.” Leviticus 21:9. According to the Bible, the biblical deity burns people to death himself: “And fire came out from the LORD and consumed the 250 men ...” Numbers 16:35 *See also* Deuteronomy 32:22; *Numbers* 11:1; Psalm 21:9; Leviticus 10:1-2; Jeremiah 49:2; Isaiah 24:6, 33:12, 47:13-14; Ezekiel 15:6-7; 2 Kings 1:10, 12.

**55.** The WCF NIV Bible contains equally, if not more objectionable concepts than those to which Defendants objected to in Harris’s book. Defendants approved the WCF NIV Bible, but not *Letter to a Christian Nation*.

**56.** Defendants prohibited another book, *What on Earth is an Atheist?*, for its alleged disruptive capacity in part because “the District’s administration will not permit the distribution of materials insulting religions.” *Exhibit A, page 2 ¶ 4*.

**57.** Again, the WCF NIV Bible contains identical content, but from a different viewpoint. Not only does the Bible insult other religions and nonbelief (“The fool says in his heart, ‘There is no God.’ They are corrupt, their deeds are vile; there is no one who does good.” Psalm 14:1; “...many deceivers, who do not acknowledge Jesus Christ as coming in the flesh, have gone out into the world. Any such person is the deceiver

and the antichrist.” 2 John 1:7), it actually orders readers to murder people of other religions or no religion, especially family members:

If your very own brother, or your son or daughter, or the wife you love, or your closest friend secretly entices you, saying, “Let us go and worship other gods” (gods that neither you nor your ancestors have known, gods of the peoples around you, whether near or far, from one end of the land to the other), do not yield to them or listen to them. Show them no pity. Do not spare them or shield them. You must certainly put them to death. Your hand must be the first in putting them to death, and then the hands of all the people. Stone them to death, because they tried to turn you away from the LORD your God, who brought you out of Egypt, out of the land of slavery. Then all Israel will hear and be afraid, and no one among you will do such an evil thing again. Deuteronomy 13:6-11.

**58.** The WCF NIV Bible insults those not believing in the Judeo-Christian God and calls for their execution, yet Defendants permitted its distribution. *What on Earth is an Atheist?* does not call for the execution of Christians, it merely “discusses what it views to be the shortcomings of the Mormon Church and the Roman Catholic Church,” yet Defendants prohibited its distribution. *Exhibit A, page 2 ¶ 4.*

**59.** Defendants’ letters actually concede discrimination against Plaintiffs’ message:

“... could lead to a substantial disruption at school by those students who believe life begins at conception.” *Exhibit A, page 2 ¶ 2B.*

“...likely to cause a substantial disruption at the school, especially if read by those students who believe that God condemns abortion.” *Exhibit A, page 2 ¶ 2D.*

“... cause a substantial disruption to those students who practice the Islamic faith.” *Exhibit A, page 3 ¶ 5A.*

“The District’s Administration believes such statements read by students who are Protestants or Catholics will cause a substantial disruption in schools...” *Exhibit B, page 3-4.*

**60.** Government cannot prohibit minority speech because the majority might become disruptive: “The whole theory of viewpoint neutrality is that minority views are treated with the same respect as are majority views. Access to a public forum, for instance, does not depend upon majoritarian consent.” *Bd. of Regents of Univ. of Wisconsin Sys. v. Southworth*, 529 U.S. 217, 235, 120 S. Ct. 1346, 1357, 146 L. Ed. 2d 193 (2000).

**61.** The subject matter of the WCF NIV Bible and Plaintiffs’ literature is strikingly similar. But the *message* Plaintiffs’ literature conveys opposes the WCF NIV Bible’s message. The chief difference is the message; the message is what Defendants find objectionable.

**62.** “It is axiomatic that the government may not regulate speech based on its substantive content or the message it conveys.” *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U.S. 819, 828, 115 S.Ct. 2510, 132 L.Ed.2d 700 (1995).

**63.** Two other factors show Defendants’ discrimination against Plaintiffs.

**64.** First, WCF put up interactive whiteboards,<sup>10</sup> had volunteers staffing the tables to talk with students,<sup>11</sup> and passed out invitations to worship at the Orlando Wesleyan Church.<sup>12</sup> Some schools provided material assistance, in the form of transportation for the WCF NIV Bibles, to WCF<sup>13</sup> while forcing Plaintiffs’ volunteers to wait for over an hour to be escorted through campus.

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<sup>10</sup> The boards read “WHAT IS YOUR BIGGEST QUESTION ABOUT THE BIBLE? Don’t be shy... Take a marker and write your thoughts below. Also, feel free to pick up a Free Bible!” Exhibit M.

<sup>11</sup> Exhibit N.

<sup>12</sup> Exhibit O.

<sup>13</sup> Exhibit P.

**65.** Defendants allowed WCF an active distribution and enforced the passive distribution rules against Plaintiffs. Plaintiffs attempted to pass out a pizza party invitation similar to the Wesleyan invitation but were censored at several schools.

**66.** Second, Defendants continually delayed Plaintiffs' distribution efforts and blamed delays on the Plaintiffs:

[I]t may help expedite matters if the number of materials to be reviewed is reduced. World Changers only had one book for distribution. If you could identify the 2-3 books you would most prefer to be distributed, we could concentrate our review on those. Let me know which ones you want to select for distribution. *Email from John Palmerini, OCPS Counsel, to Andrew Seidel, FFRF Attorney (Feb. 19, 2013, 12:54 CST) (on file with recipient).*

Plaintiffs agreed to withdraw three books but pointed out the unfairness of this request:

We've removed some of the more controversial books. We are now down from 8 to 5. Thomas Paine's the Age of Reason should be a shoe-in, taking the number of books you need to review down to 4. Even so, it is not the number of books that is relevant to the review process, but the volume. The average Bible contains about 780,000 words and a typical book (printed in normal font size and not on onion skin paper) has about 400 words per page. So a Bible, printed as our books are printed, would be about 1,950 pages. Our books total 1,184 pages (excluding Thomas Paine ...). Moreover, there are actually 66 books in Bible (give or take depending on your particular religion). Either way you look at it, the Bible is more massive than all the materials we are asking to distribute put together. *Email from Andrew Seidel to John Palmerini (Feb. 19, 2013, 15:33 CST) (on file with author).*

**67.** Defendants prohibited all four of the books Plaintiffs' submitted for review in the above email. Plaintiff was left with Part III of Thomas Paine's Age of Reason and several small pamphlets. Even though 11 of 20 submitted materials were approved, the substantial majority of Plaintiffs' message was forbidden.

68. Plaintiffs challenge the distribution practice as applied to their literature.

**COUNT I: VIOLATION OF FREEDOM OF SPEECH UNDER THE FIRST  
AMENDMENT TO THE UNITED STATES CONSTITUTION**

**(Viewpoint Discrimination and Prior Restraint)**

69. Plaintiffs incorporate and adopt each and every allegation in the preceding paragraphs numbered 1 through 68.

70. Defendants have created an open forum for outside groups to distribute literature, including religious literature, in Orange County Public Schools.

71. Plaintiffs wished to exercise their full freedom of speech within the constraints of the Defendants' forum by distributing their own message through their own literature. Defendants prohibited the most significant portion of Plaintiffs' message.

72. Defendants approved WCF NIV Bibles that contained virtually identical subject matter, but a message contrary to Plaintiffs' message.

73. Defendants censored much of Plaintiffs' literature because its message is nonreligious and critical of religion. This unequal treatment amounts to viewpoint discrimination and violates the First and Fourteenth Amendments.

74. "Prior restraint" describes "administrative and judicial orders forbidding certain communications when issued in advance of the time that such communications are to occur." *Alexander v. U.S.*, 509 U.S. 544, 550, 113 S.Ct. 2766, 2771 (1993).

75. Any prior restraint of speech must overcome a heavy presumption against its constitutional validity. *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58, 70, 83 S.Ct. 631,



639 (1963); *New York Times Co. v. United States*, 403 U.S. 713, 714, 91 S.Ct. 2140, 2141 (1971).

76. Defendants' practice and actions chill, deter, and restrict Plaintiffs from freely expressing their nonreligious convictions in the May 2 distribution and future distributions.

77. Defendants' lack a compelling state interest, a substantial state interest, or a rational basis for their prior restraint of Plaintiffs' speech.

78. Accordingly, Defendants' practice and actions violate Plaintiffs' right to free speech guaranteed by the First and Fourteenth Amendments to the U.S. Constitution.

79. Defendants' violation of Plaintiffs' right to free speech has caused, and will continue to cause Plaintiffs to suffer undue and actual hardship and irreparable injury. Plaintiffs have no adequate remedy at law to correct the continuing deprivations of its most cherished constitutional liberties. As a direct and proximate result of Defendants' continuing violations of Plaintiffs' rights, Plaintiffs have suffered in the past, and will continue to suffer in the future, direct and consequential damages, including but not limited to, the loss of the ability to exercise their constitutional rights.

**COUNT II: VIOLATION OF EQUAL PROTECTION UNDER THE  
FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION**

80. Plaintiffs incorporate and adopt each and every allegation in the preceding paragraphs numbered 1 through 79.

**81.** The Equal Protection Clause of the Fourteenth Amendment to the United States Constitution requires that the government treat similarly situated persons and groups equally.

**82.** Defendants denied Plaintiffs equal access to the forum as compared to similarly situated organizations such as World Changers of Florida.

**83.** Defendants' actions discriminated against Plaintiffs' message.

**84.** Defendants' distribution practice and actions violate fundamental rights held by Plaintiffs, including its right to free speech.

**85.** When government regulations and actions, such as Defendants' practice and actions challenged herein, infringe on fundamental rights, discriminatory intent is presumed.

**86.** Defendants lack a compelling state interest, a substantial state interest, or a rational basis for their disparate treatment of Plaintiffs.

**87.** Defendants' censorship of Plaintiffs literature is not narrowly tailored to meet any legitimate government objective.

**88.** Defendants' violation of Plaintiffs' right to equal protection has caused, and will continue to cause Plaintiffs to suffer undue and actual hardship and irreparable injury. Plaintiffs have no adequate remedy at law to correct the continuing deprivations of its most cherished constitutional liberties. As a direct and proximate result of Defendants' continuing violations of Plaintiffs' rights, Plaintiffs have suffered in the past, and will

continue to suffer in the future, direct and consequential damages, including but not limited to, the loss of the ability to exercise their constitutional rights.

**REQUEST FOR RELIEF**

**89.** An actual controversy exists between the parties as to whether Defendants' censorship of Plaintiffs' literature violates the Free Speech Clause and the Equal Protection Clause. Plaintiffs respectfully request the following relief:

**A.** A declaratory judgment that Defendants violated Plaintiffs' rights protected by the First and Fourteenth Amendments to the United States Constitution, including free speech and equal protection.

**B.** A declaratory judgment that distributing Bibles in public schools precludes Defendants from prohibiting Plaintiffs' requested literature.

