

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

**WHITMAN-WALKER CLINIC, Inc. et.
al.
(Plaintiffs)**

V.

**U.S. DEPARTMENT OF HEALTH AND
HUMAN SERVICES et. al.
(Defendants)**

1:20-cv-01630-JEB

**LEAVE TO FILE AN AMICUS BRIEF IN SUPPORT OF THE DEFENDANTS BY
(1) DE FACTO ATTORNEYS GENERAL, (2) SPECIAL FORCES OF LIBERTY, (3)
THE ALLIANCE OF BLACK AND WHITE EX-GAYS AND EX-TRANS, (4) CENTER
FOR GARDEN STATE FAMILIES, (5) COALITION OF DOCTORS DEFENDING
REPARATIVE THERAPY, (6) THE COALITION OF MULTI-RACIAL PASTORS, (7)
WARRIORS FOR CHRIST**

NOW COMES De Facto Attorneys General, Special Forces Of Liberty, An Alliance Of Ex-gays and Ex-trans, Center For Garden State Families, Coalition of Doctors Defending Reparative Therapy, the Coalition of Multi-Racial Pastors, and Warriors For Christ pursuant to FRCP 7 and FRAP 29 seeking leave to file an Amicus brief in support of the Defendants.

“Although there is no formal rule governing the filing of amicus curiae briefs, district courts possess the inherent authority to grant or refuse leave to amicus parties.” *Georgia Aquarium, Inc. v. Pritzker*, 135 F. Supp. 3d 1280 (N.D. Ga. 2015). “A district court exercises wide discretion in deciding whether to grant or deny leave to file an amicus brief.” *United States v. Board of County Commissioners of the County of Otero*, 184 F.Supp. 3d 1097 (D.N.M. 2015). See also: Brief of an Amicus Curiae FRAP Rule 29;; Pleadings Allowed; Form of Motions and Other Papers FRCP Rule 7.



The interest of the *Amici* in the outcome of this action are manifested in their attached sworn statements.¹ The Plaintiffs assert that there is no controlling Constitutional legal basis

¹ **De Facto Attorneys General** consists, primarily of former Judge Advocate Generals, assistant State Attorneys General, and assistant U.S. Attorneys. De Facto Attorneys General takes on political hot topics that are sometimes too complex for the different aspects of DOJ to handle alone. The paramount mission of De Facto Attorneys General is to uphold the Constitution of the United States and the rule of law, preventing other groups like the Plaintiffs in this case from twisting the Constitution. See *Penkoski v. Bowser*, 1:20-cv-01519 (D.D.C. June 10, 2020). Chris Sevier is the founder of De Facto Attorneys General.

Special Forces Of Liberty is a group of highspeed Soldiers who author laws that parallel Judeo-Christian principles in an effort to maximize human flourishing. Some of the relevant legislation that SFOL has authored that is relevant to this action is the Disentanglement Act; the Life Appropriation Act; the Elevated Marriage Act; and the Stop Social Media Censorship Act. (See www.disentanglementact.com; www.lifeappropriationact.com; www.stopsocialmediacensorshipact.com). Sergeant Major John Gunter Jr. and Lieutenant Chris Sevier are the founders of Special Forces Of Liberty.

An Alliance Of Ex-Gays and Ex-trans consists of former self-identified homosexuals and self-identified transvestites who were once leaders in the LGBTQ cult. They now seek to expose the horrors and lies of the dangerous LGBTQ cult and its religious ideology, while giving voice to voiceless ex-gays and ex-trans individuals. See Declaration of Alliance of Black and White Ex-Gays and Ex-Trans; see declarations of Quinlan, Goodspeed, Cothran, and Harley.

The Center For Garden State Families' mission is to protect and promote faith, freedom and the natural family, in culture and public policy. <https://www.gardenstatefamilies.org/>. See the declaration of Quinlan. Greg Quinlan is the founder of Garden State Families.

The Coalition Of Doctors Defending Reparative Therapy consists of doctors who attest that there is no such thing as a gay gene and that the idea that sexual orientation is predicated on immutability is a lie. See the declaration of Dr. Tara King.

Coalition Of Multi-Racial Pastors consists of pastors, religious experts, theologians, and licensed ministers who testify that Secular Humanism is a religion and that the LGBTQ cult is a denominational sect that is inseparably linked to that religion. See the Declaration of the Coalition of Multi-Racial Pastors.

Warriors For Christ consists of Christians who have been viciously persecuted in the LGBTQ cult in the wake of the government's endorsement of their dangerous and phony tolerance agenda. <https://www.wfcchurch.org/>. See the declaration of Pastor Penkoski, Lisa Boucher, and Christian Resistance. Pastor Rich Penkoski is the founder of Warriors For Christ.

supporting the 2020 Trump Rule,² which modified the 2016 Obama Rule. The Plaintiffs base their case on the decision in *Bostock v. Clayton Cty., Ga.*, 590 U.S. ___, 2020 WL 3146686 (2020) and accuse HHS of modifying the 2016 Obama Rule based on single Federal district court decision out of Texas.

The *Amici* can help this Court find that the Establishment Clause of the First Amendment is the underlying legal basis that supports HHS decision to replace the 2016 Obama Rule with the 2020 Trump Rule. The *Amici* can help the Court find that:

(1) Secular Humanism is a religion for the purposes of the First Amendment

Establishment Clause;³ that

(2) sexual orientation orthodoxy and gender ideology are doctrines, dogmas, and

mythologies that are inseparably linked to the religion of Secular Humanism, as

advocated by the LGBTQ cult;⁴ and that

² “The [2020] Trump] Rule eliminates the prohibitions on gender identity and sexual orientation discrimination in these regulations [85 Fed. Reg. at 37, 219-21, 37,247-48 (to be codified at 45 C.F.R. §§ 147.104(e), 155.120(c)(1)(ii), 155.220(j)(2)(i), 156.200(e), & 156.1230(b)(2) 42 C.F.R. §§ 438.3(d)(4), 438.206 (c)(2), and 440.262, 42 C.F.R. § 438.3(d)(4), 42 C.F.R. § 460.98(b)(3)]” all for the same reason - the Establishment Clause of the First Amendment requires that sexual orientation and gender identity be removed because their inclusion shows respect, endorsement, and favoritism towards the LGBTQ Secular Humanist religion.

³ *Torcaso v. Watkins*, 367 U.S. 488, 495 n. 11 (1961); *United States v. Seeger*, 380 U.S. 163 (1965); *United States v. Kauten*, 133 F.2d 703 (2d Cir. 1943); *School District of A Bington Township, Pa. v. Schempp*, 374 U.S. 203, 225 (1963); *Malnak v. Yogi*, 592 F.2d 197, 200-15 (3d Cir.1979); *Therriault v. Silber*, 547 F.2d 1279, 1281 (5th Cir. 1977); *Thomas v. Review Bd.*, 450 U.S. 707, 714, 101 S.Ct. 1425, 67 L.Ed.2d 624 (1981); *Lindell v. McCallum*, 352 F.3d 1107, 1110 (7th Cir. 2003); *Real Alternatives, Inc. v. Se'y Dep 't of Health & Human Ser*, 150 F. Supp. 3d 419, 2017 WL3324690 (3d Cir. Aug. 4, 2017); and *Wells v. City and County of Denver*, 257 F.3d 1132, 1148 (10th Cir. 2001). (See also the Decl. of Multi-Racial Pastors ¶¶ 2-3)

⁴ See Decl. Alliance of Black and White Ex-Gays and Ex-Trans. ¶ 7; Decl. Pastor Penkoski ¶¶ 1-34; Decl. Lisa Boucher ¶¶ 1-10; Decl. Christian Resistance ¶¶ 1-21; Decl. Dr. Cretella ¶¶ 1-20; Decl. Dr. King ¶¶ 1-20.

(3) the 2016 Obama Rule must be replaced because it violates the Establishment Clause by failing the *Lemon* Test⁵ in its making and enforcement in that it (a) consists of a non-secular sham that lacks a primary purpose that (b) cultivates an indefensible legal weapon against non-observers of the religion of Secular Humanism and (c) servers to excessively entangle the government with the religion of Secular Humanism.

In short, the *Amici* will help the Court see that it should sua sponte dismiss the Plaintiffs' case for lacking subject matter jurisdiction. The Court should grant any FRCP 12(b)(6) motion filed by the Defendants because the Plaintiffs fail to state a claim upon which relief can be granted and because the Plaintiffs manage to provide the very legal bases for why their complaint should be dismissed with prejudice. For these reasons and others leave should be granted.

/s/Chris Sevier Esq. 
DE FACTO ATTORNEYS GENERAL
SPECIAL FORCES OF LIBERTY
Mailing address:
4301 50th St.
Suite 300, #2009
Washington, DC 20816
(615) 500-4411
#026577
ghostwarsmusic@gmail.com
www.humantraffickingpreventionact.com
www.stopsocialmediacensorshipact.com
www.stopguiltbyaccusationact.com
www.disentanglementact.com
www.lifeappropriationact.com
27A JA
Bravo Two Zero

⁵ To pass muster under the Establishment Clause, a practice must satisfy the *Lemon* test, pursuant to which it must: (1) have a valid secular purpose; (2) not have the effect of advancing, endorsing, or inhibiting religion; and (3) not foster excessive entanglement with religion." See *Lemon v. Kurtzman*, 403 U.S. 602 (1971). Government action "violates the Establishment Clause if it fails to satisfy any of these prongs." *Edwards v. Aguillard*, 482 U.S. 578, 583 (1987); *Agostini v. Felton*, 521 U.S. 203, 218 (1997)

/s/Gregory Degeyter Esq./ 

DE FACTO ATTORNEYS GENERAL

degeyterlaw@gmail.com

9 Music Square South

Nashville, TN 37203

#24062695

(615) 500-4411

(713) 505-0524

Tango Whisky Gator 6

/s/Jason Rowe Esq./ 

Texas Bar #: 24073538

Rowe Law, PLLC

1720 Bissonnet

Houston, TX 77005

Office: 713-678-0774

Fax: 713-678-0266

Email: jason@rowelawtx.com

<http://www.rowelawtx.com>

Wilco Red Dragon

CERTIFICATE OF SERVICE

A true copy of the foregoing was emailed and mailed to the following on July 9, 2020:
LAMBDA LEGAL DEFENSE AND EDUCATION FUND, INC. 120 Wall Street 19th Floor
New York, NY 10005 212-809-8585 Email: ogonzalez-pagan@lambdalegal.org;; Carl Solomon
Charles LAMBDA LEGAL DEFENSE AND EDUCATION FUND, INC. 120 Wall Street 19th
Floor New York, NY 10005 212-809-8585 Email: ccharles@lambdalegal.org;; Jamie Avra
Gliksberg LAMBDA LEGAL DEFENSE AND EDUCATION FUND, INC. 65 E. Wacker Place
Ste 2000 Chicago, IL 60601 312-663-4413 Fax: 312-663-4307 Email:
jgliksberg@lambdalegal.org;; Karen Loewy LAMBDA LEGAL DEFENSE & EDUCATION
FUND 120 Wall Street, 19th floor New York, NY 10005 212-809-8585 Email:
kloewy@lambdalegal.org;; Khristoph Becker STEPTOE & JOHNSON LLP 1114 Avenue of the
Americas Ste Floor 35 New York, NY 10036 212-506-3900 Email: kbecker@steptoe.com;;
Laura Joy Edelstein STEPTOE & JOHNSON LLP One Market Plaza Spear Tower Suite 3900
San Francisco, CA 94105 415-365-6770 Fax: 415-365-6670;; Michael A. Vatis STEPTOE &
JOHNSON, LLP 1114 Avenue of the Americas 1114 Avenue of the Americas 35th Floor New
York, NY 10036 212-506-3927 Fax: 212-506-3950 Email: mvatis@steptoe.com;; Johanna
Dennehy STEPTOE & JOHNSON LLP 1330 Connecticut Avenue, NW Washington, DC 20036
202-429-5515 Email: jdennehy@steptoe.com

/s/Gregory Degeyter Esq./



/s/Jason Rowe Esq./



/s/Chris Sevier Esq./



UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

**WHITMAN-WALKER CLINIC, Inc. et.
al.
(Plaintiffs)**

V.

1:20-cv-01630-JEB

**U.S. DEPARTMENT OF HEALTH AND
HUMAN SERVICES et. al.
(Defendants)**

AMICUS BRIEF BY

**(1) DE FACTO ATTORNEYS GENERAL, (2) SPECIAL FORCES OF LIBERTY, (3)
THE ALLIANCE OF BLACK AND WHITE EX-GAYS AND EX-TRANS, (4) CENTER
FOR GARDEN STATE FAMILIES, (5) COALITION OF DOCTORS DEFENDING
REPARATIVE THERAPY, (6) THE COALITION OF MULTI-RACIAL PASTORS, (7)
WARRIORS FOR CHRIST IN SUPPORT OF DEFENDANTS**

QUESTION PRESENTED

Should the Plaintiffs' case be dismissed for lack of subject matter jurisdiction and for failing to state a claim upon which relief can be granted?

What is the controlling Constitutional basis supporting the 2020 Trump Rule that repealed and replaced the 2016 Obama Rule and does *Bostock* overrule the 2020 Trump Rule?

Should the Court sua sponte dismiss this case?

INTEREST OF THE PARTIES

The interest of the parties are found in the attached declarations.¹

¹ **De Facto Attorneys General** consists, primarily of former Judge Advocate Generals, assistant State Attorneys General, and assistant U.S. Attorneys. De Facto Attorneys General takes on political hot topics that are sometimes too complex for the different aspects of DOJ to handle alone. The paramount mission of De Facto Attorneys General is to uphold the Constitution of the United States and the rule of law, preventing other groups like the Plaintiffs in this case from twisting the Constitution. See *Penkoski v. Bowser*, 1:20-cv-01519 (D.D.C. June 10, 2020).

Special Forces Of Liberty is a group of highspeed Soldiers who author laws that parallel Judaeo-Christian principles in an effort to maximize human flourishing. Some of the relevant legislation that SFOL has authored that is relevant to this action is the Disentanglement Act; the Life Appropriation Act; the Elevated Marriage Act; and the Stop Social Media Censorship Act. (See www.disentanglementact.com; www.lifeappropriationact.com; www.stopsocialmediacensorshipact.com)

An Alliance Of Ex-Gays and Ex-trans consists of former self-identified homosexuals and self-identified transvestites who were once leaders in the LGBTQ cult. They now seek to expose the horrors and lies of the dangerous LGBTQ cult and its religious ideology, while giving voice to voiceless ex-gays and ex-trans individuals. See Declaration of Alliance of Black and White Ex-Gays and Ex-Trans; see declarations of Quinlan, Goodspeed, Cothran, and Harley.

The Center For Garden State Families' mission is to protect and promote faith, freedom and the natural family, in culture and public policy. <https://www.gardenstatefamilies.org/>. See the declaration of Quinlan.

The Coalition Of Doctors Defending Reparative Therapy consists of doctors who attest that there is no such thing as a gay gene and that the idea that sexual orientation is predicated on immutability is a lie. See the declaration of Dr. Tara King.

Coalition Of Multi-Racial Pastors consists of pastors, religious experts, theologians, and licensed ministers who testify that Secular Humanism is a religion and that the LGBTQ cult is a denominational sect that is inseparably linked to that religion. See the Declaration of the Coalition of Multi-Racial Pastors.

Warriors For Christ consists of Christians who have been viciously persecuted in the LGBTQ cult in the wake of the government's endorsement of their dangerous and phony tolerance agenda. <https://www.wfcchurch.org/>. See the declaration of Pastor Penkoski, Lisa Boucher, and Christian Resistance.

TABLE OF CONTENTS

I. INTRODUCTION	1
II. THE 2016 OBAMA RULE VIOLATED THE ESTABLISHMENT CLAUSE OF THE FIRST AMENDMENT WHEREAS THE TRUMP 2020 RULE DOES NOT	2
A. LEGAL PROCEDURAL HISTORY CONCERNING SECULAR HUMANISM	4
1. From 1776 to 1940s Religion Involved Theism	4
2. From The 1940s Forward - Religion Includes Theism and Non-theism	4
B. THE ESTABLISHMENT CLAUSE AS IT RELATES TO SECULAR HUMANISM	14
C. SECULAR HUMANISM - A DEFINITION	17
D. THE EVIDENCE SHOWS THAT THE LGBTQ CULT IS A DENOMINATIONAL SECT THAT IS INSEPARABLY LINKED TO THE RELIGION OF SECULAR HUMANISM.	17
III. THE PLAINTIFFS' CASE SHOULD BE DISMISSED WITH PREJUDICE BECAUSE THE 2016 OBAMA RULE VIOLATES ALL THREE PRONGS OF THE <i>LEMON</i> TEST BY A LANDSLIDE	22
A. THE COURT SHOULD DISMISS THE PLAINTIFFS' COMPLAINT BECAUSE THE 2016 OBAMA RULE WAS A SHAM THAT FAILS PRONG ONE OF <i>LEMON</i>	23
1. The Language Within The Four Corners Of The Plaintiffs' Self-Defeating Complaint Shows That The 2016 Rule Was A Sham That Lacked A Primary Secular Purpose	24
2. The Plaintiffs Falsely Camouflaging Their Plight In Equal Protection Language Shows The 2016 Rule Was A Sham Predicated On An Unprincipled Ploy	27
3. The Plaintiffs' Attempted Misuse Of The Substantive Due Process Clause Demonstrates That the 2016 Rule Is A Non-Secular Sham	30
4. The Plaintiffs' Case Is Based On Nothing More Than Emotional Appeals That Cannot Be Used To Usurp The Establishment Clause	33
B. THE COURT SHOULD DISMISS THE PLAINTIFFS ACTION BECAUSE THE 2016 RULE FAILS PRONG TWO OF THE <i>LEMON</i> TEST WHEREAS THE 2020	

TRUMP RULE DOES NOT	33
C. THE PLAINTIFFS’ COMPLAINT SHOULD BE DISMISSED BECAUSE THE 2016 OBAMA RULE FAILED PRONG THREE OF LEMON	38
V. THE PLAINTIFFS’ CASE SHOULD BE DISMISSED BECAUSE HHS HAS A NARROWLY TAILORED COMPELLING INTEREST TO UPHOLD COMMUNITY STANDARDS OF DECENCY	39
VI. ADDRESSING THE ULTIMATE QUESTION - PUBLIC INTEREST	41
VII. CONCLUSION	45

Table Of Cases

<i>Agostini v. Felton</i> , 521 U.S. 203 (1997)	22
<i>ACLU v. Rabun Cnty. Chamber of Commerce, Inc.</i> , 698 F.2d 1098 (11th Cir. 1983)	23
<i>Am. Atheists, Inc. v. City of Starke</i> , 2007 U.S. Dist. LEXIS 19512 (M.D. Fla. 2007)	25
<i>Bostock v. Clayton Cty., Ga.</i> , 590 U.S. ___, 2020 WL 3146686 (2020)	2, 21, 31, 36
<i>Berman was had in George v. United States</i> , 196 F.2d 445 (9th Cir. 1952)	8
<i>Brown v. Board of Educ.</i> , 347 U.S. 483 (1954)	28, 36
<i>Bowers v. Hardwick</i> , 478 U. S. 186 (1986)	31
<i>Board of Educ. of Kiryas Joel Vill. Sch. Dist. v. Grumet</i> , 512 U.S. 687 (1994)	34, 35
<i>Bookcase, Inc. v. Broderick</i> , 18 N.Y.2d 71 (1966)	40
<i>City of Boerne v. Flores</i> ,	

521 U.S. 507 (1997)	34
<i>County of Allegheny v. ACLU</i> , 492 US 573 (1989)	35
<i>Cooper Industries, Inc. v. Aviall Services, Inc.</i> 543 U.S. 157 (2004)	36
<i>Committee for Pub. Educ. v. Nyquist</i> , 413 U.S. 756 (1973)	38
<i>Church of the Holy Trinity v. United States</i> , 143 U.S. 457 (1892)	43
<i>Davis v. Beason</i> , 133 U.S. 333 (1890)	5, 6, 14
<i>District Attorney's Office for Third Judicial Dist. v. Osborne</i> , 557 U. S. 52 (2009)	31
<i>Dred Scott v. Sandford</i> , 60 U.S. 393 (1857)	36
<i>Edwards v. Aguillard</i> , 482 U.S. 578 (1987)	22, 23
<i>Everson v. Board of Education</i> , 330 U.S. 1 (1947)	14, 16, 38
<i>Fellowship of Humanity v. County of Alameda</i> , 153 Cal. App. 2d 673 (1957)	3, 10
<i>George v. United States</i> , 196 F.2d 445 (9th Cir. 1952)	9
<i>Ginsberg v. New York</i> , 390 U.S. 629 (1968)	31
<i>Hein v. Freedom From Religion Foundation</i> , 551 U.S. 587 (2007)	2
<i>Holloman v. Harland</i> , 370 F.3 1252 (11th Cir. 2004)	31

<i>Indiana Civil Liberties Union v. O'Bannon</i> , 259 F.3d 766 (7th Cir. 2001)	34
<i>Jagar v. Douglas County School</i> , 862 F.2d 824 (11th Cir. 1989)	32
<i>Kiobel v. Royal Dutch Petroleum Co.</i> , 621 F.3d 111 (2d Cir. 2010)	42
<i>Larkin v. Grendel's Den</i> , 459 U.S. 116 (1982)	34
<i>Lawrence v. Texas</i> , 539 U.S. 558 (2003)	31
<i>Lemon v. Kurtzman</i> , 403 U.S. 602 (1971)	22, 23
<i>Lee v. Weisman</i> , 505 U.S. 577 (1992)	23
<i>Lindell v. McCallum</i> , 352 F.3d 1107 (7th Cir. 2003)	4
<i>Liberty v. Nyquist</i> , 413 U.S. 756 (1973)	23
<i>Lynch v. Donnelly</i> , 465 U.S. 668 (1984)	37
<i>Malnak v. Yogi</i> , 592 F.2d 197 (3d Cir.1979)	4
<i>Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission</i> , 138 S. Ct. 1719 (2018)	23
<i>McCreary Cnty, Ky. v. ACLU of Ky.</i> , 545 U.S. 844 (2005)	23, 33
<i>Mitchell v. Helms</i> , 530 U.S. 793 (2000)	22, 38
<i>Mishkin v. State of New York</i> , 383 U.S. 502 (1966)	40

<i>Moore v. East Cleveland</i> , 431 U. S. 494 (1977)	32
<i>Ninth Circuit in Berman v. United States</i> , 156 F.2d 377 (9th Cir. 1946)	8
<i>Obergefell v. Hodges</i> , 135 S.Ct. 2584 (2015)	23, 24, 31
<i>Paris Adult Theatre I v. Slaton</i> , 413 US 49 (1973)	39
<i>Planned Parenthood v. Casey</i> , 505 U.S. 833 (1992)	43
<i>Plessy v. Ferguson</i> , 163 U.S. 537 (1896)	36
<i>Reynolds v. United States</i> , 98 U.S. 145 (1878)	4, 5, 14, 31, 43
<i>Real Alternatives, Inc. v. Secretary of Health & Human Services</i> , 150 F. Supp. 3d 419 (3d Cir. 2017)	4, 18
<i>Rosenberger v. Rector & Visitors of the Univ. of Va.</i> , 515 U.S. 819 (1995)	38
<i>Santa Fe Indep. Sch. Dist v. Doe</i> , 530 U.S. 290 (2000)	37
<i>Schlegel v. United States</i> , 416 F. 2d 1372 (Ct. Cl. 1969)	37
<i>School District of Abington Township, Pa. v. Schempp</i> , 374 U.S. 203 (1963)	14, 16
<i>School Dist. v. Ball</i> , 473 U.S. 373 (1985)	34
<i>Slaughter-House Cases</i> , 83 U.S. 36 (1873)	28
<i>Seminole Tribe of Fla. v. Florida</i> , 517 U.S. 44 (1996)	37
<i>St. Joseph Stock Yards Co. v. United States</i> ,	

298 U.S. 38 (1936)	37
<i>Theriault v. Silber</i> , 547 F.2d 1279 (5th Cir. 1977)	4
<i>Thomas v. Review Bd.</i> , 101 S.Ct. 1425 (1981)	4
<i>Torcaso v. Watkins</i> , 367 U.S. 488 (1961)	3, 10, 16
<i>Troxel v. Granville</i> , 530 U.S. 57 (2000)	32
<i>Trunk v. City of San Diego</i> , 629 F.3d 1099 (9th Cir. 2011)	25
<i>United States v. Kauten</i> , 133 F.2d 703 (2d Cir. 1943)	8
<i>United States v. Seeger</i> , 380 U.S. 163 (1965)	11, 13
<i>United States v. Macintosh</i> , 283 U.S. 605 (1931)	7
<i>United States v. Salerno</i> , 481 U. S. 739 (1987)	31
<i>United States v. Windsor</i> , 133 S.Ct. 2675 (2013)	31
<i>Wallace v. Jaffree</i> , 472 U.S. 38 (1985)	34
<i>Washington Ethical Society v. District of Columbia</i> , 101 U.S. App. D.C. 371 (D.C. Cir 1957)	3, 10
<i>Washington v. Glucksberg</i> , 521 U. S. 702 (1997)	31
<i>Wells v. City and County of Denver</i> , 257 F.3d 1132 (10th Cir. 2001)	4
<i>Welsh v. United States</i> , 398 U.S. 333 (1970)	

.....	13
<i>Zorach v. Clauson</i> ,	
343 U.S. 306 (1952)	
.....	10

Other Authorities

L. TRIBE, AMERICAN CONSTITUTIONAL LAW 826 (1978)	
.....	6, 14
Constitutional Definition of Religion, 91 HARV. L. REV. 1056 (1978)	
.....	6, 9, 12, 13, 14
50 U.S.C. § 456	
.....	8
P. JACOB, THE CONSCRIPTION OF CONSCIENCE: THE AMERICAN STATE AND THE CONSCIENTIOUS OBJECTOR, 1940-47 (1952)	
.....	8
Toms and Whitehead, The Religious Student in Public Education: Resolving a Constitutional Dilemma, 27 EMORY L.J. 3 (1978)	
.....	10
Blanshard, <i>Three Cheers for Our Secular State</i> , HUMANIST, Mar./Apr. 1976	
.....	10
50 U.S.C. § 456(J) (Supp. II 1972)	
.....	10
STAMHER, DEFINING RELIGION: FEDERAL AID AND ACADEMIC FREEDOM 1, RELIGION AND PUBLIC ORDER, 116, 147 (1964)	
.....	11
Konvitz, The Meaning of "Religion" in the First Amendment: The Torcaso Case, 1963 CATHOLIC WORLD 288, 289-90.	
.....	11
P. TILLICH, DYNAMICS OF FAITH (1958)	
.....	12
P. TILLICH, THE SHAKING OF THE FOUNDATIONS (1972)	
.....	12
Bowser, <i>Delimiting Religion in the Constitution: A Classification Problem</i> , 11 VAL. U.L. REV. 163 (1977)	
.....	13
Boyan, <i>Defining Religion in Operational and Institutional Terms</i> , 116 U. PA. L. REV. 479 (1968)	
.....	13
Clancy and Weiss, The Conscientious Objector Exemption: <i>Problems in Conceptual Clarity and Constitutional Considerations</i> , 17 ME.L. REV. 479 (1968)	
.....	13
Clark, <i>Guidelines for the Free Exercise Clause</i> , 83 HARV. L. REV. 327 (1969)	
.....	13
Killilea, <i>Standards for Expanding Freedom of Conscience</i> , 34 U. PRR. L. REV. 531 (1973)	
.....	13

Rabin, <i>When is a Religious Belief Religious: United States v. Seeger and the Scope of Free Exercise</i> , 51 CORNELL L.Q. 231 (1966)	13
Comment, <i>Defining Religion: Of God, the Constitution and the D.A.R.</i> , 32 U. CHI. L. REV. 533 (1965)	13
<i>Elimination of All Forms of Religious Intolerance</i> , U.N. Doc. A/8330 (1971)	13
Rabin, <i>When Is a Religious Belief Religious: United States v. Seeger and the Scope of Free Exercise</i> , 51 CORNELL L.Q. 231, 244 (1966)	13
EDUCATION AMENDMENTS CONFERENCE REPORT, REP. No. 1701, 94th Cong., 2d Sess. 211 (1976)	15
LITTLE, PIERCE AND THE RELIGION CLAUSES: SOME REFLECTIONS IN SUMMARY, FREEDOM AND EDUCATION: PIERCE V. SOCIETY OF SISTERS RECONSIDERED 69, 72 (D. Kommers & M. Wa-hoske eds. 1978)	15
<i>Humanistic Values in the Public School Curriculum: Problems in Defining an Appropriate "Wall of Separation,"</i> 61 NW. U.L. REV. 795 (1966)	16
KOLENDA, RELIGION WITHOUT GOD (1976)	16
AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE 1173 (W. Morris ed. 1973)	16
2 SHORTER OXFORD DICTIONARY ON HISTORICAL PRINCIPLES 1828 (1934)	17
G. HOLYOAKE, SECULARISM, THE PRACTICAL PHILOSOPHY OF THE PEOPLE (1845)	17
G.HOLYOAKE, LIFE OF HOLYOAKE SIXTY YEARS OF AN AGITATOR'S LIFE 293-94 (1906)	17
G. HOLYOAKE, THE HISTORY OF THE LAST TRIAL BY JURY FOR ATHEISM IN ENGLAND (M. O'Hair ed. 1972)	17
F. SCHAEFFER, THE GOD WHO IS THERE (1968)	17
H. BROWN, THE RECONSTRUCTION OF THE REPUBLIC 19 (1977)	17
J. SIRE, THE UNIVERSE NEXT DOOR 29 (1976)	17
Stacy Swimp, <i>LGBT Comparison of Marriage Redefinition to Historical Black Civil Rights Struggles is Dishonest and Manufactured</i> (March 7, 2014)	28

LIFE APPROPRIATION ACT	
.....	39
(UCMJ) 809.ART.90	
.....	41

I. INTRODUCTION

The Court should dismiss the Plaintiffs' eight count self-defeating complaint for lacking subject matter jurisdiction and because the Plaintiffs' complaint fails to state a claim upon which relief can be granted. The evidence shows that the paramount legal basis supporting the 2020 Trump Rule, which includes the so-called unrelated statutes for purposes of this brief, is the First Amendment Establishment Clause of the United States Constitution.¹ The 2020 Trump Rule is neutral and secular and does not violate the Establishment Clause of the First Amendment, whereas the 2016 Obama Rule is controversial and non-secular and violates the Establishment Clause from every angle. According to the testimonies of ex-gays, ex-transvestites, medical experts, persecuted Christians, and licensed ministers,² "sexual orientation" orthodoxy and "gender identity" ideology are doctrines, dogmas, mythologies that are inseparably linked to the religion of Secular Humanism.³ The 2016 Obama Rule was supremely unconstitutional in its making and enforcement because it failed all three prongs of the *Lemon* Test and, therefore, violated the Establishment Clause of the First Amendment by (1) constituting a non-secular sham that lacked a primary secular purpose, by (2) cultivating an indefensible legal weapon

¹ "The [2020] Trump] Rule eliminates the prohibitions on gender identity and sexual orientation discrimination in these regulations [85 Fed. Reg. at 37, 219-21, 37,247-48 (to be codified at 45 C.F.R. §§ 147.104(e), 155.120(c)(1)(ii), 155.220(j)(2)(i), 156.200(e), & 156.1230(b)(2) 42 C.F.R. §§ 438.3(d)(4), 438.206 (c)(2), and 440.262, 42 C.F.R. § 438.3(d)(4), 42 C.F.R. § 460.98(b)(3)]" all for the same reason - the Establishment Clause of the First Amendment requires that sexual orientation and gender identity be removed because their inclusion shows respect, endorsement, and favoritism towards the LGBTQ Secular Humanist religion.

² Decl. Alliance of Black and White Ex-Gays and Ex-Trans. ¶ 7; Decl. Pastor Penkoski ¶¶ 1-34; Decl. Lisa Boucher ¶¶ 1-10; Decl. Christian Resistance ¶¶ 1-21; Decl. Dr. Cretella ¶¶ 1-20; Decl. Dr. King ¶¶ 1-20.

³ Secular Humanism is also commonly referred to postmodern western individualistic moral relativism, expressive individualism, or the religion of wokeness.

<https://podcasts.apple.com/us/podcast/ep-1024-the-religion-of-wokeness/id1047335260?i=1000476823217>

against non-observers of the religion of Secular Humanism, and by (3) serving to excessively entangle the government with the religion of Secular Humanism, as advocated by the LGBTQ cult.⁴ The 2016 Obama Rule cannot be reinstated because it fails all three prongs of *Lemon*, whereas the 2020 Trump Rule aligns with what the Establishment Clause requires.

II. THE 2016 OBAMA RULE VIOLATED THE ESTABLISHMENT CLAUSE OF THE FIRST AMENDMENT WHEREAS THE TRUMP 2020 RULE DOES NOT

“The Establishment Clause of the First Amendment to the United States Constitution declares: “[The Government] shall make no law respecting an establishment of religion.” U.S. Const. amend. I.” (DE # 1 ¶ 293). “The Establishment Clause prohibits the government from favoring one religion over another, or religion over non-religion.” *Id.*⁵ One of the paramount duties of this Honorable Court is to determine the trajectory of the First Amendment. Justice Scalia repeatedly said that the most under-developed area of the law is Establishment Clause jurisprudence, and this *Amici* brief will help cure that. Preliminarily, it is important for *Amici* to

⁴ The Plaintiffs contend that the language of the 2020 Trump Rule should revert back to the language of the 2016 Obama Rule by relying on the recent decision in *Bostock v. Clayton Cty., Ga.*, 590 U.S. ___, 2020 WL 3146686 (2020). (DE # 1 ¶ 96). The Plaintiffs accuse the Defendants of lacking an adequate legal basis for modifying the rule, alleging that the Defendants adjusted the Rule based on a single district court ruling out of Texas. (DE # 1 ¶ 13). The legal basis that commands that the 2020 Trump Rule replace the 2016 Obama Rule is the First Amendment Establishment Clause because the language of 2016 Obama Rule, which included the doctrines of sexual orientation and gender identity, caused the Rule to violate the Establishment Clause by putting the religion of Secular Humanism over non-religion. The 2016 Obama Rule was non-secular and controversial, whereas the 2020 Trump Rule is secular and neutral. The Establishment Clause requires that the Government view men as men and women are women. The Free Exercise Clause allows the Plaintiffs to pretend that they are not.

⁵ HHS is part of the executive branch and the Establishment Clause applies just as equally to Executive Branch expenditures as it does to legislative exercises of the Taxing and Spending Power, to permit Executive Branch use of appropriated funds to accomplish an unconstitutional end would mean that “Establishment Clause protection would melt away.” (Souter, J., dissenting). *Hein v. Freedom From Religion Foundation*, 551 U.S. 587, 640 (2007) (Souter, J., dissenting).

establish that (1) Secular Humanism is a religion for the purposes of the First Amendment Establishment Clause, that (2) the LGBTQ cult is a non-secular religious organization that is inseparably linked to the religion of Secular Humanism, and that (3) “gender identity” ideology and “sexual orientation” orthodoxy are doctrines that flow directly out of the religion of Secular Humanism in a manner that is barred from government’s respect, endorsement, favoritism, and recognition under the Establishment Clause for the very reasons set forth in the Plaintiffs’ self-defeating complaint. (See DE # 1 ¶¶ 291 -302).

Yet, the first question to answer is what is religion? According to religious experts, all religion amounts to is a set of unproven answers to the greater questions like why are we here, what gives us identity, what should we be doing as humans, and what happens after death.⁶ The evidence shows that the Establishment Clause of the First Amendment was not merely designed to stop the government from recognizing the edicts of institutionalized religions, but it was also designed - if not more so - to prohibit the government from respecting the doctrines of non-institutionalized religions, like LGBTQ Secular Humanism. *Id.*⁷ The *Amici*’s did not come up with the idea that Secular Humanism is a religion for the purposes of the First Amendment Establishment Clause. The Supreme Court and just about all of the Courts of appeals did.⁸ The

⁶ (Decl. Coalition of Multi-Racial Pastors ¶ 2)

⁷ The fact of the matter is that it takes a huge amount of religious faith to believe that mankind is just a bundle of accidental particles, animated pieces of meat, or a bundle of chemicals or that there is no design or higher law at work. Countless religious experts have acknowledged that “irreligion” is “religion,” that a “critic of religion” is “a new religion.”

⁸ The United States Supreme Court already found that Secular Humanism is a religion for the purposes of the First Amendment Establishment Clause in *Torcaso v. Watkins*, 367 U.S. 488, n. 11 (1961), stating “among religions in this country which do not teach what would generally be considered a belief in the existence of God are Buddhism, Taoism, Ethical Culture, Secular Humanism, and others. See *Washington Ethical Society v. District of Columbia*, 249 F.2d 127, 101 U.S. App. D.C. 371 (D.C. Cir 1957); *Fellowship of Humanity v. County of Alameda*, 153 Cal.App.2d 673, 315 P.2d 394 (1957); II Encyclopaedia of the Social Sciences 293; 4

Amici begin their analysis on the procedural history of Secular Humanism being recognized as a religion by the Courts.

A. LEGAL PROCEDURAL HISTORY CONCERNING SECULAR HUMANISM

1. From 1776 to 1940s Religion Involved Theism

The Supreme Court did not undertake an extended interpretive examination of the religion clauses of the First Amendment until the 1870's. Prior to that time "religion" was assumed to be theism. However, the heated controversy concerning the Mormon Church forced the Supreme Court to define "religion" in *Reynolds v. United States*, 98 U.S. 145 (1878). Congress passed a law making bigamy a criminal offense in any territory under the jurisdiction of the federal government. *Reynolds*, 18. 98 U.S.at 146. The legislation was clearly aimed at the Mormon practice of polygamy, which conflicted with Christian theism's tenet of monogamy. See R. MORGAN, *THE SUPREME COURT AND RELIGION* 40-44 (1972). George Reynolds, a Mormon, was indicted and convicted of bigamy. *Id.* at 146. Mr. Reynolds claimed the right to practice polygamy, a tenet of faith in his religion, as a guarantee of the First Amendment Free Exercise Clause. *Id.* at 161-62. The Supreme Court replied that:

Laws are made for the government of actions, and while they cannot interfere with mere religious belief and opinions, they may with practices. Suppose one believed that human sacrifices were a necessary part of religious worship, would it be seriously contended that the civil government under which he lived could not interfere to prevent a sacrifice. . . .

Encyclopaedia Britannica (1957 ed.) 325-327; 21 *id.*, at 797; Archer, *Faiths Men Live By* (2d ed. revised by Purinton), 120-138, 254-313; 1961 *World Almanac* 695, 712; *Year Book of American Churches for 1961*, at 29, 47." Most of the Federal Court of appeals have also already found that Secular Humanism is a religion for the purpose of the First Amendment Establishment Clause in cases such as *Malnak v. Yogi*, 592 F.2d 197, 200-15 (3d Cir.1979); *Theriault v. Silber*, 547 F.2d 1279, 1281 (5th Cir. 1977); *Thomas v. Review Bd.*, 450 U.S. 707, 714, 101 S.Ct. 1425, 67 L.Ed.2d 624 (1981); *Lindell v. McCallum*, 352 F.3d 1107, 1110 (7th Cir. 2003); *Real Alternatives, Inc. v. Se'y Dep 't of Health & Human Ser*, 150 F. Supp. 3d 419, 2017 WL3324690 (3d Cir. Aug. 4, 2017); and *Wells v. City and County of Denver*, 257 F.3d 1132, 1148 (10th Cir. 2001). (See also the Decl. of Multi-Racial Pastors ¶¶ 2-3)

So here, as a law of the organization of a society under the exclusive dominion of the United States, it is provided that plural marriages shall not be allowed. Can a man excuse his practices to the contrary because of his religious belief? To permit this would be to make the professed doctrines of religious belief superior to the law of the land, and in effect to permit every citizen to become a law unto himself. Government could exist only in name under such circumstances. *Reynolds*, 98 U.S. at 166-167.

The Supreme Court upheld the Act's constitutionality and established some general theistic guidelines by which the religious clauses would be interpreted. *Id.* at 166. *Reynolds* laid the seed for the belief-action dichotomy which persists today within the Free Exercise Clause. *Reynolds* was the first decision in which the Supreme Court restricted religious freedom to "mere belief and opinions," by declaring that "[C]ongress was deprived of all legislative power over mere opinion, but was left free to reach actions which were in violation of social duties or subversive of good order....." The Supreme Court in *Reynolds* presupposed that the United States was a Christian nation that supported traditional theistic tenets.

The *Reynolds* rationale has great First Amendment implications when it is realized that the traditional theistic religious practices that the *Reynolds* court presupposed were entitled to First Amendment protection have now judicially been reduced to "mere opinion" or "belief," which has implications for both the Free Exercise Clause and the Establishment Clause. Yet, *Reynolds* also signaled that traditional theism, and, in particular, Christianity, has lost its historically-preferred position.

The Mormon cases following *Reynolds* represent no substantial departure or addition to the reasoning of *Reynolds*. Eleven years after *Reynolds* the Supreme Court, in *Davis v. Beason*, 133 U.S. 333 (1890) elaborated significantly upon the religion clauses. The Supreme Court held that the Mormon appellant's "opinions" concerning polygamy were not religious tenets, and that not only the practice, but also the teaching or counseling of polygamy constituted criminal

actions. The importance of *Davis* lies in the Supreme Court's definition of the term "religion" and its reaffirmation of traditional Christian theism. The Supreme Court held:

The term 'religion' has reference to one's views of his relations to his Creator, and to the obligations they impose for reverence for his being and character, and of obedience to his will. It is often confused with the cultus or form of worship of a particular sect, but it is distinguishable from the latter. . . . It was never intended or supposed that the [first] amendment could be invoked as a protection against the legislation for the punishment of acts inimical to the peace, good order and morals of society. . . . However free the exercise of religion may be, it must be subordinate to the criminal laws of the country passed with reference to actions regarded by general consent as properly the subjects of punitive legislation. . . . Probably never in the history of this country has it been seriously contended that the whole punitive power of the government for acts, recognized by the general consent of the Christian world in modern times as proper matters for prohibitory legislation, must be suspended in order that the tenets of a religious sect encouraging crime may be carried out without hinderance. *Davis*, 133 U.S. at 342 - 343.

