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CASE NO. 1:08-cv-02248-RBW

JAN 15 2009

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

MICHAEL NEWDOW, *et al.*;

Plaintiffs

v.

HON. JOHN ROBERTS, JR., *et al.*;

Defendants

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**MOTION TO FILE BRIEF OF *AMICA CURIAE*
AND
BRIEF OF *AMICA CURIAE***

...
**MARGARET DOWNEY, PRO SE
IN SUPPORT OF PLAINTIFFS**

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MOTION TO FILE BRIEF

Comes now Margaret Downey and hereby moves the Court to accept this brief *amica curiae* in support of the plaintiffs. For the reasons set forth below, Downey has a unique perspective on the issues before the Court and this submission will assist the Court in reaching a proper decision on this matter.

INTEREST OF THE *AMICA*

Margaret Downey is the founder and president of the Anti-Discrimination Support Network (ADSN). ADSN was founded in 1993 as a committee of the Freethought Society of Greater Philadelphia (FSGP), an educational non-profit 501(c)(3) organization. ADSN was organized to collect nontheist discrimination narratives for the United Nations Freedom of Religion and Belief Committee. ADSN provides a network which serves to connect people who have been discriminated against because they are nontheists. ADSN also helps nontheist victims of discrimination find legal assistance and civil recourse using the judicial system and the federal and state agencies that protect citizens from religious discrimination (Equal Employment Opportunities Commission and State Human Relations Departments).

ADSN provides literature and other free educational materials to the public-at-large and its officers/representatives conduct presentations that seek to dispel myths and negative stereotyping of the nontheist community.

ADSN is based in Pocopson, Pennsylvania, but through the Internet has the capability to conduct nationwide outreach. Its discrimination first-hand narrative collection is housed in West Chester, Pennsylvania. The ongoing ADSN narrative collection is categorized by case number in the report, which can be found at: www.fsgp.org.

INTRODUCTION

This brief will show that President-elect Barack Obama's planned inaugural invocation, benediction and instruction by the Honorable John Roberts, Jr. to end the oath of office with the phrase "so help me God" harms people by creating a general false belief that America is a religious or even a "Christian Nation" and thereby, creating a general prejudice against nontheists. *Amica* has original narratives from a number of individuals who have experienced adverse effects from the promotion of religion at public ceremonies such as the inauguration.

ARGUMENT

For many, the effects of the benediction, invocation and phrase “so help me God” are profoundly negative. Those so-called traditions can lead to derision, condescension, coercion and ostracism.

The Presidential inaugural ceremony is supposed to unite our citizens. A benediction, invocation and the utterance of “so help me God” does not serve this function. As the following shows, it divides and harms by empowering the religious community to disrespect and discriminate against nontheists. Listed below are just a few cases from the ADSN discrimination narrative collection:

(1) Nick Becker (Maryland)

In June of 1999, after protesting a prayer at his public high school graduation, Becker experienced harassment and threats from the community. When Becker questioned his local authorities, they threatened to arrest him and did ban him from his post-graduation party. He was also threatened with a school suspension if he continued not to stand up for the Pledge of Allegiance. Nick’s mother, Patti Becker, was quoted as saying, “This is the most horrible experience we’ve been through...what we ended up with was total humiliation. We’re not prepared for this. It’s painful, whether Nick was right or wrong. It’s painful to see your child called a lone malcontent and atheist, splashed across the papers.”

(2) Glenn Curry (Wisconsin)

“After moving to a new school in November, my son got beat up on the playground...because he only mouthed the Jesus parts in the Christmas pageant. Another son complained that his High School English Literature teacher read from the Bible daily. The teacher used the excuse that ALL American literature comes from the Bible.”

(3) William Zellner, Ph.D. (Oklahoma)

After disclosing his nontheist life stance in a book, Professor Zellner experienced wave after wave of prejudice due to this life stance. His car was vandalized, he received threatening phone calls and letters, churches proselytized him and his children were beaten and shunned by fellow students. The professor was even targeted by local police.

(4) Larry Kaplan (Pennsylvania)

In 7th grade Ashland Middle School—South Delco School District—two students brought Creationism propaganda to school. One student called the teacher “stupid.” The other student threatened to punch the nontheist teacher in the face. The threatening student refused to talk to the teacher when approached.

(5) Louise Benson, MD (Colorado)

Louise Benson’s daughter, a student at Peak to Peak Charter School, slashed her wrists due to bullying at the hands of Christian students and teachers. Numerous complaints by parents of non-religious students are on file at the school. Benson’s daughter experienced body slams and other insults including being called a “lesbian.” Christian students also said, “You don’t believe in Creationism, you’re a Pagan,” and, “you’ll burn in Hell.” Perpetrators were not punished.