**C.** A permanent injunction ordering Defendants to refrain from prohibiting Plaintiffs' literature.

**D.** Nominal damages for past violations of Plaintiffs' constitutional rights.

**E.** An order awarding them the costs of this action including attorneys' fees under 42 U.S.C. §1988.

F. Such other relief as this Court deems just and proper.

Dated June 11, 2013

JERRY H. JEFFERY  
TRIAL COUNSEL

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***Pro Hoc Vice* (motion pending)**

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FREEDOM FROM RELIGION FOUNDATION, )  
INC., a Wisconsin non-profit corporation, Dan )  
Barker, Annie Laurie Gaylor and David )  
Williamson, )  
Plaintiffs )  
v. )  
Orange County School Board, )  
Defendants )  
\_\_\_\_\_ )

Civil Action No:\_\_\_\_\_

- A. OCPS letter to FFRF prohibiting materials – April 22, 2013.
- B. OCPS letter to FFRF prohibiting materials – April 25, 2013.
- C. FFRF letter to OCPS protesting censorship – April 23, 2013.
- D. FFRF original letter to OCPS protesting bible distribution/asking for own distribution – January 15, 2013.
- E. OCPS response to FFRF Jan. 15, 2013 letter – January 22, 2013.
- F. Collier County and World Changers of Florida consent decree – November 2, 2010.
- G. Text of *Why Jesus?* noncontract, authored by Plaintiff Dan Barker.
- H. Text of *Dear Believer* noncontract, authored by Plaintiff Dan Barker.
- I. Text of *An X-Rated Book (Sex and Obscenity in the Bible)* noncontract.
- J. Text of *What Does The Bible Say About Abortion?* noncontract, authored by Annie Laurie Gaylor.
- K. OCPS memo to OCPS Principals re: “Passive Bible Distribution,” – December 18, 2012.
- L. OCPS memo to OCPS Principals re: “Passive Distribution of Atheist Materials,” – April 26, 2013.
- M. Photos – WCF Whiteboard. Exhibits M.a and M.b
- N. Photos – WCF staffing tables. Exhibits N.a and N.b
- O. Photo – WCF invitation to church.
- P. Photo – School staff moving Bibles for WCF.



# Orange County Public Schools

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EXHIBIT

A

## LEGAL SERVICES

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April 22, 2013

via email [andrew@ffrf.org](mailto:andrew@ffrf.org) and  
[david@cflfreethought.org](mailto:david@cflfreethought.org) and U.S. MAIL

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Central Florida Freethought Community  
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### Re: Distribution of Materials

Dear Mr. Seidel and Mr. Williamson:

The Legal Services Department has completed its review of the materials submitted for distribution on May 2, 2013 at the following high schools in the District: Apopka High School, Boone High School, University High School, Cypress Creek High School, Evans High School, Edgewater High School, Wekiva High School, Colonial High School, Timber Creek High School, Winter Park High School, and Jones High School. These high schools were chosen as distribution sites because the Bible was distributed at those schools on January 16, 2013 by World Changers of Florida, Inc.

The Legal Services Department has reviewed the standard enunciated in case World Changers of Florida, Inc. v. School District of Collier County, Case No. 2:10-cv-419 (M.D. Fla. 2010). In that case, the Court approved standards which allowed the District to refuse to distribute materials which (1) are not appropriate for the age and maturity of high school students; (2) are pornographic, obscene or libelous; or (3) are likely to cause substantial disruption at the school despite the application of available discipline rules and procedures. Please be advised that the District is considering the age of all high school students, from 14-year old freshmen to 18-year-old seniors, when making its decision

Considering this legal standard and in consultation with appropriate District Level Administrators, the District has made the following determinations on the materials submitted by your organizations:

### Books:

1. *The Age of Reason* by Thomas Paine: This book may be distributed.

2. *Letter to a Christian Nation* by Sam Harris: This book may not be distributed for the following reasons:

A. On page 26, the book described how those students who pledge to abstain from sex by taking “virginity pledges” are “more likely than their peers to engage in oral and anal sex.” This material is not appropriate for the age and maturity of high school students.

B. On page 30, the book speaks about human blastocysts which are utilized for embryonic stem cell research. The author posits that killing a fly “should present one with greater moral difficulty than killing a human blastocyst.” This argument could lead to a substantial disruption at school by those students who believe life begins at conception.

C. On page 37, the book describes back-alley abortions in El Salvador with perforated uteruses. This material is not appropriate for the age and maturity of high school students.

D. On page 38, when describing the natural process of miscarriage, the author described God as the “most prolific abortionist of all.” This material is not appropriate for the age and maturity of high school students and calling God an abortionist is likely to cause a substantial disruption at the school, especially if read by those students who believe that God condemns abortion.

E. On page 94, when describing the religious rituals of many ancient societies, the book described the sacrifice of virgins, killing and eating of children in order to ensure the future fertility of mothers, feeding infants to sharks, and the burning of widows so they can follow their husbands to the next world. These concepts are not appropriate for the age and maturity of high school students.

3. *Jesus is Dead* by Robert Price: This book may not be distributed. The District has determined this book will cause a substantial disruption. The District’s administration will not permit the distribution of materials which insult the leaders of other religions. The claim that Jesus was not crucified or resurrected is age inappropriate for the maturity levels of many of the students in high school.

4. *What on Earth is an Atheist* by Madalyn Murray OHair: This book may not be distributed. The District has determined this book will cause a substantial disruption. The Book discusses what it views to be the shortcomings of the Mormon Church and the Roman Catholic Church. The atheist materials may support the reasons why atheists feel atheism or free thought is proper, but the District’s administration will not permit the distribution of materials insulting religions.

Moreover, one passages fall within the Collier County Consent Decree language. On page 178 the author describes what she refers to as “ritual prostitution” of nuns who then become the brides of Jesus Christ when they enter heaven. This material is not age appropriate for high school students.

5. *Why I am Not a Muslim* by Ibn Warraq: This book may not be distributed for the following reasons:

A. Page 92: When describing the Prophet Muhammad's treatment of Jewish people, the author described raiding parties and stated "Muhammad began sending out raiding parties; in effect; he was no more than the head of a robber community, unwilling to earn an honest living." This will cause a substantial disruption to those students who practice the Islamic faith.

B. Page 93: The author recites a poem written by an opponent of Muhammad which utilizes the phrase "fucked men" twice. This material is not age appropriate.

C. Page 145: When speaking about Jesus in the Koran, the author recites a virgin birth legend of the Greco-Roman civilization and describes how the virgin in the Greco-Roman legend "was impregnated by a shower of gold." This material is not age appropriate.

D. Page 290: The author describes how Muslims believe that sexuality flows from the vagina and how "Satan makes the juices flow from [a woman's] vagina." This material is not age appropriate.

E. Page 291: The author discusses the "Islamic fantasies of the 'infinite orgasm' and 'the perpetual erection.'" This material is not age appropriate.

F. Page 298: The author discusses how a wife "should never refuse herself to her husband even if it is on the saddle of a camel." This material is not age appropriate.

G. Page 304: When discussing issues of sodomy, the author argues that Muhammad's entourage "enjoyed their women from front and from behind." The author also argued that Muslim theologians concluded "that a man could take his wife when he wanted and how he wanted, from the front or from the back, as long as he ejaculated in the woman's vagina." This material is not age appropriate.

H. Page 305 has a graphic description of female circumcision and speaks of "clitoris cutters." This material is not age appropriate.

I. Page 308 describes how "major impurity results from sexual contact" and described how this occurs as a result of sexual intercourse, anal intercourse, bestiality, and menstruation. This material is not age appropriate.

### **Miniature Brochures**

1. *What They Said About Religion*: This brochure may be distributed.

2. *Dear Believer*: This brochure will not be allowed to be distributed as it will cause a substantial disruption. This brochure asserts that God is hateful, arrogant, sexist and cruel.



3. *Ten Common Myths about Atheists*: This brochure may be distributed.
4. *Why Women Need Freedom From Religion*: This brochure may not be distributed because it contains a solicitation for the Freedom from Religion Foundation. The Collier County Consent Decree allows the District to prohibit the distribution of materials which contain solicitations.
5. *What is a Freethinker?*: This brochure may not be distributed because it contains a solicitation for the Freedom from Religion Foundation. The Collier County Consent Decree allows the District to prohibit the distribution of materials which contain solicitations.
6. *What is Wrong with the Ten Commandments?*: This brochure may be distributed.
7. *Why Jesus?*: This brochure may not be distributed. This brochure will cause a substantial disruption because it argues that Jesus did not promote equality and social justice, was not compassionate, was not reliable and was not a good example.
8. *What Does the Bible Say About Abortion?*: This brochure may not be distributed. The discussion of what the Bible does or does not say about abortion will cause a substantial disruption in school and is not age appropriate for high school students.
9. *An X-Rated Book*. This brochure will may not be distributed. This brochure will cause substantial disruption and is age inappropriate. There is a picture on the cover of a Bible book given human features sticking its hand up the dress of a woman. Additionally, the brochure advertises how to become a member of the Freedom From Religion Foundation. The Collier County Consent Decree allows the District to prohibit the distribution of materials which contain solicitations.

### **Regular Brochures**

1. *What is an Atheist*: This brochure may be distributed
2. *Nontheistic Students in Your School*: This brochure may be distributed.
3. *Secular Student Alliance*: This brochure may not be distributed. This brochure describes the Secular Student Alliance, a club for students who are atheists. This brochure seeks monetary gifts to help promote the club. The Collier County Consent Decree allows the District to prohibit the distribution of materials which contain solicitations.
4. *Humanist of the Year* wallet card: This wallet card may be distributed.

### **Sticker**

1. Good without God. This may not be distributed. The World Changers were not allowed distribution of stickers. Therefore, we will not allow Central Florida Freethought Community or the Freedom From Religion Foundation to do so either.

In summary, your group may distribute the following materials on May 2, 2013:

1. *The Age of Reason*
2. *What They Said About Religion*
3. *Ten Common Myths About Atheists*
4. *What is Wrong with the Ten Commandments?*
5. *What is an Atheist*
6. *Nontheistic Students in Your School*
7. *Humanist of the Year Award.*

As for the distribution guidelines for May 2, 2013, they will mirror those imposed on World Changers of Florida when distributing Bibles: Passive distribution will be allowed. Passive distribution means the approved materials may be placed on one unmanned table for distribution in a location where students normally congregate during non-instructional time. A written disclaimer should be displayed on the distribution table stating that the literature is not sponsored by, nor endorsed by, the Orange County School Board and identifying the organization sponsoring the distribution. The sign you have already provided and which is attached hereto is approved and must be displayed. A sign stating that the literature is available free of charge and one copy can be taken may be displayed on the table.

The representatives must not speak to students or encourage them to pick up the literature. The representatives must not position themselves at the table continuously throughout the distribution day. The representatives may only be allowed to replenish the literature if it runs out and must remove any undistributed literature at the end of the distribution day. The representatives may be provided with suitable staging area where students do not generally congregate so that they do not have to leave the school campus. The representatives should not enter classrooms or other instructional areas.

No student may be excused from instructional time to visit the distribution table. Students shall only be allowed to visit the distribution table during non-instructional time, such as between classes or during lunch.

No school employee shall assist or participate with the distribution of literature, other than to direct the representative to the distribution location and to ensure strict adherence to these distribution guidelines.

If you have any further questions or concerns, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "John C. Palmerini", with a stylized flourish at the end.