Again the Supreme Court was equating "religion" with theism, and drawing from theism its absolute monogamy standard. *Davis* provides a very appropriate example of the predominant judicial image of religion which stressed traditional elements like theologies, sacraments, and above all, worship of a deity.⁹

Referring to *Davis*, Harvard law professor, Lawrence Tribe stated that "at least through the nine-teenth century, religion was given a fairly narrow reading . . . 'religion' referred to theistic notions respecting divinity, morality, and worship..." L. TRIBE, AMERICAN CONSTITUTIONAL LAW 826 (1978). Religion, as defined in *Davis*, involves a belief in a "Creator," which, the Supreme Court held, imposes certain obligations upon each individual to obey the will of the "Creator," or Supreme Being. This definition of religion mirrors that understood by James Madison, and those within the historical milieu that drafted the First Amendment,¹⁰ and is, therefore, both historically and constitutionally accurate. Moreover, the

⁹ See Constitutional Definition of Religion, 91 HARV. L. REV. 1056, *supra* note 1060 (1978).

¹⁰ See note 31 *supra* and accompanying text.

Supreme Court's definition corresponds with American religious heritage and was applicable to a society overwhelmingly dominated by theistic Christianity. This non-sectarian definition, applied to a Judeo-Christian society, is clearly compatible with the First Amendment religion clauses.¹¹

To summarize, the Supreme Court in *Reynolds* and *Davis* basically established three things (1) religion involves a deity, (2) citizens can believe whatever they want, and (3) the legislature can pass laws based on Christian morality, prohibiting any pagan religious practice that is self-evidently barbaric and in opposition to Christian morality, but the government cannot mandate belief in Christianity. The Supreme Court was essentially acknowledging the fact that without faith, there is no basis for morality and without morality, there is no basis for law, asserting that America is unofficially a Christian Nation without requiring a belief in the merits of Christian doctrine.

2. From The 1940s Forward - Religion Includes Theism and Non-theism

Beginning in the 1940's, traditional theistic religion came under increasing attack. The federal courts began to broaden and diversify the definition of "religion," until by the end of the 1960's the judicial definition of religion was altered from sustenance of belief-belief in and obligation owed to the "Creator" to the impact of the belief on the life of the person expressing and holding it. The judicial transformation of "religion" corresponds to the change that was taking place in a previously theistic society. Society's basis of truth was shifting from traditional theism's emphasis on God-centeredness to Secular Humanism's emphasis on man-centeredness, with the result being that the finite man of society ignores the absolutes revealed by God and instead relies upon the rationalization of his own mind.

¹¹ Following the *Davis*, the Supreme Court rendered a decision in *United States v. Macintosh*, 283 U.S. 605 (1931) that served to reinforce *Davis*.

The signaled departure from theistic religion came in *United States v. Kauten*, 133 F.2d 703 (2d Cir. 1943).¹² *Kauten* sought exemption from military service as a conscientious objector. He argued that as a matter of "religious conscience" he could not take up arms to defend the United States but admitted that his position was not based upon a "belief in Deity."¹³

The Second Circuit accepted Kauten's assertion that his belief was a "religion" by stating that:

Religious belief arises from a sense of the inadequacy of reason as a means of relating the individual to his fellow men and to his universe a sense common to men in the most primitive and the most highly civilized societies....It is a belief finding expression in a conscience which categorically requires the believer to disregard elementary self-interest and to accept martyrdom in preference to transgressing its tenets....[Conscientious objection] may justly be regarded as a response of the individual to an inward mentor, call it conscience or God, that is for many persons at the present time the equivalent of what has always been thought a religious impulse.¹⁴

¹² *United States v. Kauten*, 133 F.2d 703, 708 (2d Cir. 1943). Interpreting the same statute, the Ninth Circuit in *Berman v. United States*, 156 F.2d 377 (9th Cir. 1946), cert. denied, 329 U.S. 795 (1946), again restated the traditional definition of religion. The court held that "religious training and belief" is something apart from conscience or "high moralistic philosophy." 156 F.2d at 380. In his dissent, Judge Denman argued for the more expansive concept of religion. He said: [Many of the great religious faiths with hundreds of millions of followers have no God It is wrong to say that 'a sincere devotion to a moralistic philosophy' is inconsistent with 'a belief in his responsibility to an authority higher and beyond any earthly one,' if that supernatural authority is confined to a belief in a particular god. This would exclude all Taoist China and in the Western world all believers in Comte's religion of humanism in which humanity is exalted into the throne occupied by a supreme being in monotheistic religions. Id. at 384. A similar result as that of *Berman* was had in *George v. United States*, 196 F.2d 445 (9th Cir. 1952).

¹³ Id. at 705, 707. The *Kauten* court was interpreting the Selective Training and Service Act, 50 U.S.C. § 456(J)(Supp. 11 1972). See generally P. JACOB, THE CONSCRIPTION OF CONSCIENCE: THE AMERICAN STATE AND THE CONSCIENTIOUS OBJECTOR, 1940-47 (1952).

¹⁴ *United States v. Kauten*, 133 F.2d 703, 708 (2d Cir. 1943). Interpreting the same statute, the Ninth Circuit in *Berman v. United States*, 156 F.2d 377 (9th Cir. 1946), cert. denied, 329 U.S. 795 (1946), again restated the traditional definition of religion. The court held that "religious training and belief" is something apart from conscience or "high moralistic philosophy." 156 F.2d at 380. In his dissent, Judge Denman argued for the more expansive concept of religion. He said

"[Many of the great religious faiths with hundreds of millions of followers have no God It is wrong to say that 'a sincere devotion to a moralistic philosophy' is inconsistent with 'a belief in

The *Kauten* decision represents an intense and dramatic shift in emphasis. Whereas *Davis* saw religion as relating man to God, *Kauten* examined the relationship of man to the broad universe and to other men. Where most courts had considered the external attributes of a denomination, its dogma, doctrines, and creeds, the Second Circuit focused on the psychological function of the belief in the life of the individual.¹⁵

Although *Kauten* concerned the interpretation of the Selective Service Act of 1940, beginning with *United States v. Ballard*, 322 U.S. 78 (1944), the courts began to shift their inquiry and analysis of "religion." In *Ballard*, the Supreme Court held that the truth or verity of a person's religious doctrines or beliefs could not be considered by a judge or jury without running afoul of the First Amendment. *Ballard*, 322 U.S. at 86. The Supreme Court concluded that only the particular adherent's sincerity of belief may be examined:

[Freedom of religion] embraces the right to maintain theories of life and of death and of the hereafter which are rank heresy to followers of the orthodox faiths. . . . Men may believe what they can't prove. They may not be put to the proof of their religious doctrines or beliefs. Religious experiences which are real as life to some may be incomprehensible to others. *Ballard* at 87-88.

In *Ballard* the Supreme Court made it clear that the classification of a "belief" as religion does not depend upon the tenets of the creed, but rather upon the sincerity of the belief.

"Consequently, the characterization of a belief as religious would seem to be beyond the competence of anyone other than the adherent."¹⁶ Thus, the Supreme Court has adopted a

his responsibility to an authority higher and beyond any earthly one,' if that supernatural authority is confined to a belief in a particular god. This would exclude all Taoist China and in the Western world all believers in Comte's religion of humanism in which humanity is exalted into the throne occupied by a supreme being in monotheistic religions." *Id.* at 384. A similar result as that of *Berman* was had in *George v. United States*, 196 F.2d 445 (9th Cir. 1952).

¹⁵ See *Constitutional Definition*, *supra* note 12, at 1061.

¹⁶ See *Constitutional Definition*, *supra* note 12, at 1063.

concept of religion which is tantamount to Secular Humanism's position of the centrality of man, because the basis of both is the deification of man's reason.¹⁷

The conceptual framework of religion as "belief" was enhanced by the Supreme Court's 1961 decision of *Torcaso v. Watkins*, 367 U.S. 488 (1961). In *Torcaso*, a unanimous Supreme Court held that it was unconstitutional for Maryland to require a declaration of belief in God as a condition to becoming a notary public because it placed the state "on the side of one particular sort of believers."¹⁸ The Supreme Court held that this provision of the Maryland constitution invaded *Torcaso's* "freedom of belief and religion" because the Establishment Clause prevents the government from forcing a person to profess a belief or disbelief in any religion, aid any religion, oppose non-believers, or aid theistic' faiths¹⁹ against non-theistic faiths.²⁰ The Supreme Court's continual dilution and dichotomization of "religion," represents the stark turnabout that

¹⁷ In *Zorach v. Clauson*, 343 U.S. 306 (1952), the Court upheld off-campus release-time programs in public schools. The Court stated that "we are a religious people whose institutions presuppose a Supreme Being." *Id.* at 313. See also Toms and Whitehead, *The Religious Student in Public Education: Resolving a Constitutional Dilemma*, 27 EMORY L.J. 3 (1978). Several decisions were rendered in the mid-1950's which involved humanist organizations seeking tax exemption as religious institutions. *Washington Ethical Society v. District of Columbia*, 249 F.2d 127 (D.C. Cir. 1957); *Fellowship of Humanity v. County of Alameda*, 153 Cal. App. 2d 673, 315 P.2d 394 (1957). The courts avoided the constitutional question by construing the applicable statutes to include non-theistic groups and interpreting "religion broadly in terms of the social function of the group rather than the context of its beliefs." *Id.* at 406. See also Galanter, *Religious Freedom in the United States: A Turning Point?*, 1966 Wis. L. REv. 217 (1966).

¹⁸ *Id.* at 490. Article 37 of the Declaration of Rights of the Maryland Constitution reads: "[N]o religious test ought ever be required as a qualification for any office of profit or trust in this State, other than a declaration of belief in the existence of God.... MARYLAND CONSTITUTION, art. 37.

¹⁹ The Court considered theistic faiths as "those religions based on a belief in the existence of God." *Torcaso v. Watkins*, 367 U.S. 488, 495 (1961).

²⁰ *Id.* at 495-96. The opinion did not reveal whether or not *Torcaso* had any beliefs or religion. One commentator has stated, however, that *Torcaso* was a "Secular Humanist." Blanshard, *Three Cheers for Our Secular State*, HUMANIST, Mar./Apr. 1976, at 17, 22.

has occurred since the *Davis* decision.²¹ In the Supreme Court's view, the humanistic belief of deifying the individual and the rationalization of Man's mind qualifies as a religion. The "Creator" spoken of in *Davis* has taken on new rivals, which in the eyes of the judiciary are his equal. The *Torcaso* court was specific in the beliefs it identified as religious:

Among religions in this country which do not teach what would generally be considered a belief in the existence of God are Buddhism, Taoism, Ethical Culture, Secular Humanism and others.²²

Torcaso was the first Supreme Court decision to identify and accept "Secular Humanism" as a "religion." Although the Supreme Court did not define "Secular Humanism," it is clear that Secular Humanism is a religious belief system subject to First Amendment protection and prohibition. In 1965 the Supreme Court entered a final stage in defining religious belief, wherein "religion" and "conscience" are merged. In *United States v. Seeger*, 380 U.S. 163 (1965), the Supreme Court upheld the conscientious objector status of three men, despite the fact that their religious beliefs did not conform to the concept of religion as defined in section 6(j) of the Universal Military Training and Service Act of 1948. Patently, the Act only granted exemptions to objectors whose religion was directly related to their belief in a Supreme Being. 50 U.S.C. § 456(J) (Supp. II 1972). The Supreme Court examined the legislative history of the Act and concluded that Congress had intentionally provided a broad definition of "religion." The Supreme Court reasoned that Congress' utilization of the term "Supreme Being," rather than the term "God," indicated their intent to broaden the meaning of the word "religion."²³

²¹ STAMHER, DEFINING RELIGION: FEDERAL AID AND ACADEMIC FREEDOM 1, RELIGION AND PUBLIC ORDER, 116, 147 (1964); Konvitz, The Meaning of "Religion" in the First Amendment: The *Torcaso* Case, 1963 CATHOLIC WORLD 288, 289-90.

²² *United States v. Seeger*, 380 US 163, 495 n.11 (1965)

²³ *Seeger*, 380 U.S. 163 at 175.

The Supreme Court attempted to define "Supreme Being" by consulting several progressive theologians,²⁴ most notably, Paul Tillich. Tillich's view is that the essence of religion is "ultimate concern,"²⁵ and therefore, religion is itself "ultimate concern." Further, Tillich postulates that the term "God" does not define religion, but it is "ultimate concern."²⁶ Tillich's thesis is that "the concern of any individual can be ranked, and that if we probe deeply enough, we will discover the underlying concern which gives meaning and orientation to a person's whole life."²⁷ Under the belief as ultimate concern as religion theory proffered by Tillich, everybody has a religion. Obviously, Tillich's theory minimizes the importance of a belief in Yahweh (YHWH), the God of the Bible. With dependence upon Tillich and the progressive theologians, the Supreme Court determined that a belief is valid if it is "sincere and meaningful [and it] occupies a place in the life of its possessor parallel to that filled by the orthodox belief in God of one who clearly qualifies for the exemption. Where such beliefs have parallel positions in the lives of their respective holders we cannot say that one is 'in relation to a Supreme Being' and the other is not." *Seeger*, 380 U.S. at 166. Therefore, a "belief" is

²⁴ Those authorities consulted included; Paul Tillich, John A. T. Robinson, Bishop of Woolwich, the Scheme of the Ecumenical Council, Vatican II, and Dr. David Saville Muzzey of the Ethical Culture. *Id.* at 163, 180-83. (Decl. Coalition of Multi-Racial Pastors ¶ 2).

²⁵ P. TILlich, *DYNAMICS OF FAITH* 1-2 (1958) (hereinafter referred to as TILlich). (Decl. Coalition of Multi-Racial Pastors ¶ 2).

²⁶ Tillich states: The name of this infinite and inexhaustible depth and ground of all being is God. That depth is what God means. And if that word has not much meaning for you, translate it, and speak of the depth of your life, of the source of your being, of your ultimate concern, of what you take seriously without any reservation. Perhaps, in order to do so, you must forget everything traditional that you have learned about God, perhaps even the word itself. For if you know that God means depth, you know much about him. You cannot then call yourself an atheist or unbeliever. For you cannot think or say: Life has no depth! Life is shallow. Being itself is surface only. If you could say this in complete seriousness, you would be an atheist; but otherwise you are not. He who knows about depth knows about God. P. TILlich, *THE SHAKING OF THE FOUNDATIONS* 63-64 (1972). (Decl. Coalition of Multi-Racial Pastors ¶ 2).

²⁷ See *Constitutional Definition*, *supra* note 12, at 1066.

constitutionally protected if it is in a "parallel position" to that of a belief in the traditional theistic concept of God.²⁸ (Decl. Coalition of Multi-Racial Pastors ¶ 2)

The *Seeger* decision defined religion as all sincere beliefs "based upon a power or being, or upon a faith, to which all else is subordinate or upon which all else is ultimately dependent."²⁹ Thus, according to *Seeger*, "religion" includes atheists and agnostics, as well as adherents to traditional theism.³⁰ The logical conclusion from the *Seeger* decision is that "[a]bsolute vertical disbelief in the traditional sense - disbelief in God - is irrelevant" ³¹ to First Amendment considerations. In other words, belief or disbelief in the traditional theistic view of God (Creator) is no longer relevant. The conclusion is that a "belief" is a constitutionally protectable religion only if it parallels a belief in traditional theism and does not rest "solely" upon practical

²⁸ *Id.* See generally Bowser, *Delimiting Religion in the Constitution: A Classification Problem*, 11 VAL. U.L. REV. 163 (1977); Boyan, *Defining Religion in Operational and Institutional Terms*, 116 U. PA. L. REV. 479 (1968); Clancy and Weiss, *The Conscientious Objector Exemption: Problems in Conceptual Clarity and Constitutional Considerations*, 17 ME.L. REV. 479 (1968); Clark, *Guidelines for the Free Exercise Clause*, 83 HARV. L. REV. 327 (1969); Killilea, *Standards for Expanding Freedom of Conscience*, 34 U. PRR. L. REV. 531 (1973); Rabin, *When is a Religious Belief Religious: United States v. Seeger and the Scope of Free Exercise*, 51 CORNELL L.Q. 231 (1966); Comment, *Defining Religion: Of God, the Constitution and the D.A.R.*, 32 U. CHI. L. REV. 533 (1965). (Decl. Coalition of Multi-Racial Pastors ¶ 2)

²⁹ *Seeger* at 176. In *Welsh v. United States*, 398 U.S. 333 (1970), the Supreme Court extended the *Seeger* rationale and held "that purely ethical and moral considerations were religious." The Supreme Court further blurred the distinction between religion and morality by holding that a sincere person may be denied an exemption only if his belief or belief system does "not rest upon and invade ethical or religious principles, but instead rests solely upon considerations of policy, pragmatism or expediency." *Id.* at 342-43.

³⁰ Comments one writer: The Supreme Court's expansive approach parallels evolving notions of religious toleration developing in the international community. For example, the United Nations Commission on Human Rights has defined "religion or belief" as including "theistic, non-theistic, and atheistic beliefs." *Elimination of All Forms of Religious Intolerance*, U.N. Doc. A/8330 (1971) (draft convention). See *Constitutional Definition*, *supra* note 12, at 1065 n.59.

³¹ Rabin, *When Is a Religious Belief Religious: United States v. Seeger and the Scope of Free Exercise*, 51 CORNELL L.Q. 231, 244 (1966) (hereinafter referred to as Rabin).

or expedient policies. The definition of religion as belief is a radical departure from the historical definition of religion as used in traditional theism. Furthermore, the judicial definition of religion as belief is a sharp break with the early Supreme Court cases that defined religion as Man's relationship to his Creator.³² From a preferred position within the religion clauses, traditional theism has been relegated to the level of all other belief systems. (Decl. Coalition of Multi-Racial Pastors ¶ 2).

B. THE ESTABLISHMENT CLAUSE AS IT RELATES TO SECULAR HUMANISM

In 1878 the Supreme Court in *Reynolds v. United States*, 98 U.S. 145 (1878) framed the Free Exercise clause in terms of a belief-action dichotomy and held that religious beliefs and opinions are absolute and protected, whereas religious action is not. Justice Rutledge, dissenting in *Everson v. Board of Education*, 330 U.S. 1 (1947) of the Township of Ewing stated:

"Religion" appears only once in the [First] Amendment. But the word governs two prohibitions and governs them alike. It does not have two meanings, one narrow to forbid "an establishment" and an other, much broader, for securing "the free exercise thereof."³³

It follows then that what the Free Exercise Clause protects, the Establishment Clause prohibits when such establishment is government-sponsored. Therefore, in considering belief-as-religion, if the government in any way sponsors, finances or becomes actively involved in the promotion of a religion, a "sincere belief" of "ultimate concern," then such state action violates the Establishment Clause. Secular Humanism, being no less a religion than theism, is equally susceptible to the Establishment Clause, and its expression, in any form, is clearly

³² *Davis*, 133 U.S. 333 at 341.

³³ Id. at 32. "At the time the first amendment was adopted, the establishment and free exercise clauses were probably compatible, even complementary." *Constitutional Definition*, supra note 12, at 1083. Professor Tribe states that to "the Framers, the religion clauses were at least compatible and at best mutually supportive." L. TRIBE, supra note 87, at 814.

unconstitutional. As Justice Clark stated in *School District of A Bington Township, Pa. v. Schempp*, 374 U.S. 203, 225 (1963):

[T]he State may not establish a "religion of secularism" in the sense of affirmatively opposing or showing hostility to religion, thus "preferring those who believe in no religion over those who do believe."³⁴

The prohibition against the State establishing a "religion of secularism" was strengthened in *Torcaso v. Watkins*, 367 U.S. at 495 n.11 in which the Supreme Court recognized that the First Amendment grants the same protection and imposes the same limitations on the religion of Secular Humanism as are applicable to theism. Therefore, it logically follows that the government is prohibited from establishing non-theistic or secular ideologies under the same authority as it is prohibited from establishing theistic practices.

Historically speaking, the First Amendment implications of the broad view of belief-as-religion applied in the public education system have been far-reaching.³⁵ Not only is the

³⁴ In seeming accord with the Supreme Court's mandate against the establishment of the "religion of secularism" in the context of public education, an amendment was appended to the Higher Education Amendments of 1976 which stated: "No grant, contract, or support is authorized under the foreign studies and language development portions of Title II of the bill [amendment to the National Defense Education Act] for any educational program, curriculum research and development, administrator-teacher orientation, or any project involving one or more students or teacher-administrators involving any aspect of the religion of secular humanism." 122 CONGRESSIONAL RECORD H 4,317-19 (daily ed. May 12, 1976). The amendment, offered by former Representative John B. Conlan (R-Arizona), passed the House by a roll-call vote of 222 ayes, 174 notes. *Id.* at 4318. A similar provision was not included in the Senate version of the Higher Education Amendments of 1976, and House-Senate conferees on the legislation later dropped the amendment from the final version of the act signed by the President. See EDUCATION AMENDMENTS CONFERENCE REPORT, REP. No. 1701, 94th Cong., 2d Sess. 211 (1976). The humanists' reaction to the Conlan amendment was both vehement and emotionally tinged. See, e.g., *The Evangelical Right: The Attack on Secular Humanism*, HUMANIST, Sept./Oct. 1976.

³⁵ LITTLE, PIERCE AND THE RELIGION CLAUSES: SOME REFLECTIONS IN SUMMARY, FREEDOM AND EDUCATION: PIERCE V. SOCIETY OF SISTERS RECONSIDERED 69, 72 (D. Kommers & M. Wa-hoske eds. 1978). See generally, Comment,

government forbidden to establish a religion in the public school system, but the government is also prohibited from establishing religion through any of its governmental organs. This would include the court systems, legislative bodies, and executive agencies.

In the instant case, the Plaintiffs want the 2016 Obama Rule in place because they want the Government to establish "religion without God"³⁶ over non-religion, knowing that "sexual orientation" and "gender identity" are religious constructs that flow directly out of Secular Humanism.³⁷ The Supreme Court has recognized this "religion without God," like the one promoted by the LGBTQ cult, as the "religion of secularism." See *Schempp*, 374 U.S. 203 at 225. The Supreme Court, however, has mandated government's religious "neutrality."³⁸ The government's neutrality supposedly means that the government is to prefer no religion or religious group over and above another religion or group. *Torcaso* at 495. This means that the 2020 Trump Rule is constitutionally sound because it is neutral towards religion, whereas the 2016 Obama Rule is unconstitutional because it lacks religious neutrality.

C. SECULAR HUMANISM - A DEFINITION

The word "secular" by definition refers to "the temporal rather than the spiritual."³⁹ "Secularism" is a doctrinal belief that morality is based solely in regard to the temporal well-being of mankind to the exclusion of all belief in God, a supreme being, or a future eternity.

Humanistic Values in the Public School Curriculum: Problems in Defining an Appropriate "Wall of Separation," 61 Nw. U.L. REV. 795 (1966).

³⁶ KOLENDA, RELIGION WITHOUT GOD (1976).

³⁷ Decl. Alliance of Black and White Ex-Gays and Ex-Trans. ¶ 7; Decl. Dr. Cretella ¶¶ 1-20; Decl. Dr. King ¶¶ 1-20

³⁸ See, e.g., *Schempp* at 222, (wherein the Court speaks of a "wholesome 'neutrality.'" *Everson*, 330 U.S. at 18.

³⁹ AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE 1173 (W. Morris ed. 1973) (Decl. Coalition of Multi-Racial Pastors ¶ 3).

⁴⁰ "Humanism" is a philosophy or attitude that is concerned with human beings, their achievement and interests, and the condition or quality of being human, rather than with the abstract beings and problems of theology.⁴¹ "Secularism" is nontheistic and "humanism" is secular because it excludes the basic tenets of theism. Therefore, Secular Humanism is nontheistic. However, while Secular Humanism is nontheistic, it is religious because it directs itself toward religious beliefs and practices that are in active opposition to traditional theism.⁴²

⁴⁰ 2 SHORTER OXFORD DICTIONARY ON HISTORICAL PRINCIPLES 1828 (1934). Secularism has been defined as "The view that consideration of the present well going of mankind should predominate over religious considerations in civil affairs or public education." Id. (Decl. Coalition of Multi-Racial Pastors ¶ 3).

⁴¹Id. at 640 (definition of Humanism). One of the earliest writers discussing secularism was George Holyoake. It was in 1845 that he defined "secularism" as the doctrine that morality should be based solely in regard to the well-being of mankind in the present life, to the exclusion of all considerations drawn from belief in God or in a future existence beyond death. See generally G. HOLYOAKE, SECULARISM, THE PRACTICAL PHILOSOPHY OF THE PEOPLE (1845). Moreover, Holyoake envisioned secularism as being "independent of theistical or other doctrine" rather than as atheistic or anti-theological in attempts to avoid being characterized himself as an atheist. G. HOLYOAKE, LIFE OF HOLYOAKE SIXTY YEARS OF AN AGITATOR'S LIFE 293-94 (1906). Holyoake attempted to illustrate such independence with his "house" analogy: [A] man could judge a house as to its suitability of situation, structure, surroundings, and general desirableness, without ever knowing who was the architect or landlord; and if as occupant, he received no application for rent, he ought in gratitude to keep the place in good repair. So it is with this world. It is our dwelling place. We know the laws of sanitation, economy, and equity, upon which health, wealth, and security depend. All these things are quite independent of any knowledge of the origin of the universe or the owner of it. And as no demands are made upon us in consideration of our tenancy, the least we can do is to improve the estate as our acknowledgement of the advantage we enjoy. This is Secularism. Id. at 294. Cf. G. HOLYOAKE, THE HISTORY OF THE LAST TRIAL BY JURY FOR ATHEISM IN ENGLAND (M. O'Hair ed. 1972). Holyoake's view, of course, is contrary to traditional biblical theism. E.g., F. SCHAEFFER, THE GOD WHO IS THERE (1968).

⁴² H. BROWN, THE RECONSTRUCTION OF THE REPUBLIC 19 (1977). J. SIRE, THE UNIVERSE NEXT DOOR 29 (1976) (hereinafter referred to as SIRE). Sire comments: We can summarize this conception of man in God's image by saying that, like God, man has personality, self-transcendence, intelligence (the capacity for reason and knowledge), morality (the capacity for recognizing and understanding good and evil), gregariousness or social capacity (man's characteristic and fundamental desire and need for human companionship-community especially represented by the 'male' and 'female' aspect) and creativity (the ability to imagine new things or to endow old things with human significance). (Decl. Coalition of Multi-Racial Pastors ¶ 5)

Humanism is a doctrine centered solely on human interests or values. Therefore, humanism defies Man collectively and individually, whereas theism worships God. Moreover, while humanism draws its values and absolutes from the finite reasoning of relativistic Man, theism has received its values and absolutes through the revelation of the infinite Deity or Creator. Both humanism and theism worship their own "god." The difference is the object of worship not the act. Therefore, Secular Humanism is a religion whose doctrine worships Man as the source of all knowledge and truth, whereas theism worships God as the source of all knowledge and truth.

**D. THE EVIDENCE SHOWS THAT THE LGBTQ CULT IS A
DENOMINATIONAL SECT THAT IS INSEPARABLY LINKED TO THE RELIGION
OF SECULAR HUMANISM.**

The evidence shows that LGBTQ cult is a denominational sect of the religion of Secular Humanism. The LGBTQ cult, which the Plaintiffs are part of, meets the legal definition of a religion because it is a closed system that is “organized, full, and provide a comprehensive code by which individuals may guide their daily activities.”⁴³ LGBTQ cult’s creed and speech codes, which include sexual orientation, gender identity, other doctrines, represent “ultimate concern,” “sincere belief,” and a “non-theistic belief system” in a manner that undeniably makes it a denominational sect of the religion of Secular Humanism. *Id* Humanist Manifestos I and II spells out that Secular Humanism will be expressed in “widely varying ways.”⁴⁴

⁴³ In *See Real Alternatives, Inc. v. Sec’y Dep’t of Health & Human Servs.*, 150F. Supp. 3d 419, 872 (3d Cir. Aug. 4, 2017), the court stated: “we detect a difference in the “philosophical views” espoused by [the plaintiffs], and the “secular moral system[s]...equivalent to religion except for non-belief in God” that Judge Easterbrook describes in *Center for Inquiry*, 758 F.3d at 873. There, the Seventh Circuit references organized groups of people who subscribe to belief systems such as Atheism, Shintoism, Janism, Buddhism, and secular humanism, all of which “are situated similarly to religions in everything except belief in a deity.” *Id.* at 872. These systems are organized, full, and provide a comprehensive code by which individuals may guide their daily activities.”

⁴⁴ Humanist Manifestos I and II, *supra* note 176 at 13-15.

The LGBTQ community is a religion because its core doctrines, like gender identity theory and sexual orientation orthodoxy, are nothing more than a series of unproven faith-based assumptions and naked assertions that are implicitly religious and inseparably linked to the religion of Secular Humanism. (Decl. Alliance of Black and White Ex-Gays and Ex-Trans. ¶ 7; Decl. Dr. Cretella ¶¶ 1-20; Decl. Dr. King ¶¶ 1-20). The LGBTQ cult is highly funded and organized with its own mantras and spiritual take on reality. Id. Instead of having a cross, the ten commandments, or the star and crescent, the LGBTQ cult has a rainbow colored flag to convey its private moral code.⁴⁵ Just because LGBTQ cult denies that it is a religion does not mean that it is not and just because the LGBTQ cult says that its quest is based on equality does not mean that it is.

Even the Plaintiffs' Complaint itself is rife with religious ideology that the Plaintiffs' attempt to pass off as "medical science." (DE # 1 ¶ 54) Yet, in view of the testimonials from medical experts, ex-gays, ex-trans, and religious experts, it takes a huge amount of religious faith

⁴⁵ The LGBTQ cult's creed overlaps with the BLM cult's creed, which can be viewed here - <https://blacklivesmatter.com/what-we-believe/>. Both the LGBTQ cult and the BLM have been gathering together to recite incantations and hosting public ritualistic atonement ceremonies. Here are some of the creed pulled from the BLM website that overlap directly with the liturgical orthodoxy of the LGBTQ cult:

- (1) We make space for transgender brothers and sisters to participate and lead.
- (2) We disrupt the Western-prescribed nuclear family structure requirement by supporting each other as extended families and "villages" that collectively care for one another, especially our children, to the degree that mothers, parents, and children are comfortable.
- (3) We are self-reflexive and do the work required to dismantle cisgender privilege and uplift Black trans folk, especially Black trans women who continue to be disproportionately impacted by trans-antagonistic violence.
- (4) We foster a queer-affirming network. When we gather, we do so with the intention of freeing ourselves from the tight grip of heteronormative thinking, or rather, the belief that all in the world are heterosexual.
- (5) We are guided by the fact that all Black lives matter, regardless of actual or perceived sexual identity, gender identity, gender expression, economic status, ability, disability, religious beliefs or disbeliefs, immigration status, or location.

to believe that (1) a person is born gay, that (2) a person comes out of an invisible closet and is baptized homosexual with immutable traits,⁴⁶ that (3) sexual orientation orthodoxy and gender identity ideology are “medical science.”⁴⁷ It takes an enormous amount of religious faith and a lot of intellectual squinting to actually believe that “[self-identified t]ransgender people have a gender identity that differs from the sex assigned to them at birth. A person’s gender identity is a core, defining trait fundamental to a person’s sense of self and personhood.” (DE #1 ¶ 226).

There is literally zero proof that these kinds of naked assertions scattered throughout the Plaintiffs’ complaint are true. All such statements are unproven faith-based assumptions that are implicitly religious and advance anti-theism in an effort to justify practices that are inconsistent with the peace and safety of the Nation. For millennia, LGBTQ practices have amounted to is licentious anti-theism. LGBTQ ideology is the mirror opposite of Christianity. The Plaintiffs themselves acknowledge that by trying to argue that the 2020 Trump Rule indirectly promotes Christianity, but what the Plaintiffs fail to understand is that the 2020 Trump Rule is actually neutral towards religion, non-controversial, and secular in nature and that it is the 2016 Obama Rule that is controversial, unnatural, and non-secular - seeking to put the religion of Secular Humanism over non-religion in violation of the principles separating church and state.

⁴⁶ The Plaintiffs use the term “closeted” in their complaint in their effort to challenge the 2020 Corrected Rule, as if it was a non-secular and neutral concept. If there was nothing inherently immoral about LGBTQ practices and ideology then remaining “closeted” would not be a concern. (Complaint at 194) But LGBTQ ideology and practices are self-evidently shameful, like pedophilia, polygamy, zoophilia, and rape are. The Plaintiffs are peddling religious theories that are camouflage as a request for equality. The goal of the Plaintiffs is to entangle our government with the religion of Secular Humanism so that they feel less ashamed and inadequate about a life-style that naturally produces feelings of shame and inadequacy.

⁴⁷ Decl. Alliance of Black and White Ex-Gays and Ex-Trans. ¶ 7; Decl. Pastor Penkoski ¶¶ 1-34; Decl. Lisa Boucher ¶¶ 1-10; Decl. Christian Resistance ¶¶ 1-21; Decl. Dr. Cretella ¶¶ 1-20; Decl. Dr. King ¶¶ 1-20.

The Plaintiffs contend that the language of the 2020 Trump Rule should revert back to the language of the 2016 Obama Rule by relying on the recent decision in *Bostock v. Clayton Cty., Ga.*, 590 U.S. ___, 2020 WL 3146686 (2020). The Plaintiffs accuse the Defendants of lacking an adequate legal basis for modifying the rule, alleging that the Defendants adjusted the Rule based on a single Federal district court ruling out of Texas. (DE # 1 ¶ 13). The Plaintiffs' characterization is false. The legal basis that commands that the 2020 Trump Rule replace the 2016 Obama Rule is the First Amendment Establishment Clause because the language of 2016 Obama Rule, which pays respect to "sexual orientation" orthodoxy and "gender identity" ideology, causes the 2016 Obama Rule to violate the Establishment Clause by putting the religion of Secular Humanism over non-religion. The 2016 Obama Rule was non-secular, whereas the 2020 Trump Rule is secular and neutral. The Establishment Clause requires that the Government view "men as men" and "women as women." Fortunately for the Plaintiffs, the 2020 Trump Rule does not prohibit self-identified homosexuals or self-identified transvestites from pretending that "men are woman" or that "woman are men" because the Free Exercise Clause safeguards their right to believe in implausible faith-based ideology that is removed from reality.⁴⁸ Yet, the Plaintiffs' allegations that the corrections to the 2016 Obama Rule violate 5 U.S.C. § 706(2)(A) for being "arbitrary and capricious" is false. (See DE # 1 ¶¶ 226-239). The replacement of the 2016 Obama Rule by the 2020 Trump Rule is not "arbitrary and capricious,"

⁴⁸ The 2016 Obama Rule "fosters discrimination" against non-observers of the religion of Secular Humanism as advocated by the LGBTQ cult. (Complaint 197). The Constitutional 2020 Corrected Rule is neutral towards religion and is secular. The Constitutional 2020 Corrected rule does not "foster discrimination" against self-identified homosexuals because it does not ban them from seeking non-secular procedures from providers and insurers who want to provide them. This is a major distinction with a difference that the Plaintiffs fail to understand.

it is precisely what the Establishment Clause of the First Amendment of the United States Constitution requires in view of the *Lemon* Test.

**III. THE PLAINTIFFS' CASE SHOULD BE DISMISSED WITH PREJUDICE
BECAUSE THE 2016 OBAMA RULE VIOLATES ALL THREE PRONGS OF THE
LEMON TEST BY A LANDSLIDE**

The Plaintiffs' complaint should be dismissed with prejudice for a lack of subject matter jurisdiction and for failing to state a claim because the 2016 Obama Rule violated the Establishment Clause by failing all three prongs of the *Lemon* Test, whereas the 2020 Trump Rule does not fail the test whatsoever. To pass muster under the Establishment Clause, a practice must satisfy the *Lemon* test, pursuant to which it must: (1) have a valid secular purpose; (2) not have the effect of advancing, endorsing, or inhibiting religion; and (3) not foster excessive entanglement with religion." See *Lemon v. Kurtzman*, 403 U.S. 602 (1971). Government action "violates the Establishment Clause if it fails to satisfy any of these prongs." *Edwards v. Aguillard*, 482 U.S. 578, 583 (1987); *Agostini v. Felton*, 521 U.S. 203, 218 (1997). The evidence shows that the 2016 Obama Rule was repealed and replaced because it failed all three prongs of the *Lemon* Test by a landslide in its creation and in its enforcement, and, therefore, violated the First Amendment Establishment Clause because the 2016 Obama Rule (1) constituted a non-secular sham that lacks a primary secular purpose, (2) cultivated an indefensible legal weapon against non-observers of the religion of Secular Humanism, and (3) served to excessively entangle the government with the religion of Secular Humanism, as advocated by the LGBTQ cult. The Trump 2020 Rule does not fail any of the prongs of *Lemon*.

**A. THE COURT SHOULD DISMISS THE PLAINTIFFS' COMPLAINT BECAUSE THE
2016 OBAMA RULE WAS A SHAM THAT FAILS PRONG ONE OF LEMON**

The Court should dismiss the Plaintiffs' complaint because the 2016 Obama Rule amounts to a non-secular sham that lacks a primary secular purpose, and attempts to put the religion of Secular Humanism over non-religion. (See DE # 1 ¶ 53) See *Lemon*, 403 U.S. at 612; see also *Mitchell v. Helms*, 530 U.S. 793, at 807-808 (2000) (plurality opinion); *Doe v. Sch. Bd of Ouachita Parish*, 274 F.3d 289, 293 (5th Cir. 2001). To avoid invalidation, a government action, policy, regulation, or statute "must have a secular...purpose." At the core of the "Establishment Clause is the requirement that a government justify in secular terms its purpose for engaging in activities which may appear to endorse the beliefs of a particular religion." *ACLU v. Rabun Cnty. Chamber of Commerce, Inc.*, 698 F.2d 1098, 1111 (11th Cir. 1983). This secular purpose must be the "pre-eminent" and "primary" force driving the government's action, and "has to be genuine, not a sham, and not merely secondary to a religious objective." *McCreary Cnty, Ky. v. ACLU of Ky.*, 545 U.S. 844 (2005).

The evidence shows that the 2016 Obama Rule was nothing more than a religious sham that lacked a secular purpose, whereas the 2020 Trump Rule removed the religious constructs of "sexual orientation" and "gender identity" to ensure that the policy had a neutral secular purpose.

⁴⁹ If the stated goal of the 2016 Rule was to create tolerance, unity, and equality, it would create the very opposite if left in place. The Governments' entanglement with the LGBTQ cult has been a complete disaster. For example, in the wake of decisions, like in *Obergefell v. Hodges*,

⁴⁹ The Supreme Court has emphasized that there are "heightened concerns with protecting freedom of conscience from subtle coercive pressure in the elementary and secondary public schools," *Lee v. Weisman*, 505 U.S. 577, 592 (1992). The Federal courts have thus "been particularly vigilant in monitoring compliance with the Establishment Clause" in the public-school context, see *Edwards v. Aguillard*, 482 U.S. 578, 583 (1987).

135 S.Ct. 2584 (2015), there has not been a landrush on gay marriage,⁵⁰ there has been a landrush on Christian persecution. (Decl. Pastor Penkoski ¶¶ 1-34; Decl. Lisa Boucher ¶¶ 1-10; Decl. Christian Resistance ¶¶ 1-21). *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*, 138 S. Ct. 1719 (2018). Moreover, in the wake of *Obergefell* there has not been a landrush to “live and let live,” there has been a landrush for devout LGBTQ activist to infiltrate public elementary schools and public libraries for the sole purpose of targeting minors to indoctrinate them to their Secular Humanism religion with the government’s official stamp of approval.⁵¹ The Plaintiffs want more of that sort of thing, as they seek to feel morally superior by using a series of racially exploitative imperialistic power plays that are intellectually dishonest.

1. The Language Within The Four Corners Of The Plaintiffs’ Self-Defeating Complaint Shows That The 2016 Rule Was A Sham That Lacked A Primary Secular Purpose

In his dissent in *Obergefell*, Chief Justice Roberts said that “times can blind.”⁵² He was wrong. The *Amici* live in these times. They are not blind. They can see transcultural truth, and the truth is that the 2020 Trump Rule is supported by the Establishment Clause. What blinds is a subscription to the religion of Secular Humanism. As a result of their intellectual blindness, the

⁵⁰ Prior to the *Obergefell* decision a few years ago, the 7.9 percent of gays who were married would have amounted to 154,000 married gay couples. Two years later, this had grown to 10.2 percent or 198,000 married couples. (Decl. Alliance of Black and White Ex-Gays and Ex-Trans. ¶ 8).

⁵¹ When the LGBTQ cult says “love is love” what they really mean is that they are perfectly ok with government assets being used to crush anyone - like the *Amici* - who dare to believe that LGBTQ ideology is dehumanizing, dangerous, destructive, desensitizing, depersonalizing, and subversive to human flourishing. What we have discovered in the wake of the Government’s entanglement with the LGBTQ woke mob is that love without truth is just shallow sentimentality, that people who are intolerant of intolerant people are intolerant and that people who are judgmental against judgmental people are judgmental.

⁵² See also. “Times can blind.” Tr. of Oral Arg. on Question 1, at 9, 10 *Obergefell v. Hodges*, 135 S.Ct. 2584 (2015), stated by the Petitioners.