Louise Benson’s son, a student at Peak to Peak Charter School, was called “child of the devil,” and told that his atheist father was Satan. Benson’s son was hit, kicked, tripped and was threatened with being beaten with a baseball bat. Benson’s son had his belongings stolen and

assignments ruined, shortly after he volunteered to represent science in a Creationism vs. Science evolution debate set up by his 6th grade Biology teacher. Complaints to school officials went unanswered.

(6) Bailey Wood Frei (Kansas)

Between the ages of 7-10, student Bailey Wood Frei was physically and verbally harassed because she stood silent during the Pledge of Allegiance and was revealed by her teacher as a person who does not attend church. Frei kept to herself, yet other students called her "monkey" and said that "people who don't believe in God are stupid." Frei's kindergarten teacher said "God" was the President's boss.

(7) Michael Aristidou (Louisiana)

Louisiana State University Hellenic Student Association President suffered physical attack attempts and discrimination and was told that only "Greek Orthodox Christians" can be members of the Association by members who didn't like his atheism.

(8) D. Joseph and Dr. Patricia King (Wisconsin)

An atheist couple who filed a case against a religious holiday display were run out of town due to harassment and prejudice. The King's received many threatening phone calls and feared for their lives.

(9) Larry Hooper (Taylor, Michigan)

62 year-old Larry Hooper was shot and killed by Arthur Shelton, a 49-year Eagle Scout. Shelton told the police dispatcher that he was still armed with a revolver and a shotgun and would shoot Hooper again if he moved. "I shot him because he didn't believe in God," Shelton said.

(10) Eric Christopher Heyd (Myrtle Beach, South Carolina)

Eric Christopher Heyd was attacked and robbed in the parking lot of the Crabtree Gym. Emergency Medical Services were called. Heyd suffered several punches to his ribcage, his right eye was lacerated and required stitches. Heyd confirmed that he was chosen by the attackers based on an anti-religious message on the back of his vehicle. The altercation and robbery occurred shortly after the victim was approached by the assailants to explain the anti-religious message. Police incident file # 01-07-033309.

(11) Deepak Doraiswamy (Wilmington, Delaware)

Deepak Doraiswamy was threatened at the Concord Mall when a man approached his vehicle because atheistic bumper stickers were noticed. The man demanded that Doraiswamy roll down his window. The man threatened violence. Doraiswamy escaped by leaving the scene, but later contacted the police department.

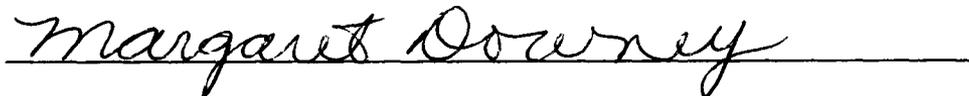
(12) Margaret Downey (West Chester, Pennsylvania)

Margaret Downey was threatened with a sharp letter opener by an atheist volunteer imposter from an Evangelical Pentecostal church. Holding the letter opener to Downey's throat he said, "I could kill you with this." Downey slowly moved the letter opener away and said, "You would not want to hurt me, would you Ron?" Ron stated, "I would, if I thought you were the Anti-Christ." She narrowly escaped injury.

CONCLUSION

The Presidential inaugural is one of the most important government-sponsored ceremonies. The president takes office as the leader of all the American people. Yet by including religious invocations in this ceremony, he inauguration sends the unmistakable message that certain Americans are considered second-class citizens. Many atheists and others wish to join with their fellow citizens and enjoy the inaugural ceremonies without being reminded of their minority status as well as the endorsement of a philosophy that seeks to harm them. Nontheist citizens hold dear their Constitution, Bill of Rights and the principle of church/state separation.

Respectfully submitted,

A handwritten signature in cursive script, reading "Margaret Downey", is written over a horizontal line.

Margaret Downey, Pro Se
Dated: January 13, 2009

CERTIFICATE OF SERVICE

I hereby certify that two copies of this *Brief of Amica Curiae Margaret Downey, Pro Se* have been served on counsel (listed below) for each party, by first-class U.S. Mail on this 13th day of January, 2009.

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I am over eighteen years of age and not a party to this cause.



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FOR THE DISTRICT OF COLUMBIA

MICHAEL NEWDOW, <i>et al.</i> ,	§
	§
Plaintiffs,	§
	§
v.	§ Civil Action
	§ No.1 :08-cv-02248-RBW
HON. JOHN ROBERTS, JR., <i>et al.</i> ,	§
	§
Defendants,	§

PROPOSED ORDER
GRANTING LEAVE TO FILE BRIEF AS AMICI CURIAE

This matter is before the Court on the unopposed motion of the amici States for leave to file a brief as amici curiae opposing the motion for preliminary injunction and supporting the Defendants. The premises considered,

IT IS ORDERED

that the motion for leave to file a brief as amici curiae is granted; and,

IT IS FURTHER ORDERED

that the Clerk shall cause the Proposed Brief to be filed and entered on the docket of the above-captioned matter.

DONE: _____

HON. REGGIE B. WALTON
United States District Judge