John C. Palmerini  
Associate General Counsel

April 22, 2013

Page 6

cc: School Board  
Superintendent Barbara Jenkins  
General Counsel Diego "Woody" Rodriguez  
Community Relations Senior Manager Pam Carson

Literature provided by:

CENTRAL  
FLORIDA  
FREETHOUGHT  
COMMUNITY

These materials are not sponsored or endorsed by OCPS



# Orange County Public Schools

445 West Amelia Street • Orlando, FL 32801-1129 • Phone 407.317.3200 • [www.ocps.net](http://www.ocps.net)

EXHIBIT

B

## LEGAL SERVICES

407-317-3200 Ext 2954

[john.palmerini2@ocps.net](mailto:john.palmerini2@ocps.net)

April 25, 2013

***Via Email [andrew@ffrf.org](mailto:andrew@ffrf.org) and  
U.S. Mail***

Andrew L. Seidel, Esq.  
Freedom From Religion Foundation  
P.O. Box 750  
Madison, WI 53701

***Via Email [david@cflfreethought.org](mailto:david@cflfreethought.org)  
and U.S. MAIL***

David Williamson  
Central Florida Freethought Community  
P.O. Box 621123  
Oviedo, FL 32732

### **Re: Distribution of Materials**

Dear Mr. Seidel and Mr. Williamson:

I am in receipt of your letter dated April 25, 2013. We have guided our legal opinions on an area of law that has been well-established through a series of litigated cases. Beginning with Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969), the United States Supreme Court was clear that schools can prohibit distribution of materials if those materials “might reasonably [lead] school authorities to forecast substantial disruption of or material interference with school activities.” Id. at 740.

The 5<sup>th</sup> Circuit expounded on Tinker in Shanley v. Northeast Independent School District, 462 F.2d 960 (5<sup>th</sup> Cir 1972).<sup>1</sup> The Court in discussing the free speech rights in schools stated:

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<sup>1</sup> Prior to 1981, Florida was in the jurisdiction of the 5<sup>th</sup> Circuit. It is currently in the jurisdiction of the 11<sup>th</sup> Circuit. In Bonner v. City of Prichard, 661 F.2d 1206, 1209 (11<sup>th</sup> Cir. 1981), the 11<sup>th</sup> Circuit adopted as binding precedent all decisions of the 5<sup>th</sup> Circuit decided prior to the close of business on September 30, 1981. Only the 11<sup>th</sup> Circuit sitting *en banc* can overrule an old 5<sup>th</sup> Circuit decision. Id.

“While a school is certainly a market-place for ideas, it is certainly not a market place. The educational process is thwarted by the milling, mooning and haranguing, along with the aggressiveness that often accompanies a constitutionally protected exchange of ideas on the street corner. There is, of course, a substantive difference between schools and the street corners in terms of weighing the sometimes competing interest of a completely free flow of any and all expression with the requirement that there be order and discipline... Because high school students and teachers cannot easily disassociate themselves from expressions directed toward them on school property and during school hours, because disciplinary problems in such a populated and concentrated setting seriously sap the educational process, and because high school teachers and administrators have the vital responsibility of compressing a variety of subjects and activities into a relatively confined period of time and space, **the exercise of rights of expression in high schools, whether by students or others, is subject to reasonable constraints more restrictive than can normally limit First Amendment freedoms.**” *Id.* at 968-969.

The Shanley court found there is nothing *per se* unconstitutional if a school requires that persons submit materials to school administration prior to distribution and that there was nothing *per se* in directing the time place and manner of distribution. *Id.* at 969. The Shanley court also found that in formulating regulations regarding what is to be distributed in schools, “school officials have a wide latitude of discretion.” The Court further held “It is not for us to consider whether such rules are wise and expedient but merely whether they are a reasonable exercise of the powers and discretion of the school authorities.”

Additionally, the Court held that it is reasonable for school administrators to consider the feelings of other students when making decisions regarding whether materials will constitute a disruption: “If the content of a student’s expression could give rise to a disturbance from those who hold opposing views, then it is certainly within the powers of school administration to regulate the time, place and manner of distribution with even greater latitude of discretion.” *Id.* at 973-974.

Moreover, nothing in the law requires that school administration “stay a reasonable exercise of restraint until disruption actually occurs.” *Id.* at 970, citing Butts v. Dallas Independent School District, 436 F.2d 728 (5<sup>th</sup> Cir. 1971).

The 11<sup>th</sup> Circuit applied these principals in favor of a school district in Heinkel v. School Board of Lee County, 194 Fed.Appx. 604 (11<sup>th</sup> Cir. 2006). In that case, Freedom to Learn, a non-profit organization, informed the School Board that students in its middle and high schools intended to distribute written materials regarding abortion and the pain experienced by women who had abortion. The School Board denied

distribution based upon its written policy because the materials would “tend to create a substantial disruption in the school environment.”

The 11<sup>th</sup> Circuit upheld the District Court's grant of summary judgment with respect to the as-applied challenge against the decision of not allowing the materials to be distributed. The Court held that the decision to not allow distribution because the documents would tend to create a substantial disruption in the school environment was “the appropriate measure for restraint of student expression.” *Id.* at page 609.

The court also held that school administration is well within its rights to consider the age and maturity levels of the children in its care when determining whether to allow distribution of materials. “Any analysis of students rights to expression on one hand, and of schools’ needs to control behavior and foster an environment conducive to learning on the other, must necessarily take into account the age and maturity of the students.” The Court, citing to Shanley, stated that the school officials can properly take into account whether the materials can “polarize a class” and become “disruptive to the educational setting.”

Taking these cases into account, the District and its administration stands firm behind the decisions and the rationale enunciated in the undersigned's April 22, 2013 letter to you. Please note that given the volume of materials we received, the prior letter is not an exhaustive list of the reasons we determined for denying the materials. Based on the cases cited herein, we believe the District's actions will stand up to judicial scrutiny, if challenged.

With respect to the new materials submitted with your April 23, 2013 letter, attached hereto is the “List of Materials” provided to this office for review by CFFC. While “Don't Believe in God” is on the list, it was not actually in the materials provided. “The Truth” is not on the list of materials provided, nor was it actually provided. Notwithstanding that, “Don't Believe in God? You may be a Humanist” is approved for distribution.”

“The Truth” is not approved for distribution. On Page 6 of the document, the essay criticizes the Protestant faith regarding how the Bible is communicated to members of the church. On page 7, the essay criticizes the Roman Catholic Church regarding how the Bible is communicated to members of the church. On page 8, the essay refers to “Christian savages” because they believe those who do not follow the word of the Bible would be subject to eternal damnation. On pages 8 and 9, priests are referred to as “heartless and relentless” and are accused of “torture.” On page 9, the essay again criticizes Protestants and Roman Catholics as “enemies of reason.” On page 12, the essay states that the church gave to Christians a code of laws which were “stupid, unphilosophic and brutal to the last degree.” The District's Administration believes such statements read by students who are Protestants or Catholics will cause

substantial disruption in the schools and declines to allow its distribution under the law as enunciated in Shanley.

With regard to the materials containing solicitations "Why Women Need Freedom from Religion," "What is a Freethinker" and the Secular Student Alliance brochure, if the solicitation material is eliminated, those items will be approved for distribution. Please send a copy of what the redaction would look like so the District may give final approval for those three materials.

Finally, your letter suggests that as an alternative, the District could close the forum at the school altogether in order to avoid this controversy. Please be advised that a School Board meeting on Tuesday night, one of our School Board members has requested that the Board consider the policy that allows the passive distribution of materials in school at a future work session for further discussion. At this time, no date certain has been assigned for this work session topic. However, given your obvious interest on this issue we will be notifying you once a date has been assigned for this work session topic so that you may be present to hear the discussion. I should add that work sessions unlike rule making workshops are not traditionally open to members of the public for public comment.

In conclusion, you group may distribute the following materials on May 2, 2013:

1. *The Age of Reason*
2. *What They Said About Religion*
3. *Ten Common Myths About Atheists*
4. *What is Wrong with the Ten Commandments?*
5. *What is an Atheist*
6. *Nontheistic Students in Your School*
7. *Humanist of the Year Award.*
8. *Don't Believe in God? You may be a Humanist.*
9. *Why Women Need Freedom From Religion* (presuming redaction of the solicitation in a form approved by the District)
10. *What is a Freethinker?* (presuming redaction of the solicitation in a form approved by the District)
11. *Secular Student Alliance* brochure (presuming redaction of the solicitation in a form approved by the District.)

Based upon the foregoing, the District has approved 11 separate materials for distribution by CFFC. The District hardly thinks this qualifies as "viewpoint discrimination" or "censorship" as alleged in your April 23 letter. We think a Court, should it come to litigation, would view the District's actions to be very reasonable and we certainly do not think the District would be found to have committed unconstitutional acts.



Please confirm your group's continued interest in participating in the distribution on May 2<sup>nd</sup>, and should you have any further questions or concerns, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "John C. Palmerini". The signature is fluid and cursive, with a long horizontal stroke at the end.

John C. Palmerini  
Associate General Counsel

cc: School Board  
Superintendent Barbara Jenkins  
General Counsel Diego "Woody" Rodriguez  
Community Relations Senior Manager Pam Carson

# FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG

April 23, 2013

SENT VIA MAIL AND EMAIL to [john.palmerini2@ocps.net](mailto:john.palmerini2@ocps.net)  
[woody.rodriguez@ocps.net](mailto:woody.rodriguez@ocps.net)



John Palmerini  
Attorney, Orange County Public Schools  
445 West Amelia Street  
Orland, FL 32801-1129

Re: Outstanding issues with literature distribution

Dear Mr. Palmerini and Mr. Rodriguez:

We have received your letter of April 22, 2013 confirming the distribution of certain materials and prohibiting the distribution of other materials in Orange County Public Schools (OCPS) on May 2, 2013. Our chapter president, David Williamson, is already coordinating with volunteers to move ahead with our distribution for the approved materials for that date. However, we are troubled that OCPS illegally prohibited some of our materials.

## Materials containing solicitations and stickers

We agree not to distribute any stickers. The following materials were prohibited only because they "contain[ed] solicitations:"

*Why Women Need Freedom From Religion*

*What is a Freethinker?*

A Secular Student Alliance "brochure seeking monetary gift"

Notwithstanding the absence of a solicitation prohibition in OCPS policies, we will black out, place a white mailing label over, or otherwise obscure the solicitations in these materials. This should sufficiently deal with OCPS objection to the solicitation, as the solicitation will be unseen and unreadable.

## Other censored materials

OCPS prohibited the distribution of the following materials as "age inappropriate" or possibly causing a "disruption:"

*Dear Believer*, an FFRF nontract

*Why Jesus?*, an FFRF nontract

*What does the Bible say about abortion?*, an FFRF nontract

*Letter to a Christian Nation*, by Sam Harris

*Jesus is Dead*, by Robert Price

*What on Earth is an Atheist*, by Madalyn Murray O'Hair

**Every OCPS objection** to the above materials could also be made about the bible, a book that was already approved and distributed. If our materials, which quote extensively from the bible, are objectionable on these grounds, so is the bible. Allowing bibles therefore favors religion. When schools open forums for making literature available to students, they must not favor religion. In *Peck v. Upshur County Bd. of Educ.*, the Fourth Circuit Court of Appeals warned against this type of constitutional violation:

Of course, if the Board “manipulate[d] its administration of” the forum through its residual discretion to exclude harmful, disruptive, or age inappropriate materials, so as to give “preferential access” to religious groups or so as to ensure “that only certain religious groups take advantage of it,” then that “governmental favoritism” of religious speech would violate the Establishment Clause. 155 F.3d 274, 284 (4<sup>th</sup> Cir. 1998)(*Quoting Capitol Square Review & Advisory Bd. v. Pinette*, 515 U.S. 753, 766 (1995)).

OCPS is violating this rule and therefore, the Establishment Clause of the First Amendment.

This censorship also constitutes illegal viewpoint discrimination under the Free Speech Clause. The consent decree which your April 22 letter cites explicitly states that the forum must be “open on equal terms” and “that no decision-maker can exercise discretion to deny access to the limited public forum on the basis of viewpoint.” Pages 2 and 3. OCPS objects to the nonreligious viewpoint of our materials under the guise of “age inappropriate” or “disruptive.” For instance, you prohibit one book because “The claim that Jesus was not crucified or resurrected is age inappropriate for the maturity levels of many of the students in high school.” If that claim is truly age inappropriate, so is the biblical claim that Jesus *was* crucified or resurrected. The nonreligious viewpoint was prohibited, the religious viewpoint was not — this violates both clauses of the First Amendment mentioned above.