Plaintiffs fail to see that they themselves provided the very legal basis in their complaint for why their complaint itself should be dismissed. (See DE # 1 ¶¶ 291-302). In paragraph 294 of the complaint, the Plaintiffs provide the very legal basis for exactly why the 2020 Trump Rule must replace the 2016 Obama Rule when stating:

The Establishment Clause permits the government to provide religious accommodations or exemptions from generally applicable laws only if, among other requirements, the accommodation (1) lifts a substantial, government-imposed burden on the exercise of religion, and (2) does not shift substantial costs or burdens onto a discrete class of third parties, without regard for the third parties' interests. In other words, the government may "accommodate" religion in accordance with the Free Exercise Clause, but it may not "promote" religion. (DE # 1 ¶¶ 294)

The 2016 Obama Rule was amended precisely because it "promoted" the religion of Secular Humanism, as advocated by the LGBTQ cult. *Id.* According to the attached declarations from ex-gays, medical experts, and licensed ministers, "gender identity" theory and "sexual orientation" orthodoxy are not a secular "medical science"⁵³ as the Plaintiffs pretend. (Decl. Dr. King ¶¶ 1-20; Decl. Dr. Cretella ¶¶ 1-20). "The starkly religious message" that does not escape notice of the "reasonable observers" is that the 2016 Obama Rule intended to promote "sexual orientation" orthodoxy and "gender identity" theory through the organs of government while giving the apprehension to all citizens that the favored religion of the Nation was Secular Humanism. See *Trunk v. City of San Diego*, 629 F.3d 1099 (9th Cir. 2011); *Am. A theists, Inc. v. City of Starke*, 2007 U.S. Dist. LEXIS 19512 (M.D. Fla. 2007).⁵⁴

⁵³ (DE # 1 ¶ 54).

⁵⁴ Even though the testimonials of ex-gays and ex-trans - American citizens who the Plaintiffs insist do not exist - are attached to this *Amici* in support of the 2020 Trump Rule change, who testify under oath that that they are living proof that gender identity and sexual orientation doctrines are implausible, the *Amici* are not here to prove or disprove that a gay gene exists or that gender identity is predicated on immutability. Decl. Alliance of Black and White Ex-Gays and Ex-Trans. ¶ 9. The *Amici* have appeared to argue that the validity of gender identity and sexual orientation orthodoxy are not proven, and, therefore, sexual orientation and gender

In Paragraph 295 the Plaintiffs assert the exact opposite of the truth by stating:

The Revised Rule violates the Establishment Clause by creating expansive religious exemptions for health care providers, plans, and employees at the expense of third parties – namely, plaintiffs, other providers, and most importantly the patients and the individuals whom plaintiffs serve. It invites health care providers, including insurance companies, hospitals, doctors, and nurses, to deny LGBTQ patients necessary medical treatment based on their religious beliefs. (DE # 1 ¶ 295).

The 2020 Trump Rule cures the Establishment Clause violations of the 2016 Obama Rule which removes all of the LGBTQ doctrines from the statute, which otherwise forces all providers, all insurers, and all taxpaying citizens to have to respect the merits of LGBTQ Secular Humanism and treat it as the official, undisputed, and supreme religion of the United States. The 2016 Obama Rule is the definition of coercive and non-secular, whereas the 2020 Trump Rule is neutral, natural, non-controversial, and secular in nature.⁵⁵ Accordingly, the 2016 Obama Rule was patently unconstitutional under the Establishment Clause from its inception. The 2020 Trump Rule cures those violations and restores the rule of law.

Here is how the Plaintiffs' complaint actually should actually read to reflect the actual truth: the 2016 Obama Rule was replaced for violating the Establishment Clause because it:

identity are a matter of faith, which means that they fall within the exclusive jurisdiction of the Establishment and Free Exercise Clause of the First Amendment. The Establishment Clause balanced with the Free Exercise Clause informs all government actors how to respond to self-asserted sex-based identity narratives that are questionably real, questionably moral, and have a tendency to erode community standards of decency.

⁵⁵ The 2020 Trump Rule is secular and neutral just like traditional marriage is. In the Disentanglement Act, a bill that the Amici wrote for all 50 states, the *Amici* define “secular marriage” as a “legal union that represents an intended lifelong commitment between one person who was born male and one person who was born female as husband and wife, who are of equal but opposite genders, who become spouses of the opposite sex, and who have corresponding sexual anatomy that if coalesced have the actual or symbolic potential to create offspring who will likely have the input of the two spouses with whom they share the same genetic code and unbroken ancestral chain with.” See <https://disentanglementact.com/>

- (a) “has the primary purpose and effect of favoring, preferring, and endorsing [Secular Humanism] religious beliefs and [the LGBTQ] religious denominations over others and over nonreligion;” (DE # 1 ¶ 299)
- (b) “has the primary purpose and effect of preferring the religious beliefs of [the LGBTQ denomination] and institutions over the lives, health, and other rights and interests of third parties;” (DE # 1 ¶ 299)
- (c) “impermissibly entangles government with [the] religion [of Secular Humanism as advocated by the LGBTQ denomination];” (DE # 1 ¶ 299)
- (d) makes [all taxpayers to include non-observers of the religion of LGBTQ Secular Humanism] bear the costs and harms of [the free exercise rights for non-observers of the licentious Secular Humanism religion to oppose its demented ideology]; (DE # 1 ¶ 99)

The language of the Plaintiffs’ own complaint supplies the very reason why it should be dismissed under a FRCP 12(b)(6) motion and for why the Court lacks subject matter jurisdiction to hear this case.⁵⁶ The LGBTQ cult is immensely dangerous because it not only attempts to distort self-evident morality and normalize licentiousness, it attempts to distort constitutional interpretation to mean exactly opposite to what it was designed to mean.⁵⁷

2. The Plaintiffs Falsely Camouflaging Their Plight In Equal Protection Language Shows The 2016 Rule Was A Sham Predicated On An Unprincipled Ploy

The Equal Protection Clauses of the Fifth and Fourteenth Amendments hold special significance for Black Americans. (Decl. Alliance of Black and White Ex-Gays and Ex-Trans. ¶ 11). The text of the Fourteenth Amendment, which applies to the states, guarantees that “no state shall . . . deny to any person within its jurisdiction equal protection of the laws.” U.S. Const., amend. XIV, § 1. The Due Process Clause of the Fifth Amendment, which applies to the

⁵⁶ The 2016 unconstitutional rule causes all taxpayers to suffer the stigma of government-sanctioned discrimination for being manated to support a government that has excessively entangled itself with the depraved religion of Secular Humanism, as advocated by the LGBTQ sect. The notion that self-identified transvestites will endure significant psychological burdens or, if they can afford it, pay for things like, “brow reduction” to feminize the face, “breast augmentation,” and lesson training to “modify the vocal range,” out-of-pocket is a sham that fails the laughing test. (DE # 1 ¶ 300).

⁵⁷ Decl. Alliance of Black and White Ex-Gays and Ex-Trans. ¶ 10

Federal government, is similar and “includes within it a prohibition against the denial of equal protection of the laws by the federal government, its agencies, or its officials or employees.” (DE # 1 ¶ 262). When the Equal Protection Clause of the Fourteenth Amendment became law in 1868, many Black Americans were recently emancipated slaves. Four years later in 1872, the Supreme Court suggested that race discrimination was “the evil [the Civil War Amendments] were designed to remedy,” *Slaughter-House Cases*, 83 U.S. 36, 72 (1873) (“We do not say that no one else but the negro can share in [their] protection, but . . . in any fair and just construction of any section or phrase of these [Civil War] amendments, it is necessary to look to the purpose which we have said was the pervading spirit of them all, the evil which they were designed to remedy.”). It took nearly a century after the Civil War for the Supreme Court to enforce a modicum of what we now know as substantive equality. See *Brown v. Board of Educ.*, 347 U.S. 483 (1954).

The disgraces in our nation’s history pertaining to the civil rights of Black Americans are unmatched. No other class of individuals have ever been enslaved, or lawfully viewed not as human, but as property. See, e.g., Stacy Swimp, *LGBT Comparison of Marriage Redefinition to Historical Black Civil Rights Struggles is Dishonest and Manufactured* (March 7, 2014), (<http://stacyswimp.net/2014/03/07/lgbt-comparison-of-marriage-redefinition-to-historical-Black-civil-rights-struggles-is-dishonest-and-manufactured>). Black Americans were subjected to policies that forced them to attend different schools, walk on separate public sidewalks, sit at the back of the bus, drink out of separate drinking fountains, and denied their right to assemble or vote. *Id.* The dishonest LGBTQ cult has not been subject to any of those things, and certainly not for reasons that relate to immutability and genetics.

The Plaintiffs' complaint reveals the inconvenient truth that the LGBTQ cult acting in concert with the BLM cult to maliciously hijack the legitimate race-based civil rights movement for the sole purpose of entangling our government with their barbaric Secular Humanist religion that is predicated on an objectively repugnant private moral code by floating a stream of false equivalencies. For the LGBTQ cult to step on the backs of slaves in an effort to secure unconstitutional ends is truly a rare form of evil. The Plaintiffs are guilty of exactly that. Skin color is based on immutability and genetics, whereas sexual orientation and gender identity are based on religious faith.⁵⁸ The evidence shows that any government actor who dares to pretend that the "phony gay-civil-rights movement" is equal to the "race-based-civil-rights movement," whereas the "race-based-civil-rights movement" was actually predicated on immutability and genetics, is guilty of racial animus in-kind that manages to be racially, sexually, intellectually, and emotionally exploitative.⁵⁹ Such offenders should probably be subject to harsh civil sanction and subject to counter suit for abuse of process and malicious prosecution. It is beyond offensive to people of color for the Plaintiffs to even compare their barbaric licentiousness fake plight to the race-based civil rights plight, which was actually based on immutable skin pigmentation. (Decl. Alliance of Black and White Ex-Gays and Ex-Trans. ¶ 11; Decl. Dr. Cretella ¶¶ 1-20;

⁵⁸ Decl. Alliance of Black and White Ex-Gays and Ex-Trans. ¶ 7; Decl. Dr. Cretella ¶¶ 1-20; Decl. Dr. King ¶¶ 1-20

⁵⁹ Decl. Alliance of Black and White Ex-Gays and Ex-Trans. ¶ 12; Decl. Dr. Cretella ¶¶ 1-20; Decl. Dr. King ¶¶ 1-20.

The Plaintiffs discuss animus in their complaint as an emotionally exploitative power play. (DE # 1 ¶¶ 167- 177). If you want to talk about who actually has animus in this controversy it is without question the LGBTQ cult. The LGBTQ cult - including the Plaintiffs - despise everyone who refuses to kneel down and condone their immensely evil and racist ideology. The ideology is so toxic, even the Plaintiffs have to admit that it tends to lead to "depression, anxiety, drug abuse, and other stress-related conditions" as if that is a selling point for why the Government should be forced to promote their spiritual take on reality. (DE # 1 ¶ 161). Every single thing the Plaintiffs argue is backwards and the exact opposite.

Decl. Dr. King ¶¶ 1-20). Only a dangerous religious group seeking totalitarianism would muster the indecency to advance such false equivalences that tear at America's scars. (See Decl. Coalition of Multi-Racial Pastors ¶¶ 8 - 11).

The Plaintiffs falsely bring their plight in the name of racial equality. (DE # 1 ¶¶ 259-273). That was certainly a clever unprincipled ploy, for who can oppose "equality?" But that is all that it is, an unprincipled ploy that ultimately runs afoul of Establishment Clause of the First Amendment. While there are no such things as ex-black people, there are thousands of ex-gays. (Decl. Alliance of Black and White Ex-Gays and Ex-Trans. ¶ 13). The Plaintiffs pretend that ex-gays and ex-trans do not exist in the same way that Secular Humanist white supremacist pretended that the civil liberties of Black Americans did not exist during the Jim Crow era. On balance, the 2016 Obama Rule was a sham that fails prong one of the *Lemon* test, whereas the 2020 Trump Rule is Constitutionally sound.⁶⁰

3. The Plaintiffs' Attempted Misuse Of The Substantive Due Process Clause Demonstrates That the 2016 Rule Is A Non-Secular Sham

The Plaintiffs' efforts to pretend that the Substantive Due Process of the Fifth Amendment supports their cause of action - alone - demonstrates that the 2016 Rule is a non-secular sham. (DE # 1 ¶¶ 291 - 302) Substantive Due Process is not relevant to these proceedings whatsoever. Substantive Due Process can only be invoked if the matter involves

⁶⁰ Make no mistake, any government official that permits the government to entangle itself with LGBTQ Secular Humanism is on a mission to destroy the race-based civil rights movement led by Pastor Martin Luther King Jr. Such government officials are undoubtedly enemies of decency. President Obama certainly was. So was his unconstitutional 2016 Obama Rule that has been rightfully replaced by the 2020 Trump Rule. (Decl. Alliance of Black and White Ex-Gays and Ex-Trans. ¶ 14)

American history and heritage.⁶¹ The history of homosexuality was that it was illegal for the same reason that polygamy still is until 2003 when the Supreme Court in *Lawrence v. Texas*, 539 U.S. 558 (2003) overruled *Bowers v. Hardwick*, 478 U. S. 186 (1986). See *Reynolds*, 98 U.S.145 at 166-167. The *Amici* are not arguing that the homosexual practices return to being illegal again, but *Amici* are demanding that the 2020 Trump Rule never revert back to include the language of the 2016 Obama Rule because the Establishment Clause prohibits it for the very reasons that the Plaintiffs argue that it does not. (See DE # 1 ¶¶ 291 - 302).

4. The Plaintiffs' Case Is Based On Nothing More Than Emotional Appeals That Cannot Be Used To Usurp The Establishment Clause

Like with the LGBTQ activist Plaintiffs in *Obergefell v. Hodges*, 135 S.Ct. 2584 (2015), *United States v. Windsor*, 133 S.Ct. 2675 (2013), and *Bostock v. Clayton Cty., Ga.*, 590 U.S. ___, 2020 WL 3146686 (2020), the Plaintiffs' entire case here is based on nothing more than a profuse stream of emotional appeals.⁶² There is a long standing jurisprudence that emotional appeals - even seemingly really good ones - cannot be used to usurp the Establishment Clause. See *Holloman v. Harland*, 370 F.3 1252 (11th Cir. 2004).⁶³ In this case, the Plaintiffs' complaint

⁶¹ *Washington v. Glucksberg*, 521 U. S. 702, 721 (1997), many other cases both before and after have adopted the same approach. *District Attorney's Office for Third Judicial Dist. v. Osborne*, 557 U. S. 52, 72 (2009); *Flores*, 507 U. S., at 303; *United States v. Salerno*, 481 U. S. 739, 751 (1987); *Moore v. East Cleveland*, 431 U. S. 494, 503 (1977) (plurality opinion); see also *id.*, at 544 (White, J., dissenting) ("The Judiciary, including this Court, is the most vulnerable and comes nearest to illegitimacy when it deals with judge-made constitutional law having little or no cognizable roots in the language or even the design of the Constitution."); *Troxel v. Granville*, 530 U.S. 57, 96-101 (2000) (KENNEDY, J., dissenting) (consulting "[o]ur Nation's history, legal traditions, and practices' and concluding that "[w]e owe it to the Nation's domestic relations legal structure . . . to proceed with caution" (quoting *Glucksberg*, 521 U. S., at 721)).

⁶² *Obergefell*, *Windsor*, and *Bostock* were decided under the wrong Constitutional narrative, and the Secular Humanist justices know it or should have know it.

⁶³ In *Holloman*, a public school teacher defended a daily moment of silent prayer by arguing that she intended to teach students compassion, pursuant to a character education plan mandated by the State. *Id.* at 1285. The court concluded that this emotional explanation did not constitute a

consists of nothing more than a stream of emotional appeals that are barred from being used to usurp the Establishment Clause. Accordingly, the LGBTQ cult's efforts to force the 2020 Trump Rule revert back into the 2016 Obama Rule must fail.⁶⁴ Some examples of the emotional appeals scattered throughout the complaint are in the following footnote:⁶⁵ Because it is obvious that the

valid secular purpose because the teacher's most basic intent unquestionably was to offer her students an opportunity to pray. "While [the teacher] may also have had a higher-order ultimate goal of promoting compassion, we look not only to the ultimate goal or objective of the behavior, but also to the more immediate, tangible, or lower-order consequences a government actor intends to bring about." *Id.* The unmistakable message of the court's teaching in *Holloman* is that a government actor cannot employ a religious means to serve an otherwise legitimate secular interest. *Id.* at 1286. The *Holloman* court further concluded that "a person attempting to further an ostensibly secular purpose through avowedly religious means is considered to have a Constitutionally impermissible purpose." *Id.*, citing *Jagar v. Douglas County School*, 862 F.2d 824, 830 (11th Cir. 1989) ("An intrinsically religious practice cannot meet the secular purpose prong of the *Lemon* test.").

⁶⁴ The Plaintiffs repeatedly allege that self-identified transvestites were getting turned away from hospitals. (Complaint 191). The Plaintiffs fail to understand the distinction between a secular and non-secular medical procedure. For example, when a doctor performs an abortion because a mother's life is in danger or because the pregnancy was the result of rape and incest, then that abortion is secular in nature. See the Life Appropriation Act. A non-secular abortion is an abortion that takes place when a mother seeks to sacrifice her child on the altar of convenience. The Establishment Clause of the First Amendment prohibits taxpayers from funding convenience abortions and all existing state and federal policies that use taxpayer funds to finance procedures are unconstitutional. (see the Life Appropriation Act; <https://lifeappropriationact.com/>). Likewise, the government cannot be used to (1) coerce health care providers or insurers to perform non-secular procedures that advance LGBTQ Secular Humanism ideology or to (3) require that taxpayer funds be directly or indirectly used to subsidize such non-secular procedures. Just as Secular Humanists have set up modern day child sacrifice mills in the form of Planned Parenthood, the LGBTQ cult can erect their own non-secular transvestite facilities to carry out their self-injurious religious practices - just not at the taxpayers expense.

⁶⁵ Here are some examples of emotional appeals and what they signify: (1) First, "[Self-identified] LGBTQ people will be discouraged from seeking the health care they [feel] that they need." (DE # 1 ¶ 184). Meanwhile, no one is making self-identified transvestites believe in transgenderism or seek non-secular procedures.

(2) Second, the Plaintiffs repeatedly argue that the 2016 Obama Rule should be reinstated because members of the LGBTQ cult might feel uncomfortable disclosing "all aspects of their health history, sexual history, and gender identity." (DE # 1 ¶ 199). Choosing to speak out or remain silent has no bearing on whether the 2020 Trump Rule reflects what the Establishment Clause requires. #

2016 Obama Rule was a sham that lacked a primary secular purpose in violation of the Prong One of Lemon, this factor - alone - "may be dispositive of the constitutional enquiry" in this case. *McCreary County*, 545 U.S. at 850-51.

B. THE COURT SHOULD DISMISS THE PLAINTIFFS ACTION BECAUSE THE 2016 RULE FAILS PRONG TWO OF THE LEMON TEST WHEREAS THE 2020 TRUMP RULE DOES NOT

The *Amici* - like tens of thousands of other Americans who do not condone Secular Humanism - have been stalked, canceled, targeted, libeled, harangued, slandered, falsely accused, punished, threatened, brutalized, persecuted, violated, and assaulted by the phony tolerant and dangerous LGBTQ cult in the wake of the government's unconstitutional decision to entangle itself with its immoral religious ideology. (Decl. Alliance of Black and White Ex-Gays and Ex-Trans. ¶ 15; Decl. Pastor Penkoski ¶¶ 1-34; Decl. Lisa Boucher ¶¶ 1-10; Decl. Christian Resistance ¶¶ 1-21). This Court should immediately dismiss the Plaintiffs' complaint because the 2016 Obama Rule is calculated to establish the religion of Secular Humanism, as advocated by the LGBTQ cult as the official religion of the Nation in a manner that fails prong two of the

(3) Third, the Plaintiffs contend that the 2020 Trump Rule "stigmatizes them as second-class citizens." (DE # 1 ¶ 271) Meanwhile the 2016 Obama Rule robs all ex-gays and ex-transvestites from any citizenship and it "stigmatizes" all providers, taxpayers, and insurers who sincerely believe that LGBTQ ideology and practices are objectively immoral as "second-class citizens" because it forces them to support a religious worldview in a manner that causes them to violate their own conscience.

(4) Forth, the Plaintiffs contend that the Corrected 2020 Rule will contribute to "depression, anxiety, drug abuse, and other stress-related conditions" which is nothing more than an emotional appeal floated by the Plaintiffs to sneak around the Establishment Clause. (Complaint at 61). Meanwhile, back in reality, no one is making anyone take the path of indoctrinating themselves in LGBTQ ideology, and how the Plaintiffs think that the devastating consequences that come from buying into their religious worldview is a selling point to force the government to endorse it is more the same evidence of the profound intellectual darkness that surrounds the LGBTQ cult. The government has the obligation to not respect the LGBTQ ideology and it has the prerogative to regulate its practices. See *Reynolds*, 98 U.S.145 at 166-167.

Lemon Test. The 2016 Rule is just another fire hose that can be used to blast away the civil rights of non-observers of the religion of Secular Humanism. Under this second prong of the *Lemon* test, courts ask, “irrespective of the...stated purpose, whether [the state action]...has the primary effect of conveying a message that the [government] is advancing or inhibiting religion.” *Indiana Civil Liberties Union v. O’Bannon*, 259 F.3d 766, 771 (7th Cir. 2001). The “effect prong asks whether, irrespective of government’s actual purpose,” *Wallace v. Jaffree*, 472 U.S. 38, 56 n.42 (1985), the “symbolic union of church and state...is sufficiently likely to be perceived by adherents of the controlling denominations as an endorsement, and by the nonadherents as a disapproval, of their individual religious choices.” *School Dist. v. Ball*, 473 U.S. 373, 390 (1985); *see also Larkin v. Grendel’s Den*, 459 U.S. 116, 126-27 (1982)(even the “mere appearance” of religious endorsement is prohibited). The Plaintiffs want the 2016 Obama Rule put back in place knowing that it will create an indefensible “legal weapon that no [Christian or non-observer of Secular Humanism] can obtain.” *City of Boerne v. Flores*, 521 U.S. 507 (1997). The Plaintiffs seek to force insurers, providers, and taxpayers to respect their narrow and irrational take on sexuality, faith, and religion without the ability for any non-observer to object in light of the government’s unconstitutional endorsement.

"A proper respect for both the Free Exercise and the Establishment Clauses compels the Federal Government to pursue a course of 'neutrality toward religion,' favoring neither one religion over others nor religious adherents collectively over nonadherents." *Board of Educ. of Kiryas Joel Vill. Sch. Dist.v. Grumet*, 512 U.S. 687, 696 (1994) (quoting *Liberty v. Nyquist*, 413 U.S. 756, 792-93 (1973)). Of course the 2020 Trump Rule is neutral and does not take away from the LGBTQ cult to invent a religious belief system even though it is objectively licentious

and nothing more than an attempt to justify practices that are inconsistent with the peace and safety of the Nation.

The U.S. Constitution, while permitting legislators to act on preferences in policy and politics, plainly prohibits government actors to imbue official favored status on particular religious communities. See, e.g., *Grumet*, 512 U.S. 687 at 703 (stating that the "fundamental source of constitutional concern" in that case was that the government "itself may fail to exercise governmental authority in a religiously neutral way" and lauding that "principle at the heart of the Establishment Clause, that government should not prefer one religion to another, or religion to irreligion"). "Whatever else the Establishment Clause may mean..., it certainly means at the very least that the government may not demonstrate a preference for one particular sect or creed (including a preference for Christianity [and Secular Humanism] over other religions)."⁶⁶

The Plaintiffs want "sexual orientation" orthodoxy and "gender identity" ideology reinserted back into the 2020 Trump Rule knowing that it has the effect of causing the government to endorse the plausibility of their narrow, exclusive, and dangerous religious worldview. Every time the government directly or symbolically endorses LGBTQ ideology, it causes devout members of the LGBTQ cult and its supporters to feel entitled to socially marginalize and even violently oppress anyone who dares to disagree with the plausibility of

⁶⁶ The clearest command of the Establishment Clause is that one religious denomination cannot be officially preferred over another." *County of Allegheny v. ACLU*, 492 US 573, 605 (1989) (citations and internal quotation marks omitted). This includes a prohibition of government actors putting non-institutionalized religions, like the religion of Secular Humanism, over non-religion through direct and symbolic acts.

their irrational ideology. The Plaintiffs want the 2020 Trump Rule to revert back to the 2016

Obama Rule because the Plaintiffs are interested in “dominance,” not “tolerance.”⁶⁷

The *Amici* can just hear the Plaintiffs calling the *Amici* “bigots” under their breath as they read this because that is all the Plaintiffs can really do - name call - because they certainly cannot win on the merits without asking the Court to become complicit in full fledged dishonest misinterpretation of the law. Attempting to gain level through *Bostock v. Clayton Cty., Ga.*, 590 U.S. ___, 2020 WL 3146686 (2020) will not cut it either because *Bostock* was decided on faulty grounds just as *Dred Scott v. Sandford*, 60 U.S. 393 (1857) was.⁶⁸

⁶⁷ The Plaintiffs demand in their complaint that the government require proper pronouns and speech codes that flow out of their religion be used by medical professionals. (Complaint 188). The Establishment Clause of the First Amendment prohibits the government from mandating pronoun changes or speech codes to respect the creeds of Secular Humanism that flow out of the LGBTQ denomination. If members of the LGBTQ denomination want to use fake pronouns or speech codes that flow out of their implausible religion - they have every right to do so under the Free Exercise Clause. But the Establishment Clause prohibits the government from mandating pronoun changes or speech codes that respect Secular Humanism religion for the same reason the Establishment Clause blocks the government from endorsing, favoring, respecting, and recognizing gender identity and sexual orientation orthodoxy. Doing so creates an indefensible legal weapon against non-observers of the religion of Secular Humanism.

⁶⁸ *Obergefell, Windsor, and Bostock* all must be relegated to the same trash heap of history that *Dred Scott v. Sandford*, 60 U.S. 393 (1857) was relegated to and for the same reasons. All of those cases involved liberal activist judges misusing substantive due process into a wellspring of unchecked judicial policy making. Just as *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954) overruled *Plessy v. Ferguson*, 163 U.S. 537 (1896), *Obergefell, Windsor, and Bostock* must be overruled for being decided on the wrong Constitutional bases. What the Plaintiffs do not understand is that “Stare Decisis” does not keep *Obergefell, Bostock, and Windsor* from being overruled because Supreme Court has held that “questions which merely lurk in the record, neither brought to attention of the court nor ruled upon, are not to be considered as having been so decided as to constitute precedents.” *Cooper Industries, Inc. v. Aviall Services, Inc.* 543 U.S. 157 (2004). The Establishment Clause claims were “lurking” in the record but undecided in *Obergefell, Windsor, and Bostock*. All three of those cases involved Constitutional interpretation and “[Stare Decisis] is at its weakest when [the courts] interpret the Constitution because [their] interpretation can be altered only by constitutional amendment or by overruling [their] prior decisions.” *Seminole Tribe of Fla. v. Florida*, 517 U.S. 44, 63, 116 S.Ct. 1114, 1127, 134 L.Ed.2d 252 (1996); *St. Joseph Stock Yards Co. v. United States*, 298 U.S. 38, 94, 56 S.Ct. 720, 744, 80 L.Ed. 1033 (1936) (Stone and Cardozo, JJ., concurring in result) (“The doctrine of stare

It is obvious that the 2016 Obama Rule "[m]anifest[ed] a purpose to favor one faith over [all others]," *McCreary* at 860, thereby conveying to adherents of the selected faiths, "that they are insiders, favored members of the political community, and invariably sending the converse message to nonadherents." *Santa Fe Indep. Sch. Dist v. Doe*, 530 U.S. 290, 310 (2000)(citing *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) O'Connor, J., concurring)) (internal quotation marks omitted); see also *McCreary* at 860. The Establishment Clause forbids the government to dole out political benefits in this manner the Plaintiffs desire for the exact reasons the Plaintiffs allege in their self-defeating complaint. (DE # 1 ¶¶ 291- 302).

Even if it was proven that "many local primary-care physicians unaffiliated with Whitman-Walker have refused to prescribe hormone therapy for [self-identified] transgender[s]," such physicians have the fundamental right to do so because otherwise they will be required to violate their conscience by enabling a religious worldview to advance in a manner that they believe is deeply immoral. (DE # 1 ¶ 188) The Plaintiffs want the 2020 Trump Rule to revert back to 2016 Obama Rule language so that the Plaintiffs can have a weapon to brutalize physicians, insurers, and providers for having the humility and common sense to believe that Secular Humanism ideology advocated by LGBTQ cult is immoral and that to advance LGBTQ Secular Humanism is itself an act of immorality.

C. THE PLAINTIFFS' COMPLAINT SHOULD BE DISMISSED BECAUSE THE 2016 OBAMA RULE FAILED PRONG THREE OF LEMON

"The [E]stablishment of religion' clause of the First Amendment means at least this: No tax in any amount, large or small, can be levied to support any religious activities or institutions:

decisis...has only a limited application in the field of constitutional law"). The Judicial branch is going to learn the difficult lesson that it never pays to go along with the LGBTQ cult's ongoing lies.

whatever they may be called, or whatever form they may adopt to teach or practice religion."

Everson, 330 U.S. at 15-16. The Supreme Court has repeated this foundational principle on many occasions and, despite finding that other, indirect forms of support sometimes pass constitutional muster, has never strayed from the basic rule that the government may directly or symbolically engage in action puts religion over non-religion.

The 2016 Obama Rule violates the Establishment Clause by promoting LGBTQ ideology through the organs of government. See *Mitchell*, 530 U.S. at 890 ("[F]rom the start we have understood the Constitution to bar outright...aid to religion."); *Rosenberger v. Rector & Visitors of the Univ. of Va*, 515 U.S. 819, 842 (1995) (stating that "[t]he Court of Appeals (and the dissent) [were] correct to extract from our decisions the principle that we have recognized special Establishment Clause dangers where the government [directly supports] sectarian institutions"); *Committee for Pub. Educ. v. Nyquist*, 413 U.S. 756, 772 (1973) ("Primary among those evils" against which the Establishment Clause guards "have been sponsorship, financial support, and active involvement of the sovereign in religious activity.") (citations and internal quotation marks omitted).

Here is the cleanest way of understanding how the 2016 Obama Rule violates prong three of *Lemon*: (1) there are thousands of taxpayers, insurers, and health providers who sincerely believe that LGBTQ ideology and practices are completely immoral; (2) it follows that these taxpayers, insurers, and health providers also believe that to enable acts of immorality is itself an act of immorality; (3) therefore, the 2020 Trump Rule must not be replaced with the 2016 Obama Rule because otherwise it will coercively cause taxpayers, insurers, and health providers to violate their own conscience by the simple act of paying taxes or by providing health services

that promote LGBTQ ideology and practices; (4) this constitutes is an evil that the Establishment Clause of the First Amendment was designed to prohibit.⁶⁹

**V. THE PLAINTIFFS' CASE SHOULD BE DISMISSED BECAUSE HHS HAS A
NARROWLY TAILORED COMPELLING INTEREST TO UPHOLD COMMUNITY
STANDARDS OF DECENCY**

Even if the Establishment Clause of the First Amendment was not the dispositive legal basis backing the 2020 Trump Rule - and it is - there are other reasons why the 2016 Obama Rule had to be repealed and replaced. For example, the government has a narrowly tailored compelling interest to uphold community standards of decency. *Paris Adult Theatre I v. Slaton*, 413 US 49 (1973). LGBTQ ideology erodes community standards of decency. Many courts have taken the position that “any school boy knows that a homosexual act is immoral, indecent, lewd, and obscene. Adult persons are even more conscious that this is true.” *Schlegel v. United States*, 416 F. 2d 1372, 1378 (Ct. Cl. 1969). It is not as if this reality has somehow magically changed just because it is the year 2020. The Supreme Court has long since held that “to simply adjust the definition of obscenity to social realities has always failed to be persuasive before the

⁶⁹ The Plaintiffs do not understand the difference between secular medical producers and non-secular cosmetic procedures in the same way that their sister denomination, Planned Parenthood Federation of America does not. If a 32 year old woman wants to sacrifice her child on the altar of convenience because she believes that the baby inside the womb is not a person - she can do so - but the Establishment Clause requires that she pay for it herself so that there is no blood on the hands of the taxpayers who believe that such a practice are self-evidently evil. (See the Life Appropriation Act). That is what the Establishment Clause balanced with the Free Exercise Clause requires. Likewise, if a 25 year old male who self-identifies as a transvestite wants to have an “brow reduction” to feminize his face, “breast augmentation,” and lesson training to “modify the vocal range” to advance his religious belief that he is mystically really a woman trapped in a man’s body, he can do so. But he might have to pay for it himself because the government cannot force insurers, health providers, and taxpayers to cover the cost of non-secular procedures that may cause them to feel culpable in enabling acts of immorality. The Plaintiffs seem unwilling or incapable of understanding these principles and instead remain bent on twisting the truth just they attempt to distort everything else in life.

courts of the United States.” *Ginsberg v. New York*, 390 U.S. 629, 639–40, 88 S.Ct. 1274, 20 L.Ed.2d 195 (1968), *Mishkin v. State of New York*, 383 U.S. 502, 509, 86 S. Ct. 958, 16 L. Ed. 2d 56 (1966), and *Bookcase, Inc. v. Broderick*, 18 N.Y.2d 71, 271 N.Y.S.2d 947, 951, 218 N.E.2d 668, 671 (1966). LGBTQ ideology and practices have always been classed as obscenity, and community standards do not evolve, but the Plaintiffs prove that groups of people can become desensitized, jaded, and blinded by the implausible religion of Secular Humanism. The Plaintiffs seek to use the organs of government to desentize all Americans - forcing them to kneel at their altar so that the LGBTQ cult can feel less ashamed and inadequate about putting into practice a religious belief system that naturally breeds feelings of shame and inadequacy.

HHS cannot be forced to revert the 2020 Trump Rule back to the 2016 Obama Rule because “sexual orientation” orthodoxy and “gender identity” ideology, like all LGBTQ dogma, promotes licentiousness, leads to obscenity code violations, and amounts to nothing more than an attempt to justify practices that are inconsistent with the peace and safety of the government.⁷⁰ HHS has a narrowly tailored compelling government interest in replacing the indecent and subversive 2016 Obama Rule with the 2020 Trump Rule, which does not erode community standards of decency.

VI. ADDRESSING THE ULTIMATE QUESTION - PUBLIC INTEREST

The 2020 Trump Rule represents the truth, whereas the 2016 Obama Rule symbolizes a lie. The public interest would best be served by dismissing the Plaintiffs’ case because the truth is worth fighting for. The truth is that the 2020 Trump Rule accords with the Establishment

⁷⁰ As authors of the Human Trafficking And Child Exploitation Prevention Act, the Amici constantly run up against the BLM cult and LGBTQ cult who want to get rid of obscenity codes and to legalize prostitution. See <http://www.humantraffickingpreventionact.com/>.

Clause and the 2016 Obama Rule does not.⁷¹ At the very heart of this controversy is the ultimate question: “Is America a Christian Nation” or “Is America a Secular Humanist Nation?” That is, the paramount question raised by this case is “must the laws of the United States be based on the private moral code of Christianity or must the laws be predicated on the private moral code of Secular Humanism?” This case provides that actual final answer that will serve the public’s interest by restoring the rule of law. It is well established that without “faith,” there is no basis for “morality,” and without “morality” there is no basis for “law.” There is no way to avoid this axiom. (Decl. Coalition of Multi-Racial Pastors ¶¶ 10-11). When a devout Secular Humanist, like the Plaintiffs, implicitly suggests that not one moral doctrine should be used as the basis for law, that position itself is a moral doctrine that they are asserting should be used as

⁷¹ The truth sets us free. Without “truth,” there is no “freedom.” “Freedom” comes from “the truth,” and “truth” is more important than we might think, and “freedom” is more complex than we might know. *Id.* “Freedom” is not the presence of restriction nor the absence of restrictions. “Freedom” is the presence of the right restrictions. The set of restrictions that fit the givenness of our nature and accord with the truth about the way we are and the way things are. Take fish on the grass. A fish on the grass is not free. *Id.* It is only when the fish is restricted to the water that it can swim lightning fast and even breath. And so it goes with humans. We are not designed to put into practice the ideology promoted by the LGBTQ cult. The liturgical orthodoxy of the LGBTQ cult does not accord with our “logos” - the way we are designed. This does not mean that the Plaintiffs and others cannot put into practice LGBTQ orthodoxy, but it does mean that it is unwise to do so from an objective reasonable observer standpoint and according to the testimonies of ex-gays and ex-trans, who the Plaintiffs insist do not exist. (Decl. Alliance of Black and White Ex-Gays and Ex-Trans. ¶ 16). Before a litany of legislative bodies, the *Amici* are constantly pressing for the enactment of policies that contain the right set of restrictions in order to promote the greatest amount of peace, intimacy, reconciliation, forgiveness, and healing to better enable human flourishing - to protect the “Western-prescribed nuclear family structure.” Now here, before this Court, is the opportunity for the judicial branch for the first time to tell the truth which is this: (1) the LGBTQ community is a cult that is inseparably linked to the anti-theistic religion of Secular Humanism; (2) the Establishment Clause prevents the State and Federal Government from enacting and enforcing laws that directly or symbolically treat its ideology as if it is real; (3) LGBTQ orthodoxy, while religious in nature, is subjected to limited protection under the Free Exercise Clause because it promotes licentiousness and amounts to an attempt to justify practices that are inconsistent with the peace and safety of the state.

the superior basis for law. To suggest that all moral doctrines are equal and lead to human flourishing is itself a truth claim that is vying for superiority amongst all the others. To deny this reality is just an imperialistic political power play and a way for moral relativists, like the Plaintiffs, to try to come out on top in a policy debate so that they get their way. If all moral doctrine were equal, there would be no way to condemn Nazi ideology, which was based on the religion of the blood, which was just another denomination of Secular Humanism.⁷²

⁷² To say that “there are no absolute truths” is itself “an absolute truth” and to fail to see that is to refuse to see. *Id.* As C.S. Lewis stated, “You can’t go on ‘seeing through’ things forever. The whole point of seeing through something is to see something through it. To ‘see through’ all things is the same as not to see.” The evidence shows that the United States, as a Nation, recognizes the existence of absolute truth, as reflected in the Constitution of the United States and the Declaration of Independence. The United States recognized the existence of natural law that parallels the edicts of Christianity at the Nuremberg trials, which the United States government still recognizes. See *Kiobel v. Royal Dutch Petroleum Co.*, 621 F.3d 111, 154 (2d Cir. 2010). Consider this, the Uniform Code of Military Justice (UCMJ) 809.ART.90 (20), makes it clear that military personnel need to obey the “lawful command of his superior officer,” 891.ART.91 (2), the “lawful order of a warrant officer”, 892.ART.92 (1) the “lawful general order”, 892.ART.92 (2) “lawful order.” Military Officers have an obligation and a duty to only obey lawful moral orders and indeed have an obligation to disobey unlawful immoral orders, including orders issued by the President. *Armbruster v. Cavanaugh*, 140 Fed. Appx. 564 (3rd Cir. 2011). If a junior Army Officer is obligated to disobey immoral orders by superior commanders, on what basis can he decide which orders are moral and which ones are not, if there is not an objective universal morality that is self-evident like Christianity? Yet, since such an objective moral doctrine has been recognized to exist in the Military, then very obviously that same objective moral doctrine is necessary as a foundation for laws and policies in the civilian sector. In his letter from Birmingham jail, Pastor Martin Luther King Jr. said that “the only way that he can know that a human law is unjust is if there is a divine law/higher law from God.” If there was no God and no divine higher law, there would be no way of knowing if a particular human law was unjust or not. If there is “no belief in God” and “no higher divine law,” then how can we say that any historical event is “unjust”? There would be no basis to condemn the Nazis holocaust, slavery, or Jim Crow laws. If there is nothing but “nature,” and if “nature” is all there is, what is more natural than violence? Natural Selection explains that it is how we got here - the strong eating the weak right? The LGBTQ cult certainly believes that in accordance with their “ends justify the means” philosophy as they repeatedly twist the truth in an unrelenting effort to pump their toxic ideology through the organs of Government.

But the ultimate question remains: “Is America a Christian Nation or is America a Secular Humanist Nation?” The Supreme Court in *Church of the Holy Trinity v. United States*, 143 U.S. 457 (1892) answered the question stating, “America is a Christian Nation,” which should have in theory ended the debate. However, the Supreme Court in *Planned Parenthood v. Casey*, 505 U.S. 833, 846-47 (1992) implied that “America is a Secular Humanist Nation” when it enshrined the modern cultural mindset by stating “at the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe.” But the *Casey* religious principle can be boiled down to mean “to each his own,” which in German means, “Jedem das Seine,” which is exactly what the sign over Buchenwald concentration camp read. So clearly America can never be a Secular Humanist Nation with a worldview that can produce a holocaust.

Here is the final answer, at best it could be said that “America is [unofficially] a Christian nation” insofar as the laws of this Country can parallel self-evident truth claims that parallel the truth claims found in the Bible by coincidence. But the government must never mandate Christianity because, after all, it would promote the very same toxic legalism that Christ himself was so adamantly opposed to.⁷³ The Fourteenth Amendment’s Equal Protection Clause and the Declaration of Independence parallel what is found in Genesis 1:27 that all men are made in the image of God, and therefore, each life matters.⁷⁴ This coincidental symmetry does not make the Fourteenth Amendment unconstitutional because it is based on self-evident truth that is natural,

⁷³ The Government can base laws on Christian morality. This is why polygamy and pedophilia are illegal, even though the Plaintiffs wish they were legal. See *Reynolds* at 166-167.

⁷⁴ “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.” Declaration of Independence.


neutral, and non-controversial. Christianity can stand on its own merits, without the government's official endorsement and stamp of approval and does not need to be the mandated religion of the Country. But the same cannot be said of the religion of Secular Humanism as advocated by the LGBTQ cult. Without the government's direct endorsement, the doctrine stemming from the religion of Secular Humanism, as advocated by the LGBTQ cult, tends to implode under the weight of its own absurdity because it self-evidently bucks common sense.

Dismissing the Plaintiffs' lawsuit will convey that our government is not a church. It is not a redeemer. And it will serve the public's interest by dismissing the Plaintiffs' complaint because it will reinforce the principles of the separation of church and state, conveying to the LGBTQ cult that the days of them pushing to get our government in bed with different denominations of Secular Humanism are over. The public interest will be best served by the restoration of the rule of law and the reinforcement of the ultimate supremacy of the Constitution of the United States.

VII. CONCLUSION

The cruelest thing that a parent can do to a child is to enable their destruction. The same applies to the government here in respect to the LGBTQ cult, which is continually desperate for the government's stamp of approval. The 2020 Trump rule must be allowed to remain intact because it comports with the Establishment Clause of the First Amendment, unlike the 2016 Obama Rule. "Obama" and his 2016 Rule have come to stand for "Constitutional abomination," whereas "Trump" and his 2020 Rule have come to represent the triumph in the restoration of the rule of law. At the root of this controversy in the past is the failure of litigants and some judges to know the objective difference between (1) right and wrong, (2) real and fake, and (3) secular

and non-secular. When Defendant Severino decried the 2016 Obama Rule because it ran counter to some people's "moral, and religious beliefs about biology" and because, in his opinion, the 2016 Obama Rule "create[d] special privileges, new protected classes, or new rights to particular procedures," he was partially right. (DE # 1 ¶ 168). What Defendant Severino was trying to say is that the 2016 Obama Rule violated the Establishment Clause in its creation and enforcement for failing the three prongs of the *Lemon* Test. In 2016, when Defendant Severino denounced the Department of Justice's enforcement of Title IX's sex discrimination protections as they applied to self-identified transvestites, as "using government power to coerce everyone, including children, into pledging allegiance to a radical new gender ideology" what he was really saying is that the government cannot endorse LGBTQ ideology because it is inseparably linked to the religion of Secular Humanism, and the Establishment Clause does not permit that for the reasons that the the Plaintiffs set out in their own self-defeating complaint. (DE # 1 ¶ 169, ¶¶ 291 - 302). The Trump 2020 Rule must be left to remain in place because Establishment Clause of the First Amendment is the legal basis supporting it.

/s/Chris Sevier Esq. 

DE FACTO ATTORNEYS GENERAL
SPECIAL FORCES OF LIBERTY

Mailing address:

4301 50th St.

Suite 300, #2009

Washington, DC 20816

(615) 500-4411

#026577

ghostwarsmusic@gmail.com

www.humantraffickingpreventionact.com

www.stopsocialmediacensorshipact.com

www.stopguiltbyaccusationact.com

www.disentanglementact.com

www.lifeappropriationact.com

27A JA

Bravo Two Zero

/s/Gregory Degeyter Esq./ 

DE FACTO ATTORNEYS GENERAL

degeyterlaw@gmail.com

9 Music Square South

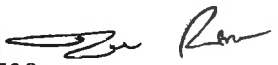
Nashville, TN 37203

#24062695

(615) 500-4411

(713) 505-0524

Tango Whisky Gator 6

/s/Jason Rowe Esq./ 

Texas Bar #: 24073538

Rowe Law, PLLC

1720 Bissonnet

Houston, TX 77005

Office: 713-678-0774

Fax: 713-678-0266

Email: jason@rowelawtx.com

<http://www.rowelawtx.com>

Wilco Red Dragon

CERTIFICATE OF SERVICE

A true copy of the foregoing was emailed and mailed to the following on July 9, 2020:
LAMBDA LEGAL DEFENSE AND EDUCATION FUND, INC. 120 Wall Street 19th Floor
New York, NY 10005 212-809-8585 Email: ogonzalez-pagan@lambdalegal.org; Carl Solomon
Charles LAMBDA LEGAL DEFENSE AND EDUCATION FUND, INC. 120 Wall Street 19th
Floor New York, NY 10005 212-809-8585 Email: ccharles@lambdalegal.org; Jamie Avra
Gliksberg LAMBDA LEGAL DEFENSE AND EDUCATION FUND, INC. 65 E. Wacker Place
Ste 2000 Chicago, IL 60601 312-663-4413 Fax: 312-663-4307 Email:
jgliksberg@lambdalegal.org; Karen Loewy LAMBDA LEGAL DEFENSE & EDUCATION
FUND 120 Wall Street, 19th floor New York, NY 10005 212-809-8585 Email:
kloewy@lambdalegal.org; Khristoph Becker STEPTOE & JOHNSON LLP 1114 Avenue of the
Americas Ste Floor 35 New York, NY 10036 212-506-3900 Email: kbecker@steptoe.com;;
Laura Joy Edelstein STEPTOE & JOHNSON LLP One Market Plaza Spear Tower Suite 3900
San Francisco, CA 94105 415-365-6770 Fax: 415-365-6670;; Michael A. Vatis STEPTOE &
JOHNSON, LLP 1114 Avenue of the Americas 1114 Avenue of the Americas 35th Floor New
York, NY 10036 212-506-3927 Fax: 212-506-3950 Email: mvatis@steptoe.com;; Johanna
Dennehy STEPTOE & JOHNSON LLP 1330 Connecticut Avenue, NW Washington, DC 20036
202-429-5515 Email: jdennehy@steptoe.com

/s/Gregory Degeyter Esq./

/s/Jason Rowe Esq./

/s/Chris Sevier Esq./

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

WHITMAN-WALKER CLINIC, Inc. et. al. (Plaintiffs)		
V.		1:20-cv-01630-JEB
U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES et. al. (Defendants)		

**DECLARATION OF AN ALLIANCE OF BLACK AND WHITE EX-GAYS AND
EX-TRANS**

REVEREND JOAN GRACE HARLEY

GREG QUINLAN

REVEREND CHARLENE COTHRAN

ROBIN GOODSPEED

Greg Quinlan, Joan Grace Harley, Charlene Cothran, and Robin Goodspeed, declares that the following is true under the penalty of perjury, pursuant to 28 USC sec 1746 as follows:

1. Joan Grace Harley is a black female who self-identified as a transvestite for 18 years. Her personal declaration is attached. She has been serving as a Reverend in the greater DC area and in Maryland for the past 20 years.

2. Greg Quinlan is a white male practitioner and founder of the Center For Garden State Families. He is self-identified as a homosexual for years before converting to a new identity narrative. His personal story is attached as a separate declaration.

3. Reverend Charlene Cothran is a black female who was a hardcore militant LGBTQ activists and self-identified lesbian for 28 years before leaving it behind. Her personal story is attached as a separate declaration.

4. Robin Goodspeed is a white female who self-identified as a lesbian for years before leaving the lifestyle behind completely and becoming an activist against the LGBTQ cult. Her personal testimony is attached as a separate document.

5. There are tens of thousands of ex-gays and ex-trans. People who were conned into buying into the dehumanizing, depersonalizing, desensitizing, damaging, and destructive lies of the LGBTQ cult. They exist whether the law, the government, or the LGBTQ cult says otherwise.

6. As ex-gays or ex-trans we can attest that the LGBTQ community is a religious cult that involves a closed system that is full, organized, and has a comprehensive code by which members can live their daily lives by.

7. As ex-gays or ex-trans we can attest that “sexual orientation” orthodoxy and “gender identity” ideology are doctrines, dogmas, mythologies that are inseparably linked to the religion of Secular Humanism. “Sexual orientation” and “gender identity” and not “medical science” but religious constructs that flow directly out of Secular Humanism. Skin color is based on immutability and genetics, whereas sexual orientation and gender identity are based on religious faith.

8. In the wake of *Obergefell*, there has not been a landrush on gay marriage. Prior to the *Obergefell* decision a few years ago, the 7.9 percent of gays who were married would have amounted to 154,000 married gay couples. Two years later, this had grown to 10.2 percent or

198,000 married couples. In the wake of *Obergefell*, there was not been a landrush on gay marriage and tolerance, there has been a landrush on persecution of Christians and ex-gays. in the wake of *Obergefell* there has not been a landrush to “live and let live,” there has been a landrush for devout LGBTQ activist to infiltrate public elementary schools and public libraries for the sole purpose of targeting minors to indoctrinate them to their Secular Humanism religion with the government’s official stamp of approval.

9. For years, we were all brainwashed by the unproven religious truth claims promoted by the LGBTQ cult. We are living proof that there is no gay gene and that sexual orientation is not based on immutability. Our lives matter. Our voices matter. The idea that once gay always gay is a lie.

10. As former insiders of the LGBTQ cult, we can attest based on our former activism that the LGBTQ cult is immensely dangerous because it not only attempts to distort self-evident morality and normalize licentiousness, it attempts to distort constitutional interpretation to mean exactly opposite to what it was designed to mean.

11. Reverend Cothran and Reverend Harley can attest directly that the Equal Protection Clauses of the Fifth and Fourteenth Amendments hold special significance for Black Americans. Reverend Cothran and Reverend Harley as black ex-lesbian activist can attest directly that it is beyond offensive to people of color for members of the LGBTQ cult to even compare their barbaric licentiousness plight to the race-based civil rights plight, which was actually based on immutable skin pigmentation.

12. Based on our experience, any government actor who dares to pretend that the “phony gay-civil-rights movement” is equal to the “race-based-civil-rights movement,” whereas the

“race-based-civil-rights movement” was actually predicated on immutability and genetics, is guilty of racial animus in-kind that manages to be racially, sexually, intellectually, and emotionally exploitative.

13. While there are no such things as ex-black people, there are thousands of ex-gays.

14. Make no mistake, based on our experience, we can attest that any government official that permits the government to entangle itself with LGBTQ Secular Humanism is on a mission to destroy the race-based civil rights movement led by Pastor Martin Luther King Jr. Such government officials are undoubtedly enemies of decency. President Obama certainly was. So was his unconstitutional 2016 Obama Rule that has been rightfully replaced by the 2020 Trump Rule.

15. As ex-gays and ex-trans who now speak out against the evil of the LGBTQ cult’s ideology, we have been stalked, canceled, targeted, libeled, harangued, slandered, falsely accused, punished, threatened, brutalized, persecuted, violated, and assaulted by the phony tolerant and dangerous LGBTQ cult in the wake of the government’s unconstitutional decision to entangle itself with its immoral religious ideology. We have been reduced to non-citizens with no rights and no voice. The Government’s entanglement with our former religion - LGBTQ Secular Humanism - has eviscerated our rights and placed us in danger.

16. Ex-gays and Ex-trans do exist, and we expect our civil rights to be fully protected.

17. As ex-gays and ex-trans, we can attest that a homosexual act is immoral, indecent, lewd, and obscene. The LGBTQ is immensely abusive. It is rife with feelings of shame and inadequacy. We do not want our government directly or symbolically promoting the religion. It is licentiousness and attempts to justify practices that are inconsistent



REVEREND JOAN GRACE HARLEY
(Black Ex-Trans)



GREG QUINLAN
White Ex-Gay



REVEREND CHARLENE COTHRAN
Black Ex-Gay



ROBIN GOODSPEED
White Ex-Gay

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

**WHITMAN-WALKER CLINIC, Inc. et.
al.
(Plaintiffs)**

V.

1:20-cv-01630-JEB

**U.S. DEPARTMENT OF HEALTH AND
HUMAN SERVICES et. al.
(Defendants)**

DECLARATION OF LISA BOUCHER CO-OWNER OF WW BRIDAL

1. I, Lisa Boucher, declare under the penalty of perjury, pursuant to 28 USC sec. 1746 as follows:
2. I am over 18.
3. I am a resident of Bloomsburg, Pennsylvania. Twenty-two years ago, my family purchased WW Bridal Boutique. Our plan was to be a light to our community while providing brides and grooms with their wedding attire. During those years, we were able to provide an income for our families. We were able to raise our children without seeking day care. We did not hide the fact that we are Christians. We played Christian music and displayed bible verses throughout the store. We attached gospel tracks to gowns and tuxedos. We felt this was the perfect opportunity to show God's love to everyone we served.
2. In May 2014, Pennsylvania's governor legally recognized same sex marriage. We knew at that time we would have to decide if we were able to service those events. After seeking guidance from our pastor and much prayer, we came to the decision we could not violate our faith by participating in same sex weddings.

3. In August, we received a call from one of our customers. She wanted to make a fitting appointment for a bridesmaid dress she had purchased. She also advised us that she wanted to make an appointment to view our gowns with her partner, who was also a woman. We advised her at that time, we were not serving same sex weddings due to our faith. Within a day, one of the local media stations came to our door seeking a comment. We explained our position off camera.

4. One week later, the local lgbt activists petitioned our town council to seek a non-discrimination ordinance. This ordinance would force us to go against our beliefs in traditional marriage or close. Once this process started, more of the local new stations covered our story. It did not take long for the coverage to become national news. During this time, we received hundreds of hateful emails, voicemails and facebook posts. We also received threats of arson, rape and murder not just to us, but our employees and even our children. The police advised us to close our doors for at least 2 weeks due to these threats. We became appointment only during this time.

5. In December 2014, the ordinance failed to pass by a 5 to 4 vote. After the meeting, the local lgbt activists gathered outside of the fire hall to strategizing their next plan of attack.

6. In July 2017, a same sex couple drove over 50 miles away, passing over a dozen other bridal boutiques to view our gowns. We feel this was a targeted attempt to start the process of an ordinance or gain national attention for free services. One of the women grew up close to Bloomsburg and posted that she knew there was a boutique in Bloomsburg that could not service same sex weddings due to faith. She visited the other bridal boutique before coming in to our store. When the couple came in, they filled out a form which stated bride and grooms information. After replacing groom with bride on form, we advised them we could not service same sex weddings due to our faith. The couple posted on facebook and within an hour, we started receiving hateful message on our facebook page. The post went viral and the national news picked up on the story again. Our doors were locked for another 2 weeks due to additional threats to us, our employees and our children.

7. During the fall election, the current town council members made it known, if given an opportunity, they would pass a non-discrimination ordinance. We were call bigots, racists and intolerant at an election forum relentlessly. We have documentation from the Democratic committee meeting of a plan to fight with us and make it a "done deal". Due to the election results, we felt it was only a matter of time until someone would target our boutique to start the ordinance process. My family could not handle another attack.

8. With heavy hearts, we decided to close our doors on March 31, 2018 and only service current brides until the end of the year. Religious liberty is under attack in our country. Due to this attack, we have decided to seek protection by asking legislators to sponsor, introduce and pass The Marriage and Constitution Restoration Act. Christians have the right under the First Amendment to exercise our faith, not just at home, but in the public square. This right must be protected from the religion of lgbt Secular Humanism attempts to silence anyone that disagrees with their agenda. All of the suffering that my family has had to endure is the direct result of the government's decision to endorse and entangle itself with LGBTQ ideology. We are asking that the Courts and legislators obey their duty under Article VI by requiring the government to disentangle itself with the LGBTQ church and the religion of Secular Humanism by simply enforcing the First Amendment Establishment Clause of the United States Constitution.

9. Here is one article about our closing.

<https://www.christianpost.com/news/christian-bridal-shop-closes-down-over-fear-of-lgbt-law-after-facing-death-threats-220306/>. I have also prepared a timeline of events.

10. 1. I, Lisa Boucher, declare under the penalty of perjury that the above statements are true and accurate.

A handwritten signature in cursive script that reads "Lisa Boucher". The signature is written in black ink and is positioned above a dashed horizontal line.

Lisa Boucher

Co-owner of WW Bridal

<http://wwbridal.com/>

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

**WHITMAN-WALKER CLINIC, Inc. et.
al.
(Plaintiffs)**

V.

1:20-cv-01630-JEB

**U.S. DEPARTMENT OF HEALTH AND
HUMAN SERVICES et. al.
(Defendants)**

**DECLARATION OF JOSHUA BUSBY FOUNDER OF CHRISTIAN RESISTANCE A
NON-PROFIT FAITH-BASED ORGANIZATION**

1. I, Joshua Busby , declare under the penalty of perjury, pursuant to 28 USC sec. 1746 as follows:
2. I am over 18. I live in Mendenhall Mississippi.
3. I am the founder of Christian Resistance, a non-profit organization located in Mississippi.¹ I and seven other Christian Missionaries started the organization in 2013. We began as a Christian “truth movement.” Our goal was to fulfill the great commission by using the social media

¹ As Christians, we at Christian Resistance believe that Jesus Christ is the hope of the world. That he is the redeemer and that his death on the cross pays for the sins of humanity. We believe in faith that he died, was buried, and rose again. We believe that the Bible contains living words that serve as the basis for ultimate reality and that the Bible memorializes the natural law that was woven into the fabric of the Universe.

platform provided by Facebook. It was our intent to build a big following. Number matter because people matter. On our page we discuss doctrine, apologetics, cultural issues, and matters of politics through the lens of the Bible. We had over 151,000 followers who we ministered to. We worked incredibly hard to build such a large following.

4. We would use our Facebook page to organize Bible studies. We saw a lot of people convert to Christianity because of our page. We would talk about issues that many Churches were too afraid to bring up, and we saw that really had an impact on people in leading them into the faith. There are a lot of hurting people out there who are looking for life and purpose, and we intended to point them towards what we sincerely believe is the absolute truth. Our actions were motivated by a love based on truth, and not love based on shallow sentimentality that has nothing to do with reality.

5. Another function we at Christian Resistance provided was that we would provide commentary and criticism of political and world events that we felt like were objectively evil and subversive to human flourishing. We did more than just outreach, we would try to encourage believers and give them our take on world events through the lens of the New Testament scripture. Our objective standard for classifying other movements or activity in the world as evil was the Bible. It was our intent to promote peace as far as we were able, to speak the truth in love, to call out censorship, to expose intellectual dishonesty, and to affront courses of conduct that are self-evidently damaging, destructive, dehumanizing, depersonalizing, and desensitizing. In one sense, we did consider ourselves to be Christian whistleblowers. We firmly believe that silence in the face of evil is itself an evil. We believe without apology that to refuse to oppose immorality is to cooperate with it.

6. I am a taxpayer of the United States and of the State of Mississippi. I believe the testimony of ex gays that homosexuality is a religious doctrine that flows directly out of the church of Secular Humanism. I do not want a penny of my taxpayer funds, not a dollar to in any way go towards the government's promotion, entanglement, endorsement, and ratification of the religion of Secular Humanism. I do not want the government officials issuing licenses to self-identified homosexuals. I do not want the government distributing a constellation of benefits to self-identified homosexuals which treats their worldview as if it is real, plausible, ethical, moral, and indefensible, when it is not.

7. At Christian Resistance, we would post our opinion in opposition to homosexuality and the feminist movement. We would always back it up with scripture. There was never anything posted that was vulgar. While we oppose the homosexual ideology, we did not demean any individual. Ever since the Supreme Court handed down the decision in *Obergefell*, all that did was spread fuel to the fire - a brush fire. In the wake of *Obergefell*, our Facebook page has been relentlessly antagonized and harangued by self-identified homosexuals, feminists, and devout believers in the Secular Humanist religion without mercy. We had one self-identified homosexual who told us that he was going to report every single one of our posts, and he did. Their intent was not "loving" whatsoever. Their intent was to punish us for not converting to their religious worldview that the government has wrongfully endorsed through the misuse of the Fourteenth Amendment. All *Obergefell* did was plunge self-entitled homosexuals into a deeper state of intellectual blindness and self-entitlement. In the wake of *Obergefell*, our page has been regularly blocked and disabled, which was distressful, discouraging, and unfair - and economically harmful. In building a social media network on Facebook, we at Christian Reliance

have detrimentally relied on the notion that tolerance is a two way street. *Obergefell* so clearly established the religion of Secular Humanism as the National religion that the two way street is long gone.

8. At the center of the Bible is a man dying on the Cross while loving his enemies and telling his followers to do the same. We love people, even broken ones. The starting place of Christianity is a recognition that we are in need of a savior. It is a posture of humility. We at Christian Resistance are in the practice of finding hurts and healing them and finding needs and meeting them. Yet, in the wake of the *Obergefell* putsch, the malicious attacks by self-entitled believers in homosexual orthodoxy have been vulgar, abusive, obscene, degrading, malicious, dishonest, fraudulent, callous, immature, and unyielding. Such harassment has been crafted out of mean spiritedness due to a spectacular refusal to think logically, which has had to effect of disrupting our efforts to share our opinions, thoughts, and beliefs that are not only faith-based but also accord with self-evident neutral fact-based truth. There is no question that the master narrative of the United States Constitution and the Bill of Rights is the radically transformative personalized truth of the New Testament Gospel. This is because the Bible parallels neutral and natural self-evident truth. No amount of intellectual denial changes that fact. No amount of intellectual squinting will undo the fact that gay marriage policy and sexual orientation statutes are a sham. They do not accomplish their goal. They do enshrine the dogma floated by the LGBTQ church and religion of Secular Humanism.

9. Once we posted on our Christian Resistance Facebook page a picture of a woman wearing a sweater and a scarf with the caption, "this is how a Godly woman dresses for winter." We received thousands of criticisms and vulgar attacks by the LGBTQ church and devout followers

of the religion of Secular Humanism, who pride themselves on the unproven faith-based assumption that absolute truth does not exist. Facebook ended up deleting the post, and then Facebook turned around and banned our page for seven days. The antagonization by Facebook and legion of Secular Humanists online comes as a direct result of the government's wrongful endorsement and entanglement with gay marriage. The government's decision to endorse gay marriage has not given children of gay marriage dignity, it has given a sword to Secular Humanists to relentlessly attack Christians and other non-observers. Gay marriage is not real marriage to begin with. It is a parody marriage that is a critique on fact-based actual marriage - which is neutral, natural, non-controversial, and secular in nature. Man-woman marriage policy does not promote religion, but the same cannot be said of policies that respect parody marriage. By this State's deciding to issue gay marriage licenses to self-identified homosexuals, the State is giving a license to all Secular Humanism to marginalize, harangue, and oppress anyone who refuses to buy into the new National Religion of Secular Humanism, as promoted by the intolerant, narrow-minded, abusive, and exclusive LGBTQ church. I can personally attest after years of being antagonized on line by legions of Secular Humanists and members of the LGBTQ church that gay marriage policy and fake sexual orientation civil rights statutes are an indefensible legal weapon against non-observers. Facebook and other businesses feel justified in stifling Christians because they believe that the governments endorsement of Secular Humanism orthodoxy backs up their oppression. This is the same erroneous beliefs that were held by the Nazis as they marginalized, murdered, and oppressed Jews.

10. It is unwise and dangerous for the government to make Secular Humanism/post modern western individualistic moral relativism as the national religion for every reason. It takes a huge

amount of faith to believe that this life is all that there is. That is, it take an immense about of religious belief to think that we are all just accidental particles, animated pieces of meat, and a bundle of random chemicals. If truth really was relative, and if nature is all there is - what is more natural than violence? If truth is relative, then there is absolutely nothing to stop those in power from violently oppressing anyone who disagrees with them. After all, the ends would justify the means. It is a simple fact that a huge portion of the political platform promoted by the Democratic party is Unconstitutional because it would have the effect of entangling the government with the religion of Secular Humanism. Officials in office, must at least be required to know the difference between secular and non-secular, real and fake, and right and wrong. Otherwise, it is my experience that the evidence would suggest that they are unfit to lead.

11. This is America. This is not Iran. America cannot be a Nation under the vicious thumb of the religion of Secular Humanism. As a taxpayer, I demand that all 50 States and Federal Government disentangle itself from the respecting homosexual ideology - overruling all policies that endorse such practices.

12. At one point, I encountered a clip from a video of homosexuals having sex with one another that was posted on Facebook. I reported it. Facebook responded that the video did not violate the community standards and then antagonized our page for making the report. It was reprisal for whistleblowing. There is no doubt that is a double standard online that the government cultivated by its reckless endorsement of gay marriage and sexual orientation as a civil rights matter - when it never was. There are Facebook posts where Christianity is being smeared and demeaned and those posts are not removed, and I am not saying that they should be. But the double standard created online and by businesses who look to government for a sense of truth and purpose is

simply not right. Facebook should be treated like a quasi-government actor. There are seven billion people in the world, and there are over a billion Facebook accounts. The Federal Courts and Congress must pass laws that compel Social media websites that market themselves as secular with more than a million followers to fall subject to the Constitution. Congress and the States should amend the constitution to that effect if necessary.

13. I believe in the freedom of Speech and the First Amendment Freedom of Expression Clause. Secular Humanists and the members of the LGBTQ church have to be allowed to believe what they want to believe and to say what they want to say - as long as it is not threatening safety. Self-identified homosexuals, polygamists, zoophiles, wizards, transgenders, and so forth should be and are permitted to have wedding ceremonies. A man should be allowed to informally marry a man and believe that the man is his wife. But we at Christian Resistance should also be allowed to say our opinion and take positions that accord with our worldview without the fear of constant reprisal. The government must stay completely away from the practice of legally endorsing, respecting, and recognizing parody marriages.

14. At one point, we posted verses from the Quran and showed how the Quran contradicted itself. The hoards of LGBTQ Secular Humanists who troll our page reported the post, and Facebook banned us for that. On the one hand, it is strange to us that the LGBTQ church and Secular Humanists zealously defend the Islamic religion, when if those same members of the LGBTQ church were to show up in Muslim Nations they would be beheaded, burned alive, or thrown off of roof tops. This caused us to question why would they do that? The answer is that the LGBTQ church knows that their religion is irrational and fake, just as they also know that Islam is a fake and phony religion. The idea that there is a God in heaven who is a cruel Judge,

whose love you have to earn is a one sided love scenario that is exploitative by definition.

Works-based righteous religion lead to the same moral superiority complex manifested by the religion of Secular Humanism. Both Secular Humanism and Islam are two worldviews that lead to the same end, a moral superiority complex that leads to the marginalization and violent oppression of non-observers. Islam and Secular Humanism are aligned in opposing Christianity because Christianity involves the truth, not fiction. The truth is crunchy. It convicts and it cuts, but it will set a person and a Nation free. While we believe that Christianity has an exclusive monopoly on the truth, we at Christian Resistance by no means want to the government to mandate Christianity - for it would promote the very form of legalism that Christ Himself was adamantly opposed to. Instead, we simply want the Government to disentangle itself from the religion of Secular Humanism by no longer legally recognizing any form of parody marriage or from treating any sexual orientation statute as if the matter actually involves civil rights, when it does not. We at Christian Resistance not want the government to put religion over non-religion.

15. Our government is not a redeemer. It is not a savior. Government is not something we all belong to as many Democrats unwisely believe. Our government cannot be used by Secular Humanist to enshrine their ideology in the chance that it explains away the nature and innate feelings of shame and inadequacy that come from choosing a path that goes against the givenness of our nature in the way we are designed. Our government was never designed for that, and as a taxpayer myself, I demand that the government immediately disentangle itself from endorsing gay marriage and policies that treat sexual orientation as a civil rights issue and not as a matter of religious faith.

16. We at the Christian Resistance do promote the Gospel. We will never stop doing that no matter how much coercion any third party or any government entity threatens. We do think that people would be wise to repent and come to foster a personal relationship with Jesus Christ. The truth has set me free, and I want others to have that free gift. It would be cruel for me not to promote that good news. My efforts to promote the Gospel are not motivated by fear (like in Islam) or shame (like in the Secular Humanism) but out of authentic love that radically transforms the heart. As an American citizen and taxpayer of Mississippi, I am not interested in being stifled because Secular Humanists in government are too jaded and intellectual blind to admit that homosexuality is a religious dogma that flows directly out of the religion of Secular Humanism. Based on the personal targeting that I have experienced, I can attest and am willing to attest before any government body that policies that treat gay marriage like actual marriage are nothing more than non-secular shams that erode the Constitutional rights afforded to millions of non-observers under the Bill of Rights and the Constitution. The government's decision to endorse gay marriage is not just an assault on authentic community standards of decency, it is an assault on the Constitution itself.

17. In December 2017, around Christmas, at 3am in the morning, Facebook permanently deleted Christian Resistance page, which contain over 151,000 followers. We had worked diligently to build such a large network. The removal is the direct result of the government's entanglement with the religion of Secular Humanism. It has relegated us to second class citizen status. While buying into a the homosexual worldview an individual may be relegating themselves to a second class lifestyle, the government cannot justify the misappropriation of the Constitution to frame a religious matter as a civil rights one, when it never was.

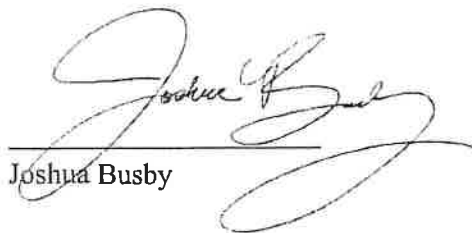
18. I am really sick of this abuse and harassment that I have been subjected to due to a refusal for the government to admit that homosexual ethos and sexual orientation theocratic dogma is predicated on a series of unproven faith-based assumptions and is implicitly religious in nature.

19. In response to my testimony, I want to see three things take place. First, I want to see the Federal and State government enjoined from legally recognizing any form of parody marriage. Second, I want the government to make crystal clear that any individual can self-identify as anything they would like and that they can have wedding ceremonies but that the government can only legally recognize, endorse, and respect actual marriage between one man and one woman because it is the only neutral, natural, non-controversial, and secular form of marriage that does not offend the Establishment Clause. Third, I want the Courts to enjoin Facebook, and I want the legislature to introduce an act that causes Facebook to be treated as a quasi-government actor because of the political power it has gained by attracting so many subscribers.

20. I take heart in this "If the world hates you, keep in mind that it hated me first." John 15:18 For this world is not our permanent home; we are looking forward to a home yet to come. Hebrews 13:14. Blessed are those who are persecuted because of righteousness, for theirs is the kingdom of heaven. Matthew 5:10. Sometimes it is wrong to not be angry in the face of so much injustice. The opposite of love is not anger. It is hate, and the final form of hate is indifference, and I am not indifferent, but I am ready to testify. I want to see change occur because America is a city on a hill. I do not want other Christians to be harassed, marginalized, and oppressed for

exercising their Freedom Of Expression rights that the wrongful enshrinement of gay marriage and fake sexual orientation civil rights statutes destroys.

21. I attest under the penalty of perjury that the above mentioned statements are true and accurate.



Joshua Busby

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

WHITMAN-WALKER CLINIC, Inc. et.
al.
(Plaintiffs)

V.

U.S. DEPARTMENT OF HEALTH AND
) HUMAN SERVICES et. al.
(Defendants)

1:20-cv-01630-JEB

DECLARATION OF A COALITION OF MULTI-RACIAL PASTORS

THEOLOGIAN, DR. KENDALL BAKER

PASTOR DALE WALKER

PASTOR JOHN WILLIAMS

PASTOR MANNY DE LA CRUZ

PASTOR RUBIN ISRAEL

REVEREND CHARLENE COTHRAN

MINISTER GREG QUINLAN

PASTOR RICH PENKOSKI

I, Theologian Dr. Kendall Baker, joined by I, Pastor Dale Walker, I, Reverend Charleen Cothran, I, Pastor Manny De La Cruz, I, Pastor John Williams, I, Pastor Rubin Israel, Minister Greg Quinlan, and I, Pastor Pastor Rich Penkoski, declare under the penalty of perjury, pursuant to 28 USC sec 1746 as follows:

1. We are over 18. We believe that our educational background, training, and work

experiences in ministry qualifies us as expert witnesses to testify to establish that Secular Humanism is a religion and that the LGBTQ cult is inseparably linked to. Instead of submitting several separate declarations, we have decided to just submit one and all sign on to it.

Black Theologian, Dr. Kendall Baker, compiled most of the research and information set forth that has been verified and ratified by the other declarants. Dr. Kendall Baker received a Bachelor of Theology, Master, and Doctor of Divinity degrees from the Kingdom Builder's Bible Seminary – as Salutatorian – Houston, Texas Doctor of Philosophy in Pulpit Communications and Expository degree from the Covenant International University- Houston, Texas – founded in Lagos, Nigeria.¹

¹ An ordained Elder in the Church of God in Christ for 13 years, serving alongside my father the late Superintendant Dr. Ernest L. Baker, Pastor of Wilson Temple COGIC in Rosenberg Texas, and National Adjutant/Public relations person for the late Bishop R. E. Woodard Jr., Pastor of Williams Temple COGIC, Houston, Texas, a consecrated Apostle and founder of an independent ministry called Christ Solid International Churches and Worship Centers for 12 years in Houston Texas, a former elected 3rd Vice Bishop for Family Life International Fellowship in Houston, Texas. A retired Division Manager for the City of Houston with over 30 years of management experience in emergency and non-emergency communications where we received calls and provided service for 2.1 million citizens a year, the CEO and founder of two Community Development Centers in Houston. Former Chairman of the Houston Police and Clergy Alliance, Active member of the Houston Ministers Against Crime and Texas Pastor Council. Spiritual son of Bishop Dr. George Dallas McKinney, Senior Pastor of Saint Stephen's Cathedral COGIC in San Diego, California and General Board Member of the Executive Branch of the Church of God in Christ, Inc. Also, Bishop T D Jakes, Senior Pastor of The Potter's House Church of Dallas. Currently serving under new Bishop Destry C Bell Sr., of the Texas Gulf Coast Church of God in Christ, Inc.

Gifted in Prophetic release and teacher of the Word, music and song, Fervent preacher of salvation and living in the fullness of God, Spiritual and temporal guide to members, Dedicated, hardworking, conscientious, and result oriented, Voice over/master of ceremony specialist, Practical and unassuming, positive out look to issues, team worker and player; Effective supervisory skills, mediator, good management skills, Minister of the Gospel for over 23 years, Strong in intercessory and healings, Highly ethical, innovative, with financial prudent abilities, Humble, appreciative, with good communication skills, A director of Communications with over 30 years of management experience for the City of Houston, Experienced in preaching and conducting missions in the United Kingdom, Ghana, Nigeria and South Africa. Responsible, strategic planner, with eyes for details, Computer literate, familiar most Microsoft applications,

2. WHAT IS RELIGION?

“Religion” is a set of unproven answers to the greater questions like why are we here, what should humans do or not do, and what happens after death. If a group has a closed system that is full, organized, and provides its members with a private moral code that provides identity or that can be used to guide their daily lives, then the group is a religion. Religion concerns an “ultimate concern,” “sincere belief,” a “non-theistic or theistic belief system” that if obeyed, makes a person a “good person.”

Several Paul Tillich "Supreme Being". Tillich's view is that the essence of religion is "ultimate concern,"² and therefore, religion is itself "ultimate concern." Further, Tillich postulates that the term "God" does not define religion, but it is "ultimate concern."³ Tillich's thesis is that "the concern of any individual can be ranked, and that if we probe deeply enough, we will discover the underlying concern which gives meaning and orientation to a person's

A four time candidate for Public Office including Houston City Council and Texas House of Representatives, A strong and sought after community advocate including current receipt of favorable response to my job applications by the United States Office of the President, a complaint resolution expert, An effective trend-setter and change agent. Happily married to my beautiful wife Esther and together we have one beautiful daughter, Kennedi.

² P. TILLICH, DYNAMICS OF FAITH 1-2 (1958) (hereinafter referred to as TLLICH). Paul Tillich, John A. T. Robinson, Bishop of Woolwich, the Scheme of the Ecumenical Council, Vatican II, and Dr. David Saville Muzzey of the Ethical Culture. Id. at 163, 180-83.

³ Tillich states: The name of this infinite and inexhaustible depth and ground of all being is God. That depth is what God means. And if that word has not much meaning for you, translate it, and speak of the depth of your life, of the source of your being, of your ultimate concern, of what you take seriously without any reservation. Perhaps, in order to do so, you must forget everything traditional that you have learned about God, perhaps even the word itself. For if you know that God means depth, you known much about him. You cannot then call yourself an atheist or unbeliever. For you cannot think or say: Life has no depth! Life is shallow. Being itself is surface only. If you could say this in complete seriousness, you would be an atheist; but otherwise you are not. He who knows about depth knows about God. P. TILLICH, THE SHAKING OF THE FOUNDATIONS 63-64 (1972).

whole life."⁴ Under the belief as ultimate concern as religion theory proffered by Tillich, everybody has a religion. All people are "homoreligioso" - we all worship and orbit around something.

Obviously, Tillich's theory minimizes the importance of a belief in Yahweh (YHWH), the God of the Bible. With dependence upon Tillich and the progressive theologians, the Supreme Court determined that a belief is valid if it is "sincere and meaningful [and it] occupies a place in the life of its possessor parallel to that filled by the orthodox belief in God of one who clearly qualifies for the exemption. Where such beliefs have parallel positions in the lives of their respective holders we cannot say that one is 'in relation to a Supreme Being' and the other is not." Therefore, a "belief" is constitutionally protected if it is in a "parallel position" to that of a belief in the traditional theistic concept of God.⁵

Religion can be defined as all sincere beliefs "based upon a power or being, or upon a faith, to which all else is subordinate or upon which all else is ultimately dependent."⁶ Thus,

⁴ See *Constitutional Definition*, supra note 12, at 1066.

⁵ *Id.* See generally Bowser, *Delimiting Religion in the Constitution: A Classification Problem*, 11 VAL. U.L. REV. 163 (1977); Boyan, *Defining Religion in Operational and Institutional Terms*, 116 U. PA. L. REV. 479 (1968); Clancy and Weiss, *The Conscientious Objector Exemption: Problems in Conceptual Clarity and Constitutional Considerations*, 17 ME.L. REV. 479 (1968); Clark, *Guidelines for the Free Exercise Clause*, 83 HARV. L. REV. 327 (1969); Killilea, *Standards for Expanding Freedom of Conscience*, 34 U. PRR. L. REV. 531 (1973); Rabin, *When is a Religious Belief Religious: United States v. Seeger and the Scope of Free Exercise*, 51 CORNELL L.Q. 231 (1966); Comment, *Defining Religion: Of God, the Constitution and the D.A.R.*, 32 U. CHI. L. REV. 533 (1965).

⁶ 380 U.S. 163, 176 (1965). In *Welsh v. United States*, 398 U.S. 333 (1970), the Court extended the Seeger rationale and held "that purely ethical and moral considerations were religious." The Court further blurred the distinction between religion and morality by holding that a sincere person may be denied an exemption only if his belief or belief system does "not rest upon and invade ethical or religious principles, but instead rests solely upon considerations of policy, pragmatism or expediency." *Id.* at 342-43.

"religion" includes atheists and agnostics, as well as adherents to traditional theism.⁷ "[A]bsolute vertical disbelief in the traditional sense - disbelief in God - is irrelevant" ⁸ in defining religion. In other words, belief or disbelief in the traditional theistic view of God (Creator) is no longer relevant. The conclusion is that a "belief" is a constitutionally protectable religion only if it parallels a belief in traditional theism and does not rest "solely" upon practical or expedient policies. The definition of religion as belief is a radical departure from the historical definition of religion as used in traditional theism. Furthermore, the judicial definition of religion as belief is a sharp break with the early Supreme Court cases that defined religion as Man's relationship to his Creator.⁹ From a preferred position within the religion clauses, traditional theism has been relegated to the level of all other belief system

3. SECULAR HUMANISM - A DEFINITION

The word "secular" by definition refers to "the temporal rather than the spiritual."¹⁰

"Secularism" is a doctrinal belief that morality is based solely in regard to the temporal well-being of mankind to the exclusion of all belief in God, a supreme being, or a future eternity.

¹¹ "Humanism" is a philosophy or attitude that is concerned with human beings, their

⁷Comments one writer: The Supreme Court's expansive approach parallels evolving notions of religious toleration developing in the international community. For example, the United Nations Commission on Human Rights has defined "religion or belief" as including "theistic, non-theistic, and atheistic beliefs." *Elimination of All Forms of Religious Intolerance*, U.N. Doc. A/8330 (1971) (draft convention). See *Constitutional Definition*, *supra* note 12, at 1065 n.59.

⁸ Rabin, *When Is a Religious Belief Religious: United States v. Seeger and the Scope of Free Exercise*, 51 CORNELL L.Q. 231, 244 (1966) (hereinafter referred to as Rabin).

⁹ *Davis v. Beason*, 133 U.S. 333, 341 (1890).

¹⁰ AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE 1173 (W. Morris ed. 1973)

¹¹ 2 SHORTER OXFORD DICTIONARY ON HISTORICAL PRINCIPLES 1828 (1934).

Secularism has been defined as "The view that consideration of the present well going of mankind should predominate over religious considerations in civil affairs or public education." *Id.*

achievement and interests, and the condition or quality of being human, rather than with the abstract beings and problems of theology.¹² "Secularism" is nontheistic and "humanism" is secular because it excludes the basic tenets of theism. Therefore, Secular Humanism is nontheistic. However, while Secular Humanism is nontheistic, it is religious because it directs itself toward religious beliefs and practices that are in active opposition to traditional theism.¹³ Humanism is a doctrine centered solely on human interests or values. Therefore, humanism defies Man collectively and individually, whereas theism worships God. Moreover, while humanism draws its values and absolutes from the finite reasoning of relativistic Man, theism

¹²Id. at 640 (definition of Humanism). One of the earliest writers discussing secularism was George Holyoake. It was in 1845 that he defined "secularism" as the doctrine that morality should be based solely in regard to the well-being of mankind in the present life, to the exclusion of all considerations drawn from belief in God or in a future existence beyond death. See generally G. HOLYOAKE, SECULARISM, THE PRACTICAL PHILOSOPHY OF THE PEOPLE (1845). Moreover, Holyoake envisioned secularism as being "independent of theistical or other doctrine" rather than as atheistic or anti-theological in attempts to avoid being characterized himself as an atheist. G. HOLYOAKE, LIFE OF HOLYOAKE SIXTY YEARS OF AN AGITATOR'S LIFE 293-94 (1906). Holyoake attempted to illustrate such independence with his "house" analogy: [A] man could judge a house as to its suitability of situation, structure, surroundings, and general desirableness, without ever knowing who was the architect or landlord; and if as occupant, he received no application for rent, he ought in gratitude to keep the place in good repair. So it is with this world. It is our dwelling place. We know the laws of sanitation, economy, and equity, upon which health, wealth, and security depend. All these things are quite independent of any knowledge of the origin of the universe or the owner of it. And as no demands are made upon us in consideration of our tenancy, the least we can do is to improve the estate as our acknowledgement of the advantage we enjoy. This is Secularism. Id. at 294. Cf. G. HOLYOAKE, THE HISTORY OF THE LAST TRIAL BY JURY FOR ATHEISM IN ENGLAND (M. O'Hair ed. 1972). Holyoake's view, of course, is contrary to traditional biblical theism. E.g., F. SCHAEFFER, THE GOD WHO IS THERE (1968).