#### Materials neither approved nor prohibited

The April 22 censorship letter failed to mention two items that were provided to legal counsel for literature review: (1) an AHA brochure that was submitted with the wallet card and sticker, and (2) *The Truth*, an essay by Robert Ingersoll. The AHA brochure was mentioned in our submission list, the essay was not, but both were formally submitted for review and distribution. Copies of both were attached to the email containing this letter.

#### Conclusion

We are not continuing with our request to distribute *An X-Rated Book*, or *Why I am not a Muslim* by Ibn Warraq at this time. This is not an admission or concession that these were fairly censored; we believe there is at least an element of viewpoint discrimination in OCPS prohibiting these materials.

May we have your assurances that:

- 1) Obscuring the solicitations corrects the sole issue with *Why Women Need Freedom From Religion*; *What is a Freethinker?*; and the Secular Student Alliance brochure seeking monetary gift. These materials may be distributed with the solicitation obscured.

- 2) We are permitted to distribute all the materials requested (except for *An X-Rated Book* and *Why I am not a Muslim*, which we are voluntarily withdrawing) because OCPS does not wish to engage in illegal viewpoint discrimination.
- 3) We are permitted to distribute the AHA brochure and *The Truth*, by Robert Ingersoll as these materials were submitted to OCPS counsel.

As an alternative, OCPS could close the forum altogether, prohibiting distribution of all such materials, including the bible. You cannot allow the bible to be distributed and prohibit our materials.

The censorship of speech based on viewpoint is a serious violation of the Constitution. FFRF is prepared to litigate this matter if OCPS continues to prohibit the nonreligious viewpoint (our materials) while allowing the Christian viewpoint (the bible) to be distributed in a forum it has created.

May we hear from you by 5:00 p.m. (EST) on Thursday, April 25, 2013 on the three outstanding issues listed above?

Sincerely,



Andrew L. Seidel  
Staff Attorney



# FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 • MADISON, WI 53701 • (608) 256-8900 • WWW.FFRF.ORG

15 January 2013

**SENT BY MAIL AND EMAIL to Supt@ocps.net**

**EXHIBIT**

**D**

Dr. Barbara M. Jenkins  
Superintendent  
Orange County Public Schools  
445 W Amelia St  
Orlando, FL 32801

Re: Orange County Schools bible distribution

Dear Dr. Jenkins:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to object to the Orange County Public Schools' (OCPS) allowing outside groups to distribute bibles in public schools. Several concerned district residents and students contacted us. FFRF is a nationwide nonprofit organization, which works to protect the constitutional principle of separation of church and state. FFRF represents more than 19,000 members across the country including more than 900 members in Florida and a local chapter, the Central Florida Freethought Community, based in Orlando. We wrote last month to protest OCPS partnerships with churches.

It is our understanding that OCPS is allowing World Changers of Florida, Inc. to distribute bibles in all OCPS high schools. According to their website, World Changers of Florida (WCF) has several objectives including: "To support the biblical account of Creation, including having Creation theory taught in our public schools... [t]o defend the freedom to hold Christian prayer and Bible reading in public schools...[and] [t]o speak out against humanistic views contrary to the Biblically based founding fathers' Constitutional vision."<sup>1</sup>

According to news reports, this distribution will be "passive." WCF representatives "cannot have any contact with students and can't even speak to them. The Bibles will be placed on an unattended table for distribution in a location where students normally congregate outside of class. The students won't face pressure to take one."<sup>2</sup>

<sup>1</sup> World Changers of Florida website, "Our Objectives" tab, [http://www.worldchangersfl.com/?page\\_id=12](http://www.worldchangersfl.com/?page_id=12) last accessed January 14, 2013.

<sup>2</sup> WESH News Report, January 14, 2013, available at <http://www.wesh.com/news/central-florida/orange-county/Orange-County-school-officials-approve-passive-distribution-of-Bibles/-/12978032/18131328/-/format/rss2.0/-/ibsuim/-/index.html#ixzz2I3e8xi5b>

It is unfortunate that this group is seeking to use public schools as a recruiting ground for its particular brand of religion.

We encourage you to amend OCPS policies so that only school-sponsored materials may be distributed to students and to **halt all distributions, including those scheduled for this week, until such a policy can be adopted.** This avoids the difficult First Amendment issues that arise when the school becomes involved in distributing materials for other groups. Many enlightened school districts across the country have sought to avoid the unseemly entanglement with religious groups by prohibiting third parties from distributing materials altogether.

For instance, one school district we recently wrote to changed its policy so that “distribution of materials produced by organizations or individuals external to the [school district] is prohibited at District locations unless the material has been approved in writing by the Superintendent or designee. Any such written materials may only be distributed by:

- Governmental agencies or representatives acting in their official capacities;
- Support organizations specifically created and existing for the direct benefit of the District, its schools and their students for purposes of the District’s curricular, co-curricular and extra-curricular activities and non-profit foundations which exist for the purpose of fundraising for the benefit of the District and District activities.
- Institutions, agencies, and/or individuals with public common education as the known beneficiary of their services and activities.”

This policy prohibits outside groups from turning schools into religious battlegrounds while preserving the distribution system for the benefit of the school. We encourage OCPS to adopt a similar policy or to prohibit distributions altogether.

Public schools have a constitutional obligation to remain neutral toward religion and to protect the rights of conscience of young and impressionable students. When a school distributes religious literature to its students, or permits evangelists to distribute religious literature to its students, it entangles itself with that religious message. As well as alienating non-Christian students, teachers, and members of the public whose religious beliefs are inconsistent with the message being promoted by the school, bible distribution alienates the 19% of the American population that is nonreligious.<sup>3</sup> Not only are 1-in-5 Americans nonreligious, younger Americans are the least religious population in the country: 1-in-3 Americans aged 18-29 are not religious.<sup>4</sup>

Public schools should focus on educating children and leave “the preservation and transmission of religious beliefs and worship” where it belongs, as “a responsibility and a

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<sup>3</sup> The Pew Forum on Religion & Public Life, *Asian Americans: A Mosaic of Faiths*, 148 (July 2012), based on aggregated data from Pew Research Center for the People & the Press 2011 surveys. Available at <http://www.pewforum.org/Asian-Americans-A-Mosaic-of-Faiths-overview.aspx>.

<sup>4</sup> “Nones on the Rise: One-in-Five Adults Have No Religious Affiliation,” Pew Research Center, The Pew Forum on Religion & Public Life (October 9, 2012) available at <http://www.pewforum.org/Unaffiliated/nones-on-the-rise.aspx>.

choice committed to the private sphere.” *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 310 (2001) (quoting *Lee v. Weisman*, 505 U.S. at 589).

If your policy remains unchanged, we are interested in distributing our own materials.<sup>5</sup> OCPS has now created a limited public forum for literature distribution and all participants must be treated alike. It is absolutely clear that the Free Speech Clause of the First Amendment prohibits viewpoint discrimination in such a forum. *Good News Club v. Milford Cent. Sch.*, 533 U.S. 98, 106 (2001); *See also, Rosenberger v. Rector and Visitors of University of Virginia*, 515 U.S. 819, 829 (1995). OCPS cannot discriminate against any speaker wishing to use the forum, including FFRF. **If OCPS does not halt all distributions, including the bible distributions scheduled for this week, please contact me immediately so that we may arrange for the distribution of FFRF materials in OCPS schools sometime in the next two weeks.**

Clearly, the best course of action is to halt all distributions immediately and adopt a policy that limits distributions, similar to the one outlined above. May we hear from you, in writing, at your earliest convenience?

Sincerely,



Andrew L. Seidel  
Staff Attorney

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<sup>5</sup> A sample of our materials for distribution can be viewed here:  
<https://ffrf.org/shop/nontracts>





# Orange County Public Schools

445 West Amelia Street • Orlando, FL 32801-1129 • Phone 407.317.3200 • [www.ocps.net](http://www.ocps.net)



January 22, 2013

via email [andrew@ffrf.org](mailto:andrew@ffrf.org) and U.S. MAIL

Andrew L. Seidel, Esq.  
Freedom From Religion Foundation  
P.O. Box 750  
Madison, WI 53701

Re: Correspondence dated December 27, 2012 to Superintendent Barbara Jenkins

Dear Mr. Seidel:

I have been given your correspondence dated December 27, 2012 addressed to Superintendent Barbara Jenkins for response. Please direct all future correspondence regarding these matters to my attention. You have requested the memorandum I sent out to our high school principals, as well as the consent decree between World Changer and Collier County School Board. Both are attached.

Your letter indicates that Orange County Public Schools "prides itself on an intimate relationship with local churches." OCPS will seek help from all groups it can partner with, including the faith-based community, in order to improve the education of our students. We want those organizations to help out in the ways identified on our website – by providing academic tutoring services in a school setting or by providing clothing and food for those students in need.

There also appears to be a misunderstanding about the portion of the web site titled "Pastor's Weekly Tips." These are not tips from pastors to our students. These are tips being given by OCPS to pastors to give to their congregation which would help the education of our students. The tips currently on the website for pastors to give to their congregations include having children read as much as they can and for parents to get involved in their child's education through attendance at PTA meetings or by calling their child's teacher for a status update on the child's academic progress. None of these tips are coming from pastors to our schools and there is no proselytizing by pastors in our school as a result of these "Pastor's Weekly Tips."

As for the display of an image of St. Luke's Methodist Church on the website, the mere fact that a religious symbol is displayed on public property is not per se an improper endorsement of religion. Context of the symbol is key. King v. Richmond County, 331 F.3d 1271, 1282 (11<sup>th</sup> Cir. 2006):

"Supreme Court precedent in the most recent religious-symbol cases makes one thing clear: when applying Lemon's effect test, the constitutionality of the government's use of a predominantly religious symbol depends upon the context in which it appears. In religious-symbol cases, context is the touchstone; we therefore must inquire whether observers would reasonably believe that the government's use of a predominantly religious symbol sends a message of governmental endorsement of religion. [citations omitted] Courts must evaluate challenged governmental practices on a case-by-case



basis, judging each practice in its unique circumstances and in its particular physical setting." (Emphasis added)

The context of the picture of St. Luke's church on the OCPS web site is that of celebrating the church's secular efforts of helping improve student achievement in reading and math through volunteer tutoring of students at Pineloch Elementary School, as well as through the donation of books, school supplies, clothing and computers. OCPS does not believe any court reviewing this website would believe OCPS is endorsing St. Luke's religious teachings.

Despite OCPS's belief that none of its actions have to date violated the Establishment Clause, OCSP is very cognizant of its obligations under the law with respect to the religious indoctrination in public schools. The District understands that the United States Supreme Court held in Santa Fe Indep. Sch. Dist. v. Doe, 530 U.S. 290 (2001): "It is beyond dispute that, at a minimum, the Constitution guarantees that government may not coerce anyone to support or participate in religion or its exercise, or otherwise act in a way which 'establishes a [state] religion or religious faith, or tends to do so.'"

The District has recognized these limitations through the adoption of its Policy IMB, which states "No public funds shall be used to benefit sectarianism in the Orange County Public Schools. No books, papers or utterances of a sectarian character shall be used except for instructional purposes in comparative education and in studies of history and great literature."

This letter will be copied to our ADDitions office to ensure they are having discussions with our volunteers and our schools to ensure no proselytizing is occurring at our schools. We do invite your Foundation to let us know if they know of any proselytizing which is occurring in our schools, either by employees or volunteers. To the extent this occurs, OCPS will swiftly move to remedy the situation.

Finally, a group which identifies itself as Central Florida Freethought Community has sent out a news release saying it is a chapter of the Freedom From Religion Foundation. (See attached) This group has stated that it has obtained consent this week from OCPS "to distribute materials about atheism, agnosticism, and secular humanism to students in public schools." First, is this a group or is the person who announced this, David Williamson, on his own without any support from your foundation?

Second, we don't know what materials he plans on handing out. One of the identified materials is identified as "An X-Rated Book: Sex & Obscenity in the Bible." The terms of the Collier County Consent Decree allows us to prevent distribution of materials that are not appropriate for the age and maturity of high school students, materials which are pornographic, obscene or libelous, and materials which are likely to cause substantial disruption at the school despite the application of available rules and procedures. As such, if this local group is affiliated with your group, we will require the materials to be submitted to us in order to ensure they are not the types of materials we may prohibit from distribution under the Collier County Consent Decree. Please forward these materials to my office as soon as possible.

January 22, 2013

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If you have any further questions or concerns, please do not hesitate to contact me.

Sincerely,



John C. Palmerini

Associate General Counsel

cc: Superintendent Barbara Jenkins  
General Counsel Diego "Woody" Rodriguez  
Community Relations Senior Manager Pam Carson



IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

WORLD CHANGERS OF FLORIDA,	)	
INC.,	)	
	)	
Plaintiff,	)	Case No. 2:10-CV-419-FTM-36SPC
	)	Judge: Charlene E. Honeywell
vs.	)	
	)	
DISTRICT SCHOOL BOARD OF	)	
COLLIER COUNTY, FLORIDA;	)	
DR. DENNIS L. THOMPSON, in his	)	
official capacity as Superintendent,	)	
	)	
Defendants.	)	
_____	)	

**CONSENT DECREE AND ORDER**

**Findings of Fact**

1. On July 1, 2010, Plaintiff, WORLD CHANGERS OF FLORIDA, INC. ("WCF"), filed a Complaint against Defendants, DISTRICT SCHOOL BOARD OF COLLIER COUNTY, FLORIDA and DR. DENNIS L. THOMPSON, in his official capacity as Superintendent (collectively, "Defendants"), asserting various constitutional claims pursuant to 42 U.S.C. § 1983, arising from Defendants' denial of WCF's requests for literature distribution to students.

2. The Parties agree, and this Court finds, that this Consent Decree has been negotiated by the Parties in good faith, and that settlement of this matter is intended to avoid expensive and protracted litigation between the Parties.

3. Defendant DISTRICT SCHOOL BOARD OF COLLIER COUNTY, FLORIDA has implemented Policy 9700 and Procedure 9700A to permit outside organizations to distribute to students information and literature through a poster/table limited public forum.

4. WCF and Defendants have consented to a decree that allows WCF the same access to its forum as all other non-profit organizations.

### **Conclusions of Law**

5. The terms of this Consent Decree are fair, reasonable and serve the public interest through a poster/table limited public forum.

6. The terms of this Consent Decree comport with the United States Constitution, including the First Amendment. *See e.g., Meltzer v. Bd. of Pub. Instr. of Orange Cty, Fla.*, 577 F.2d 311 (5<sup>th</sup> Cir. 1977); *Peck v. Upshur Cty. Bd. of Ed.*, 155 F.3d 274 (4<sup>th</sup> Cir. 1998).

7. Without limiting the Court's determination that the terms of this Consent Decree are constitutional, the Court specifically finds that the literature distribution permitted by this Consent Decree: (a) does not bear the imprimatur, sponsorship or endorsement of government; (b) is the private speech of private non-profit organizations, occurring in a publicly-announced, neutral, limited public forum that is open on equal terms to all non-profit organizations; and (c) does not convey to a reasonable observer the message that government is endorsing a particular literature, message or creed.

8. The terms of this Consent Decree do not discriminate against any viewpoint.

### **Order**

THEREFORE, with the consent of the Parties, it is ORDERED, ADJUDGED and DECREED as follows:

9. On or before October 23, 2010, Defendant SCHOOL BOARD OF COLLIER COUNTY shall amend its Policy 9700 and Procedure 9700A to: (a) clarify that the passive literature distribution provided for in this Consent Decree is part of Defendants' limited public

forum for on-campus distribution of literature by non-profit organizations; and (b) clarify that no decision-maker can exercise discretion to deny access to the limited public forum on basis of viewpoint.

10. Consistent with Defendants' policies and procedures for the passive distribution of literature by non-profit organizations, as amended pursuant to paragraph 9 of this Consent Decree, Defendants shall allow WCF and other non-profit organizations to passively distribute literature to students in Defendants' high schools, on one school day each school year, as follows:

a. Unless the Parties otherwise agree in writing, the distribution day shall be on January 16 each year, provided that school is in session on that day. If school is not in session on January 16, the distribution day shall be on the nearest day to January 16 when school is in session.

b. On the distribution day, Defendants shall allow representatives of WCF and other non-profit organizations who satisfy the requirements of Policy 9700 and Procedure 9700A, and who meet Defendants' generally applicable safety criteria and have completed Defendants' safety screening requirements applicable to non-students on school campuses, to be present on high school premises to: (i) set up one table provided by Defendants for each participating non-profit organization at each high school, on which literature may be made available to interested students; (ii) replenish the literature on the tables as necessary throughout the distribution day; and (iii) take down the table(s) and remove any undistributed literature at the end of the distribution day.

c. The distribution table(s) will be located outside of classrooms, in areas where the general student body passes by or congregates during non-instructional time to be determined by the Superintendent and or the principal of each school, such that the table(s) will be conveniently accessible to all students during non-instructional time.

d. The organizational representative(s) present at the high schools shall not discuss the literature being distributed with students, and shall neither encourage nor discourage students to pick up any literature. The representative(s) shall not position themselves at the distribution table(s) continuously throughout the distribution day. Instead, Defendants will provide a suitable staging area in the vicinity of the distribution table(s) for the organizational representatives, where students do not generally congregate, so that the representatives do not have to leave the school premises during the distribution day, and so that they can effectively monitor the table(s) to ensure an adequate supply of literature is available for interested students.

e. Under no circumstances shall organizational representatives enter classrooms or other places of instruction to announce to students the availability of literature, or to otherwise discuss the literature with students.

f. No employee of the Defendants, in the employee's official capacity, shall assist with or otherwise participate in the literature distribution, other than to direct the organizational representatives to the designated distribution location and staging area at each school and to ensure strict compliance with the conditions in this Consent Decree.

g. A written disclaimer shall be displayed on the distribution table(s), stating that the literature distribution is not sponsored or endorsed by the Defendant SCHOOL BOARD OF COLLIER COUNTY and identifying the name of the non-profit organization sponsoring the distribution.

h. In addition to the disclaimer, a written sign shall be displayed on the distribution table(s), informing passersby that the literature on the table is available free of charge and that they may take one copy.

i. No student shall be coerced, pressured, encouraged or discouraged to pick up any literature. The distribution shall be entirely voluntary.

j. No student shall be excused from instructional time to visit the literature distribution table(s). Students shall only be allowed to visit the distribution tables on their own, during non-instructional time, such as before school starts, after school ends, between classes or during their lunch.

k. Consistent with Defendants' Policy 9700 and 9700A, Defendants may prohibit the distribution of literature that: (i) promotes the use of alcohol, tobacco or illegal drugs; (ii) advertises products or services for sale; (iii) is not appropriate for the age and maturity of high school students; (iv) is pornographic, obscene or libelous; (v) violates intellectual property or privacy rights; (vi) advocates or is likely to incite imminent lawless action; or (vii) is likely to cause substantial disruption at the school despite the application of available discipline rules and procedures.

11. Within fourteen (14) days of the entry of this Consent Decree, Defendants shall pay WCF \$20,750.00, via bank draft or check payable to Liberty Counsel, as and for reasonable attorney's fees and costs incurred by WCF in this action.

12. This Consent Decree shall not be modified or amended except by mutual written consent of all Parties, with approval of the Court.

13. Each undersigned representative of the Parties to this Consent Decree certifies that he or she is fully authorized by the party to enter into and execute this Consent Decree, and to legally bind such party to this Consent Decree. By their representative's signature below, the Parties consent to entry of this Consent Decree.

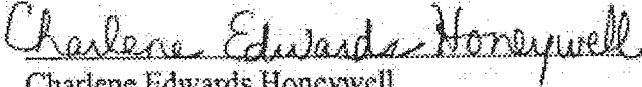
14. Nothing in this Consent Decree shall be construed to limit any Party's right to enforce this Consent Decree according to its terms. In the event that any court of competent jurisdiction determines that any provision of this Consent Decree, or any part thereof, cannot be enforced, such determination shall not affect or invalidate the remainder of this Consent Decree.

15. This Consent Decree shall inure to the benefit of and be binding upon the Parties hereto and their respective heirs, successors and assigns.

16. Pursuant to the settlement reached by the Parties, this case is dismissed. The Court retains jurisdiction of this action to enforce the terms of this Consent Decree.

17. The Clerk is directed to enter judgment accordingly.

DONE and ORDERED this 2nd day of November, 2010.

  
Charlene Edwards Honeywell  
United States District Judge



## Why Jesus?



Jesus has been held in high regard by Christians and non-Christians alike. Regardless of whether he existed in history, or whether he was divine, many have asserted that the New Testament Christ character was the highest example of moral living. Many believe that his teachings, if truly understood and followed, would make this a better world.

Is this true? Does Jesus merit the widespread adoration he has received? Let's look at what he said and did.

### Was Jesus Peaceable And Compassionate?

The birth of Jesus was heralded with "Peace on Earth," yet Jesus said, "Think not that I am come to send peace: I came not to send peace but a sword." (Matt. 10:34) "He that hath no sword, let him sell his garment, and buy one." (Luke 22:36) "But those mine enemies, which would not that I should reign over them, bring hither, and slay them before me." (Luke 19:27. In a parable, but spoken of favorably.)

The burning of unbelievers during the Inquisition was based on the words of Jesus: "If a man abide not in me, he is cast forth . . . and men gather them into the fire, and they are burned." (John 15:6)

Jesus looked at his disciples "with anger" (Mark 3:5), and attacked merchants with a whip (John 2:15). He showed his respect for life by drowning innocent animals (Matt. 8:32). He refused to heal a sick child until he was pressured by the mother (Matt. 15:22–28).

The most revealing aspect of his character was his promotion of eternal torment. "The Son of man [Jesus himself] shall send forth his angels, and they shall gather out of his kingdom all things that offend, and them which do iniquity; And shall cast them into a furnace of fire: there shall be wailing and gnashing of teeth." (Matt. 13:41–42) "And if thy hand offend thee, cut it off: it is better for thee to enter into life maimed, than having two hands to go into hell, into the fire that never shall be quenched." (Mark 9:43)

Is this nice? Is it exemplary to make your point with threats of violence? Is hell a kind, peaceful idea?