¹³ H. BROWN, THE RECONSTRUCTION OF THE REPUBLIC 19 (1977). J. SIRE, THE UNIVERSE NEXT DOOR 29 (1976) (hereinafter referred to as SIRE). Sire comments: We can summarize this conception of man in God's image by saying that, like God, man has personality, self-transcendence, intelligence (the capacity for reason and knowledge), morality (the capacity for recognizing and understanding good and evil), gregariousness or social capacity (man's characteristic and fundamental desire and need for human companionship-community especially represented by the 'male' and 'female' aspect) and creativity (the ability to imagine new things or to endow old things with human significance).

has received its values and absolutes through the revelation of the infinite Deity or Creator. Both humanism and theism worship their own "god." The difference is the object of worship not the act. Therefore, Secular Humanism is a religion whose doctrine worships Man as the source of all knowledge and truth, whereas theism worships God as the source of all knowledge and truth.

4. THE LGBTQ CULT IS A SECT OF THE RELIGION OF SECULAR HUMANISM

The LGBTQ cult meets the legal definition because it is a "closed system" that is "organized, full, and provide[s] a comprehensive code by which individuals may guide their daily activities." The LGBTQ creed represents "ultimate concern," "sincere belief," and a "non-theistic belief system" in a manner that undeniably makes it a denominational sect of the religion of Secular Humanism. (In Humanist Manifestos I and II, spells out that Secular Humanism will be expressed in "widely varying ways."¹⁴ The evidence shows that the Black Lives Matter cult, the LGBTQ community, and Planned Parenthood Federation of America are denominational sects that are inseparably linked to the religion of Secular Humanism because their overlapping core doctrine is the active opposite of Christian theism. In comparing the Bible to the LGBTQ creed, there are several examples of how the LGBTQ doctrine is the mirror opposite of Christianity.

First, the Bible teaches, as does the Declaration of Independence, that all men and women are made in God's image and that all lives matter equally,¹⁵ whereas LGBTQ's creed, which implies that person is made in their own image through self-determination.¹⁶ Second, the

¹⁴ Humanist Manifestos I and II, supra note 176 at 13-15.

¹⁵ Genesis 1:27; So God created mankind in his own image, in the image of God he created them; male and female he created them. Christians believe that identity comes from God; whereas LGBTQ members believe that identity comes from ourselves.

¹⁶ Parable of the Good Samaritan, Luke 10:25-37, demonstrates that Christianity is inclusive of all races equally, whereas the LGBTQ cult exploits race to advance a licentious agenda.

Bible proclaims that homosexual practices are licentious and immoral¹⁷ and that to enable homosexual practices is itself an act of evil,¹⁸ whereas the LGBTQ creed teaches that acting out sexually as “nature dictates” is moral and that fostering a “foster[ing] a queer-affirming network” is good.¹⁹ Fourth, the Bible teaches that Jesus is the ultimate savior and healer,²⁰ whereas the LGBTQ creed asserts that “we...[ultimately]....heal[and save] ourselves.”²¹ Fifth, the Bible instructs fellow Christians to rebuke each other for engaging in sinful acts of

¹⁷ Romans 1:26-27: "Because of this, God gave them over to shameful lusts. Even their women exchanged natural relations for unnatural ones. In the same way the men also abandoned natural relations with women and were inflamed with lust for one another. Men committed indecent acts with other men, and received in themselves the due penalty for their perversion." Leviticus 18:22: "Do not lie with a man as one lies with a woman; that is detestable." Romans 1:18-18 "For the wrath of God is revealed from heaven against all ungodliness and unrighteousness of men, who by their unrighteousness suppress the truth. For what can be known about God is plain to them, because God has shown it to them." Jude 7 "Just as Sodom and Gomorrah and the surrounding cities, which likewise indulged in sexual immorality and pursued unnatural desire, serve as an example by undergoing a punishment of eternal fire.

¹⁸ Luke 17:2 "It would be better for them to be thrown into the sea with a millstone tied around their neck than to cause one of these little ones to stumble; Romans 14:21 "It is good not to eat meat or to drink wine, or to do anything by which your brother stumbles." The LGBTQ cult hosts Drag Queen Story Time at public libraries for the purpose of sexualizing and grooming children.

¹⁹ "Humanists, today, are committed advocates for LGBTQ equality, and uphold every person's right to act as their nature dictates. In 2010, the American Ethical Union's assembly resolved that, 'Ethical Humanism reaffirms its support for equal rights for Lesbian, Gay, Bi-sexual, Transgender, Questioning and Queer people.'

<https://www.hrc.org/resources/stances-of-faiths-on-lgbt-issues-humanism>

"We foster a queer-affirming network. When we gather, we do so with the intention of freeing ourselves from the tight grip of heteronormative thinking, or rather, the belief that all in the world are heterosexual (unless s/he or they disclose otherwise)."

<https://blacklivesmatter.com/what-we-believe/>

²⁰ John 14:6, "Jesus answered, 'I am the way and the truth and the life. No one comes to the Father except through me.'" Psalm 147:3 "He heals the brokenhearted and binds up their wounds." Isaiah 53:4 "Surely He has borne our griefs and carried our sorrows."

²¹ "Every day, we recommit to healing ourselves and each other, and to co-creating alongside comrades, allies, and family a culture where each person feels seen, heard, and supported." <https://blacklivesmatter.com/what-we-believe/>. Self-salvation through self-determination is at the health of the LGBTQ creed.

immorality,²² whereas, the LGBTQ creed commands its members to “practice empathy” towards members who commit immoral atrocities. Sixth, the Bible orders Christians to defend and preserve the integrity of the “Western-prescribed nuclear family structure” at any cost,²³ whereas LGBTQ creed orders its followers to destroy and “disrupt the Western-prescribed nuclear family structure” at all costs. Seventh, the Bible condones “patriarchy,” whereas the LGBTQ cult’s creed condemns it. Eighth, the Bible opposes “globalism,”²⁴ whereas LGBTQ cult’s creed supports it.

The LGBTQ cult’s creed is not just the opposite of Christian theism. It is anti-Christian. Based on collective experiences, training, and observation, the declarants find that the LGBTQ community is a religious cult that is a denominational sect that is inseparably part of the religion of Secular Humanism.

5. THE RISE OF SECULAR HUMANISM

At one time in American society, including the founding era, the genesis of religious thought was biblical theism. H. BROWN, THE RECONSTRUCTION OF THE REPUBLIC 19 (1977). The biblical worldview is based on theism, which posits that Man is created in the image of God.²⁵ Biblical theism teaches that absolute standards exist by which all moral judgments of

²² 1 Timothy 5:20 “Those who continue in sin, rebuke in the presence of all, so that the rest also will be fearful of sinning.” The LGBTQ cult practices empathy towards the sins of its members.

²³ “‘I hate divorce,’ says the LORD, the God of Israel.” Malachi 2:16 NASB; Ephesians 6:2 “Honor your father and mother.” The LGBTQ cult does not really in marriage.

²⁴ Revelation 13:7, “And it was given unto him[, the Antichrist], to make war with the saints, and to overcome them: and power was given him over all kindreds, and tongues, and nations.” Daniel 7:23, “The fourth beast shall be the fourth kingdom upon earth, which shall be diverse from all kingdoms, and shall devour the whole earth, and shall tread it down, and break it in pieces.”

²⁵ J. SIRE, THE UNIVERSE NEXT DOOR 29 (1976) (hereinafter referred to as SIRE). Sire comments: We can summarize this conception of man in God’s image by saying that, like God, man has personality, self-transcendence, intelligence (the capacity for reason and knowledge), morality (the capacity for recognizing and understanding good and evil), gregariousness or social

life are to be measured²⁶ and that history is linear, that is to say that history is a meaningful sequence of events leading to the fulfillment of God's purpose for man.²⁷ Biblical theism is clearly expressed in such founding documents as the Declaration of Independence, which presupposes that "God" endows men with "inalienable rights."²⁸

The men who sought independence from Britain did not hesitate to declare to the world their religious belief in a personal, infinite God who endowed them with inalienable rights. To the men of that day, if there were no God, there were no rights. Succinctly stated, the Declaration of Independence is structured upon a theistic base, in that it professes faith in a "Creator" who works in and governs the affairs of men (history) in establishing absolute standards ("inalienable rights"). *Id.* In this respect, the drafters of the Declaration of Independence were not inconsistent in "appealing to the Supreme Judge of the world for the rectitude of [their] intentions . . . with firm reliance on the protection of Divine Providence....."²⁹

capacity (man's characteristic and fundamental desire and need for human companionship-community especially represented by the 'male' and 'female' aspect) and creativity (the ability to imagine new things or to endow old things with human significance). *Id.* at 31.

²⁶ *Id.* at 39. Sire explains: God himself-his character of goodness (holiness and love)-is the standard. Furthermore, Christians and Jews hold that God has revealed his standard in the various laws and principles expressed in the Bible. The Ten Commandments, the Sermon on the Mount, the Apostle Paul's ethical teaching-in these and many other ways God has expressed his character to us. There is thus a standard of right and wrong, and people who want to know it can know it. *Id.*

²⁷ *Id.* at 40.

²⁸ U.S. DECLARATION OF INDEPENDENCE.

²⁹ The wording of the Declaration of Independence rebuts the assumption that the early founding fathers were, as a collective, deists. Deism, although it assumed a creator of the universe, promulgated the doctrine that God was "not immanent, not fully personal, not sovereign over the affairs of men, not providential." SIRE, *supra* note 133, at 49. Deism thus presents a view of God as a clockmaker who wound the clock (the universe) and then abandoned the clock to its own workings. "The deist has no need to pray because God, the absentee landlord, is not listening anyway." J. WHITEHEAD, *THE SEPARATION ILLUSION* 19 (1977).

Early American law was no less theistic in its configuration. Probably the greatest influence on the law as understood by the men responsible for formulating the foundations of the American legal system was William Blackstone's ³⁰ Commentaries.³¹ Regarding the basis of law, Blackstone wrote:

The doctrine thus delivered we call the revealed or divine law, and they are to be found only in the holy scriptures. . . . Upon these two foundations, the law of nature and the law of revelation, depend on all human laws. That is to say, no human laws should be suffered to contradict these.

Blackstone's thesis was that God was the source of all laws whether they were found in "the holy scriptures" or were observable as they operated in nature.³² His suppositions were thoroughly theistic and founded upon the belief that there existed a personal, omnipotent God who worked in and governed the affairs of men. These same premises were utilized by Thomas Jefferson and others who studied Blackstone.³³ Blackstone's philosophy was evident throughout the Declaration of Independence and the Constitution.³⁴ In the late eighteenth and early nineteenth centuries the influence of theistic thought in America increased until it peaked in the Third Great Awakening of 1858.³⁵ However, following the Civil War and the humanistic movement

³⁰ Blackstone's work has been noted as having become the "bible of American law- yers." D. BOORSTIN, *THE MYSTERIOUS SCIENCE OF THE LAW* 4 (1958) (hereinafter referred to as BOORSTIN). Boorstin further elaborates: " In the first century of American independence, the Commentaries were not merely an approach to the study of law; for most lawyers they constituted all there was of the law " *Id.* at 3. Chancellor James Kent once said that "he owed his reputation to the fact that, when studying law . . . he had but one book, BLACKSTONE'S COMMENTARIES, but that one book he mastered." C. WARREN, *HISTORY OF THE AMERICAN BAR*, 187 (1911).

³¹ W. BLACKSTONE, *Commentaries on the Law of England* 1-4 (1866) (two volumes) (commonly referred to as "Chitty's Blackstone") (hereinafter referred to as BLACKSTONE).

³² The law of gravity would be an example of an observable phenomenon in nature.

³³ BOORSTIN, *supra* note 139, at 48.

³⁴ See notes 136-138 *supra* and accompanying text.

³⁵ P. MILLER, *THE LIFE OF THE MIND IN AMERICA*, 88 (1966) (hereinafter referred to as MILLER).

resulting from the introduction of the Darwinian theory of evolution by natural selection in 1859,

³⁶Historian Perry Miller commented on the problem that confronted traditional theism following the emergence of humanism:

After 1860, American Protestantism was called upon to confront the forces of a new age-of industrialism, urbanization, economic conflict. To begin with, it had only the armory of weapons with which it had been equipped by the Great Revival-concepts of sublimity, of the heart, of benevolence, of the millennium. But above all it was committed to the absolute conviction that, amid a multitude of forms, revivalistic piety was the primary force in maintaining "the grand unity of national strength." This was the evangelical heritage.³⁷

This Christian evangelical heritage of revivalistic piety was not prepared to withstand the onslaught of the aggressive humanistic thought that emerged after the Civil War.³⁸ It has been concluded that the Civil War "was a triumph for the religion of humanity."³⁹ Historian Ralph Henry Gabriel explained the connection between "the religion of humanity" that appeared subsequent to the Civil War and the effect of Darwinian thought and Comtean positivism on traditional theism.

The appearances of an aggressive humanism, a new religion of humanity, immediately after the end of the Civil War is one of the more significant events in the history of American democratic thought. The objective of the religion of humanity was to secure

³⁶ C. DARWIN, *THE ORIGIN OF SPECIES BY MEANS OF NATURAL SELECTION OR THE PRESER- VATION OF FAVOURED RACES IN THE STRUGGLE FOR LIFE* (1859).

³⁷ P. MILLER, *THE LIFE OF THE MIND IN AMERICA*, *supra* note 145, at 95 (1966).

³⁸ R. GABRIEL, *THE COURSE OF AMERICAN DEMOCRATIC THOUGHT* 183 (2d ed. 1956) (hereinafter referred to as R. GABRIEL).

³⁹ R. RUSHDOONY, *THE NATURE OF THE AMERICAN SYSTEM*, 78 (1965). Historian R. J. Rushdoony explains: Most churches, whatever their stand on slavery, opposed abolitionism and its social radicalism. As a result, in the North, these churches supported the war effort rather than demanding it. The Unitarian, Universalist, and transcendentalist champions of abolition were thus the real victors of the war. They called for war, tried to promote it by financing John Brown, and, when war began, called at once for emancipation as the war aim. These men were moved, as a Unitarian scholar has pointed out, by "the perfectionist desire to impose upon the West and South the intellectual and religious supremacy of New England. One significant result of the Civil War was to accomplish just this." *Id.*, citing PHILLIPS, *PURITAN AND UNITARIAN VIEWS OF CHURCH AND SOCIETY IN AMERICA*, at Li.

and to protect a larger human freedom and to make men understand that liberty implies responsibility. Like Morgan, the post-Appomattox humanists turned to science. When the anxieties of war relaxed there was a sudden impact of Darwinism upon Christian orthodoxy. Auguste Comte, who died in 1857, gave the world a positivist philosophy which affirmed that the theological stage in the progress of humankind had ended as had also the succeeding stage of rationalistic philosophies. Mankind, thought Comte, had entered, in the nineteenth century, the age of science; in this new intellectual world man was destined to become the master of his own destiny. Comtean positivism affected American thought at the moment when Darwinism was challenging the old religious doctrines of the nature of man.⁴⁰

The splintered Union that resulted from the war was gradually healed as a consequence of an expanding industrialism. This was the era of unadulterated Victorian capitalistic rule at its best and worst; a Victorian capitalism that knew how to develop the country both economically and scientifically.⁴¹ It was a "merciless . . . age when social Darwinism rules supreme, when Herbert Spencer's amalgamation of the old Puritan creed with the pseudoscientific biological outlook was almost unchallenged. . . . With Roman-like ruthlessness, these Spencerian apostles confused mechanical expansion with historical process and the very success of industrialization contributed to ensnare them in their own intellectual traps." *Id.* As a consequence, J.D. Rockefeller could justify his industrial monopoly: "The growth of a large business is merely a survival of the fittest." *Id.* Likewise, Andrew Carnegie could expound on his conversion to Darwinism: "Light came as in a flood and all was clear. Not only had I got rid of theology and the supernatural, but I had found the truth of evolution." It was indeed the age of material gratification and a form of capitalistic dominance that possessed little if any Christian compassion. By the dawn of the twentieth century these humanistic forces had gained a significant hold on the economics and science of the American culture.

⁴⁰ R. GABRIEL, *supra* note 148, at 183

⁴¹ A. DE RIENCOURT, *THE COMING CAESARS* 179 (1957) (hereinafter referred to as *DE RIENCOURT*).

The industrialized, philosophical and religious systems that emerged in post-bellum America were at odds with the traditional theism that had preceded the conflict. The emphasis on moral absolutes or categories in business, education and society was diminishing. With the onslaught of evolutionary humanism a moral system composed of what theologian and lecturer Dr. Francis Schaeffer has called "arbitrary absolutes" began to dominate the thinking of man.⁴² The theory of evolution and its emphasis on perpetual change in species⁴³ implies that there are no absolutes. Therefore, "philosophical relativism" is an inherent adjunct to the evolutionary theory. *Id.* at 6.

The momentum gathered by humanism in the so-called "irrepressible conflict" has spilled over to the twentieth century and maintained its thrust through the utilization of public education.⁴⁴ The transferring, through public education, of humanist ideology to succeeding generations, coupled with a humanistic onslaught against cultural absolutes has abetted the establishment of Secular Humanism in contemporary American society.

6. GETTING OFF THE ON THE ROAD BACK TO ROME

Consider this example from history, Rome was a nation that made Secular Humanism the official religion of the empire. Rome, "as god on earth," demanded an adherence to its law over and above all other law or law systems, including "the laws of nature and of nature's God" as referred to in the Declaration of Independence. Early Christianity sharply attacked this thesis. "Rome was ready on the whole to recognize almost any religion and to give it legal status provided that the new religion recognized the superior jurisdiction of the state and the radical

⁴² See SCHAEFFER, *supra* note 125, at 224.

⁴³ R. WYSONG, THE CREATION-EVOLUTION CONTROVERSY 32-33 (1976).

⁴⁴ E.g., see generally A. COLE, THE IRREPRESSIBLE CONFLICT (1971); V. HAUBRICH AND M. APPLE, SCHOOLING AND THE RIGHTS OF CHILDREN (1975)

priority of the political order of the state as the essential and primary manifestation of the divine order."⁴⁵ The early Christians, however, refused to submit to the jurisdiction of Rome. The officials of the Roman Empire in time of persecution sought to force the Christians to sacrifice, not to any of the heathen gods, but to the Genius of the Emperor and the Fortune of the City of Rome; and at all times the Christians' refusal was looked upon not as a religious but as a political offense.⁴⁶ The United States cannot be on the road back to Rome, so to speak, where police officers, citizens, and Guardsmen are coerced into kneeling to the latest state sponsored version of Secular Humanism.

7. THE HUMANIST MANIFESTOS AND THE RELIGION OF SECULAR HUMANISM

The twentieth century has been characterized as the "secular century."⁴⁷ Secularization . . . occurs when supernatural religion that is, religion based on 'belief in God or a future state becomes private optional, and problematic."⁴⁸ Professor Harvey Cox of the Harvard Divinity School states that "secularization" must be distinguished from secularism.⁴⁹ Professor Cox's

⁴⁵ R. RUSHDOONY, THE INSTITUTES OF BIBLICAL LAW, *supra* note 115, at 44 (1973)

⁴⁶ *Id.*, citing F. LEGGE, I FORERUNNERS AND RIVALS OF CHRISTIANITY FROM 330 B.C. TO 330 A.D. (1964). Dr. Francis Schaeffer has commented: Rome was cruel, and its cruelty can perhaps best be pictured by the events which took place in the arena in Rome itself. People seated above the arena floor watched gladiator contests and Christians thrown to the beasts. Let us not forget why the Christians were killed. They were not killed because they worshipped Jesus. Various religions covered the Roman world. One such was the cult of Mithras, a popular Persian form of Zoroastrianism which had reached Rome by 67 B.C.. Nobody cared who worshipped whom so long as the worshipper did not disrupt the unity of the state, centered in the formal worship of Caesar. The reason the Christians were killed was because they were rebels. This was especially so after their growing rejection by the Jewish synagogues lost them the immunity granted to the Jews since Julius Caesar's time. SCHAEFFER, *supra* note 125, at 24.

⁴⁷ D. EDWARDS, RELIGION AND CHANGE 15 (1969) (hereinafter referred to as EDWARDS).

⁴⁸ *Id.* at 16.

⁴⁹ See Cox, *supra* note 6, at 18. What Cox refers to as "secularization" was summed up by Thomas Jefferson in Jefferson's surmising that the first amendment's establishment clause (i.e., "Congress shall make no law establishing a religion") was the embodiment of his renowned

apprehension is that "secularism is not only indifferent to alternative religious systems, but as a religious ideology it is opposed to any other religious systems. It is, therefore, a closed system."⁵⁰

Secular Humanism is a dangerous ideological system because, as Cox states, it "seeks to impose its ideology through the organs of the State."⁵¹ Because Secular Humanism has no tolerance and is opposed to other religions, it actively rejects, excludes and attempts to eliminate traditional theism from meaningful participation in the American culture.⁵² The twentieth

"wall of separation between church and state". Although "secularization" would hold that there is a wall of separation between church and state, "secularization" in Cox's view would mandate state accommodation of religious practices. E.g., see generally Toms and Whitehead, *The Religious Student in Public Education: Resolving a Constitutional Dilemma*, 27 EMORY L.J. 3, 11 (1978). Harold J. Berman would not agree with Cox's dubious distinction between secularization and secularism. E.g., see generally BERMAN, *supra* note 3. It would seem logical to assume that secularization is the breeding ground for secularism and, therefore, the secularization process is responsible for contemporary secularism.

⁵⁰ Cox, *supra* note 6, at 18.

⁵¹ *Id.*

⁵² One writer, arguing against the inevitable clash of secularism and the traditional Theistic religion, advocates that the answer to this dilemma is in a pluralistic secularism. H. KALLEN, *SECULARISM IS THE WILL OF GOD* 11-17, 57-58 (1954). By equalizing all religions, and by making God a union of divinities, secularism can supposedly reduce any inevitable conflict between established beliefs. *Id.* Under this theory, the various religions become members of a large orchestra, combining to make beautiful music, rather than competing as out-of-tune ensembles. This approach fails to recognize Secular Humanism's vehement opposition to traditional theism as well as the separateness from alien religious doctrines required by many Christian denominations and by many who hold to the Jewish faith. Note, *Freedom of Religion and Science Instruction in Public Schools*, 87 YALE L.J. 515, 524-25 (1978). The pluralistic approach in its attempt to avoid conflict between Secular Humanists and established, traditional theism fails to recognize that as secularism has become infused in contemporary society it has been met with a corresponding militancy on the part of traditional religion. EDWARDS, *supra* note 166, at 17. Christianity, in particular, regards secularism as unavoidably in conflict with basic Christian beliefs. See generally J. SPANN, *THE CHRISTIAN FAITH AND SECULARISM* (1948) (hereinafter referred to as SPANN). One Christian writer has said:

[Secularism is] the ordering and conducting of life as if God did not exist; it is the placing of hedonistic and cultural goals above and in place of those of the Kingdom; it is deference to the methods and products of science to the depreciation of all other truth and all other values (and it is often marked) by a superficial optimism and inner despair.

century strategy of Secular Humanism is to personalize (privatize) traditional theism by introducing subjectivism, and thus to destroy all absolute standards.⁵³ Harvard law professor

Harold Berman has written that:

the significant factor in this regard-in the nineteenth century and even more so in the twentieth-has been the very gradual reduction of the traditional religions to the level of a personal, private matter, without public influence on legal development, while other belief systems-new secular religions ("ideologies," "isms") have been raised to the level of passionate faiths for which people collectively are willing not only to die but also . . . to live new lives.⁵⁴

Traditional theism has lost much of its influence on societal values because of successful efforts to personalize it. The Christian faith, in particular, through the process of personalization, has lost much of its public character as well as its political and legal strength.⁵⁵

Says Berman:

[f]or the most part, people go to church as individuals, or as individual families, to gain spiritual nourishment to sustain them in activities and relationships that take place elsewhere. . . . We are thus confronted with a combination of a "religionless Christianity" and what may be called a "Christianity-less religion."⁵⁶

Cox's fear of secularism's attempt to construct a closed system is, therefore, in part realized. The motives and intent of those who adhere to Secular Humanism are particularly evident in two documents that have emerged in the past fifty years, Humanist Manifesto I (1933) and Humanist Manifesto II (1973). These doctrinal statements set forth in clear language the tenets of the

G. HARKNESS, THE MODERN RIVAL OF CHRISTIAN FAITH 16 (1952). Another Christian writer has called secularism "practical atheism," even though secularism claims to be indifferent in nature. SPANN, *supra*, note 171 at 1.

⁵³ See BERMAN, *supra* note 3, at 67-68. Harvey Cox shares Berman's view on the "privatization" of religion in modern secular society. Cox, *supra* note 6, at 2.

⁵⁴ J. NOLTMAN, RELIGION, REVOLUTION, AND THE FUTURE 113-17 (D. Meeks trans. 1969). Cf. T. LUCKMAN, THE INVISIBLE RELIGION (1967)

⁵⁵ J. NOLTMAN, RELIGION, REVOLUTION, AND THE FUTURE 113-17 (D. Meeks trans. 1969). Cf. T. LUCKMAN, THE INVISIBLE RELIGION (1967).

⁵⁶ See BERMAN, *supra* note 3, at 72.

religion of Secular Humanism.⁵⁷ As the term "Humanist Manifesto" suggests, the purpose of these documents is to codify and to affirm the major doctrinal theses of a mutually-held faith.⁵⁸

Humanist Manifesto I squarely faces the question of the religious nature of Secular Humanism.

Its preface reads:

In every field of human activity, the vital movement is now in the direction of a candid and explicit humanism. In order that *religious humanism* may better be understood we, the under- signed, desire to make certain affirmations which we believe the facts of our contemporary life demonstrate. Today man's larger understanding of the universe, his scientific achievements, and his deeper appreciation of brotherhood, have created a situation which requires a new statement of the means and purposes of religion. . . . [I]t is . . . obvious that any religion that can hope to be a synthesizing and dynamic force today

⁵⁷ Humanist Manifesto I and Humanist Manifesto II (1973) (hereinafter referred to singularly or as Humanist Manifestos I and II). See generally C. HAGAN, THE HUMANIST MANIFESTOS: THE CREED OF SECULAR HUMANISM (1975) (hereinafter referred to as HAGAN); Humanist Manifesto I first appeared in 33 THE HUMANIST (No. 5, 1973). THE HUMANIST, published by the American Humanist Association and the American Ethical Union, is the "official" voice of humanism. THE HUMANIST prints articles written by authors that range from such men as behaviorist B. F. Skinner to Edd Doerr, signer of HUMANIST MANIFESTO II and present editor of CHURCH AND STATE which is published by Americans United for Separation of Church and State.

⁵⁸ See, e.g., note 178 *infra* and accompanying text. The effective influence of the two manifestos is realized when one notes the capacity and position of the signers of the documents. Humanist Manifesto I was signed by 34 people including the renowned educator John Dewey as well as R. Lester Mondale, brother of Vice-President Walter Mondale.

Humanist Manifesto II was signed by 114 individuals of which but a few are: author Isaac Asimov, DNA pioneer Francis Crick, Edd Doerr of Americans United for Separation of Church and State and editor of CHURCH AND STATE, Lester Mondale (brother of Vice-President Walter Mondale), Harvard behaviorist B. F. Skinner, Sir Julian Huxley, the former head of UNESCO and Swedish author Gunnar Myrdal, father-in-law of Harvard President Derek Bok.

Vice-President Mondale, who has in the past been a contributor to THE HUMANIST was a major participant in the 5th Congress of the International Humanist and Ethical Union held at the Massachusetts Institute of Technology in August 1970. In his opening remarks, Mondale made the following comment:

Although I have never formally joined a humanist society, I think I am a member by inheritance. My preacher father was a humanist-in Minnesota they call them Farmer Laborites and I grew up on a very rich diet of humanism from him. All of our family has been deeply influenced by this tradition including my brother Lester, a Unitarian Minister, Ethical Culture Leader, and Chairman of the Fellowship of Religious Humanists. C. CHAMBERS, THE SIECUS CIRCLE 346 (1977). See also note 183 *infra* and accompanying text.

must be shaped for the needs of this age. To establish such a religion is a major necessity of the present. We therefore affirm the following: [fifteen creedal statements follow].⁵⁹

Humanist Manifesto I speaks of religion "doctrines and methods which have lost their significance and which are powerless to solve the problem of human living in the Twentieth Century."⁶⁰ This statement is a direct reference to traditional theism and is, again, a clear indication of Secular Humanism's "closed system" ideology and its onslaught against theism. Secular Humanism, therefore, affirmatively rejects all supernatural religions and, in particular, traditional theism. For example, Humanist Manifesto I states:

Ninth: In place of the old attitudes involved in worship and prayer the humanist finds his religious emotions expressed in a heightened sense of personal life and in a cooperative effort to promote social well-being.

Tenth: It follows that there will be no uniquely religious emotions and attitudes of the kind hitherto associated with belief in the supernatural.⁶¹

In the process of rejecting traditional biblical theology, Humanist Manifesto I states that it clearly rejects theism and biblical absolutes.

Fifth: Humanism asserts that the nature of the universe depicted by modern science makes unacceptable any supernatural or cosmic guarantees of human values...

Sixth: [T]he time has passed for theism....⁶²

Humanist Manifesto I states: "The distinction between the sacred and the secular can no longer be maintained." This synthesis of the sacred and the secular produces the religion of Secular Humanism. Humanist Manifesto II, drafted some forty years after Humanist Manifesto I, reasserts the claim of the religious nature of humanism by proclaiming: "As we approach the twenty-first century ...an affirmative and hopeful vision is needed. Faith, commensurate with

⁵⁹*Humanist Manifestos I and II*, *supra* note 176, at 7-8 (emphasis added). Cf. K. KOLENDA, RELIGION WITHOUT GOD (1976).

⁶⁰ Humanist Manifesto I, *supra* note 176, at 7

⁶¹ Humanist Manifestos I and II, *supra* note 176, at 9-10 (emphasis added)

⁶² Humanist Manifesto I and II, *supra* note 176, at 8.

advancing knowledge, is also necessary."⁶³ Further, the 1973 Humanist Manifesto reasserts the humanist antithesis to traditional theism.⁶⁴ Its preface reads:

As in 1933, humanists still believe that traditional theism, especially faith in the prayer-hearing God, assumed to love and care for persons, to hear and understand their prayers, and to be able to do something about them, is an unproved and outmoded faith. Salvationism, based on mere affirmation, still appears as harmful, diverting people with false hopes of heaven hereafter. Reasonable minds look to other means for survival. Traditional moral codes and new irrational cults both fail to meet the pressing needs of today and tomorrow. False "theologies of hope" and messianic ideologies, substituting new dogmas for old, cannot cope with existing world realities. They separate rather than unite peoples. Humanism is an ethical process through which we all can move, above and

⁶³ Id. at 13 (emphasis added).

⁶⁴ The religious nature of Humanist Manifesto II is affirmed by the fact that one hundred and seventy of its signatories were ministers of the Unitarian-Universalist Church and many were members of the Fellowship of Religious Humanists. Wilson, *Pioneer of Evolutionary Humanism*, HUMANIST, May/June, 1975, at 40. Humanist Corliss Lamont observed that:

In a sermon delivered in 1925 the Reverend John H. Dietrich showed how Unitarians had naturally laid the basis for Humanism. 'Unitarianism,' he asserted, 'offered opportunity for the enunciation of Humanism by virtue of its underlying spirit of spiritual freedom, by its insistence upon intellectual integrity rather than intellectual uniformity, but its offer of religious fellowship to everyone of moral purpose without regard to his theological beliefs: But this is not the important thing. The real reason why Unitarianism was the natural soil for the growth of Humanism is the fact that Unitarianism was a revolt against orthodox Christianity in the interest of the worth and dignity of human nature and the interest of human life.' A large proportion of the Unitarian churches in the United States are acknowledgedly Humanist.

LAMONT, *THE PHILOSOPHY OF HUMANISM* 53-54 (5th ed. 1972), citing C. F. POTTER, *HUMANISM: A NEW RELIGION* 80 (1930).

Humanist Edward L. Ericson, a Unitarian minister, has noted: "Whether one prefers to think of humanism as religious or not, most humanists regard their belief as a deeply satisfying moral commitment to the best in human experience-and consider humanism a practical faith for modern men and women." Ericson, *The "Unchurched" Americans: What Do They Believe?*, RELIGIONS OF AMERICA 257 (L. Rosten, ed. 1975).

MANIFESTO I also closes with the statement that it is "an expression of a living and growing faith." Humanist Manifestos I and II, *supra* note 176, at 24. Although Humanist Manifesto II claims in its preface that the signers are not "setting forth a binding credo" (and that "their individual views would be stated in widely varying ways"), this statement does not stand pat since in the concluding paragraph the signers pledge their "general support to Humanist Manifesto II." It is surmised that this position is taken to avoid the ramifications of *Torcaso v. Watkins*, 367 U.S. 488 (1961), realizing that if the signers assented to the 1973 document as a creed it would be evidence of an admission against interest that a religion was being espoused. For a discussion of *Torcaso* see notes 59-66 *supra* and accompanying text.

beyond the divisive particulars, heroic personalities, dogmatic creeds, and ritual customs of past religions or their mere negation.⁶⁵

Humanist Manifesto II, more so than Humanist Manifesto I, emphasizes the Man-centeredness of Secular Humanism as opposed to the God-centeredness of traditional theism. Humanist Manifesto II states that as "non-theists, we begin with humans, not God, nature not deity. . . . No deity will save us; we must save ourselves." ⁶⁶ Humanist Manifesto II, as did its predecessor, rejects any form of absolute standards. Instead, any standards or ethics are "autonomous" and "situational." ⁶⁷ In a direct contradiction of traditional theism, which teaches that absolute standards are promulgated by God through biblical revelation, Humanist Manifesto II proclaims that ethics originate in Man himself: "Ethics stem from need and interest." ⁶⁸ "To deny this distorts the whole basis of life." *Id.* According to Humanist Manifesto II traditional theism is a distortion of the whole basis of life. *Id.*

Humanist Manifesto II attempts to caveat in its preface that those individuals who signed the document disclaimed that they were "setting forth a binding credo." *Id.* at 13. The reputed

⁶⁵ Humanist Manifestos I and II, *supra* note 176 at 13-15. Manifesto II is even more specific in its attack on traditional theistic religion within the body of its credo:

First: We believe . . . that traditional dogmatic or authoritarian religions that place revelation, God, ritual, or creed above human needs and experience do a disservice to the human species. . . . We find insufficient evidence for belief in the existence of a supernatural; it is either meaningless or irrelevant to the question of the survival and fulfillment of the human race. *Id.* at 15-16.

⁶⁶ *Id.* at 16. Humanist Manifesto I further states: "Fifth: The preciousness and dignity of the individual person is a central humanist value We reject all religious, ideological, or moral codes that denigrate the individual, suppress freedom, dull intellect, dehumanize personality. We believe in maximum individual autonomy.. " *Id.* at 18.

⁶⁷ *Id.* at 17. Humanist Manifesto II reads: "Third: We affirm that moral values derive their source from human experience. Ethics is autonomous and situational needing no theological or ideological sanction. Ethics stems from human need and interest. To deny this distorts the whole basis of life." *Id.*

⁶⁸ *Id.* at 13.

reason for the disclaimer, as the preface instructs, is that "their individual views would be stated in widely varying ways."⁶⁹ Although the views advanced by Humanist Manifesto II can and will be expressed in varying ways, there are basic tenets of the religion of Secular Humanism that are universally adhered to by Secular Humanists. The caveat mentioned above does not make Secular Humanism any less a religion than Christianity. For instance, it is common knowledge that those who are classified as "Christians" express their views in varying ways, but yet adhere to the basic doctrines of the Christian faith.⁷⁰ Can it be reasonably argued that Christianity is not a religion because Christians express their faith in varying ways? Secular Humanism, by its own admission, is a religion regardless of the personalized beliefs of its adherents.

8. THE TENETS OF SECULAR HUMANISM

Certain common elements of Secular Humanism establish Secular Humanism as a doctrinal "faith."⁷¹ These common elements will be termed "tenets" since they apply universally to adherents of the religion of Secular Humanism.

The first tenet of Secular Humanism denies the relevance of Deity or supernatural agencies.⁷² In place of traditional theism's worship and prayer to God, the Secular Humanist

⁶⁹ *Id.*

⁷⁰ See Constitutional Definition, *supra* note, at 1068-69. See also P. JOHNSON, A HISTORY OF CHRISTIANITY (1976); H. KUNG, ON BEING A CHRISTIAN (1976). Cf. L. CHAFER, MAJOR BIBLE THEMES (1975).

⁷¹ The "Preface" to Humanist Manifesto II declares: "As we approach the twenty- first century ...an affirmative and hopeful vision is needed. Faith, commensurate with advancing knowledge, is also necessary." Humanist Manifestos I and II, *supra* note 176, at 13.

⁷² The first premise of Humanist Manifesto II reads: "We find insufficient evidence for belief in the existence of a supernatural; it is either meaningless or irrelevant.. " Humanist Manifestos I and II, *supra* note 176, at 16. See also note 186 *supra* and accompanying text. Paul Kurtz, editor of THE HUMANIST, author of the preface of Humanist Manifestos I and co-author of the preface for Humanist Manifesto II has written that of at least two basic principles that characterize humanism, one such principle is that "there is a rejection of any super natural

finds his religion expressed in a heightened sense of personal life and in a cooperative effort to promote social well-being.⁷³ If God is irrelevant, or even dead,⁷⁴ it follows that there has been no revelation from God to Man.⁷⁵ As a consequence, the Secular Humanist does not accept traditional theism's belief in the Bible as the divinely-inspired word of God.⁷⁶

conception of the universe..."P.KURTZ, WHAT IS HUMANISM?, MORAL PROBLEMS IN CONTEMPORARY SOCIETY 1 (1969) (hereinafter referred to as Kumwz).

⁷³ Humanist Manifesto I declares:

Eighth: Religious humanism considers the complete realization of human personality to be the end of man's life and seeks its development and fulfillment in the here and now. This is the explanation of the humanist's social passion.

Ninth: In place of the old attitudes involved in worship and prayer the humanist finds his religious emotions expressed in a heightened sense of personal life and in a cooperative effort to promote social well-being.

Humanist Manifestos I and II, supra note 176, at 9. *Humanist Manifesto II* proclaims: "A humanist outlook will tap the creativity of each human being and provide the vision and courage for us to work together. . . Humanism can provide the purpose and inspiration that so many seek; it can give personal meaning and significance to human life." *Id.* at 14, 15.

⁷⁴ The "God is dead" theme was popularized in the 1960's by various writers and, in particular, Thomas Altizer. For Altizer, the death of God was an actual event in history, i.e., "God has actually died in Christ." T. ALTIZER, THE GOSPEL OF CHRISTIAN ATHEISM 103 (1966). Dietrich Bonhoeffer, a prominent European theologian, once wrote that "God is beginning to resemble not a ruler but the last fading smile of a cosmic Cheshire Cat." D. BONHOEFFER, RELIGION WITHOUT RESERVATION 58 (1957).

⁷⁵ Humanist Manifesto II states: "We find insufficient evidence for belief in the existence of a supernatural .. " Humanist Manifestos I and II, supra note 176, at 16. Humanist Edward L. Ericson, past president of the American Ethical Union, has said that "[many humanists . . . define humanism as a religious movement in its own right-a religion without reservation or God." Ericson, The "Unchurched" Americans: What Do They Believe?, RELIGIONS OF AMERICA 257 (L. Rosten, ed. 1975).

⁷⁶ Obviously, no writing or so called "holy" book would be accepted by the Secular Humanist as being valid revelations from God. This is an apparent rejection of traditional Judaeo-Christian theism and its reliance on the Bible. The implication is, therefore, that it is mere human intelligence and reason instead of God's revelation that must be man's guide. Humanist Manifesto I states that man must "learn to face the crises of life in terms of his knowledge Man is at last becoming aware that he alone is responsible for the realization of the world of his dreams, that he has within himself the power for its achievement. He must set intelligence and will to the task." Humanist Manifestos I and II, supra note 176, at 9, 10. Humanist Manifesto II posits: "Reason and intelligence are the most effective instruments that humankind possesses. There is no substitute." *Id.* at 17.

The second tenet of Secular Humanism is the belief in the supremacy of "human reason." The phrase "human reason" encompasses the belief that man can begin from himself and on the basis of the utilization of his mental faculties alone "think out the answers to the great questions which confront mankind."⁷⁷ Concerning "human reason" as a "pillar" of Secular Humanism, one writer has commented:

Here . . . humanism is forced to its initial leap of faith. It is impossible to prove by reason alone that reason has the validity accorded to it by humanism, and the twentieth century has strongly undermined this confidence in two places. Modern psychology has shown that, far from being utterly rational, man has motivations at a deeper level than his reasoning powers, and he is only partially aware of these forces. Much of what was called reasoning is now more properly called rationalizing. . . . By rationalism I do not mean "rationalism" as opposed to "empiricism" but rather the hidden premise common to both-the humanist's leap of faith in which the critical faculty of reason is tacitly made into an absolute and used as a super-tool to marshal particulars and claim meaning which in fact is proper only to a world of universals.⁷⁸

The third tenet of Secular Humanism is the belief in the inevitability of progress. This tenet developed from the introduction of Christian linear teleology into Western culture.⁷⁹ The belief in progress is perpetuated through the evolutionary theory and its cultural application

⁷⁷ SCHAEFFER, *supra* note 125, at 81. The term "reason" is defined as "the power of intellect by which man attains to truth or knowledge." WEBSTER'S NEW COLLEGIATE DICTIONARY 962 (1975).

⁷⁸ O. GUINNESS, *THE DUST OF DEATH* 14 (1973) (hereinafter referred to as GUINNESS).