### Did Jesus Promote "Family Values"?

“If any man come to me, and hate not his father, and mother, and wife, and children, and brethren, and sisters, yea, and his own life also, he cannot be my disciple.” (Luke 14:26)

“I am come to set a man at variance against his father, and the daughter against her mother, and the daughter in law against her mother in law. And a man’s foes shall be they of his own household.” (Matt. 10:35-36)

When one of his disciples requested time off for his father’s funeral, Jesus rebuked him: “Let the dead bury their dead.” (Matt. 8:22)

Jesus never used the word “family.” He never married or fathered children. To his own mother, he said, “Woman, what have I to do with thee?” (John 2:4)

### **What Were His Views On Equality And Social Justice?**

Jesus encouraged the beating of slaves: “And that servant [slave], which knew his lord’s will, and prepared not himself, neither did according to his will, shall be beaten with many stripes.” (Luke 12:47) He never denounced servitude, incorporating the master-slave relationship into many of his parables.

He did nothing to alleviate poverty. Rather than sell some expensive ointment to help the poor, Jesus wasted it on himself, saying, “Ye have the poor with you always.” (Mark 14:3–7)

No women were chosen as disciples or invited to the Last Supper.

### **What Moral Advice Did Jesus Give?**

“There be eunuchs which have made themselves eunuchs for the kingdom of heaven’s sake. He that is able to receive it, let him receive it.” (Matt. 19:12) Some believers, including church father Origen, took this verse literally and castrated themselves. Even metaphorically, this advice is in poor taste.

If you do something wrong with your eye or hand, cut/pluck it off (Matt. 5:29-30, in a sexual context). Marrying a divorced woman is adultery (Matt 5:32). Don’t plan for the future (Matt 6:34), don’t save money (Matt. 6:19–20), or become wealthy (Mark 10:21–25). Sell everything and give it to the poor (Luke 12:33). Don’t work to obtain food (John 6:27). Don’t have sexual urges (Matt. 5:28). Make people want to persecute you (Matt 5:11). Let everyone know you are better than the rest (Matt 5:13–16). Take money from those who have no savings and give it to

rich investors (Luke 19:23–26). If someone steals from you, don't try to get it back (Luke 6:30). If someone hits you, invite them to do it again (Matt. 5:39). If you lose a lawsuit, give more than the judgment (Matt. 5:40). If someone forces you to walk a mile, walk two miles (Matt. 5:41). If anyone asks you for anything, give it to them without question (Matt. 5:42).

Is this wise? Is this what you would teach your children?

### **Was Jesus Reliable?**

Jesus told his disciples that they would not die before his second coming: "There be some standing here, which shall not taste of death, till they see the Son of man coming in his kingdom" (Matt. 16:28). "Behold, I come quickly." (Revelation 3:11) It's been 2,000 years, and believers are still waiting for his "quick" return.

He mistakenly claimed that the mustard seed is "the least of all seeds" (Matt. 13:32), and that salt could "lose its savour" (Matt. 5:13).

Jesus said that whoever calls somebody a "fool" shall be in danger of hell fire (Matt. 5:22), yet he called people "fools" himself (Matt. 23:17).

Regarding his own truthfulness, Jesus gave two conflicting opinions: "If I bear witness of myself, my witness is not true" (John 5:31), and "Though I bear record of myself, yet my record is true" (John 8:14).

### **Was Jesus A Good Example?**

He irrationally cursed a fig tree for being fruitless out of season (Matt. 21:18–19, and Mark 11:13–14). He broke the law by stealing corn on the Sabbath (Mark 2:23), and he encouraged his disciples to take a horse without asking permission (Matthew 21).

The "humble" Jesus said that he was "greater than the temple" (Matt 12:6), "greater than Jonah" (Matt. 12:41), and "greater than Solomon" (Matt. 12:42). He appeared to suffer from a dictator's "paranoia" when he said, "He that is not with me is against me" (Matt. 12:30).

### **Why Jesus?**

Although other verses can be cited that portray Jesus in a different light, they do not erase the disturbing side of his character. The conflicting passages, however, prove that the New Testament is contradictory.

The “Golden Rule” had been said many times by earlier religious leaders. (Confucius: “Do not unto others that you would not have them do unto you.”) “Turn the other cheek” encourages victims to invite further violence. “Love thy neighbor” applied only to fellow believers. (Neither the Jews nor Jesus showed much love to foreign religions). A few of the Beatitudes (“Blessed are the peacemakers”) are acceptable, but they are all conditions of future reward, not based on respect for human life or values.

On the whole, Jesus said little that was worthwhile. He introduced nothing new to ethics (except hell). He instituted no social programs. Being “omniscient,” he could have shared some useful science or medicine, but he appeared ignorant of such things (as if his character were merely the invention of writers stuck in the first century).

Many scholars are doubtful of the historical existence of Jesus. Albert Schweitzer said, “The historical Jesus will be to our time a stranger and an enigma.” No first-century writer confirms the Jesus story. The New Testament is internally contradictory and contains historical errors. The story is filled with miracles and other outrageous claims. Consisting mostly of material borrowed from pagan religions, the Jesus story appears to be cut from the same fabric as all other myths and fables.

Why is Jesus so special? It would be more reasonable and productive to emulate real, flesh-and-blood human beings who have contributed to humanity—mothers who have given birth, scientists who have alleviated suffering, social reformers who have fought injustice—than to worship a character of such dubious qualities as Jesus.

Nontract #12.

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More copies of this nontract may be ordered for \$2.50 per dozen, or 10¢ each for 100 or more copies.

FFRF, Inc., PO Box 750, Madison WI 53701

**Dear Believer:**

You ask me to consider Christianity as the answer for my life. I have done that. I consider it untrue, repugnant, and harmful.

You expect me to believe Jesus was born of a virgin impregnated by a ghost? Do you believe all the crazy tales of ancient religions? Julius Caesar was reportedly born of a virgin; Roman historian Seutonius said Augustus bodily rose to heaven when he died; and Buddha was supposedly born speaking. You don't believe all that, do you? Why do you expect me to swallow the fables of Christianity?

I find it incredible that you ask me to believe that the earth was created in six literal days; that women come from a man's rib; that a snake, a donkey, and a burning bush spoke human language; that the entire world was flooded, covering the mountains to drown evil; that all animal species, millions of them, rode on one boat; that language variations stem from the tower of Babel; that Moses had a magic wand; that the Nile turned to blood; that a stick turned into a snake; that witches, wizards, and sorcerers really exist; that food rained from the sky for forty years; that people were cured by the sight of a brass serpent; that the sun stood still to help Joshua win a battle, and it went backward for King Hezekiah; that men survived unaided in a fiery furnace; that a detached hand floated in the air and wrote on a wall; that men followed a star which directed them to a particular house; that Jesus walked on water unaided; that fish and bread magically multiplied to feed the hungry; that water instantly turned into wine; that mental illness is caused by demons; that a "devil" with wings exists who causes evil; that people were healed by stepping into a pool agitated by angels; that disembodied voices spoke from the sky; that Jesus vanished and later materialized from thin air; that people were healed by Peter's shadow; that angels broke people out of jail; that a fiery lake of eternal torment awaits unbelievers under the earth . . . while there is life-after-death in a city which is 1,500 miles cubed, with mansions and food, for Christians only.

If you believe these stories, then you are the one with the problem, not me. These myths violate natural law, contradict science, and fail to correspond with reality or logic. If you can't see that, then you can't separate truth from fantasy. It doesn't matter how many people accept the delusions inflicted by "holy" men; a widely-held lie is still a lie. If you are so gullible, then you are like the child who believes the older brother who says there is a monster in the hallway. But there is nothing to be afraid of; go turn on the light and look for yourself.

If Christianity were simply untrue I would not be too concerned. Santa is untrue, but it is a harmless myth which people outgrow. But Christianity, besides being false, is also abhorrent. It

amazes me that you claim to love the god of the bible, a hateful, arrogant, sexist, cruel being who can't tolerate criticism. I would not want to live in the same neighborhood with such a creature!

The biblical god is a macho male warrior. Though he said "Thou shalt not kill," he ordered death for all opposition (Ex. 32:27), wholesale drowning and mass exterminations; punished offspring to the fourth generation (Ex. 20:5); ordered babies to be smashed and pregnant women to be ripped up (Hosea 13:16); demanded animal and human blood to appease his angry vanity; is partial to one race of people; judged women inferior to men; is a sadist who created a hell to torture unbelievers; created evil (Is. 45:7); discriminated against the handicapped (Lev. 21:16–23); ordered virgins to be kept as spoils of war (Num. 31:15–18, Deut. 21:11–14); threatened to curse people by spreading dung on their faces (Malachi 2:3); sent bears to devour forty-two children who teased a prophet (II Kings 2:23–24); punished people with snakes, dogs, dragons, drunkenness, swords, arrows, axes, fire, famine, and infanticide; and said fathers should eat their sons (Ez. 5:10). Is that nice? Would you want to live next door to such a person?

And Jesus is a chip off the old block. He said, "I and my father are one," and he upheld "every jot and tittle" of the Old Testament law. (Matt. 5:18) He preached the same old judgment: vengeance and death, wrath and distress, hell and torture for all nonconformists. He believed in demons, angels and spirits. He never denounced the subjugation of slaves or women. Women were excluded as disciples, and as guests at his heavenly table. Except for hell he introduced nothing new to ethics or philosophy. He was disrespectful to his mother and brothers; he said we should hate our parents and desert our families. Matt. 10:35-36, Luke 14:26 (So much for "Christian family life.") He denounced anger, but was often angry himself. Matt. 5:22, Mark 3:5 He called people "fools" (Matt. 23:17,19), "serpents," and "whited sepulchres," though he warned that such language puts you in danger of hellfire. Matthew 5:22 He said, "Think not that I am come to send peace on earth. I came not to send peace, but a sword." Matt. 10:34 (So much for "Peace on Earth.") He irrationally cursed and withered a fig tree for being barren out of season. Matt. 21:19 He mandated burning unbelievers. John 15:6 (The Church has complied with relish.) He stole a horse. Luke 19:30-33 He told people to cut off hands, feet, eyes and sexual organs. Matt. 5:29-30, 19:12 You want me to accept Jesus, but I think I'll pick my own friends, thank you.

One of Jesus's many contradictions was saying good works should be seen, and not seen. Matt. 5:16, 6:1-4 One of his mistakes was saying that the mustard plant has the smallest seed. Matt. 13:31-32 The writers of Matthew and Luke could not even get his genealogy straight,

contradicting the Old Testament, and giving Jesus two discrepant lines through Joseph, his non-father! (Matt. 1:1–16 vs. Luke 3:23-34)

I also find Christianity to be morally repugnant. The concepts of original sin, depravity, substitutionary forgiveness, intolerance, eternal punishment, and humble worship are all beneath the dignity of intelligent human beings and conflict with the values of kindness and reason. They are barbaric ideas for primitive cultures cowering in fear and ignorance.

Finally, Christianity is harmful. More people have been killed in the name of a god than for any other reason. The Church has a shameful, bloody history of Crusades, Inquisitions, witch-burnings, heresy trials, American colonial intolerance, disrespect of indigenous traditions (such as American Indians), support of slavery, and oppression of women. Modern “fruits” of religion include the Jonestown massacre, the callous fraud of “faith healers,” the sex scandals of televangelists, and fighting in Northern Ireland. Religion also poses a danger to mental health, damaging self respect, personal responsibility, and clarity of thought.

Do you see why I do not respect the biblical message? It is an insulting bag of nonsense. You have every right to torment yourself with such insanity—but leave me out of it. I have better things to do with my life.

Nontract No. 2 • © 1987 by Dan Barker

This and other nontracts may be ordered from FFRF, Inc. for \$4/dozen or \$12/100.

Freedom From Religion Foundation, Inc.