⁷⁹ *Id.* at 15. Humanist Manifesto II, although less optimistic than Humanist Manifesto I, declares: The next century can be and should be the humanistic century. Dramatic scientific, technological, and ever-accelerating social and political changes crowd our awareness. We have virtually conquered the planet, explored the moon, overcome the natural limits of travel and communications; we stand at the dawn of a new age, ready to move farther into space and perhaps inhabit other planets. Humanist Manifestos I and II, *supra* note 176, at 14. Philosopher Os Guinness notes that humanism has become less optimistic and has developed a form of pessimism. GUINNESS, *supra* note 201, at 13-14. In this respect, Humanist Manifesto II remarks, concerning the 1933 HUMANIST MANIFESTO I: "Events since then make that earlier statement seem far too optimistic." HUMANIST MANIFESTOS I AND II, *supra* note 176, at 13. Although HUMANIST MANIFESTO II is less optimistic than I, II is yet optimistic concerning the aspirations of man and his progress.

(Social Darwinism). Evolution has produced the mechanistic belief that nature is moving inevitably to higher and higher forms of life.⁸⁰ This optimistic view of progress has been rebutted by developments of the last forty to fifty years until now it is not seriously contended.

Historian and philosopher Os Guinness has remarked:

Many point to evidence of an evolutionary crisis, somewhat tarnishing the comfortable image of inevitable progress with man at the center of the stage controlling his own evolution. ... [B]elief in inevitable progress is not supported by evidence of the past nor corroborated by the present situation and is hardly the united scenario of futurology. This means humanism is less and less supported by empirical data. It is becoming more and more an ideology, an idea which is inflated to the status of truth quite beyond the force of evidence.⁸¹

As Secular Humanism takes a more pessimistic outlook toward man's progress, humanists look more to the state to assume a guiding hand in shaping man's future.⁸² In recent years the State has heeded the humanists' call and taken on a more humanistic character. In this respect education is viewed by Secular Humanism as the fulfillment of the State's role as a "saving institution,"⁸³ and thus, the State has become more intimately involved in education and now

⁸⁰ E.g., see generally H. SPENCER, PRINCIPLES OF SOCIOLOGY (1880-1897).

⁸¹ GUINNESS, *supra* note 201, at 15.

⁸² Historian R. J. Rushdoony writes: On all levels . . . the statist emphasis has been predominant. The state is the order of liberty, and the school is the means whereby citizens are prepared for the good life. The state has become the saving institution, and the function of the school has been to proclaim a new gospel of salvation. R. RUSHDOONY, THE MESSIANIC CHARACTER OF AMERICAN EDUCATION 4 (1972).

⁸³ *Id.* Humanist Paul Blanshard writes: I think that the most important factor moving us toward a secular society has been the educational factor. Our schools may not teach Johnny to read properly, but the fact that Johnny is in school until he is sixteen tends to lead toward the elimination of religious superstition. The average American child now acquires a high-school education, and this militates against Adam and Eve and all other myths of alleged history. Blanshard, Three Cheers For Our Secular State, HUMANIST, Mar./Apr., 1976, at 17. Seemingly, Blanshard is intimating that at least one purpose of public education should be the elimination of traditional theism. *Id.* G. Richard Bozarth has written: And how does a god die? Quite simply because all his religionists have been converted to another religion, and there is no one left to make children believe they need him. Finally, it is irresistible—we must ask how we can kill the god of Christianity. We need only insure that our schools teach only secular

controls all public education. Therefore, a logical conclusion of Secular Humanism's statist emphasis in the establishment of the State's role as a "saving institution" through a domination of the education system.⁸⁴ Because Man is either not progressing as rapidly as the Secular Humanist would desire, or because Man does not seem to be progressing in the evolutionary sense, many Secular Humanists have opted for forced progress and manipulative environment control." Totalitarianism, therefore, could very well be the end result of Secular Humanism.⁸⁵

A fourth tenet of Secular Humanism is the belief in science as the guide to human progress and the ultimate provider of an alternative to both religion and morals.⁸⁶ Therefore,

knowledge; that they teach children to constantly examine and question all theories and truths put before them in any form; and that they teach nothing is proven by the number of persons who believe a thing to be true. If we could achieve this, god would indeed be shortly due for a funeral service. Bozarth, *On Keeping God Alive*, AMERICAN ATHEIST, Nov., 1977, at 8.

⁸⁴ R. RUSHDOONY, *THE NATURE OF THE AMERICAN SYSTEM* 87 (1965). In this respect, both manifestos advocate the formation of a world government as a saving institution. HUMANIST MANIFESTO I states: "The goal of humanism is a free and universal society in which people voluntarily and intelligently cooperate for the common good. Humanists demand a shared life in a shared world." HUMANIST MANIFESTOS I AND II, *supra* note 176, at 10. Humanist Manifesto II proclaims: "Twelfth: We deplore the division of humankind on nationalistic ground. . . . [We look to the development of a system of world law and a world order based upon transnational federal government. . . . We thus reaffirm a commitment to the building of a world community, at the same time recognizing that this commits us to some hard choices." *Id.* at 21. It should be noted that on January 30, 1976, "A Declaration of Interdependence" was signed by 82 United States Congressmen and 24 Senators in Philadelphia calling for "a new world order" (or world government). World Affairs Council of Philadelphia (1975). To what extent humanist ideology has had an effect on congressional thinking is not precisely determinable, but it would definitely seem that it has had some impact.

⁸⁵ GUINNESS, *supra* note 201, at 39. See notes 292-294 *infra* and accompanying text.

⁸⁶ Humanist Manifesto I declares: "Fifth: Humanism asserts that the nature of the universe depicted by modern science makes unacceptable any supernatural or cosmic guarantees of human values. . . . Religion must formulate its hopes and plans in the light of the scientific spirit and method." Humanist Manifestos I and II, *supra* note 176 (emphasis supplied). Humanist Manifesto II proclaims: The next century can be and should be the humanistic century. Dramatic scientific, technological, and ever-accelerating social and political changes crowd our awareness. We have virtually conquered the planet, explored the moon, overcome the natural limits of travel and communication; we stand at the dawn of a new age, ready to move farther into space and perhaps inhabit other planets. Using technology wisely, we can control our

science itself assumes a religious character,⁸⁷ and the tenet of science-as-provider can pose an equally frightening threat of totalitarianism. The scientist has faith that the universe is potentially knowable.⁸⁸ It has been said of Francis Crick, Nobel Prize winning scientist and signer of Humanist Manifesto II: "[H]is scientific enterprise is governed by a basic religious stance. And while he recognizes that the particular stance he takes is anti-religious in conventional terms, 'it is a religious attitude because it's concerned with religious problems.' He is absolutely right. What Crick and other scientists are doing is bringing forth a religion based science."⁸⁹ Secular Humanism has developed a "scientific theology" that has evolved from a description of concrete objects and events to a study of relationships observable in complex systems.⁹⁰ As science takes on a more pessimistic humanism, it will grow impatient with natural development and progress, and as pessimism expands, State technology will become more closely aligned with science and

environment, conquer poverty, markedly reduce disease, extend our life-span, significantly modify our behavior, alter the course of human evolution and cultural development, unlock vast new powers, and provide humankind with unparalleled opportunity for achieving an abundant and meaningful life. . . . We need to extend the uses of scientific method, not renounce them, to fuse reason with compassion in order to build constructive social and moral values. Second: [S]cience affirms that the human species is an emergence from natural evolutionary forces. Sixteenth: Technology is a vital key to human progress and development.. Id. at 14, 17, 22.

⁸⁷ Dr. John P. Friedrich has remarked: "Science is a kind of sacred cow today. It is being worshipped by the public." F. TRINKLEIN, *THE GOD OF SCIENCE* 1 (1971) (hereinafter referred to as TRINKLEIN). Likewise, one writer comments on the theological twist to science: Laymen-and most of us in this highly technical world are laymen are at the mercy of researchers and technicians who set themselves up to interpret their particular part of nature to us. Over the years, they the high priests of science and technology-have convinced us that we should leave the fact finding to them. And to a large part we have. In return, they have promised to be 'objective,' to tell the truth no matter how or whom it hurts. With the truth, freshly gathered from the

⁸⁸ TRINKLEIN, *supra* note 213, at 3.

⁸⁹ F. SCHAEFFER, *BACK TO FREEDOM AND DIGNITY* 19 (1974).

⁹⁰ R. DuBos, *A GOD WITHIN* 42, 43 (1972).

its goals. To encourage Man's progress toward a humanistic society, many scientists have suggested that State technology and money be used to genetically manipulate the citizenry.⁹¹

The fifth tenet of the religion of Secular Humanism is the belief in the self-sufficiency and centrality of Man.⁹² This tenet encompasses the assertion of the autonomy and independence of Man apart from Deity of any kind, thereby supposedly releasing Man from all obligations to Deity. Along with the evolutionary theory, the centrality and autonomy of Man are the prominent features of Secular Humanism. Because Man is autonomous, Secular Humanism posits that man, contrary to traditional theism, is inherently good and in no need of salvation or theological redemption to correct or redeem what traditional theism designates as Man's fallen nature.⁹³

⁹¹ See notes 206-211 *supra* and accompanying text. Theologian and philosopher Francis Schaeffer noted: Francis Crick considers where the money for genetic manipulation is going to come from and suggests that it be from the government, the state itself. Like John Kenneth Galbraith, Crick believes that it is the intellectually and especially the academic and scientific world plus the state that will take the initiative. F. SCHAEFFER, BACK TO FREEDOM AND DIGNITY 22 (1974).

⁹² Paul Kurtz, editor of THE HUMANIST and a signer of Humanist Manifesto II, states that "humanism is an ethical philosophy in which man is central." See KURTZ, note 195 *supra*. Humanist Manifesto I states: "Man is at last becoming aware that he alone is responsible for the realization of the world of his dreams, that he has within himself the power for its achievement." Humanist Manifesto I and II, *supra* note 176, at 10. HUMANIST MANIFESTO II concludes: "We are responsible for what we are or will be. ... [C]ommitment to all humankind is the highest commitment of which we are capable; it transcends the narrow allegiances of church, state, party, class, or race in moving toward a wider vision of human potentiality." *Id.* at 23.

⁹³ Humanist Manifesto II states: "We are responsible for what we will be.... We believe that humankind has the potential intelligence, good will, and cooperative skill to implement this." Humanist Manifestos I and II, *supra* note 176, at 23. The Judaeo-Christian religion, on the other hand, in affirmance of the Bible holds that man was created by God perfect, but due to disobedience to God's law man was cursed and fell from his perfect state (this fallen state was passed on to all men subsequent to the first act of disobedience). God being perfect and holy cannot have communion with a fallen creature. Therefore, God requires a blood sacrifice to atone for the "sins" of man. The Judaic tradition (Old Testament) holds that this sacrifice is finalized in animal sacrifice for the Jewish people (although the Jewish people ceased offering sacrifices when the temple was destroyed in A.D. 70, the principle of sacrifice is yet inherent in their religion). The Christian tradition (New Testament) holds that Christ is that atoning sacrifice for

This tenet of Secular Humanism, therefore, promulgates the idea that Man's future and salvation are in Man's hands.⁹⁴ Thus, the tenet of the autonomous Man postulates that Man, not God,

all men for all time. The following Bible verses (Authorized or King James Version) sum up the above:

OLD TESTAMENT

And the Lord God said [unto] the woman . . . I will greatly multiply thy sorrow ...[and unto Adam he said ...cursed is the ground for thy sake . . . In the sweat of thy face shalt thou eat bread, till thou return unto the ground; for out of it wast thou taken: for dust thou art, and unto dust shalt thou return.. . . Unto Adam also and to his wife did the Lord God make.coats of skins, and clothed them. ...So [God] drove out the man; and he placed at the east of the garden of Eden Cherubims, and a flaming sword which turned every way, to keep the way of the tree of life. Genesis 3:14-24

And Moses spake Take the meat offering that remaineth of the offerings of the Lord made by fire, and eat it without leaven beside the altar: for it is most holy: And ye shall eat of it in the holy place, because it is thy due, and thy son's due, of the sacrifices of the Lord made by fire: for so I am commanded.

Leviticus 10:12-13.

NEW TESTAMENT

Wherefore, as by one man sin entered into the world, and death by sin; and so death passed upon all men, for that all have sinned. . . . As it is written, there is none righteous, no, not one . . . for all have sinned, and come short of the glory of God. ...but God commanded his love toward us, in that, while we were yet sinners, Christ died for us. . . . That if thou shalt confess with thy mouth the Lord Jesus, and shalt believe in thine heart that God hath raised him from the dead, thou shalt be saved.

Romans 5:12, 3:10, 3:23, 5:8, 10:9-11. See generally N. ANDERSON, A LAWYER AMONG THE THEOLOGIANS (1973); COMAY, THE TEMPLE OF JERUSALEM (1975); A. EDERSHEIM, THE TEMPLE (1958); L. MORRIS, THE APOSTOLIC PREACHING OF THE CROSS. In clear rebuttal of the above, Humanist Manifesto II states: "Promises of immortal salvation or fear of eternal damnation are both illusory and harmful. They distract humans from present concerns, from self-actualization, and from rectifying social injustices." Humanist Manifestos I and II, supra note 176, at 16.

⁹⁴ Humanist Manifesto H states: Using technology wisely, we can control our environment, conquer poverty, markedly reduce disease, extend our lifespan, significantly modify our behavior, alter the course of human evolution and cultural development, unlock vast new powers, and provide humankind with unparalleled opportunity for achieving an abundant and meaningful life. . . . While there is much that we do not know, humans are responsible for what we are or will become. No deity will save us. Humanist Manifestos I and II, supra note 176, at 14, 16.

controls the destiny of the human race.⁹⁵ If God is non-existent, then there is no revealed word of God from which Man can assert absolutes. If Man is the master of his own destiny, he can create his own system of absolutes apart from divine revelation.⁹⁶ Therefore, to the humanist, the monstrosities perpetrated upon mankind by Hitler and Stalin, both autonomous men, cannot logically be criticized. Why? If there are no transcendent absolutes, then each individual is absolute and the sole judge of his own actions. Any condemnation of these autonomous men's actions by Secular Humanists would deny Man's absolute autonomy and impose an absolute standard upon the actions of Man from a source outside of himself. To the humanist, such condemnation would be hypocrisy. Pessimism too is beginning to mar the belief in the tenet of centrality.⁹⁷ Philosopher Os Guinness has noted a "persistent erosion" of Man's view of his centrality and importance.

The fact that man has made so many significant scientific discoveries points strongly to the significance of man, yet the content of these same scientific discoveries underscores

⁹⁵ Humanist Manifesto I proclaims: "Man is at last becoming aware that he is responsible for the realization of the world of his dreams, that he has within himself the power for its achievement." Id. at 10.

⁹⁶ Paul Kurtz has said: Although humanists share many principles, there are two basic and minimal principles which especially seem to characterize humanism. First, there is a rejection of any supernatural conception of the universe and a denial that man has a privileged place within nature (belief in a Creator affords man special dignity). Second, there is an affirmation that ethical values are human and have no meaning independent of human experience; thus humanism is an ethical philosophy in which man is central. See KURTZ, *supra* note 195.

⁹⁷ The "Preface" to Humanist Manifesto II in its opening paragraph recognizes the problems inherent in the optimism of Humanist Manifesto I. Humanist Manifestos I and II, *supra* note 176, at 13. In response to the problems of the century, Humanist Manifesto II states: "As we approach the twenty-first century, however, an affirmative and hopeful vision is needed. Faith, commensurate with advancing knowledge, is also necessary." Id. (emphasis added). Therefore, instead of abject pessimism Humanist Manifesto I takes a leap of faith. Colin Brown highlights the tension evident in Secular Humanism: The gospel of Humanism invites men to make the best of a bad job. The world is ultimately pointless. All we can do is try to give it a few temporary points before we pass into the abyss of nothingness. The ancients said: Eat, drink, and be merry, for tomorrow we die. The Humanism of the sixties has become more sophisticated. It allows man to be serious in his merry-making. The image is new, but the basic

his insignificance. Man finds himself dwarfed bodily by the vast stretches of space and belittled temporally by the long reaches of time. Humanists are caught in a strange dilemma. If they affirm the greatness of man, it is only at the expense of ignoring his aberrations. If they regard human aberrations seriously, they have to escape the dilemma raised, either by blaming the situation on God . . . or by reducing man to the point of insignificance where his aberrations are no longer a problem.⁹⁸

The sixth tenet of Secular Humanism is the belief in the absolutism of evolution.⁹⁹ Because of its importance and breadth this tenet will be discussed separately.

9. THE TENET OF EVOLUTION

Evolution presumes "that all the living forms in the world have arisen from a single source which itself came from an inorganic form."¹⁰⁰ The evolutionary theory violently

⁹⁸ GUINNESS, *supra* note 201, at 16. See generally M. ADLER, *THE DIFFERENCE OF MAN AND THE DIFFERENCE IT MAKES* (1967).

⁹⁹ *Humanist Manifesto I* declares:

First: Religious humanist regard the universe as self-existing and not created.

Second: Humanism believes that man is part of nature and that he has emerged as the result of a continuous process ...

Fourth: Humanism recognizes that man's religious culture and civilization, as clearly depicted by anthropology and history, are the product of a gradual development....

Humanist Manifestos I and II, *supra* note 176, at 8.

Humanist Manifesto II professes; Using technology wisely, we can control our environment, [etc.] alter the course of human evolution ...

Second: [S]cience affirms that the human species is an emergence from natural evolutionary forces...

Seventh: We would safeguard, extend, and implement the principles of human freedom evolved from the Magna Carta Bill of Rights, the Rights of Man, and the Universal Declaration of Human Rights. ...

Fourteenth: The cultivation and conversation of nature is a moral value; we should perceive ourselves as integral to the sources of our being in nature . Id. at 14, 17, 19, and 21-22.

¹⁰⁰ G. KaaKurr, *IMPLICATIONS OF EVOLUTION* 157 (1960). The "general" theory of evolution must be distinguished from the "special" or "limited" theory, which posits "that many living animals can be observed over the course of time to undergo changes" through genetic variation and limited mutation. Id. One commentator has noted:

The general theory of evolution, as it is presented by the leading biology textbooks in public secondary schools, embraces several key premises. It proposes origination of the universe and earth through natural processes, and naturalistic development of life from non-life. The general theory involves evolution of present living forms from this organism through mutation and natural selection, and entails evolution of human beings from ancestry with apes. It also postulates uniformitarianism the concept that past physical processes acted much like present

contradicts the basic elements of creationism, a doctrinal tenet of traditional theism.¹⁰¹

Creationism "teaches that matter appeared through direct creation by God in the beginning and that this creation occurred by supernatural plan. . . . [It also teaches that] God created life from nothing and that life by direct act made [all the] living kinds [including man]."¹⁰² While traditional theistic creationism pro- pounds that a Creator through revelation has promulgated absolute standards upon which the universe operates, evolutionism postulates that "all things owe their existence to natural causes and chance."¹⁰³ Jacques Monod, French scientist, Nobel Prize winner and evolutionist, has commented: "Chance alone is at the source of every innovation, of all creation in the biosphere. Pure chance, absolutely free but blind, [is] at the very root of the stupendous edifice of evolution...."¹⁰⁴ In Monod's view evolutionism destroys theism's absolute

gradual processes-as the underlying key to the sequence of evolution and to the ages of the earth, life, fossils, and man. Note, Freedom of Religion and Science Instruction in Public Schools, 87 YALE L.J. 515, 521- 22 (1978).

¹⁰¹ Note, Freedom of Religion and Science Instruction in Public Schools, 87 YALE L.J. 515, 522 n. 33 (1978). Sir Julian Huxley stated that in "the evolutionary pattern of thought there is no longer either need or room for the supernatural. The earth was not created; it evolved." J. Huxley, *The Evolutionary Vision*, in 3 *EVOLUTION AFTER DARWIN* 249, 252 (S. Tax and C. Callender eds. 1960). Justice Black has also noted the antagonism between evolution and creationism. *Epperson v. Arkansas*, 393 U.S. 97, 113 (1968).

¹⁰² Note, Freedom of Religion and Science Instruction in Public Schools, 87 YALE L.J. 515, 522 n.31 (1978). A distinction has been made between "religious creationism" and "scientific creationism." *Id.* at 517, 520. Religious creationism relies on a literal reading of Genesis from the Old Testament of the Bible regarding, for example, the creation of Adam and Eve and the worldwide flood sent by God that destroyed all mankind except Noah and his family. *Id.* at 520. Scientific creationism, on the other hand, is "a theory of the origin of the earth and life that employs scientific argument and not a sacred text in its challenge of the general theory." *Id.* at 517. Both forms of creationism assert there was a Creator who designed the universe, and both are in derivation religious as is the theory of evolution. This, of course, does not mean that scientific creationism is no less scientific than evolution.

¹⁰³ R. L. WYSONG, *THE CREATION-EVOLUTION CONTROVERSY* 33 (1976) (hereinafter referred to as WYSONG).

¹⁰⁴ J. MONOD, *CHANCE AND NECESSITY* 112-13 (1971).

values.¹⁰⁵ As a result, Monod would argue that man evolved out of chaos and he will remain in chaos unless society establishes some arbitrary absolutes by which to live. As a result, Monod would argue that man evolved out of chaos and he will remain in chaos unless society establishes some arbitrary absolutes by which to live.¹⁰⁶

Evidence exists to support the view that the evolutionary theory was not an innovation of Charles Darwin but was, in fact, a religious doctrine adhered to by ancient civilizations.¹⁰⁷

¹⁰⁵ Now my point of view is that this is impossible, this is a farce. You cannot derive any sort of "ought" from the "is." If it is true that there is no intention in the universe and if it is true that man as any other animal species is a pure accident in evolution, it might as well not have appeared. *Id.* at 180.

¹⁰⁶ SCHAEFFER, *supra* note 125, at 224.

¹⁰⁷ The world's oldest cosmogony was unearthed and found recorded on a tablet excavated in Babylonia a number of years ago and is known as the Enuma Elish. See generally T. Jacobsen, *Enuma Elish The Babylonian Genesis*, THEORIES OF THE UNIVERSE (M. K. Munitz, ed. 1957). It is interesting to note that this Babylonian cosmogony is an apparent description of what is referred to today as the evolutionary theory:

Specifically, Enurnu Elish assumes that all things evolved out of water. This description presents the earliest stage of the universe as one of watery chaos. The chaos consisted of three intermingled elements: Apsu, who represents the sweet waters; Ti'amat, who represents the sea; and Munnu who cannot as yet be identified with certainty but may represent cloud banks and mist. These three types of waters were mingled in a large undefined mass. . . . Then in the midst of this watery chaos two gods came into existence. *Id.* at 9. Another account of the ancient origin of evolutionary thought is found in the Tibetan Book of the Dead. This work was compiled from the teachings of sages over many centuries in ancient Tibet and was passed down through these early generations by word of mouth. It was finally written down in approximately the eighth century A.D. One interesting account declares: "The Osiris, the Scribe Ani, whose word is truth, saith: I flew up out of primeval matter. I came into being like the god Khepera. I germinated . . . like the plants.... THE BOOK OF THE DEAD 552 (E. A. Wallis Budge trans. 1960). Dr. Henry M. Morris comments:

The idea of evolution did not, of course, originate with Darwin. . . but it was a doctrine held by many scientists and philosophers before Darwin. Belief in spontaneous generation of life from the non-living and in transformations of the species was quite common among the ancients. Among the early Greeks, for instance, Anaximander taught that men had evolved from fish and Empedocles that animals had been derived from plants. . . . One striking fact emerges from the study of all the ancient cosmogonic myths, whether from Babylon, Greece, Egypt, India, or wherever. The concept that the universe had originally been created, out of nothing, by an act of God, is completely absent. Always there is primeval chaos or a primeval system of some kind, upon which the 'gods,' or the forces of nature, begin to work in order to bring the world and its

Contemporary humanists agree with the religious nature of evolution.¹⁰⁸ Sir Julian Huxley, a prominent author on the subject of the evolutionary theory and a signer of Humanist Manifesto II, believes in the "religion of evolutionary humanism."¹⁰⁹ Huxley regards the evolutionary theory as one of many elements in Secular Humanism.¹¹⁰

Contemporary scientists have been candid in expressing their "faith" in the evolutionary theory as the origin of life. For example, Harold C. Urey, a Nobel laureate, said:

All of us who study the origin of life find that the more we look into it, the more we feel that it is too complex to have evolved anywhere. We all believe as an article of faith that life evolved from dead matter on this planet. It is just that its complexity is so great it is hard for us to imagine that it did.¹¹¹

Similarly, physicist Robert Jastrow, an evolutionist, stated:

Either life was created on the earth by the will of a being outside the group of scientific understanding; or it evolved on our planet spontaneously, through chemical reactions occurring in nonliving matter lying on the surface of the planet. The first theory is a

inhabitants into their present state. Special creation seems to have been a doctrine completely unknown (or, if known, rejected) by the ancients.

H. MORRIS, *THE TWILIGHT OF EVOLUTION* 75-76 (1963). Philosopher Greg Bahnsen views evolutionism as a form of pantheistic belief. He states: "It is now evident that the philosophic successors to Darwinism embody [a] pantheistic theme . . . ionism is a syndrome of beliefs and assumptions, a syndrome inclusive of (or going toward) reducing God to the level of imminent world process or elevating the created order to the status of divinity." Bahnsen, *Worshipping the Creature Rather Than the Creator*, 1 JOURNAL OF CHRISTIAN RECONSTRUCTION 116 (No. 1 1974) (hereinafter referred to as Bahnsen). Cf. B. SWYHART, *NARRATIVES ABOUT COSMIC AND HUMAN ORIGINS: SELECTED READINGS* (1976).

¹⁰⁸ A significant school of Secular Humanists regard their convictions as a religion and, in conjunction therewith, emphasize the need to adhere to the general theory of evolution as a tenet of their religion. Kurtz, *Humanism and Religion: A Reply to the Critics of Humanist Manifesto II*, HUMANIST, Jan./Feb., 1974, at 4.

¹⁰⁹ Huxley, *The Coming New Religion of Humanism*, HUMANIST, Jan./Feb., 1962, at 3-5. Huxley was candid in that he admitted his religion was "not based on revelation in the supernatural sense, but on the revelations [of] science." Id. at 5. In fact, Huxley surmised, "all reality is in a perfectly valid sense one universal process of evolution." Id. at 4. Huxley entitled the concluding chapter of one book "Evolutionary Humanism as a Developed Religion." J. HUXLEY, *RELIGION WITHOUT REVELATION* 203 (rev. ed. 1957).

¹¹⁰ Huxley, *Evolutionary Humanism*, HUMANIST, Sept./Oct., 1962, at 201, 206.

¹¹¹ Cowen, *Biological Origins: Theories Evolve*, CHRISTIAN SCIENCE MONITOR Jan. 4, 1962, at 4 (emphasis added) (hereinafter referred to as Cowen).

statement of faith in the power of a Supreme Being not subject to the laws of science. The second theory is also an act of faith. The act of faith consists in assuming that the scientific view is correct, without having concrete evidence to support that belief.¹¹²

¹¹² Los Angeles Times, Nov. 9, 1977, at 1, Pt. IV. See generally R. JASTROW, UNTIL THE SUN DIES (1977). Carl Sagan states:

Today it is far easier to believe that organisms arose spontaneously on the Earth than to try to account for them in any other way. Nevertheless, this still is a statement of faith rather than of demonstrable scientific fact. Scientists have only sketchy notions of how this evolution might have occurred.

Cowen, *supra* note 237, at 4 (emphasis added). Dr. George Wald, Nobel prize-winning biologist of Harvard University, stated several years ago: "One only has to contemplate the magnitude of this task to concede that the spontaneous generation of a living organism is impossible. Yet here we are as a result, I believe, of spontaneous generation." H. MORRIS AND J. WHITCOMB, THE GENESIS FLOOD 234 (1971). Rather than posit special creation as a possibility, Dr. Wald takes a leap of faith and believes in something he admits is "impossible."

Scientific creationists have argued that "creation is as scientific as evolution and ... evolution is just as religious as creation [B]elief in evolution requires at least as much faith ... as creation." H. MORRIS, INTRODUCING SCIENTIFIC CREATIONISM INTO THE PUBLIC SCHOOLS 1, 11 (1975). W. R. Thompson states that "the concept of organic evolution [is] an object of genuinely religious devotion" in the scientific community. W. THOMPSON, SCIENCE AND COMMON SENSE 229 (1937). One writer, concurring, notes that scientists have "elevated Darwinism to the level of a religious dogma." W. JONES, 2 A HISTORY OF WESTERN PHILOSOPHY 924 (1952). Allen C. Burton, a former president of the American Physiological Society, states:

The facts must mold the theories, not the theories the facts. . . . I am most critical of my biologist friends in this matter. It seems to me that they have allowed what is a most useful working hypothesis in a limited field in the whole of biology, to become 'dogma,' in their worship of the principle of natural selection as the only and sufficient operator in evolution. If they have done this, they no longer can act as true scientists when examining evidence that might not fit into this frame of concepts. If you do not believe me, try telling a biologist that, impartially judged along with other accepted theories of science, such as the theory of relativity, it seems to you that the theory of natural selection has a very uncertain, hypothetical status, and watch his reaction. I'll bet you that he gets red in the face. This is 'religion' not 'science' with him.

Burton, The Human Side of the Physiologist, Prejudice and Poetry, 1 PHYSIOLOGIST 2 (No. 1, 1975).

Darwin himself recognized the religious nature of evolution and its "faith" proposition.¹¹³ He said that "[t]here is grandeur in this view of life . . . having been originally breathed by the Creator into a few forms."¹¹⁴ Thus, when Charles Darwin began elaborating on his theory of natural selection, he was forced to rely upon "imaginary illustrations," not scientific evidence.¹¹⁵ It is obvious that "Darwinism, despite its boast of scientific proof, is a theory erected upon a speculative supposition and supported by imaginary evidence; it does not establish historical factuality but merely gives us a 'way of looking' at the world."¹¹⁶ Any worldview that is "a speculative supposition ... supported by imaginary evidence" is a proposition based on faith and therefore religious."¹¹⁷

¹¹³ C. DARWIN, THE ORIGIN OF SPECIES BY MEANS OF NATURAL SELECTION OR THE PRESER- VATION OF FAVOURED RACES IN THE STRUGGLES FOR LIFE 759 (L. Valorium ed. 1959). Cf. M. J. SAVAGE, THE RELIGION OF EVOLUTION (1876).

¹¹⁴ Bahnsen, On Worshipping the Creature Rather than the Creator, 1 JOURNAL OF CHRISTIAN RECONSTRUCTION 98 (No. 1, 1974) (hereinafter referred to as Bahnsen)

¹¹⁵ Id. at 102. See generally N. MACBETH, DARWIN RETRIED (1971).

¹¹⁶ Bahnsen, supra note 240, at 102. Two prominent biochemists, D. E. Green and R. F. Goldberger, note the lack of evidence supporting various concepts of evolution:

There is one step (in the mechanistic concept) that far outweighs the others in enormity: the step from macromolecules to cells. All the other steps are accounted for on theoretical grounds if not correctly, at least elegantly. However, the macromolecule to cell transition is a jump of fantastic dimensions, which lies beyond the range of testable hypothesis. In this area, all is conjecture. The available facts do not provide a basis for postulation that cells arose on this planet. This is not to say that some parapsychical forces were at work. We simply wish to point out that there is no scientific evidence.

Vanderkooi, Evolution as a Scientific Theory, 15 CHRISTIANITY TODAY (No. 16) May 7, 1971, at 13.

¹¹⁷ Bahnsen, supra note 240, at 102. Dr. W. R. Thompson says in his introduction to a current edition of ORIGIN OF SPECIES: "Personal convictions . . . are presented as if they were proofs." W. THOMPSON, ORIGIN OF SPECIES (Intro. to Everyman edition 1956). Paul Westmeyer states: "Evolution is useful but it is a myth." Westmeyer, Twentieth Century Mythology, CHEMISTRY, Jan., 1956, at 17. Yet evolution continues to be propagated:

The theories of evolution with which our studious youth have been deceived, constitute actually a dogma that all the world continues to teach; but each in his spe- cialty, the zoologist or the botanist ascertains that none of the explanations furnished are adequate.

The religious presuppositional status of the evolutionary theory is clearly delineated in the thinking of neo-orthodox theologian Pierre Teilhard de Chardin.¹¹⁸ Teilhard de Chardin posits that even if all the specific content of the evolutionary explanation of life were to be demolished, evolution would still have to be assumed as Man's fundamental vision. Instead of traditional theism's belief in God's revelation to Man through the Bible, the evolutionary theory has become the manner in which one shall see "light." Thus, Teilhard de Chardin confesses his faith in evolution as the "light illuminating all facts, a curve that all lines must follow."¹¹⁹

A central thrust of evolution is the eradication of any chance of supernatural intervention into the universe or the affairs of man. For instance, contemporary evolutionists state their aversion to the concept of theistic Deity, yet the "faith" doctrine of evolution emerges in their

It results from this summary that the theory of evolution is impossible. . . . But evolution is a sort of dogma which the priests do not believe, but maintain for their people.

¹¹⁸ P. TEILHARD DE CHARDIN, THE VISION OF THE PAST 123 (J. Cohen trans. 1967).

The evolutionary theory, as Teilhard de Chardin explains, has become the unassailable, authoritative, logically primitive standard of truth: "Evolution has long since ceased to be a hypothesis and has become a general epistemological condition . . . which must henceforth be satisfied by every hypothesis." P. SMULDERS, THE DESIGN OF TEILHARD DE CHARDIN 30 (A. Gibson trans. 1967).

¹¹⁹ P. TEILHARD DE CHARDIN, THE PHENOMENON OF MAN 241 (B. Wall trans. 1959).

In the New Testament of the Authorized Version of the Bible Teilhard de Chardin's religious "light" is parallel by the "Light" (Jesus Christ).

In the beginning was the Word, and the Word was with God, and the Word was God. The same was in the beginning with God. All things were made by him; and without him was not anything made that was made. In him was life; and the life was the light of men. And the light shineth in darkness; and the darkness comprehendeth it not. . . . That was the true Light, which lighteth every man that cometh into the world.

John 1:1-5, 9. It must be noted that "every culture and religion in history has placed light at the center of its cosmology. 'Receive the light,' 'Seek enlightenment,' 'The mind of light.' 'The luminescent soul.'" J. MANDER, FOUR ARGUMENTS FOR THE ELIMINATION OF TELEVISION 18 (1978). Thus, the adherents to the cult of evolution also have a light in their cosmology.

language."¹²⁰ The basic reason for the humanist aversion to theism is the antithesis formed between the two faiths regarding the origins of life. George Wald, Harvard biologist, has aptly perceived the problem when he states, "[t]here are only two possibilities: either life arose by spontaneous generation . . . or it arose by supernatural creation . . . there is no third position."¹²¹ The aversion possessed by the Secular Humanist toward traditional theism clearly emerges from the statements of evolutionary proponents. "[T]here is no rival hypothesis except the outworn and completely refuted one of special creation, now retained only by the ignorant, the dogmatic, and the prejudicial."¹²²

The relevant factor in the conflict of beliefs in origin is that neither theory of origin, creationism or evolutionism, is capable of scientific proof.¹²³

¹²⁰ Dr. N. Heribert-Nilsson, Director of the Botanical Institute at Lund University, Sweden, said: "My attempt to demonstrate evolution by an experiment carried on for more than 40 years has completely failed. . . . The idea of evolution rests on pure belief." *Synthetische Artbildung* (1953), as cited by H. MORRIS, *SCIENTIFIC CREATIONISM* 9 (Gen. ed. 1974). "Evolution itself is accepted . . . not because it has been observed to occur . . . or can be proved by logical coherent evidence, but because the only alternative, special creation, is clearly incredible." Watson, *Adaptation*, 123 *NATURE* 233 (1929).

¹²¹ WALD, *Theories of the Origin of Life*, *FRONTIERS OF MODERN BIOLOGY* 187 (1962); WALD, *The Origin of Life*, *THE PHYSICS AND CHEMISTRY OF LIFE* 5 (1955). Others have commented on the exclusiveness of the two positions regarding origins. For example: "Such explanations tend to fall into one or the other of two broad categories: special creation or evolution. Various admixtures and modifications of these two concepts exist, but it seems impossible to imagine an explanation of origins that lies completely outside the two ideas." P. DAVIS AND E. SOLOMON, *THE WORLD OF BIOLOGY* 395 (1974). "Either evolutionary change or miraculous divine intervention lies at the back of human intelligence." S. ZUCHERMAN, *FUNCTIONAL ACTIVITIES OF MAN, MONKEYS AND APES* 155 (1933).

¹²² H. NEWMAN, *OUTLINES OF GENERAL ZOOLOGY* 407 (1924).

¹²³ H. MORRIS, *SCIENTIFIC CREATIONISM* 4, 5 (1974) (hereinafter referred to as MORRIS). "It must . . . be emphasized that it is impossible to prove scientifically any particular concepts of origin to be true." *Id.* A leading evolutionist, Theodosius Dobzhansky, has admitted:

The applicability of the experimental method to the study of such unique historical processes is severely restricted before all else by the time intervals involved, which far exceed the lifetime of any human experimenter. And yet, it is just such impossibility that

[I]t must ...be emphasized that it is impossible to prove scientifically any particular concept of origins to be true. This is obvious from the fact that the essence of the scientific method is experimental observation and repeatability. A scientific investigator, be he ever so resourceful and brilliant, can never observe nor repeat origins!

This means that, although it is important to have a philosophy of origins, it can only be achieved by faith, not by sight...

Thus one must believe, at least with respect to ultimate origins. However, for optimally beneficial application of that belief, his faith should be a reasoned faith; not a credulous faith or a prescribed faith.

Both theories of origins suffer from the inability scientifically to prove their hypotheses, and both require an element of "faith."¹²⁴ Therefore, the evolutionary theory, an implied undergirding tenet of Secular Humanism, is religious because of its dependence upon "belief." Moreover, Secular Humanism as a religion is incomprehensible without the evolutionary hypothesis. The evolutionary hypothesis is one tenet, if extracted, that will disembowel Secular Humanism. In fact, the other tenets of Secular Humanism are themselves based on the evolutionary implications of there being no Creator and no revelation from the Creator. If there is no Creator, then man is not dependent upon Deity, because Deity does not exist. Thus man is autonomous. The religion of Secular Humanism, based upon its six tenets, places Man at the center of its worship, and denies the traditional theistic concept of God. The implications of a culture's rejection of traditional theism in exchange for Secular Humanism are far-reaching.

10. THE RAMIFICATIONS AND IMPLICATIONS OF SECULAR HUMANISM

is demanded by anti-evolutionists when they ask for 'proofs' of evolution which they would magnanimously accept as satisfactory.

¹²⁴ Peter Medawar has recognized the problem entailed by the fact that no way exists by which to test evolution. Its acceptance is by leaps of faith. He states: "There are philosophical or methodological objections to evolutionary theory. . . . It is too difficult to imagine or envisage an evolutionary episode which could not be explained by the formulae of neo-Darwinism." P. MEDAWAR, MATHEMATICAL CHALLENGES TO THE NEO-DARWINISM INTERPRETATION OF EVOLUTION XI (1967).

Secular Humanism, as the religion of the modern age, has penetrated virtually all walks of life and all disciplines, including the law. Renowned evolutionist Julian Huxley noted:

The whole of evolution was soon extended into other than biological fields. Inorganic subjects such as the life histories of stars and the formation of chemical elements on the one hand, and on the other hand subjects like linguistics, social anthropology, and comparative law and religion, began to be studied from an evolutionary angle, until today we are enabled to see evolution as a universal, all pervading process. . . .Furthermore, with the adoption of the evolutionary approach in non-biological fields, from cosmology to human affairs, we are beginning to realize that biological evolution is only one aspect of evolution in general. . . .Our present knowledge indeed forces us to view that the whole of reality is evolution a single process of self transformation.¹²⁵

Evolutionism has altered the course of history by shifting the base of moral absolutes from traditional theism to Secular Humanism. "The replacement of 'will' by 'chance' as the mediator of biological change has transformed our view of man's relation to the universe."¹²⁶ If life came into existence through natural, materialistic, chance processes, then it is without absolutes, moral direction or purpose. Without the traditional theistic absolutes revealed by God, Man must speculatively produce a set of arbitrary absolutes or situational ethics by which he can only hope to arrive at an orderly society. Therefore, life's answers to the myriad of questions facing Man emanate from a materialistic religion. "Materialistic philosophy relieves one of responsibility to anyone, including the supernatural. Atoms have no morals, thus, if they are our progenitors, man

¹²⁵ HUXLEY, Evolution and Genetics, WHAT IS SCIENCe 272-78 (J. Newman ed. 1955). Elsewhere it has been written:

The master idea . . . was that of evolution.... Independently of the writings of both Comte and Spencer, there proceeded during the 19th Century, under the influence of the evolutionary concept, a throughgoing transformation of older studies like History, Law and Political Economy; and the creation of new ones like Anthropology, Social Psychology, Comparative Religion, Criminology, Social Geography.

¹²⁶ L. ORGEL, THE ORIGINS OF LIFE: MOLECULES AND NATURAL SELECTION 183 (1973).

is amoral.¹²⁷ Morality and ethics are, therefore, purely relative to the Secular Humanist who is logical to his faith.¹²⁸

The implications of Secular Humanism and its application to the various facets of life, including political and social philosophy, are clearly seen in the totalitarian regimes of history. Social evolution formed a basis for Fascism and its oppressive racist actions.¹²⁹ Benito Mussolini justified war (as did Friedrich Nietzsche) on the basis that it provided the means for evolutionary progress.¹³⁰ Adolf Hitler's *Mein Kampf* expressed his adherence to Secular Humanism, including evolutionism, to justify his world view of genocide, master race, and human-breeding experiments.¹³¹ One anthropologist has said of Hitler: "The German Fuhrer ...

¹²⁷ WYSONG, *supra* note 229, at 6

¹²⁸ Says one commentator: "An ethical system that bases its premises on absolute pronouncements will not usually be acceptable to those who view human nature by evolutionary criteria." Motulsky, *Brave New World*, 185 *SCIENCE* 654 (1974). The danger inherent in moral relativism has been noted:

In the West today, there is a pervasive consent to the notion of moral relativism, a reluctance to admit that absolute evil can and does exist. This makes it especially difficult for some to accept the fact that the Cambodian experience is something far worse than a revolutionary aberration. Rather, it is the deadly logical consequence of an atheistic, man-centered system of values, enforced by fallible human beings with total power, who believe, with Marx, that morality is whatever the powerful define it to be and, with Mao, that power grows from gun barrels. By no coincidence the most humane Marxist societies in Europe today are those that, like Poland or Hungary, permit the dilution of their doctrine by what Solzhenitsyn has called 'the great reserves of mercy and sacrifice' from a Christian tradition.

Time, July 31, 1978, at 40.

¹²⁹ WYSONG, *supra* note 229, at 7.

¹³⁰ R. CLARKE, *DARWIN: BEFORE AND AFTER* 115 (1948) (hereinafter referred to as CLARKE); OSCAR LEVY, *THE COMPLETE WORKS OF NIETZSCHE* 75 (1930). concerning II Duce Clarke writes: "Our own generation has lived to see the inevitable result of evolutionary teaching . . . Mussolini's attitude was completely dominated by evolution. In public utterances, he repeatedly used the Darwinian catch words while he mocked at perpetual peace, lest it hinder the evolutionary process." *Id.*

¹³¹ CLARKE, *supra* note 258, at 115-17.

consciously sought to make the practice of Germany conform to the theory of evolution."¹³² The class struggles and atheistic posture of Communism owe their existence to the political and social philosophy of evolutionary humanism.¹³³ As was previously noted, the practice of unethical capitalism in the United States and England during the late nineteenth and early twentieth century was based upon evolutionary humanism.¹³⁴ Contemporary psychology and its offspring, psychoanalysis, especially Sigmund Freud's "sex drive psychology," find their origin in evolutionary humanism.¹³⁵ No area of life or discipline can avoid the effect of Secular Humanism and its progeny, evolutionism. Racism, both modern and ancient, is merely a sequel to evolutionism.¹³⁶

For years Secular Humanists have used the public school system to teach generations of school children their doctrine and dogma.¹³⁷ It has gained a dominant foothold in higher

¹³² A. KEITH, *EVOLUTION AND ETHICS* 230 (1949). R. Clarke has remarked: "Adolf Hitler's mind was captivated by evolutionary teaching probably since he was a boy. Evolutionary ideas quite undisguised lie at the basis of all that is worst in *Mein Kampf* (sic) and in his public speeches." CLARKE, *supra* note 250, at 115. One commentator has written: "Suffice it to mention the so-called Social Darwinism, which often sought to justify the inhumanity of man to man, and the biological racism which furnished a fraudulent scientific sanction for the atrocities committed in Hitler's Germany and elsewhere." Dobzhansky, *Evolution at Work*, *SCIENCE* 1091.

¹³³ J. BERNAL, *MARX AND SCIENCE* 17 (1952).

¹³⁴ See notes 151-159 *supra* and accompanying text.

¹³⁵ Fairbanks, Sigmund Freud, *TWENTIETH CENTURY ENCYCLOPEDIA OF RELIGIOUS KNOWLEDGE* 446 (L. Loetscher ed. 1955). Cf. R. RUSHDOONY, *FREUD* (1975); E. FROMM, *BEYOND THE CHAINS OF ILLUSION MY ENCOUNTER WITH MARX AND FREUD* 33 (1962).

¹³⁶ ROSE, *The Slow Painful Death of the Race Myth*, *SOCIETY TODAY AND TOMORROW* 194 (E. Hunt and J. Karlin eds. 1961). Cf. J. HALLER, JR., *OUTCASTS FROM EVOLUTION: SCIENTIFIC ATTITUDES OF RACIAL INFERIORITY* (1971).

¹³⁷ John Dewey, an evolutionary humanist has had a tremendous impact on education. Dewey's biographer said: "The starting point of his system of thought was biological: he sees man as an organism in an environment, remaking as well as made. Things are to be understood through their origins and functions, without the intrusion of supernatural considerations." Durant, John

education including legal education. The eminent Harvard law dean Roscoe Pound, an evolutionary humanist, initiated the movement in the United States toward the humanist doctrine of "sociological jurisprudence."¹³⁸

Sociological jurisprudence has radically affected, sometimes directly and sometimes indirectly, the thinking of American jurists, judges, and lawyers. It had also made itself felt throughout the entire international field of Western jurisprudence. Perhaps no other man has had so profound an effect on our legal system as Roscoe Pound.¹³⁹

Pound taught "that no current hypothesis is reliable, as ideas and legal philosophies change radically and frequently from time to time."¹⁴⁰ Pound's insistence on constant change is merely a reflection of his belief in Social Darwinism. Traditional theism's doctrine of absolutes was also rejected by Pound.¹⁴¹

Dewey, 7 *ENCYCLOPEDIA BRITANNICA* 297 (1956). Concerning the impact of evolutionary humanism on traditional theism through the public education system, it has been recognized:

The evolutionary origin of the universe, of life and of man is taught as scientific fact even to elementary school children in probably most public schools, at least by implication. The Christian and Biblical record of origins is usually ignored, sometimes allegorized or even ridiculed. Such concepts as Creation, the Fall, the Curse, Sin, Redemption, etc.-which really are the most important and basic facts of science and history-are taboo. Such patronizing references to 'religion' as are allowed at all in the public schools are given in a context of comparative religions, of 'world communities,' 'of brotherhood,' of 'social progress,' and the like.

This is a remarkable phenomenon in a nation founded largely on Christianity and the Bible. Undoubtedly, many factors have contributed to this . . . but it is highly probable that the introduction of the 19th-century doctrines of evolutionary optimism is back of most of it.

¹³⁸ Pound wrote: "It must be borne in mind that 'nature' did not mean to antiquity what it means to us who are under the influence of the idea of evolution." R. POUND, *INTRODUCTION TO PHILOSOPHY* 31 (1922).

¹³⁹ R. WORMSER, *THE STORY OF THE LAW* 484 (1962) (hereinafter referred to as *WORMSER*). Cf. L. TRIBE, *AMERICAN CONSTITUTIONAL LAW* 438 (1978).

¹⁴⁰ *WORMSER*, supra note 268, at 185.

¹⁴¹ *Id.* at 483. Pound said: "I am skeptical as to the possibility of an absolute judgment." *Id.* Pound's, as well as Dewey's, influence on legal education is still present. John Rawls in commenting on the Aristotelian principle that, other things being equal, human beings enjoy the exercise of their realized capacities, writes:

Now it may be objected that there is no reason to suppose that the Aristotelian principle is true. Like the idealist notion of self-realization, to which it bears a certain

Oliver Wendell Holmes, Jr., a contemporary of Pound, applied principles of evolutionism to both life and law.¹⁴² In his most extensive and impressive piece of scholarship, *The Common Law*, Justice Holmes proclaimed: "The life of the law has not been logic; it has been experience."¹⁴³ One legal commentator said:

resemblance, it may have the ring of a philosopher's principle with little to support it. But it seems to be borne out by many facts of everyday life, and by the behavior of children and some of the higher animals. Moreover, it appears to be susceptible to an evolutionary explanation. Natural selection must have favored creatures of whom this principle is true. Aristotle says men desire to know. Presumably we have acquired this desire by a natural development, and indeed, if the principle is sound, a desire to engage in more complex and demanding activities of any kind as long as they are within our reach...

Id., citing B. G. CAMPBELL, *HUMAN EVOLUTION* 49-53 (1966); W. H. THORPE, *SCIENCE, MAN, AND MORALS* 82-92 (1965). For animals, see IREMAUS EIRBL-EIBESFELDT, *ETHOLOGY* 217-48 (1970); see also J. RAWLS, *A THEORY OF JUSTICE* 431 (1971). Consider these statements by Rawls:

The theory of evolution would suggest that it is the outcome of natural selection: the capacity for a sense of justice and the moral feelings is an adaptation of man-kind to its place in nature. . . . These patterns of behavior have an evolution exactly as organs and bones do. . . . We can also see how the system of the moral feelings might evolve as inclinations supporting the natural duties and as stabilizing mechanisms for just schemes.

Id. at 503-04. Rawls indicates that man's sense of justice and moral feelings are products of evolution in suggesting a utilitarian approach to justice which is Kantian in nature. *Id.* at viii.

Lawrence Tribe's recent constitutional treatise emphasizes evolutionism (and thus the necessity of constant change) in constitutional law. He writes: "[The constitution is an intentionally incomplete, often deliberately indeterminate structure for the participatory evolution of political ideals and governmental practices." L. TRIBE, *AMERICAN CONSTITUTIONAL LAW* iii (1978).

"[T]he highest mission of the Supreme Court, in my view, is not to conserve judicial credibility, but in the Constitution's own phrase, 'to form a more perfect Union' between right and rights within that charter's necessarily evolutionary design." *Id.* at iv.

¹⁴² G. WHITE, *THE AMERICAN JUDICIAL TRADITION* 159 (1976) (hereinafter referred to as WHITE). Concerning the nature of man, Holmes remarked:

I see no reason for attributing to man a significance different in kind from that which belongs to a baboon or a grain of sand. I believe that our personality is a cosmic ganglion, just as when certain rays meet and cross there is a white light at the meeting point, but the rays go on after the meeting as they did before, so, when certain other streams of energy cross at the meeting point, the cosmic ganglion can frame a syllogism or wag its tail.

¹⁴³ O. HOLMES, JR., *THE COMMON LAW* 1 (1881). Lawrence M. Friedman has called this treatise "the most important 19th-century book, from the 20th-century viewpoint...." L. FRIEDMAN, *A HISTORY OF AMERICAN LAW* 545 (1973).

In The Common Law the discarded system was nineteenth century "logic," by which Holmes meant the formalistic, religion-based logic that reasoned downward syllogistically from assumed truths about the universe; the proposed counter-system was "experience," the changing "felt necessities" that reflected current social values and were altered by time and circumstances... [This was] merely a fatalistic acceptance that law was not so much the embodiment of reason as a manifestation of dominant beliefs at a given time.¹⁴⁴

The "nineteenth century logic" of traditional theism which based its source of law on the written revelation of the Bible was an anathema to Holmes. Law could not be seen in absolute terms since law for Holmes "was simply an embodiment of the ends and purposes of a society at a given point in its history."¹⁴⁵ If there are no absolutes that proceed from a Creator who gives meaning to absolutes through Man in the form of inalienable rights, then the will of the State, as Holmes posited, is the law. Laws under Holmes' view are considered "beliefs that have triumphed" and no more.¹⁴⁶

Max Radin in seeming compliance with Holmes wrote: "We cannot state human experience except in terms of some generality which involves logic." M. RADIN, *LAW AS LOGIC AND EXPERIENCE* 98 (1940). Radin's commitment to humanism is apparent:

[T]he better kind of justice was determined by an irrational sense of human brotherhood, by a concession to humanity which in this case was the same as humaneness ...the justice that just men who are also humane men will apply when they are judges. Just men are men who are so far Kantians that they do not think of other men as a means to their ends, not even when the others are concededly and immeasurably inferior to themselves. . .

Humanity is, after all, the business of the law.

Id. at 162-64. Radin's thesis has been criticized: "We can certainly agree with the need for humaneness, but when we reduce the law to humaneness and equate justice with it, then we have replaced justice with pity and substituted sentimentality for law. The logic of Radin's system is that of autonomous man, whose only law is himself." R. RUSHDOONY, *POLITICS OF GUILT AND PITY* 97-98 (1970).

¹⁴⁴ WHITE, *supra* note 271, at 157.

¹⁴⁵ *Id.*

¹⁴⁶ THE MIND AND FAITH OF JUSTICE HOLMES: HIS SPEECHES, ESSAYS, LETTERS, AND JUDICIAL COMMENTARY 372, 389, 336-341 (M. Lerner ed. 1943). Cf. C. P. CURTIS, JR., *LIARS UNDER THE THRONE: A STUDY OF THE SUPREME COURT OF THE UNITED STATES* 25, 281 (1947).

The idea that God endows man with absolute rights, such as life, liberty and the pursuit of happiness are lost within Holmes' rationale. The implications of this philosophy are frightening when executed by someone with despotic power, such as a Hitler, a Stalin, or a Mussolini. Whether that power emanates from an individual or a majoritarian rule, the replacement of relativism for absolutes is alarming.¹⁴⁷ "Truth," Holmes said, "is the majority vote of that nation that could lick all others."¹⁴⁸ Truth or law is based on experience and, therefore, law to Holmes was "sociological law."¹⁴⁹ He declared that "when it comes to the development of a corpus juris the ultimate question is what do the dominant forces of the community want and do they want it hard enough to disregard whatever inhibitions may stand in their way."¹⁵⁰

Holmes' humanistic jurisprudence has had a great influence on the development and thinking of the modern Supreme Court¹⁵¹ Chief Justice Fred Vinson in 1951 said:

Nothing is more certain in modern society than the principle that there are no absolutes, that a name, a phrase, a standard has meaning only when associated with the considerations which give birth to nomenclature. To those who would paralyze our

¹⁴⁷ In this respect, R. J. Rushdoony has commented:

Under the impact of relativism, justice, together with law, is made the creature of the state and is thus destroyed. Justice is what Stalin, Hitler, the President, Supreme Court, or people say it is, and no more. However, the relativist rejects the barrenness of this conclusion and insists that justice is in process, a development evolving together with man and his state towards a constantly higher stage or truth. The function of the jurist, in this process, becomes, as it was with Holmes and increasingly with others, the interpretation of that direction and the social mind, a rather mystical jurisprudence as a result. For the skeptical jurist, justice and positive law are inevitably the same; justice is what the state says and does, so that Holmes could feel justified in being 'anti-labor' at one period and 'pro-labor' at another. In every instance, he was 'just' because sensitive to the 'law' behind the law, i.e., the social temper of his day.

R. RUSHDOONY, *POLITICS OF GUILT AND PUNISHMENT* 127 (1970).

¹⁴⁸ SCHAEFFER, *supra* note 125, at 217.

¹⁴⁹ *Id.* Cf. WHITE, *supra* note 271, at 270

¹⁵⁰ SCHAEFFER, *supra* note 125, at 217.

¹⁵¹ See WORMSER, *supra* note 268, at 430. Professor White has written that the "origins of modern liberalism in America coincided with the Supreme Court tenures of Justice Oliver Wendell Holmes and Louis Brandeis." WHITE, *supra* note 271, at 151.

Government in the face of impending threat by encasing it in a semantic straitjacket, we must reply that all concepts are relative.¹⁵²

Justice William O. Douglas shared the same humanist philosophy as that held by Holmes.

Douglas associated relativism with liberty, and absolute truth with totalitarianism.

To say . . . that the reason for "truth" is not man's mission may seem to some to be the ultimate sin. But those who construct a political system on the basis of their "truth" create totalitarianism. . . . Truth is not the goal, for in most areas no one knows what truth is.¹⁵³

Douglas' humanistic view ignored any type of transcendent law or absolute. The obvious conclusion is that the traditional theistic base evidenced in the Declaration of Independence and other founding documents has been replaced by the humanistic base of "relativism." Thus, the only "absolute" that remains is the "absolute insistence that there is no absolute."¹⁵⁴

The closed system of Secular Humanism in effect eradicates the entire basis of early American law. It severs the roots of law that grew from traditional theistic absolutes and that were expressed in the Declaration of Independence and Blackstone's Commentaries. Once

¹⁵² Barrons, June 18, 1951.

¹⁵³ W. DOUGLAS, FREEDOM OF THE MIND 35, 36 (1962). Douglas's view on world government paralleled Humanist Manifestos I and II:

We on this continent adopted a federation composed of sovereign nations, and we provided the Supreme Court as the tribunal for settlement of controversies between them. We can inaugurate the beginnings of a like rule of law in the international field by a few simple expedients. President Eisenhower's proposal to submit all disputes under treaties to the International Court with power on its part to render binding decisions is one place to commence. That device can be evolved to include many types of controversies, including territorial problems that now raise the specter of nuclear war. International institutions can be created to control and administer certain common problems. Nuclear energy is one. We must start now to provide specific procedural devices to adjudicate international controversies and to control and administer such crucial problems as the use of nuclear energy, which all nations have in common. We must in other words carry a 'rule of law' beyond the conversation stage and begin to reduce it to specific, concrete forms, if war is to be prevented.

R. RUSHDOONY, POLITICS OF GUILT AND PITY 352 (1970).

¹⁵⁴ SCHAEFFER, *supra* note 125, at 217.

Secular Humanism began to pervade the American culture and to infuse the educational and judicial systems, the transformation of constitutional law was merely a matter of course. Moreover, the transmogrification of the first amendment's concept of "religion" is a clear example of Secular Humanism's effect upon the Supreme Court's interpretive process.

11. CREATOR, MAN AND LAW: A CONCLUSION

Secular Humanism's decisive impact on society and law has substantially shifted the religious base of American culture. The transposition of the religious base from traditional theism to Secular Humanism has intensified the influence that Secular Humanism has exerted on societal institutions. More important, however, is the impact of Secular Humanism on man's view of Man. Specifically, Secular Humanism has promoted a mechanistic view of man, as opposed to theism's humanness view of Man. For example, behaviorist B. F. Skinner, Harvard professor and signer of Humanist Manifesto II, advocates the abolition of man as an individual:

His abolition has long been overdue. Autonomous man is a device used to explain what we cannot explain in any other way. He has been constructed from our ignorance, and as our understanding increases, the very stuff of which he is composed vanishes. . . . To man *qua* man we readily say good riddance.¹⁵⁵

Skinner proposes that Man, the spiritless and materialistic machine, be placed in a highly manipulative and regulated environment in order to control him." *Id.* Commenting on modern Man, it has been aptly noted:

Modern man feels freer to ask, "What good is it?" The world has become "disenchanted," more "sensate," more "materialistic," less "spiritual," to use terms that have been applied to this trend toward secularism. Secularism encourages rationality in social organization. Group ways of acting are consciously designed and measured by effectiveness and efficiency. . . . Secularism and rationality are associated with impersonality in human

¹⁵⁵ B.F. SKINNER, BEYOND FREEDOM AND DIGNITY 200-01 (1971).

relations. With a weakened sense of kinship and with a utilitarian orientation, it is easy to treat people as means rather than as ends.¹⁵⁶

Dr. Francis Crick, an avowed atheist, who along with James D. Watson, unravelled the DNA Code, has said:

[Y]ou must realize that much of the political thinking of this country [the United States] is very difficult to justify biologically. It was valid to say in the period of the American Revolution, when people were oppressed by priests and kings, that all men were created equal. But it doesn't have biological validity. It may have some mystic validity in a religious context, but . . . [it]'s not only biologically not true, it's also biologically undesirable. . . . We all know, I think, or are beginning to realize, that the future is in our own hands, that we can, to some extent, do what we want.¹⁵⁷

For Crick, man is a "means" for the ends of science; but theologian and philosopher Dr. Francis Schaeffer has challenged Crick's view:

If man is what Francis Crick says he is, then he is only the product of the impersonal plus time plus chance; he is nothing more than the energy particle extended. And, therefore, he has no intrinsic worth. Our own generation can thus disregard human life. On the one end we will kill the embryo with abortion-anytime anyone wishes-and on the other end we will introduce euthenasia for the old. The one is here and the other is coming.¹⁵⁸

Secular Humanism posits that man is no more than a machine or used "junk" that can be aborted when it is deemed desirable.¹⁵⁹ However, this contemporary humanistic view of man contrasts remarkably with the weltanschauung of those who settled and established the institutions upon which American freedom is based. Jefferson, and the other leaders of his time,

¹⁵⁶ L. BROOM AND P. SELZNICK, *SOCIOLOGY: A TEXT WITH ADAPTED READINGS* 47-48 (4th ed. 1968).

¹⁵⁷ F. SCHAEFFER, *BACK TO FREEDOM AND DIGNITY* 20 (1974).

¹⁵⁸ *Id.* at 23.

¹⁵⁹ Schaeffer's comments on the position in which modern man has placed himself are: "[T]he concept [of man's dignity] is gone. We are in the post-Christian world. Man is junk, and man can be treated as junk. If the embryo is in the way, ditch it. If the old person is in the way, ditch him. If you're in the way ... and that's what lies before us." *Id.*

well understood the relationship between the creature and the "Creator." The creature Creator relationship transfers to Man not only legal or civil rights, but inalienable absolute rights.

Presupposing an omnipotent Creator, the men who signed the Declaration of Independence "with firm reliance on the protection of Divine Providence," pledged their lives to the cause.¹⁶⁰ This reliance on the creature-Creator relationship posited an absolute value in man. In this respect, Russian scholar Vadim Borisov has said:

The American Founding Fathers who many years ago first propounded the "eternal rights of man and the citizen" postulated that every human being bears the form and likeness of God; he therefore has an absolute value, and consequently also the right to be respected by his fellows.

Rationalism, positivism and materialism, developing in oppo-sition to religion, successively destroyed the memory of this absolute source of human rights. The unconditional equality of persons before God was replaced by the conditional equality of human individuals before the law. Deprived of divine authority, the concept of the human personality could now be defined conditionally, and therefore, inevitably arbitrarily. The concrete person became a judicial metaphor, a contentless abstraction, the subject of legal freedoms and restrictions.

And it is here, in the admission of the conditionality of the human personality, that we find the root of its calamitous ordeals in our barbarous world. If the human personality is conditional, then so are its rights. Conditional too is the recognition of its dignity, which comes into painful conflict with surrounding reality. In breaking the link between human personality and the absolute source of rights, and yet affirming them as something to be taken for granted, rationalist humanism has from the very outset been inherently inconsistent, as its more logical successors very quickly understood. Darwin, Marx, Nietzsche and Freud (and many others) resolved the inconsistency each in his own way, leaving not one stone upon another in the edifice of blind faith in man's dignity. . . . These men represented the theoretical, logical cul-mination of mankind's humanist rebellion against God. . . . This century's totalitarianism, trampling the human personality and all its rights, rhinoceros like, under foot, is only the application of this theory of life, or humanism put into practice.¹⁶¹

Crick and Skinner teach that man has only relative value and that therefore there is no creature-Creator relationship, but only a man-Man relationship. Contemporary man's appeal for

¹⁶⁰ U. S. DECLARATION OF INDEPENDENCE.

¹⁶¹ BORISOV, PERSONALITY AND NATIONAL AwARENESS, FROM UNDER THE RUBBLE 194, 200, 201 (M. Scammel trans. 1975).

freedom is, therefore, not to God but to Man in the form of the State. Thus, Man has only the "relative rights" attributed to him by the State.

Man, as a product of an evolutionary environment, collectivized in and through the masses, becomes, as Arthur Koestler posited, the "ghost in the machine."¹⁶² Unfortunately, collectivized man loses his individuality within the wheel of technology:

If "evolution is good," then evolution must be allowed to proceed and the very process of change becomes absolutized. . . . But in even more areas, science is reaching the point of "destructive returns;" and the attempt to use evolution as a basis for morals and ethics is a failure. If evolutionary progress is taken as an axiom, then the trend towards convergence (social and evolutionary "unaminization") becomes a value, as suggested by Teilhard de Chardin. But this militates against the value of individuality and can be used to support totalitarianism.¹⁶³

Man, then, loses the individuality and dignity that emanates from the creature-Creator relationship. The divine nature of man dissipates, and as man loses his divine character, the law becomes a creature of the State.¹⁶⁴ The great danger of Secular Humanism is that it strives to destroy the old absolute values of traditional theism and replace them with relativistic values. Modern law is characterized by "existential relativism," and it is now generally recognized "that no judicial decision is ever 'final.'"¹⁶⁵ Therefore, the prevailing concept of law is that of complete judicial relativism.¹⁶⁶

¹⁶² A. KOESTLER, THE GHOST IN THE MACHINE 15 (1967).

¹⁶³ O. GUINNESS, THE DUST OF DEATH 15-16 (1973).

¹⁶⁴ J. ELLUL, THE THEOLOGICAL FOUNDATION OF LAW 34 (1969) (hereinafter referred to as ELLUL).

¹⁶⁵ T. FRANCK, THE STRUCTURE OF IMPARTIALITY: EXAMINING THE RIDDLE OF ONE LAW IN A FRAGMENTED WORLD 62, 68-69 (1968).

¹⁶⁶ ELLUL, *supra* note 295, at 8.

The present danger created by the pervasive influence of Secular Humanism is apparent.

¹⁶⁷ In these circumstances the order of society and the established human rights are in no way protected against arbitrary power, and there is no reason why the discernment of right and wrong should not be given over to an all-powerful State charged with making its own criteria."¹⁶⁸ The chance of an imposed order becoming a reality in the modern technological State is imminent. The tide of totalitarianism can be stemmed by recovering the dignity of Man based in the creature-Creator relationship. Moreover, to prevent an imposed State order, Secular Humanism must be finally recognized as a religious ideology and its unconstitutional establishment within our governmental organs must be prohibited. The future resistance of State dominance, therefore, is dependent upon how we apply the truths of the past.

The key to a rejuvenation of the dignity and absolute value of Man is a return to traditional theism and its tenets as set forth by our forebears in the Declaration of Independence and as announced in Blackstone's Commentaries. This means a return to the "higher law" or "the laws of nature and of nature's God" as the basic corner- stone of law and jurisprudence.¹⁶⁹

History . . . including current history, testifies [that] people will not give their allegiance to a philosophy, unless it represents for them a higher, sacred truth. People will desert institutions that do not seem to them to correspond to some transcendent reality in which

¹⁶⁷ It must be recognized that in recent years an awareness of the humanistic relativ- ism that undergirds contemporary law has emerged. See, e.g., Brabner-Smith, Contemporary Law: A Case of Contempt, WORLDWIDE CHALLENGE 5 (Aug. 8, 1978). In fact, organizations have been formed to study the biblical foundation of law as it relates to modern law and society at large. For instance, the Christian Law Association of Cleveland, Ohio is an organization of churches, laymen and attorneys that, while providing a source of funds for church-state litigation, provides research and conducts seminars on the biblical foundation of the Ameri- can legal system. The Christian Legal Society, to name another, is a membership association of approximately 1,500 attorneys, that publishes and conducts seminars on Christianity and the law

¹⁶⁸ ELLUL, supra note 295, at 8-9.

¹⁶⁹ See, e.g., J. MONTGOMERY, THE LAW ABOVE THE LAW (1975); Corwin, The "Higher

they believe-believe *in* with their whole beings, and not just believe about, with their minds.¹⁷⁰

The founders understood that the only ground on which to base resistance against imposed order was upon "Divine Providence," and that freedom is based in the Creator, not in Man or documents. As Alexander Hamilton proclaimed: "The sacred rights of mankind are not to be rummaged for among old parchments or musty records. They are written, as with a sunbeam, in the whole volume of human nature, by the hand of the Divinity itself, and can never be erased or obscured by mortal power."¹⁷¹

We declare under the penalty of perjury, pursuant to 28 USC sec 1746 the above statements are true and accurate.

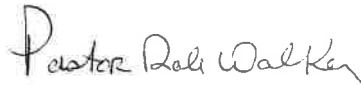


DR. KENDALL L. BAKER
PASTOR AND THEOLOGIAN

¹⁷⁰ H. BERMAN, THE INTERACTION OF LAW AND RELIGION 73 (1974).

¹⁷¹ A. HAMLTON, 1 WORKS OF ALEXANDER HAMILTON 113 (H. Lodge ed. 1904).

JOINED BY:



**PASTOR DALE WALKER
TENNESSEE PASTORS NETWORK**



**REVEREND CHARLENE COTHRAN
NATIONAL ALLIANCE OF BLACK PASTORS**



PASTOR JOHN WILLIAMS



PASTOR MANNY DE LA CRUZ



PASTOR RUBIN ISRAEL



**MINISTER GREG QUINLAN
THE CENTER FOR GARDEN STATE FAMILIES**



**PASTOR RICH PENKOSKI
WARRIORS FOR CHRIST**

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

**WHITMAN-WALKER CLINIC, Inc. et.
al.
(Plaintiffs)**

V.

1:20-cv-01630-JEB

**U.S. DEPARTMENT OF HEALTH AND
HUMAN SERVICES et. al.
(Defendants)**

**DECLARATION OF DR. MICHELLE CRETELLA, MD, FCP THE PRESIDENT OF
THE COLLEGE OF PEDIATRICIANS**

I, Michelle Cretella, declare under the penalty of perjury, pursuant to 28 USC sec. 1746 as follows:

1. I am the President of the American College of Pediatricians. I am a retired board certified general pediatrician with a special interest in adolescent mental and sexual health. I am a retired medical doctor who practiced pediatric medicine in the states of Connecticut, Virginia and Rhode Island between 1994 and 2013. I have been certified by the American Board of Pediatrics since October 1997.¹

¹ I graduated from the University of Connecticut School of Medicine in 1994; completed my internship and residency in general Pediatrics with honors at Connecticut Children's Medical Center in 1997, and completed a College Health Fellowship at the University of Virginia Health Center in 1999. I have served on the Board of the American College of Pediatricians since 2005 during which time I also Chaired the Adolescent Sexuality Committee, the Pediatric Psychosocial Development Committee and the Scientific Policy Committee. From 2010-2015 I served on the Board of Directors for the Alliance for Therapeutic Choice and Scientific Integrity (formerly the National Association for Research and Therapy of Homosexuality or NARTH). I continue to serve on the Medical Committee of the Alliance for Therapeutic Choice. My full time position as President of the American College of Pediatricians began in April of 2015. Avocations include personal training, youth ministry and serving as a certified abstinence

2. In addition to being the President of the American College of Pediatricians, I served on the Board of Directors of the Alliance for Therapeutic Choice and Scientific Integrity (formerly the National Association for Research and Therapy of Homosexuality or NARTH) from 2010-2015, and continue to serve on the Medical Committee of the Alliance for Therapeutic Choice.
3. I have conducted a review of the scientific literature regarding whether sexual orientation is changeable or immutable, and what follows are my findings and conclusions:

The Scientific and Medical Literature Demonstrates that Sexual Attractions Are Fluid

4. Ronald Bayer in his well researched book, *Homosexuality and American Psychiatry: The Politics of Diagnoses*, notes that in reviewing the history of debate in both the American Psychiatric Association and the American Psychological Association, it is clear that the decision to remove homosexuality from the Diagnostic and Statistical Manual of Mental Disorders (DSM II) was never based on any new science concerning homosexuality or any re-evaluation of the current research at that time. Instead, the impetus for removal was political pressure from homosexual activists and the desire to decrease discrimination and harassment sustained by gay-identified individuals. Bayer essentially states that the declassification of homosexuality from the list of mental disorders should not be viewed as a “proximation of scientific truth” but rather as “an action demanded by the ideological temper of the times.”²

5. Accordingly, Dr. Judd Marmor, a past president of the American Psychiatric Association who was instrumental in removing homosexuality from the DSM II, acknowledged that homosexuality had multiple roots and was in fact malleable. Even after homosexuality was removed from the DSM II as a diagnosis he stated, "The fact that most homosexual preferences

educator for my local Catholic school. I live in Rhode Island with my husband of twenty-two years and our four children.

² Bayer, Ronald. *Homosexuality and American Psychiatry: The Politics of Diagnoses*, Princeton U. Press (1987), p.4

are probably learned and not inborn means that, in the presence of strong motivation to change, they are open to modification, and clinical experience confirms this."³

6. Decades of research and clinical experience confirms that homosexuality is not a biologically determined trait like race. Environment - who we interact with and how, and the culture at large - play a major role in forming one's sexual orientation. Sexual orientation is not fixed at birth but rather is environmentally shaped and unfolds slowly across childhood, adolescence and even into adulthood for some individuals.⁴ Francis Collins, MD, former director of the Human Genome Project and current director of the NIH, has concluded that "there is an inescapable component of heritability to many human behavioral traits. For virtually none of them is heredity ever close to predictive." Regarding homosexuality, he states "sexual orientation is genetically influenced but not hardwired by DNA ... whatever genes are involved represent predispositions, not

³ Marmor, J. *Homosexual Behavior: A Modern Reappraisal*. New York: Basic Books, 1980, p. 276-277.

⁴ Whitehead, Neil. *My Genes Made Me Do It!* accessed 5/6/13 from <http://www.mygenes.co.nz/download.htm>; Langstrom, N, Rahman Q, Carlstrom, E, Lichtenstein, P. (2008). Genetic and environmental effects on same- sexual behavior: A population study of twins in Sweden. *Archives of Sexual Behavior*, DOI 10.1007/s10508-008- 9386-1; Santilla P, Sandnabba NK, Harlaar N, Varjonen M, Alanko K, von der Pahlen B. (2008). Potential for homosexual response is prevalent and genetic. *Biological Psychology*, 77, 102-105; Bailey, J.M., Dunne, M.P., & Martin, N.G. (2000). Genetic and environmental influences on sexual orientation and its correlates in an Australian twin sample. *Journal of Personality and Social Psychology*, 78 (3), 524-536; Bearman, P.S., & Bruckner, H. (2002). Opposite-sex twins and adolescent same-sex attraction. *American Journal of Sociology*, 107 (5), 1179-1205; Frisch, M. & Hviid, A. (2006). Childhood family correlates of heterosexual and homosexual marriages: A national cohort study to two million Danes. *Archives of Sexual Behavior*, 35, 533-547. Satinover, Jeffery. "How Might Homosexuality Develop? Putting the Pieces Together." <http://www.narth.com/docs/pieces.html>; Whitehead, Neil "2002 Study Shows The Importance of Social Factors, Cannot Detect Genetic Factors in SSA." <http://www.narth.com/docs/detect.html>

predeterminations.”⁵ Environment and free will decisions interact with these predispositions and play an important role in the development of same-sex attraction (SSA). In 2008 the American Psychological Association noted that a majority of researchers agree that sexual orientation develops from a combination of environmental and biological influences.⁶ The debate concerns whether or not change of sexual orientation is enduring or even possible.

7. Homosexuality affirming researchers believe that inborn biological factors trump any environmental contribution. Therefore, they consider sexual orientation to be immutable. These researchers and therapists view SSA as a normal variant of human sexual development. Any effort to alter or eliminate SSA is equated with trying to change a person’s ethnicity.

Homosexuality affirming therapists therefore oppose re-orientation therapy in all cases, arguing that those who are ambivalent about their same-sex attractions actually suffer from “internalized homophobia” and require counseling that will allow them to accept their innate homosexuality. However, as noted above, the scientific literature does not support this innate/essentialist view of homosexuality.

8. Consequently, other researchers maintain that science tells a very different story – one of minimal biological influence, and a high degree of sexual fluidity. They argue that an objective review of the data strongly suggests that unwanted SSA is changeable for many who desire that outcome. These therapists consider all SSA to be a developmental psychosexual adaptation.

⁵ Collins F. *The Language of God: A Scientist Presents Evidence for Belief*. New York. Free Press. 2007 (p.260)

⁶ American Psychological Association 2008 Task Force Report on the origins of homosexuality accessed May 14, 2013 from: <http://www.apa.org/topics/sexuality/orientation.aspx>, p. 4.

They are also united in the defense of a client's right to informed consent and self determination.^{7,8}

9. This divergence of opinion regarding homosexuality and sexual orientation change efforts is recognized in some current medical textbooks, including the 2009 edition of Essential Psychopathology and Its Treatment. On page 468 of this text the current science regarding the nature of homosexuality and its fluidity is summarized as follows:

“While many mental health care providers and professional associations have expressed considerable skepticism that sexual orientation could be changed through psychotherapy and also assumed that therapeutic attempts at reorientation would produce harm, recent empirical evidence demonstrates that homosexual orientation can indeed be therapeutically changed in motivated clients and that reorientation therapy does not produce emotional harm.”⁹

Adventitious Change

10. Before reviewing some of the literature regarding therapeutic attempts to change sexual orientation, it is appropriate to note the evidence for spontaneous change of sexual orientation. The American Psychiatric Association acknowledges the existence of sexual fluidity: "Some people believe that sexual orientation is innate and fixed; however, sexual orientation develops across a person's lifetime. Individuals may become aware at different points in their lives that they are heterosexual, gay, lesbian, transgender, or bisexual."¹⁰ That enduring change of sexual

⁷ Satinover, Jeffery. Homosexuality and the Politics of Truth. Baker Book House Company, Grand Rapids, MI, 1996.

⁸ Nicolosi, J. and Nicolosi, L. A Parent's Guide to Preventing Homosexuality. Intervarsity Press, Downers Grove, IL, 2002.

⁹ Maxmen, J. S., et al. (2009). Essential Psychopathology and its Treatment, 3rd edition, New York: Norton and Co.

¹⁰ American Psychiatric Association 2008 On-line Fact Sheet Regarding FAQs about sexual orientation available at: <http://www.psychiatry.org/mental-health/people/lgbt-sexual-orientation> (accessed May 17, 2013).

attractions and behaviors may occur adventitiously has been recognized and documented for decades.¹¹ In his book *My Genes Made Me Do It! A scientific look at Sexual Orientation*, Dr. Neil Whitehead writes extensively about this point, noting that: “Neutral academic surveys show there is substantial change. About half of the homosexual/bisexual population (in a non-therapeutic environment) moves towards heterosexuality over a lifetime. About 3% of the present heterosexual population once firmly believed themselves to be homosexual or bisexual. Sexual orientation is not set in concrete.”¹² This has been well documented among women in recent years by Drs. Lisa Diamond, Elisabeth Thompson and Elizabeth Morgan.¹³

11. Additionally, the period of adolescence is well recognized for its sexual fluidity and instability of same-sex attractions. The most detailed studies to date regarding spontaneous change in sexual orientation in adolescents were conducted in 2007 and 2010. The first, by Savin-Williams and Ream, is a very large longitudinal study that documented changes in attraction so great even between the ages of 16 and 17 that the authors questioned whether the concept of sexual orientation had any meaning for adolescents with same-sex attractions. Seventy-five percent of adolescents who had some initial same-sex attraction between the ages of 17-21 changed to experience opposite sex attraction only.¹⁴ The second highly detailed study demonstrating significant change away from same-sex attractions in adolescents involved an

¹¹ Whitehead, Neil. *My Genes Made Me Do It – Homosexuality and the Scientific Evidence*. Retrieved on 2/26/13: <http://www.mygenes.co.nz/>.

¹² Ibid. Retrieved on 2/26/13: <http://www.mygenes.co.nz/>.

¹³ Diamond, Lisa. *Sexual Fluidity: Understanding Women's Love and Desire*, 2009, Harvard University Press; Elisabeth Morgan Thompson and Elizabeth M. Morgan, “Mostly Straight Young Women: Variations in Sexual Behavior and Identity Development.” *Developmental Psychology*, 2008, 44 (1), 15-21

¹⁴ Savin-Williams, R. C., & Ream, G. L. (2007), *Prevalence and Stability of Sexual Orientation Components During Adolescence and Young Adulthood*, *Archives of Sexual Behavior*, 36, 385-394.

enormous sample of 13,840 youth and was published by Ott et. al. in 2010. Of those initially "unsure" of their sexual orientation, 66% ended exclusively heterosexual.¹⁵

Assisted Change

12. It stands to reason that if spontaneous change of sexual orientation occurs, then at least some of those who are motivated to seek therapeutically assisted change should succeed. Most therapy utilized to alleviate same-sex attractions involves conventional therapeutic approaches. Thus, several different psychological approaches to help someone overcome SSA are in use in today's psychiatric community. Although opponents of the therapy attempt to lump all processes used simply as "reparative/conversion therapy", in fact, there is no one therapeutic model used and the modalities practiced involve conventional therapeutic approaches. For example, some may utilize a purely psychoanalytic approach, others use psychodynamic methods, cognitive behavioral therapy (CBT), Emotionally Focused therapy (EFT), Eye Movement Desensitization and Reprocessing (EMDR), non--aversive classical conditioning, assertiveness training and social skill building, and others. There are also at least two sets of ethical guidelines for mental health professionals regarding how to proceed with sexual orientation change efforts.¹⁶

¹⁵ Ott, M. Q., Corliss, H. L., Wypij, D., Rosario, M., & Austin, S. B. (2010), *Stability and Change in Self-Reported Sexual Orientation Identity in Young People: Application of Mobility Metrics*, Archives of Sexual Behavior

¹⁶ Throckmorton, W. and Jones, S. "Sexual Identity Therapy: Guidelines for Managing Sexual Identity Conflicts" accessed May 14, 2013 from <http://www.drthrockmorton.com/sexualidentitytherapyframework0506.pdf>, and NARTH Practice Guidelines for the Treatment of Unwanted Same-Sex Attractions and Behavior," accessed May 14, 2013 from <http://www.scribd.com/doc/115508811/NARTH-Practice-Guidelines>

13. That a diversity of therapeutic approaches are successfully employed reflects the fact that all therapy is concerned with behavioral and attitudinal change of some kind. Consequently, it is not surprising that the success rates for change of orientation are in the same range of success rates for treating other similar behavioral challenges. For example, the overall success rate for Alcoholics Anonymous is a mere 25 percent,¹⁷ and the composite success rate for rehabilitating criminal behavior, for example, is at best 40 percent.¹⁸ Regarding change of sexual orientation, Dr. Judd Marmor said "There is little doubt that a genuine shift in preferential sex object can and does take place in somewhere between 20 and 50 percent of patients with homosexual behavior who seek psychotherapy with this end in mind."¹⁹ Similarly, Dr. Jeffrey Satinover, a noted psychiatrist, researcher, and author of *Homosexuality and the Politics of Truth*, reviewed the scientific literature regarding sexual orientation change efforts and found a composite success rate of 50%.²⁰ Factors that predict success have also been identified. These include seeking treatment prior to initiating homosexual activity, age under 35, the presence of past or coexisting heterosexual attractions, a high motivation to change, and working with a therapist who believes that change is possible, are all associated with a greater likelihood of success.²¹

¹⁷ Whitehead, Neil *My Genes Made Me Do It!* p. 247 accessed May 14, 2013 from <http://www.mygenes.co.nz/download.htm>

¹⁸ Cummings, Nicholas and Wright, Rogers [eds.] *Destructive Trends in Mental Health: The Well-Intentioned Path To Harm*. Routledge, NY (2005) p. Xxvii.