PO Box 750 • Madison WI 53701

[www.ffrf.org](http://www.ffrf.org)

## An X-Rated Book

Let us introduce you to parts of the Holy Bible which you have not heard about in sermons from the pulpit, that may shock and dismay you and should certainly convince you that the bible ought to be X-rated.

Below you will find a pornographic view of sex and women, lewdness, depravity and sexual violence often ordered or countenanced by the biblical deity. Don't take our word for it—look it up for yourself.

### GENESIS

- 4:17 Cain marries his sister?
- 4:19 Man “took unto him 2 wives”
- 12:13–19 Man prostitutes wife
- 16:2–4 Wife to hubby: “go in unto my maid”
- 17:9–14 “Ye shall circumcise the flesh of your foreskin”
- 19:1–8 Rape virgins instead of male angels
- 19:30–38 “Righteous man” impregnates his 2 daughters while drunk
- 20:2–12 Man prostitutes wife again
- 20:12 Woman married to half-brother
- 22:24 Bible's first “concubine”
- 24:2–3,9 Place your hand “under the thigh” (sexual organs) of someone swearing sacred oaths
- 25:1–6 Keeping mistresses is not adultery
- Ch. 29-30 Sordid tales of surrogate motherhood
- 30:3 Woman gives handmaid for hubby's sexual use
- 30:9 More sordid marital triangles
- 32:25 God grabs Jacob's testicles
- 34:1–31 Brothers are riled when sister is defiled
- 34:25 Circumcised men “were sore”
- 35:22 Man sleeps with father's concubine
- 38:8–10 Onan's method of birth control (withdrawal ejaculation) not approved
- 38:12–30 Woman “plays the harlot” to seduce father-in-law
- 39:7–20 Woman tries to rape man
- 47:29 Man ordered to place hand under father's thigh

### EXODUS

- 4:25 Mom cuts off son's foreskin with (ouch!) stone
- 20:26 God specifies building of altar to prevent exposure to nakedness
- 21:7–11 Female servants can be used for sex



- 21:10 Rule permits polygamy  
22:19 Death decreed for bestiality

## LEVITICUS

- 12:1–8 Bible calls childbirth a sin  
15:16–18 Sperm and intercourse are unclean  
15:19–33 Menstruation unclean; elaborate rules  
15:29–30 Women require sin offering for menstrual periods  
18:22 Homosexuality declared an abomination  
18:23 More bestiality  
19:20–22 Man gets forgiven, slave girl gets flogging  
20:10 Adulterers shall be put to death  
20:13 Death decreed for homosexuals  
20:15–16 Death decreed for bestiality (human & beast)  
21:9 Burn whore-daughters of priests  
26:29 Curse: Eat your sons and daughters

## NUMBERS

- 5:11–31 Fidelity test (belly rot) for women only  
25:1 “People began to commit whoredom”  
25:4 “Take all the heads of the people, and hang them up before the Lord”  
25:6–8 Holy man impales woman through her belly  
31:17–18 Virgins raped as war booty

## DEUTERONOMY

- 21:10–14 God okays captured maidens as trial wives  
22:5 Men’s clothing not to be worn by women & vice versa  
22:13–21 A bride not a virgin must die  
22:23–26 Virgin raped in city given no pity  
22:28–29 Paying father to have sex with daughter  
23:1 Man “wounded in the stones” (testicles) can’t enter congregation  
23:2 Children born out of wedlock condemned as bastards to 10th generation  
23:10–11 Nocturnal emissions discussed  
23:12–14 Defecation: Carry paddle, dig hole, & cover up  
25:5–10 Woman has sexual cause to spit in man’s face  
25:11–12 A woman shall have her hand cut off for touching a man’s penis  
28:27 Hemorrhoids (“emerods”) a punishment for sin  
28:30 Lord’s curse: Another man shall lie with groom’s bride first

28:53–57 Curse: Eat your own body & children

## JUDGES

3:20–22 Dagger in fat king's gut gets "dirt" out  
4:21–22 Hammer & nail murder by woman  
8:30 Gideon had many wives, concubines  
Ch. 11 Virgin daughter sacrificed to God  
14:20 Samson gives away wife to another man  
16:1 Samson "went in unto" harlot  
16:4–19 Biblical game of S & M  
19:1–30 Woman raped and ruined by homosexuals  
21:6–25 Amidst carnage virgins captured for wives

## RUTH

3:6–9 To "hook" him as a husband, Ruth sleeps with Boaz. (4:9–10 Boaz buys Ruth)

## I SAMUEL

1:5–11 Lord "shuts" & "opens" womb  
2:8 "The Lord . . . lifteth up the beggar from the dunghill"  
2:22–23 Priests' sons copulate at door of tabernacle  
5:9–12 Philistines "smitten with emerods" (hemorrhoids) as punishment for stealing ark  
6:1–5 To placate God, make golden hemorrhoids  
18:25–27 200 foreskins gain David a king's daughter  
25:22,34 A subject never mentioned in sermons

## II SAMUEL

3:7 Concubine hanky-panky  
11:1–27 Uriah murdered so David can get his wife  
12:11–12 Obscene performance to be viewed by all Israel  
5:13 David had many wives, concubines  
Ch. 13 Amnon rapes his sister  
16:20–22 Absalom rapes father's concubines on rooftop  
20:3 David imprisons concubines for above

## I KINGS

1:1–4 Virgin as therapy for sick old man  
3:16–28 2 "harlots" feud—sexist tale

- 11:1–10 Wise Solomon has wives and concubines galore, promiscuous with “many strange women”  
14:10 A subject never mentioned in sermons  
16:11 A subject never mentioned in sermons  
21:21 A subject never mentioned in sermons

## II KINGS

- 6:28–29 “So we boiled my son, and did eat him”  
9:8 A subject never mentioned in sermons  
9:30–37 Unspeakable assassination of Jezebel  
23:7 Male houses of prostitution destroyed

## I CHRONICLES

- 1:32–33 More concubines galore

## II CHRONICLES

- 11:21 King had 18 wives & 60 concubines

## ESTHER

- Ch. 1–2 Sexual contest for new queen  
1:11 Queen asked to “display” body for men

## PSALMS

- 45:10–17 Wily seduction by promiscuous Solomon

## PROVERBS

- 5:3 “Lips of strange woman” warning  
7:5–27 Intemperate warnings of “strange” women  
30:20 Adulteress “eateth, and wipeth her mouth”

## SONG OF SOLOMON

- 5:4 Man touches woman’s “hole of the door” and “my bowels were moved for him”  
8:8 Little sister has no breasts

## ISAIAH

- 3:16 “the Lord will discover their secret parts”  
9:20 Every man shall eat the flesh of his own arm  
14:21–22 Slaughter children for fathers’ iniquity

16:11 Bible boast: "My bowels shall sound like an harp"  
36:12 Eating dung and drinking piss

## JEREMIAH

16:4 Grievous, obscene deaths

## LAMENTATIONS

2:19–20 Something to lament  
4:10 Women boil children for food

## EZEKIEL

4:12–15 God says: Eat bread defiled with dung  
5:8–10 What's for dinner?  
8:2 Lord's loins make guest appearance  
16:15 Fornications pour out  
16:36–37 Their "filthiness poured out . . ."  
23:1–40 Grisly tale related of two sisters who are whores  
23:20 Sex organs and ejaculate of harlot's lovers compared to asses & horses  
Ch. 24 Lord orders lewd "woman" boiled into "scum"  
29:7–8 God performs bloody castration via a sword

## HOSEA

1:2–11 God tells Hosea to take whore to wife  
2:1–15 Complications ensue (lewdly described)

## NAHUM

3:4–6 Lord: "I will discover thy skirts upon thy face"

## MALACHI

2:1–4 Angry god will spread feces on your faces

## MATTHEW

5:27–30 A man may lust, but it's not just  
5:31–32 Man can divorce wife for fornication  
19:3–9 Man who divorces and remarries is adulterer  
19:12 Castrate yourself for Jesus  
22:24 Woman must marry dead husband's brother

## LUKE

2:21 Eight day old Jesus is circumcised

## ACTS

8:38 Eunuch baptized

15:24 Circumcision is not commandment

16:3 Paul circumcises adult

## ROMANS

1:26–32 Gay man and lesbians “worthy of death”

## I CORINTHIANS

6:18–20 Abstain from extramarital sex

7:1–40 To be more holy, refrain from sex wholly

7:18–19 If you’re not circumcised, stay that way

## GALATIANS

5:1–4 Paul speaks against circumcision

## I TIMOTHY

3:2,12 More than one wife OK, except for bishop

## REVELATION

17:1–16 A drunken whore is stripped, eaten and burned

As Thomas Paine wrote in his classic book *The Age of Reason*: “Any system of religion that has anything in it that shocks the mind of a child, cannot be a true system.”

Paine also observed: “Whenever we read the obscene stories, the voluptuous debaucheries, the cruel and torturous executions, the unrelenting vindictiveness, with which more than half the Bible is filled it would be more consistent that we call it the word of a demon than the word of God. It is a history of wickedness that has served to corrupt and brutalize [hu]mankind.”

Most of the passages encapsulated above are conveniently quoted in full and in context in J. Ashleigh Burke’s book, *The X-Rated Book*, available from the Freedom From Religion Foundation, P.O. Box 750, Madison WI 53701. ([www.ffrf.org](http://www.ffrf.org))

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Copies of this nontract may be ordered \$4 for 12 (\$12 for 100) from FFRF, Inc.

## What Does The Bible Say about Abortion?

Absolutely nothing! The word “abortion” does not appear in any translation of the bible.

Out of more than 600 laws of Moses, none comments on abortion. One Mosaic law about miscarriage specifically contradicts the claim that the bible is antiabortion, clearly stating that miscarriage does not involve the death of a human being. If a woman has a miscarriage as the result of a fight, the man who caused it should be fined. If the woman dies, the culprit must be killed:

“If men strive, and hurt a woman with child, so that her fruit depart from her, and yet no mischief follow: he shall be surely punished according as the woman’s husband will lay upon him; and he shall pay as the judges determine.

“And if any mischief follow, then thou shalt give life for life, Eye for eye, tooth for tooth . . .” Ex. 21:22–25

The bible orders the death penalty for murder of a human being, but not for the expulsion of a fetus.

## When Does Life Begin?

According to the bible, life begins at birth—when a baby draws its first breath. The bible defines life as “breath” in several significant passages, including the story of Adam’s creation in Genesis 2:7, when God “breathed into his nostrils the breath of life; and man became a living soul.” Jewish law traditionally considers that personhood begins at birth.

Desperate for a biblical basis for their beliefs, some antiabortionists cite obscure passages, usually metaphors or poetic phrasing, such as: “Behold, I was shapen in iniquity; and in sin did my mother conceive me.” Psalm 51:5 This is sexist, but does nothing other than to invoke original sin. It says nothing about abortion.

Moses, Jesus, and Paul ignored every chance to condemn abortion. If abortion is so important, why doesn’t the bible say so?

## Thou Shalt Not Kill?

Many antiabortionists quote the sixth commandment, “Thou shalt not kill” (Exodus 20:13), as evidence that the bible is antiabortion. They fail to investigate the bible’s definition of life (breath) or its deafening silence on abortion. Significantly, the Mosaic law in Exodus 21:22–25, directly following the Ten Commandments, makes it clear that an embryo or fetus is not a human being.

An honest reader must admit that the bible contradicts itself. “Thou shalt not kill” did not apply to many living, breathing human beings, including children, who were routinely massacred in the bible. The Mosaic law orders “Thou shalt kill” people for committing such “crimes” as cursing one’s father or mother (Ex. 21:17), for being a “stubborn son” (Deut. 21:18–21), for being a homosexual (Lev. 20:13), or even for picking up sticks on the Sabbath (Numbers 15:32–35)! Far from protecting the sanctity of life, the bible promotes capital punishment for conduct which no civilized person or nation would regard as criminal.

Mass killings were routinely ordered, committed or approved by the God of the bible. One typical example is Numbers 25:4–9, when the Lord casually orders Moses to massacre 24,000 Israelites: “Take all the heads of the people, and hang them up before the Lord against the sun.” Clearly, the bible is not pro-life!

Most scholars and translators agree that the injunction against killing forbade only the murder of (already born) Hebrews. It was open season on everyone else, including children, pregnant women and newborn babies.

### **Does God Kill Babies?**

“Happy shall he be, that taketh and dasheth thy little ones against the stones.” Psalm 137:9

The bible is not pro-child. Why did God set a bear upon 42 children just for teasing a prophet (2 Kings 2:23–24)? Far from demonstrating a “pro-life” attitude, the bible decimates innocent babies and pregnant women in passage after gory passage, starting with the flood and the wanton destruction of Sodom and Gomorrah, progressing to the murder of the firstborn child of every household in Egypt (Ex. 12:29), and the New Testament threats of annihilation.

Space permits only a small sampling of biblical commandments or threats to kill children: Numbers 31:17: Now therefore kill every male among the little ones. Deut. 2:34: utterly destroyed the men and the women and the little ones. Deut. 28:53: And thou shalt eat the fruit of thine own body, the flesh of thy sons and of thy daughters. I Sam. 15:3: slay both man and woman, infant and suckling. 2 Kings 8:12: dash their children, and rip up their women with child. 2 Kings 15:16: all the women therein that were with child he ripped up. Is. 13:16: Their children also shall be dashed to pieces before their eyes; their houses shall be spoiled and their wives ravished. Is. 13:18: They shall have no pity on the fruit of the womb; their eyes shall not spare children. Lam. 2:20: Shall the women eat their fruit, and children. Ez. 9:6: Slay utterly old and young, both maids and little children. Hosea 9:14: give them a miscarrying womb and dry breasts. Hosea 13:16: their infants shall be dashed in pieces, and their women with child shall be ripped up.

Then there are the dire warnings of Jesus: “For, behold, the days are coming, in which they shall say, Blessed are the barren, and the womb that never bare, and the paps which never gave suck.” Luke 23:29

The teachings and contradictions of the bible show that antiabortionists do not have a “scriptural base” for their claim that their deity is “pro-life.”

Spontaneous abortions occur far more often than medical abortions. Gynecology textbooks conservatively cite a 15% miscarriage rate, with one medical study finding a spontaneous abortion rate of almost 90% in very early pregnancy. That would make a deity in charge of nature the greatest abortionist in history!

### **Are Bible Teachings Kind to Women?**

The bible is neither antiabortion nor pro-life, but does provide a biblical basis for the real motivation behind the antiabortion religious crusade: hatred of women. The bible is anti-woman, blaming women for sin, demanding subservience, mandating a slave/master relationship to men, and demonstrating contempt and lack of compassion: “I will greatly

multiply thy sorrow and thy conception; in sorrow thou shalt bring forth children; and thy desire shall be to thy husband, and he shall rule over thee.” Gen. 3:16 What self-respecting woman today would submit willingly to such tyranny?

The antiabortion position does not demonstrate love for humanity, or compassion for real human beings. World Health Organization estimates maternal deaths at 500,000 a year, with at least one in five stemming from unsafe, illegal abortions. Thousands more are hurt and maimed from illegal or self-induced abortions. Unwanted pregnancies and complications from multiple pregnancies are a leading killer of women. Why do antiabortionists want North American women to join these ghastly mortality statistics? Every day around the world more than 40,000 people, mostly children, die from starvation or malnutrition. We must protect and cherish the right to life of the already-born.

### **Do Churches Support Abortion Rights?**

Numerous Christian denominations and religious groups agree that the bible does not condemn abortion and that abortion should continue to be legal. These include: American Baptist Churches-USA, American Ethical Union, American Friends (Quaker) Service Committee, American Jewish Congress, Catholics For a Free Choice, Christian Church (Disciples of Christ), Episcopal Church, Jewish Reconstructionist Federation, Lutheran Women’s Caucus, Moravian Church in America-Northern Province, Presbyterian Church (USA), Reform Judaism, Union of American Hebrew Congregations, Unitarian Universalist Association, United Church of Christ, United Methodist Church, United Synagogue of Conservative Judaism, Women’s Caucus Church of the Brethren, YWCA, and Religious Coalition for Reproductive Choice.

### **Is America Governed by Religious Faith?**

Belief that “a human being exists at conception” is a matter of faith, not fact. Legislating antiabortion faith would be as immoral and unAmerican as passing a law that all citizens must attend Catholic mass!

The bible does not condemn abortion; but even if it did, we live under a secular constitution, not in a theocracy. The separation of church and state, the right to privacy, and women’s rights all demand freedom of choice.

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Freedom From Religion Foundation, Inc.  
PO Box 750, Madison WI 53701  
[www.ffrf.org](http://www.ffrf.org)



# Memo

**To:** High School Principals  
**CC:** Jerry Rutherford, World Changers of Florida  
Diego "Woody" Rodriguez, General Counsel  
Superintendent Barbara Jenkins  
School Board  
Executive Cabinet  
Pamela Carson  
**From:** John C. Palmerini, Associate General Counsel  
**Date:** December 18, 2012  
**Re:** Passive Bible Distribution

*J.C.P.*

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Representatives from World Changers of Florida will be coming to your schools on January 16, 2013 to passively distribute bibles to students. Prior to entry onto your campuses by any representative of World Changers, they will be cleared and registered as Volunteers and will have passed the appropriate background screenings.

This action is being permitted because the United States District Court for the Middle District of Florida entered a Consent Decree after World Changers sued the Collier County School Board for not allowing World Changers to engaged in passive distribution of bibles. In order to avoid a lawsuit being filed by World Changers, we are allowing World Changers to passively distribute bibles under the same terms and conditions as those laid out in the Collier County School Board consent decree.

Passive distribution means the Bibles may be placed on one unmanned table for distribution in a location where students normally congregate during non-instructional time. A written disclaimer should be displayed on the distribution table stating that the literature is not sponsored by, nor endorsed by, the Orange County School Board and identifying the organization sponsoring the distribution. A sign stating that the literature is available free of charge and one copy can be taken may be displayed on the table.

The representatives must not speak to students or encourage them to pick up Bibles. The representatives must not position themselves at the table continuously throughout the distribution day. The representatives may only be allowed to replenish Bibles if they run out and must remove any undistributed literature at the end of the distribution day. The representatives may be provided with suitable staging area where students do not generally congregate so that they do not have to leave the school campus. The representatives should not enter classrooms or other instructional areas.

No student may be excused from instructional time to visit the distribution table. Students shall only be allowed to visit the distribution table during non-instructional time, such as between classes or during lunch.

No school employ shall assist or participate with the distribution of literature, other than to direct the representative to the distribution location and to ensure strict adherence to these distribution guidelines.

If you have any other questions or concerns, please contact the Office of the General Counsel at 407-317-3411.

# Memo

**To:** High School Principals at Apopka High School, Boone High School, University High School, Cypress Creek High School, Evans High School, Edgewater High School, Wekiva High School, Colonial High School, Timber Creek High School, Winter Park High School, and Jones High School.

**CC:** School Board  
Superintendent Barbara Jenkins  
Diego "Woody" Rodriguez, General Counsel  
Executive Cabinet  
Pamela Carson

**From:** John C. Palmerini, Associate General Counsel *J.C. P.*

**Date:** April 26, 2013

**Re:** Passive Distribution of Atheist Materials (Revised)

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Representatives from the Freedom from Religion Foundation and the Central Florida Freethought Community will be coming to your schools on May 2, 2013 to passively distribute the following approved materials to students:

1. *The Age of Reason*
2. *What They Said About Religion*
3. *Ten Common Myths About Atheists*
4. *What is Wrong with the Ten Commandments?*
5. *What is an Atheist*
6. *Nontheistic Students in Your School*
7. *Humanist of the Year Award.*
8. *Don't Believe in God? You may be a Humanist.*
9. *Why Women Need Freedom From Religion* (the materials should have solicitation materials removed from the last page)
10. *What is a Freethinker?* (the materials should have solicitation materials removed from the last page)
11. *Secular Student Alliance* brochure (the materials should have solicitation materials removed from the last page)

You must have a member of your staff ensure that only the materials identified above are on the tables to be passively distributed. NO OTHER MATERIALS MAY BE DISTRIBUTED.

Prior to entry onto your campuses by any representative of the Freedom From Religion Foundation and the Central Florida Freethought Community, they will be cleared and registered as Volunteers and will have passed the appropriate background screenings.

This action is being permitted because the District is attempting to avoid a lawsuit from the Freedom From Religion Foundation and the Central Florida Freethought Community. Those groups have sought to passively distribute materials because World Changers of Florida, Inc. passively distributed Bibles to your students on January 16, 2013. Both the World Changers Bible Distribution and this distribution by the Freedom From Religion Foundation and the Central Florida Freethought Community is required pursuant to the Consent Decree court order issued against the Collier County School Board for not allowing World Changers to engage in passive distribution of Bibles. In order to avoid a lawsuit being filed by World Changers, the Freedom From Religion Foundation and the Central Florida Freethought Community, we are allowing passive distribution of the approved materials under the same terms and conditions as those laid out in the Collier County School Board Consent Decree court order.

Passive distribution means the approved materials may be placed on one unmanned table for distribution in a location where students normally congregate during non-instructional time. A written disclaimer should be displayed on the distribution table stating that the literature is not sponsored by, nor endorsed by, the Orange County School Board and identifying the organization sponsoring the distribution. A sign stating that the literature is available free of charge and one copy can be taken may be displayed on the table.

The representatives must not speak to students or encourage them to pick up the approved materials. The representatives must not position themselves at the table continuously throughout the distribution day. The representatives may only be allowed to replenish the approved materials if they run out and must remove any undistributed literature at the end of the distribution day. The representatives may be provided with suitable staging area where students do not generally congregate so that they do not have to leave the school campus. The representatives should not enter classrooms or other instructional areas.

No student may be excused from instructional time to visit the distribution table. Students shall only be allowed to visit the distribution table during non-instructional time, such as between classes or during lunch.

No school employee shall assist or participate with the distribution of literature, other than to direct the representative to the distribution location and to ensure strict adherence to these distribution guidelines.

If you have any other questions or concerns, please contact the Office of the General Counsel at 407-317-3411.



# WHAT IS YOUR BIGGEST QUESTION ABOUT THE BIBLE?

*Don't be shy... Take a marker and write your thoughts below.  
Also, feel free to pick up a Free Bible!*

EXHIBIT

M.a

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abel?

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and Quaran?

WHY  
DOES IT  
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Hail Satan!  
God gang  
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This

Row 15

282

# M.b





FREE BIBLES

TAKE ONE

EXHIBIT

N.a



EXHIBIT  
N.b



Orlando Wesleyan Church

1665 N Chickasaw Trl

Orlando, FL 32825

407-277-4779

OrlandoWesleyan.com

OrlandoWesleyanChurch@gmail.com



**EXHIBIT**

**O**



Sunday

10:00 am Sunday School

11:00 am Service

Wednesday

7:00 pm Children, Teen, and  
Adult Bible study

Friday

7:00pm Youth Service



EXHIBIT  
P



01.16.2013