¹⁹ Marmor, J. (1975) "Homosexuality and Sexual Orientation Disturbance" in A. Freedman, H. Kaplan and B. Sadock (eds.) *Comprehensive Textbook of Psychiatry II* (2d ed.) Baltimore, Lippincott Williams and Wilkins, p. 151.

²⁰ Satinover, Jeffery. *Homosexuality and the Politics of Truth*. Baker Book House Company, Grand Rapids, MI, 1996 (Table 7, p. 186).

²¹ Kaplan, H. and Sadock, B., *Synopsis of Psychiatry Behavioral Sciences Clinical Psychiatry*, sixth edition, Williams & Wilkins, 1991 (p. 752).

14. In 1998, Dr. Warren Throckmorton conducted an extensive review of reorientation reports published in the *Journal of Mental Health*. He documented that multiple forms of standard, ethical therapeutic interventions had successfully effected change of sexual orientation, and confirmed that the possibility for successful change exists at all ages.²² Throckmorton reaffirmed these findings seven years later in 2002 concluding, "My literature review contradicts the policies of major mental health organizations because it suggests that sexual orientation, once thought to be an unchanging sexual trait, is actually quite flexible for many people, changing as a result of therapy for some, ministry for others, and spontaneously for still others."²³

15. Possibly the most impressive study of change, due to the large number of subjects studied and to the many facets of sexual orientation investigated, is that published by Dr. Robert Spitzer in 2003. In 1973, Dr. Spitzer was instrumental in declassifying homosexuality as a mental disorder and today remains a "gay rights" supporter. For decades he firmly believed that change of orientation was impossible. In 2003, after studying a group of 200 "ex-gay" men and women, he reversed his stance. All participants gave evidence of achieving degrees of long-term change in their sexual orientation up to and including complete heterosexuality without suffering any negative consequences from therapy.²⁴

16. Shortly after publication, Dr. Hershberger, a researcher highly skeptical of change therapies, questioned the legitimacy of the subjects' responses in the Spitzer study and decided to subject

²² Throckmorton, Warren "Attempts to Modify Sexual Orientation: A Review of Outcome Literature and Ethical Issues." *Journal of Mental Health*. Vol. 20, October 1998 (pp. 283-304). <http://www.narh.com/docs/attemptstomodify.html>

²³ Throckmorton, Initial Empirical and Clinical Findings Concerning the Change Process for Ex-Gays, *Professional Psychology: Research and Practice*, Vol. 33 (June, 2002), p. 242-8. See also *Gay to Straight Research Published in APA Journal*, <http://www.narh.com/docs/throckarticle.html>.

²⁴ Spitzer, Robert L., "Can Some Gay Men and Lesbians Change Their Sexual Orientation?," *Archives of Sexual Behavior*, Vol. 32, No. 5, Oct. 2003: 403-417.

the data to a Guttman scalability analysis to answer this question. The Guttman test is a scalogram that is used to determine where or not reported changes occur in a cumulative, orderly fashion.

17. Following this analysis, Hershberger concluded, "The orderly, law-like pattern of changes in homosexual sexual behavior, homosexual self-identification, and homosexual attraction and fantasy observed in Spitzer's study is strong evidence that reparative therapy can assist individuals in changing their homosexual orientation to a heterosexual orientation. Now it is up to those skeptical of reparative therapy to provide strong evidence to support their position. In my opinion, they have yet to do so."²⁵

18. Despite Dr. Spitzer's "apology" to the homosexual community for publishing this study,²⁶ there has been no new data to contradict his original results. Dr. Spitzer's research remains scientifically sound, and his original conclusion - that some highly motivated individuals with unwanted homosexual attractions can change - still stands.²⁷ This is why Dr. Kenneth Zucker, editor of the Archives of Sexual Behavior, never published an official retraction of Spitzer's study.

²⁵ *Ex-gay Research: Analyzing the Spitzer Study and Its Relationship to Science, Religion, Politics, and Culture* was edited by Jack Drescher and Kenneth Zucker (2006, Harrington Park Press, an Imprint of Haworth Press, Inc.) as cited at: <http://narth.com/2010/11/yet-another-attempt-to-discredit-the-spitzer-study-fails/> (accessed 5/9/13)

²⁶ Benedict Carey, "Psychiatry Giant Sorry for Backing Gay 'Cure,'" Health Section, New York Times (May 18, 2012), accessed July 1, 2012, at www.nytimes.com/2012/05/19/health/dr-robert-l-spitzer-noted-psychiatrist-apologizes-for-study-on-gay-cure.html?pagewanted=all.

²⁷ Rosik, Christopher. "Spitzer's 'Retraction': What Does It Really Mean?" (June 1, 2012). Accessed July 1, 2012, at <http://narth.com/2012/06/2532>.

19. In 2007, Drs. Jones and Yarhouse published a long-term study of a cohort of “ex-gays” who participated in religiously mediated therapy to change their sexual orientation. Jones and Yarhouse established through a scientific, longitudinal study that change of sexual orientation is possible for some individuals through involvement in religious ministries, and that the attempt to change on average does not appear harmful.²⁸

20. In 2010, Elan Karten examined the sexual reorientation experiences of a convenience sample of 117 men using a survey-based correlational design. His study, like Spitzer's, finds that change occurs on a continuum: ranging from the elimination of homosexual attractions to the diminishing/management of homosexual attractions. Significantly, on average, the men in this study reported positive changes w/ respect to psychological well-being as a result of their change efforts. In particular, 100% of the men reported increases in self-esteem and 99.1% in social functioning, while 92.3% reported decreases in depression, 72.6% in self-harmful behavior, 58.9% in suicidal ideation & attempts, and 35.9% in alcohol and substance abuse.²⁹ These findings of satisfaction with and benefitting in a variety of ways from sexual orientation change efforts replicates those of an earlier study by Drs. Nicolosi, Byrd and Potts.³⁰

²⁸ Jones, Stanton and Mark Yarhouse, *Ex-Gays? A Longitudinal Study Of Religiously Mediated Change in Sexual Orientation*. Intervarsity Press, Downers Grove, IL, 2007. See also their more recent article: Stanton L. Jones & Mark A. Yarhouse (2011), "A longitudinal study of attempted religiously -mediated sexual orientation change" *Journal of Sex and Marital Therapy*, Vol. 37, 404-42

²⁹ Karten, E. Y. & Wade, J. C. (2010). Sexual orientation change efforts in men: A client perspective. *Journal of Men's Studies*. 18, 84-102.

³⁰ Nicolosi, J., Byrd, A. D., & Potts, R. W. (2000). Retrospective self-reports of changes in homosexual orientation: A consumer survey of conversion therapy clients. *Psychological Reports*, 86, 1071-1088.

21. In summary, while sexual attractions may not be consciously chosen, one can choose what to do with these attractions once recognized. No one is “born gay.” Biological and environmental influences may be fostered or foiled. Therefore, SSA is indeed changeable to varying degrees for many - but not all - who desire this outcome. Sexual orientation change efforts including gender affirming processes are no different from any other psychological therapy. Every form of therapy is an attempt to affect attitudinal and behavioral change of some sort. No therapy - whether pharmacologic, surgical or psychological - is without risk of harm. No therapy has a 100% guarantee of success. Parents, psychosocially mature adolescents and adults have the right to make informed healthcare decisions based on accurate and unbiased information.

22. I attest under the penalty of perjury that the above mentioned statements are true and accurate.


Michelle A. Cretella, M.D.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

WHITMAN-WALKER CLINIC, Inc. et.
al.
(Plaintiffs)

V.

U.S. DEPARTMENT OF HEALTH AND
HUMAN SERVICES et. al.
(Defendants)

1:20-cv-01630-JEB

**DECLARATION OF FORMER GAY ACTIVIST TURNED CHRISTIAN SENIOR
PASTOR OF ZION BAPTIST CHURCH CHARLENE E. COTHRAN**

I, Charlene E. Cothran, declare under the penalty of perjury, pursuant to 28 USC sec. 1746 as follows:

1. I am over 18 and a resident of Florida.
2. Here are a few of many links to me speaking in videos. The statements that I make in this videos are true and accurate that I now incorporate into this sworn testimonial:
 - a. My interview with CNB Entitled: Former Gay Activist Charlene Cothran leaves gay lifestyle for Jesus: <https://www.youtube.com/watch?v=yionQDpwTIM>
 - b. Pure Passion Interview: Entitled Charlene Cothran - Gay Activist Finds Christ.
Charlene Cothran - former gay activist and publisher of Venus Magazine, (a magazine for black lesbians), shares her testimony of being a leader in the world of gay publishing and how Jesus Christ set her free from the bondage and the deception of homosexual confusion.
<https://www.youtube.com/watch?v=2r7w-yGyNIM>
 - c. Pastor Charlene Cothran - Testimony before the Civil Justice Subcommittee
<https://www.youtube.com/watch?v=s-FhlKbCDJg>

d. Ex Lesbian Charlene Cothran Tells her Testimony:

https://www.youtube.com/watch?v=p_wXcCCfE2U&list=PLB0192509974B4210

e. African-American Pastors Decry Gov. Deal's Betrayal on Religious Liberty

<http://www1.cbn.com/cbnnews/us/2016/april/african-american-pastors-decry-gov-deals-betrayal-on-religious-liberty%20?cpid=:ID:-9283:-DT:-2016-04-01-16:32:42:-US:-JG1:-CN:-CP1:-PO:-GC1:-ME:-SU1:-SO:-FB1:-SP:-NW1:-PF:-%20VII->

INTRODUCTION

3. I spent 3 decades as a militant gay rights activist. My entire identity surrounded the implicitly religious narratives advanced by the LGBT community. I stunned the gay and lesbian community by announcing that I had become a born again Christian - leaving behind a dehumanizing and destructive lifestyle that was built on lies and coming into a brand new identity by embracing the radically transformative and personalized truth offered by the central figure in the new testament. After I came out of the closet as a born again Christian I kept my job as the editor of a lesbian magazine that was named after my friend that was murdered by her lesbian lover. There is no life in the gay ideology and ratifying the agendas that I once stood behind is not an act of love. It is enabling a lot of destruction and harm. As I look back on my three decades as a militant gay rights activist, I can see that the devil deceived me and thousands of others believing that we could be happy buying into the gay religious narrative. The deception was that it was a happy life filled with pride. None of that is true. It is all lies. For the legislatures or Judges on the state and federal level to codify this fact ideology is not an act of love but an act of both fraud and hate. All laws that support gay rights, transgender rights, gay marriage amount to an insult to the civil rights movement of the 1960s and serve to establish a dehumanizing and shallow religion that I proactively advanced as a leader, editor, and organizer for over 30 years. It has to stop for the sake of children. The homosexual community that I was part of is using government to codify their unproven faith based assumptions with the ultimate hope of bringing

the youth to buy into their lifeless and empty ideology that is a cover for feelings of shame and inadequacy.

PART I. 30 YEARS OF MILITANT LESBIAN ACTIVISM

**A. MY LIFE AS AN ORGANIZER, LEADER, AND MILITANT LESBIAN
ACTIVIST IN A CRUSADE TO PROSELYTIZE AND BULLY THE NATION
INTO ADOPTING THE RELIGION OF MORAL RELATIVISM BY
COMPELLING GOVERNMENT TO CODIFY OUR RHETORIC**

4. I had grown up in a Christian home, and had come into the lesbian lifestyle at 19 after several occurrences of childhood sexual abuse. I decided that I did not want anything to do with men anymore after feeling mistreated by them. I went away to college, which was a whole new world. In that world there were many women who were attracted to me and I was attracted to them. These were women who were nurturing, who wanted to get to know who I was intellectually, who were lesbian organizers, who I at first found a lot of comfort in. It felt good, and it felt right.

5. I began to organized social events for gay and lesbians of color. It started off with me and two other business partners and we were a perfect fit. We would rent restaurants and invite women who self-identified as lesbian to come hang out. And women would come from all over the region. The group was called hospitality Atlanta. It would not be unusual for us to have seven to eight hundred women show up at our events packed into a beautiful restaurant. We hired police to secure the event and to keep all straight men out. No heterosexual men were allowed at our events. I resented men, and I had nothing to take those feelings of hurt, unforgiveness, and resentment until I met Jesus Christ. He uprooted the bitterness and resentment, freeing me to trust men who trust in God.

6. From those events we developed softball leagues and major picnics. It was a very lucrative organization. I ran this organization for nearly ten years, and we cultivated a very large mailing list. From that mail list, I decided to launch a magazine.

The gay and lesbian political community began to pay attention that we could bring out and organize large numbers of black lesbians and gay individuals together through the work that we were doing. As soon as the magazine was launched, we were contacted by HRC (Human Rights Campaign), The National Gay and Lesbian Task Force, The Victory Fund, and many of the gay organizations who are doing a lot of the political work. We played a very important role in the early 90s because at that time they were being told by lawmakers and local, regional, and national politician that these other organization only represented rich white men who self-identified as gay. There was no coalition of gay color people until our organization got into the mix. My voice of activism became immensely powerful and persuasive. Venus Magazine played an important role in demonstrating that there was a large and vibrant multi-racial and socio-economically diverse gay community ran by black gays and lesbians. We became an important part of what gay activist legislative groups were trying to present.

B. WAR STRATEGY FOR TAKE OVER BASED ON THE ENDS JUSTIFYING THE MEANS AND DISHONEST MISDIRECTION

7. The strategy of gay activist like myself was to get one little foot in the door. When in fact the plan is to completely take over as much as possible in a power grab in order to put our values on top. For example, we would start by just trying to get a school board to issue a statement in a publication that they would not fire a gay teacher or that an institution would not be prejudicial towards individuals who self-identified as gay. The fact was that we at all times intended on taking over the entire school system as we see now 15 years later is happening with the transgender bathroom initiatives that is really a public health crisis. The strategy was to just get

in under the wire into different streams of influence, and once we get enough of our people on the inside, then we planned to do some major work to convert others to buying into our ideology and making sure that our religious ideology was on top when it came to policy making. We were bent on persecuting people of faith if necessary, since their worldview stirred up feelings of shame and inadequacy that we were running from.

8. I was asked by gay activist organizations to help get the domestic partnership bill passed in Atlanta Georgia, and these organizers helped to train me to speak with councilmen and the mayor. The activist group not only chose people of color but individuals who were landowners, who had a good strong voting record. We would go in under the wire and we were trained to not talk to anyone else about our plans. We were to get in and talk to the lawmakers and not inform the press. After all, we did not want the "church folk" to know that votes on our legislative proposals were coming up. On vote day, we would have auditoriums filled with gay and lesbian landowners to communicate to the politicians that they had to give us what we wanted. Just like with the gay marriage lawsuits, we would use dishonest tactics to get our policies turned into law, even if the intent of these proposals was to use government to validate our religious worldviews on truth, sex, and love - all of which were self-justifying. It gave us a sense of purpose to oppress truth.

9. Gay activist are well trained bullies who work to get results at all costs in step with the idea that the ends justify the means. Our activists were able to infiltrate media. I look at people who freelanced for or subscribed to my publication and went to work for major media outlets such as Bloomberg, The New York Times, and Conde Nast. It is simply the case that gay and lesbians run major media. They just do. Gay and lesbians are at the forefront of many major media decisions. It is not surprising that just about every sitcom has a gay character in it. Individuals

who self-identify as gay have major talk shows. The reason is because media speaks directly into the minds of young people, and gay activist want to recruit the youth to joining into our world view. We had this belief that if we could get everyone to agree that our lifestyle was not morally repugnant, then it would not be. We were motivated by pride, arrogance, fear, and feelings of inadequacy.

Like porn content creators or tobacco manufacturers, you can get the youth, you can change society. As a former insider gay activist, I can attest that we agreed with Hitler that when he wrote 'Mein Kampf' while serving out a prison sentence at Landsberg, "whoever has the youth has the future." We created sentimental slogans like "love wins" and "love is love" to mask the real intentions of our hearts.

PART II: RADICAL TRANSFORMATION - ENTERING THE LIGHT

A. REVELATION: WHISPERS IN THE PARK IN THE MIDST OF A GAY PRIDE PARADE

10. As a gay rights activist, I was never afraid to fight for what I believed in. I was as vocal and in your face as they come. I organized and marched with other lesbians in gay rights parades. I would chair speaking engagements on gay rights issues. I was a priest for moral relativism and the gay ideology. As editor in chief of Venus magazine, a National Gay and Lesbian publication, I was not about to change until something happened at a gay pride event that I never expected. In 2003, I was in Chicago, at a gay pride event in the middle of Bryant Park. I stopped and took a panoramic view, as far as I could see there were men with men and women with women partying and having a superficial good time. All of a sudden an overwhelming sense of shame fell on me. I felt so out of place in the world. Something spoke in my spirit that "this is that road that leads to destruction and you're on it." I knew, as well as all my fellow gay activists that the entire gay narrative we were mutually perpetuating was built on lies. It took several

years for me to come to terms with this vision that I had been feeding into a religious narrative that is false, dehumanizing, and destructive. After I had this awakening moment, I still continued to work as the editor for the Venus magazine, but I could not escape the message that I heard in 2003. I felt that the Loving and Just God of the Bible was chipping away at my heart to bring me into a relationship with Him.

11. I kept myself busy with activism and publishing, but in the still of the night, when everything was over there was that still small voice telling me that what I was advancing was out of step with God's plan for humanity. I knew that I was not right with the Creator that is referred to in our Bill of Rights who is the central figure of the New Testament Gospel. I longed for peace. Even in the midst of a long term lesbian relationship, I felt intense loneliness as so many gay and lesbian individuals do if being honest with themselves.

B. FACING MORTALITY - CRACKS IN A HEART OF STONE

12. At the top of what I thought would be my permanent career, my mother passed away. That made me examine my life. At the time, I had been in a 10 year relationship with a woman. We were living in New York. My life changed in many ways. I had to scale back on some of my gay activist activities. When I had to bury my mother, I had to really think about eternity. When you look at your own mortality, it really forces you to think about what's beyond the grave and the path your own. I had to really think about that. That began to change the way I saw the gay life. I continued to publish the gay magazine but the flaws in the gay ideology were becoming clear to me. I could see that no one in the gay community was thinking about things like what happens when we die. In fact, they avoided such questions. They were only living for the moment.

13. There are some things that we all universally know are wrong. No one has to tell us that murder is wrong. And we all know that all forms of sex besides the sex between a man and

woman in the confines of marriage are offensive to the truth of our design and the way things are.

I never wanted to go to a gay church because I knew that it wasn't real. Thinking about my own mortality made me think about things that are spiritual. There was something in my soul where I wanted someone to share with me how I could get out of this captivity that the gay life really is. I wanted to be free in my flesh. I wanted to not be able to look at a woman and get attracted.

C. THE POINT OF CONVERSION - THE AWAKENING - ABANDONING THE GAY NARRATIVE FOR CHRISTIANITY

14. But by 2006, it did not feel right any more. In June of that year a local pastor called me regarding an article in one of my publications. She did not know anything about my life but proceeded to talk to me about God. She challenged me on what I was doing with my life and what direction I was leading it in. She was not judgmental, she did not come at me with a sense of moral superiority, but she knew that I was living the gay lifestyle, and she challenged me to leave it behind because it was fruitless and unfulfilling. She told me that I did not have to stay in this lifestyle even if I had been spearheading parts of the movement. The pastor told me that I could be delivered from the lesbian life - even getting delivered that day, right at that time, and right where I was, no matter what I had done in my past, God would forgive me and take me as His child, if I would repent and surrender my life. At first I thought - how primitive - but I felt something moving in my heart. The gay rights movement was based on feelings of shame and inadequacy. We activist tried to legislate away conviction and force convert others into accepting our dogma no matter the costs. We all knew that something was phony and insincere about our homosexual ideology. It does not involve real love but a shallow and empty feeling that is based on co-dependency and distortion of the truth.

15. The pastor and I spoke at length and she said she could tell that I wanted to come back to God and God's way of living, as set forth in the Bible. She could tell that I felt unworthy, and I did feel unworthy. My lifestyle and activism efforts had amounted to an assault on God's ways and Christianity. I felt that if I dropped the lesbian ideology that entire adult life and work was all a waste of time. I feared that God could never use me because of my past - because I had been marching, and publishing, having been an outspoken lesbian for decades. That is, to say, I had been so public in my lesbianism, I did not think that God or the church would accept me. But something began to unlock and unravel in me with the words she spoke. The stony ground of my heart began to break up. I was speechless for several minutes. Tears flowed down my face. Her words hit something that was so true. I wanted to be free of this lesbian life. I heard a still small voice speak to my heart as plain as could be: "today is your day. If you choose me, I will use you for my own glory."

16. The pastor's words convinced me that with Jesus the work was finished on the cross, and all I had to do is accept Him in faith and pursue a love relationship with the God of the Bible in faith, and I could be cleansed and restored. I felt an impression on my heart that God was waiting for me to surrender my life to Him, and that day changed everything for me. I went from living a lifestyle that was ultimately empty to adopting a new identity that was fully of peace and a living hope. I asked Jesus Christ to come into my heart and to forgive me for conforming to the cultures narratives. It changed everything on the inside.

17. I felt the Holy Spirit well up inside me like I never felt before. Something just churned up inside me. God began to break up some ground in me. The third time the pastor asked me if I would pray the sinner's prayer with her, I said yes. The first two times she asked, I said no because I was thinking about my scheduled speaking engagements and magazine. She was so

persistent, and I am so grateful for that. In opening my heart up for conversion I was aware that my entire debt load was based on the publication, car payments, and house payments, but it did not matter. I wanted out of that false life and away from that dishonest narrative. I am convinced that the Lord came into my heart that day. I traded one identity void of meaning advanced by the culture to one with a living hope that is real and exploding with peace, healing, and intimacy. I take comfort in the fact that those who have been forgiven much love much. I knew that my conversion was going to turn everything upside down.

**PART III. COMING OUT OF THE CLOSET TO THE LGBT COMMUNITY A
SECOND TIME AS A BORN AGAIN CHRISTIAN TO SHARE THE JOY NO MATTER
THE COST**

**A. SPEAKING TRUTH IN LOVE TO GAY AND LESBIAN ACTIVIST
“THOSE FORGIVEN MUCH, LOVE MUCH”**

18. Two weeks after my conversion experience, I went to the Schomburg Center for Research in Black Culture in New York City because I had previously committed to speaking to gays and lesbians during a gay pride event. I was part of a panel of speakers. I was nervous because I felt convicted to come out of the closet for the second time and discuss my conversion to Christianity and admit that I was leaving the gay life. At the end of the speaking engagement, the moderator asked me where I saw my magazine going, and I knew that I had to tell the truth. I said that the direction of Venus is going to change 180 degrees, in the opposite direction. Our message up to then have been to encourage gay and lesbians to stand up and be who they are and to come out of the closet - to be proud and let their parents and neighborhoods know. Now I was going to use the magazine to let gays and lesbians know that (1) this is not what God intended; that (2) they were being lied to; that (3) the gay life wasn't God's best for anyone; and that (4) there was no

real freedom in this false gay and lesbian ideology. Venus was now going to focus on how to get out of homosexuality, with the emphasis that a person could not just get out on their own but it takes a committed relationship with the Lord Jesus Christ, and I was going to tell what He had done for me. You could hear a pin drop in that auditorium of gay activists as I made this announcement. It took a while to let the silence break up.

19. Afterwards, there was a reception, and at first, I was thinking that I should immediately make a run for the parking lot, but something spoke to me inside and told me to stay and go to the reception. One by one, gay and lesbian people started coming over to me and saying things like, 'I used to go to church, and I am not happy in this life.' One woman came up to me and said, 'I used to be a minister and I backslide and that is the only reason I am in this life.' People began to come to me and thank me for sharing that and having the courage to speak out in truth and in love in that setting.

20. So many people know that I was in the same life under the same false truth claims, and they can talk to me, and I can relate. I do not speak to them with a sense of moral superiority or condemnation because I was the chief activist amongst them. But I now I am free. The Government's decision to codify this nonsense and false ideology is only proliferating harm, not understanding and freedom.

21. There is a song we sing in church which includes lyrics: "the Lord is in this place, Oh my soul, He is in this place." And it is not talking about a building. It is talking about this place in the soul. In leaving behind the gay identity and putting on the Christian identity, the Lord has filled up this dark and empty place in my soul.

22. I would say to someone who has that empty space - that does not have Christ dwelling in them - there is an empty space. Christ does not force Himself on you. But He will only come into a place where you allow Him to clean. I say that having in mind those who believe that they can be Christian and living the gay lifestyle at the same time. That is one of the lies that Satan keeps people trapped in. The Bible was never designed to be revised. A person cannot cut out parts of the Bible and revise it fit their preferred lifestyle.

23. That is an untruth that the Lord has now commissioned me to tell others about who were lured into the gay and lesbian lifestyle. You cannot be a real Christian and living the gay lifestyle at the same time - those are irreconcilable truth claims that are not equal. Light and darkness cannot persist in the same heart at the same time. The other lie that is advanced by the government's reckless codification of the gay narrative is that people who are in the gay lifestyle can never change or be free; that a lesbian can never stop desiring a woman or that a gay man can never stop desiring a man. That is a total lie from hell as well. I was an ardent gay activist for 29 years, and I have completely and totally left behind that worldview and way of thinking.

24. I was attracted to women for nearly 30 years, but I stand as evidence that the Lord can change you when you give the Lord your whole heart. I tell my gay and lesbian friends that when they pray to ask God to change their whole heart, not to just take the gay or lesbian thing away. It does not work like that. A person has to surrender all of themselves. God can come in and work powerfully, if a person will surrender and open their heart up to Him. God has changed many things in my life, not just the lesbian part. For example, I had an anger problem but by staring into the wonder of the gospel that part of me has been broken up by the transformative blood of Jesus. If a person gives God their whole heart, He will put them back together again in a way that

is marked by freedom and hope. God will take us however we are, but he is a God of justice, and he will not let us stay the same. He wants us to be in relationship with him.

25. I had a lady write me and say, I think you are so wrong, but I applaud your change of life, but I think God loves me just like I am as a lesbian. And I responded back that I agree with you. I think God loves you just like you are, but He loves you enough to not let you stay the same, and if you know God, you'll want to obey - you get to obey. I remember feeling that God love me even when I considered myself a lesbian, but I also knew that I was sinning and preventing God from doing a great work in my life that could give me the joy, peace, and acceptance that I always wanted more than anything. God loves us just like we are, but He is waiting for us to love Him just like He is. He is a certain way. It is Just, not just loving. He is Holy. He has created an order that is woven into the fabric of the universe, and whether we like it or not that is the way things are. For government to disregard transcultural reality and buy into the dishonest unexamined assumption of the superiority of our cultural narratives amounts to a form of political mal practice that cannot be tolerate by proponents of freedom, love, and truth.

26. When you choose to love God the way he is, treating Him as the King that he is, he will be released to come into your heart and mind and radically transform an individual filling an individual with joy, peace, and fulfillment - that is what I found. Know that I put off the lesbian life and turned to the Christian life. I have a peace that passes understanding to the point that I can't even comprehend it at times. I can attest that I have a peace and a joy that was not there before. The lesbian lifestyle is nothing short of a total lie. I have a peace and a joy that people want, and the good news is that this peace and joy is available to all people. Christianity is inclusive. Everyone is welcome to get to know Jesus. The gay ideology is exclusive insofar as

they welcome converts, but if you stand in their way, they will do anything within their means to crush you.

**B. PUTTING MY MAGAZINE, REPUTATION, AND LIVELIHOOD ON THE ALTER
FOR THE SAKE OF REAL LOVE, TRUTH, AND FREEDOM**

27. I was the editor of a black lesbian magazine and was highly respected in my field and featured prominently in gay activist literature, conferences, and media appearances. I was a role model for young black lesbians around the world. Yet God was not pleased with what I was doing or the lifestyle I was living. I became convicted by the Holy Spirit to turn around from homosexual ideology and give my life to Jesus Christ, surrounding to His will. I then continued to speak at gay events and publishing the Venus magazine for black lesbians only now I was calling them to leave this empty lifestyle and turn to Jesus instead. I never planned on giving up my gay magazine. It was doing incredibly well. The magazine was on automatic pilot. But I knew that God was calling me to use the magazine to speak the truth in love. I knew that I had to share my conversion experience no matter the cost. I figured if Oprah could be on the cover of her magazine every issue, I could feature my story on the cover of my own magazine.

28. I stunned the homosexual community by renouncing the gay ideology and becoming a Christian. I now advocate for traditional or natural marriage. I wrote a front page article in my magazine called "Redeemed. 10 Ways to Get Out of the Gay Life, If You Want Out." Here is what I wrote:

Over the past 29 years of my life I have been an aggressive, creative and strategic supporter of gay and lesbian issues. I've organized and participated in countless marches and various lobbying efforts in the fight for equal treatment of gay men and lesbians. I have kept current on the issues and made financial contributions to those organizations doing work about which I was most passionate.

As the publisher of a 13 year old periodical which targets Black gays and lesbians, I have had the opportunity to publicly address thousands, influencing closeted people to 'come out' and stand up for themselves, which is particularly difficult in the African-American community.

But now, I must come out of the closet again. I have recently experienced the power of change that came over me once I completely surrendered to the teachings of Jesus Christ. As a believer of the word of God, I fully accept and have always known that same-sex relationships are not what God intended for us.

I don't expect that this message will be widely received, quite the contrary. But, I do know that there is someone, possibly reading this very article, who is tired and unhappy living this way. Someone, in your heart of hearts, is searching for a way out, but you just can't seem to break free on your own. I am speaking to my gay and lesbian brothers and sisters who want real peace; the kind you've heard about, sung about, read about. It is simpler than you think to acquire it and there is no condemnation once you've entered it.

Although I have lived as a lesbian for my entire adult life, it is without a doubt my soul's purpose to use my gifts to LOVINGLY share the truth about how we got here: how we came to be gay or lesbian, how we came to enjoy our 'lifestyle' and how we came to believe that this was OK with God. [Romans 1:21-28]

Many argue that each individual should determine for themselves what God intends for him or her. This would indicate that we each have a separate set of biblical rules to live by. This is untrue. If you are ready for change and willing to open yourself to the truth, God's love can bring your current belief system in line with His Word. Jesus will cleanse and forgive all confessed sin from a willing heart. Homosexuality is only one of them.

By now you're asking, 'Has she lost her mind?' My answer is NO. I didn't lose it, I gave it away! In fact, I traded it in for a new one! [Romans 12:1-2] ONE TUESDAY MORNING I was minding my own business one fine New Jersey morning when I received a call from a local pastor. I had never spoken to her previously. She was calling to add a statement to an article about her gospel group in another paper we own called the Kitchen Table News. I don't remember how we got on the subject of salvation but she could not have known how much I had been struggling with trying to reckon my spiritual upbringing with my lesbian lifestyle.

My stiff-necked resistance to the truth arose in me as she ministered. I honestly figured that if I simply mentioned the 'L' word that she'd drop the phone, anoint it with oil and that would be the last I'd hear from her. But that's not what happened. The pastor prophetically confirmed what I've known for years, 'one day you will come out of the world and bring many gay and lesbian souls out with you.' She asked if today was the day that I would choose but I said no. I felt the power of conviction upon me as she spoke but I resisted and hardened my heart against the truth as I had done many times before. I was not willing to hear her or give up my all to God, especially knowing that I had a confirmed speaking engagement scheduled the following week at the Schomburg Center during New York City Gay Pride.

HAVE MERCY

As I blurted out that I was a proud card-carrying lesbian, the pastor reminded me that God's mercy allowed me to survive my experiences as He developed my gifts, all as a part of His plan to lead others to Him, others who will not perhaps hear her or other ministers who have not LIVED this experience.

She could not have had a clue about my encounters with the mercies of God. Mercy had indeed covered me during those dark 1993 days when my good friend Venus Landin, for whom this magazine is named, was shot and killed. I recalled how I went with her to her ex-lover's home to recover her things, how the woman had built a fire using Venus' precious journals as fuel, how she burned her clothes and how the flames and debris had fallen out of the fireplace's box and were ablaze along the carpet.

I remembered the look on the woman's face and in her eyes. I know in my heart that she had intended to murder Venus that night but she did not expect me to arrive with her. There, I stood at the very gates of hell. Given her state of mind, there was no reason for the woman not to have killed us both, then turn the gun on herself as she did Venus a week later. When I received the call that they were both found dead, I knew instantly that mercy had covered me, but why?

I YIELD

The spirit of God spoke directly into my soul and said you will choose this day who you will serve and if you make the wrong choice, I will allow you to drift so far away from me that you will never hear my voice again.

I gave God my heart and soul in the parking lot of the mall, right there in my car. A river of tears flowed as Jesus washed me and forgave me and redeemed me for His work. I intend be just as 'out' about my transformation as I was about my lesbian life. I have given every gift I have back to God, including VENUS Magazine. The target audience will remain the same but the mission has been renewed. Our new mission is to encourage, educate and assist those in the life who want change but can't find a way out. My brother, my sister, please follow me out of this.

1. Establish and accept for yourself that God's Word is true AS-IS. Do not allow gay theology to divorce the Old Testament from the New or the written words of the Apostles from the spoken words of Jesus Christ. This is a good trick, but it's no longer working because God is preparing to bring millions of gays and lesbians back to His feet. He has already chosen many of us for this specific purpose and He is waiting for YOU to accept His call.

2. Seek the truth within the scriptures about homosexuality and it will be revealed to you as you read and pray.

Know that we were NOT born this way. This myth was fashioned by the gay establishment as a basis for changing laws in favor of gay rights.

Again it works for their purposes, but it is biblically UNTRUE. There is no way that anyone, without an agenda, can come away from the Bible with an endorsement by God of the gay

lifestyle. Gay theology starts with an agenda [‘let’s make the Bible say gay is O.K.’] in order to arrive at its conclusions, but it is a lie.

3. Do not resist God’s call on your life. Get alone with God and let Him minister the truth directly to you. That conviction you feel is a gift to keep you near the cross. If you keep resisting Him and hardening your heart, He will eventually stop calling you. You can then have a great time fulfilling all the fantasies of the flesh without feeling a thing, but what awaits you at the end of such a life? [Romans 2:28]

4. Know with certainty that you are loved by God exactly where you are and that your experiences are of great value for kingdom work. I had BEEN tired, but the enemy kept my mind trapped for years by convincing me that I could not be of any real use to God having lived as an openly gay publisher, but that was a lie.

5. Say Yes. That’s really all it takes to accept the truth which is accepting Jesus Christ. Pray this prayer of repentance with me now. “Lord, I’m coming to you because I believe your Word and I need your help. I can’t change myself, I’ve tried. Please forgive me for everything I’ve done that did not glorify you. I believe that you ARE the Word. I believe that Jesus IS your son. I believe that He DIED for my sins, and BECAUSE I believe this, I AM NOW SAVED BY YOUR GRACE. Thank you for saving me! Amen.”

6. Make your salvation real. Keeping the good news of your personal salvation a secret is another trick the enemy uses to buy time as he tries to pull you back to your former life. We must believe with our hearts AND confess with our mouths. You don’t need to ‘out’ yourself but clobber the enemy by immediately sharing your testimony with SOMEONE about how the Lord has revealed the truth directly to you; about the level of joy and peace you now have which you could not reach without full repentance; about the welcomed change this brings in your life, and all the wonderful things He has done for you. [Romans 10:9]

7. Experience paradise NOW! Consult God first, then go ahead and live your life! Welcome new friendships, start that new venture, expand your experiences, obtain nice things, just don’t put them before God. Enjoy your life to a new degree, without the burden of sin AND with the confidence of ALL of God’s promises on your side! It is totally possible to live for God in this present age and enjoy yourself immensely. When I say live for God I mean totally ‘sold out’ for God. But you cannot be ‘sold out’ for God and live a gay/lesbian lifestyle at the same time. [Titus 2:11-12]

It’s possible to have a BETTER time than you did in the clubs, in the parks, BETTER than all those secret encounters with folks whose names you’ve long forgotten, BETTER than your long-term relationship, BETTER than all your priceless possessions, BETTER than money! Most of us have experienced some of this AND WE WERE STILL MISERABLE. But thanks to God’s mercy and saving grace we don’t have to wait years and years to get to heaven to experience paradise. The earth is the Lord’s, the fullness thereof, the world, and they that dwell therein. Enjoy God’s earth, now. [Psalms 24:1]

8. Walk carefully or 'circumspectly' as the scriptures describe. This is about being careful to keep your spirit clean and fresh. Prayer, along with reading and hearing the Word AND seeking ways to apply it to your daily life is the way to STAY saved and delivered from any sinful habit.

Isn't it interesting that we sometimes give our garments of clothing more care than we give our very souls. When we put on an outfit, we're so careful not to lean against anything that might soil it. We protect it while we're eating so as not to get a spot on it. We sit in such a way to prevent it from wrinkling. Treat your soul's salvation with at least this much care. [Ephesians 5:15-16]

9. Have fellowship with believers. We know that the church has largely failed gays and lesbians by not being a welcoming place for those who have sought spiritual change. The invitation to 'come as you are' seems to be extended to everyone but us. However God has people everywhere who are open, real and willing to walk out with you. Ask the Lord to lead you to a loving, caring, bible-believing fellowship where you can be nurtured, be blessed, grow AND be a blessing. [Hebrews 10:25]

10. Stay in touch. We'd love to hear from you! If this article has helped you, please let us know. Email us at editor@victorymagazine.org or write VICTORY Ministry, Inc., P. O. Box 353378, Palm Coast, FL 32135. Include your day and evening number.

29. When the Lord saved me, I knew that everything would change: all of my editorials, the mission of the magazine, etc. Venus was going to be calling people out of homosexuality into the deeper richer freedom found in the personalized truth of Jesus Christ and the grace based narrative that he offers.

30. The response from the gay and lesbian community from my transformation from the gay religion of moral relativism to Christianity has been fiercely negative and abusive even. But I know that countless gay and lesbians are just as conflicted as I was. In order to fill up this empty space that we all have inside of us, the gay and lesbian activists pretend to put on this wonderful face of how gay and happy they are but at the end of the day homosexuals are incredibly lonesome and empty as ever. That is the real story. There is an underlying shame, discontentment, unfulfillment, and loneliness there which is not talked about and it is real.

31. There has been positive feedback as well. I get lots of emails from people who say that they struggle with homosexuality and want out. I am still on the front lines of the gay rights battle but only now I see it as a spiritual fight to lead others to the freedom that I have found.

32. Our mission now is to educate and to turn people away from the homosexual lifestyle simply by presenting the truth. We simply want people to question what they have learned through the pages of Venus Magazine through the past 13 years.

33. Prior to my conversion Venus circulated about 35,000 copies per issue, which ran four times a year. But after the issue with my testimony, gay activist pressured advertisers to drop the magazine. Gay pride events and college campuses no longer subscribed but I have no regrets about my change and transformation.

34. There is such a joy and a peace that you cannot find in the gay theocracy, in a gay pride parade in a beautiful float. The peace and the joy that I have I wouldn't trade for anything.

C. THE FALL OUT AND GAY REPRISAL

35. When my testimony first got out there, people wrote some very angry letters. One woman said how dare I harm their community and faith system, since I had financed my career off the backs of gays and lesbians. That same woman two years later wrote me back, and said, "I never thought I would be the one writing you this letter back, but I wanted to let you know that I have decided to come out of lesbianism and give my life to Jesus Christ." And that makes any personal suffering I have endured worth it all.

36. There are no greater bullies in America than the phony tolerant in the LGBT community. They turned on me. Many homosexual activist groups contacted my advertisers and major subscribers, to include college campuses, demanding that they withdraw support. They know the threat that I pose to their effort because I was not just an insider. I was an organizer and leader.

But to not speak the truth is an act of actual hate. I not only want to live my life on the right side of history, I want to live on the right side of reality - pointing people to the truth in love.

PART IV. BECOMING A CHRISTIAN ACTIVIST TO ADVANCE THE TRUTH IN LOVE

A. FAKE DISCRIMINATION, FAKE IMMUTABLE TRAIT ARGUMENT

37. As an African American, I was outraged, even as a gay rights activist and leader, that gays would claim discrimination, when in fact my skin color is immutable. My skin color cannot change. When I wake up and go to sleep, I am an African American whether I like it or not. However, people who self-identify as gay and lesbian do change. I am living proof of that and I have seen it over and over again. To suggest that sexual orientation is based on immutable traits and genetics is absolutely intellectually dishonest.

38. It angers me greatly to see homosexuals using the discrimination argument in equating their so-called plight to the race plight, when they know that they are absolutely lying. But the guiding principle in the homosexual ideology is that the ends justify the means. It has always caused me to feel outraged that the homosexuals have hijacked the model of the civil rights movement in an attempt to shoehorn homosexual rights into legal validity. To claim that the racial civil rights movement can be used as a valid model for the fake homosexual civil rights movement is totally removed from the truth. The Courts and legislatures must stop hiding behind the homosexuals' talking points when it comes to discrimination because they are outright lying. Also for the record, anger is not the opposite of love. Hate is. And the final form of hate is indifference, and I am not indifferent about the fact that the homosexuals are falsely using the civil rights movement to shoehorn their self-justifying plight into legal legitimacy. The state and federal lawmakers and Judges should share in my indignation if they are actually on the side of the truth, love, and justice.

39. For any politician to use the gay and lesbian talking points in equating sexual orientation to the immutable traits of skin tone is engaging in a real act of bigotry, animus, and fraud. The Civil Rights movement under the Rev. Dr. Martin Luther King Jr. was based on the truth, and not lies. For politicians and Justices to allow gay and lesbians to falsely compare their plight to the race won is a form of racial discrimination that is depersonalizing, dehumanizing, and downright wrong.

40. As a former gay activist who has had my eyes open and heart transformed by the truth of Jesus Christ, I can see that in fighting against gay marriage and homosexual rights, I am defending the integrity of the real Civil Rights movement. I call upon any federal and state Judge and Legislature to admit to themselves that they support the phony gay rights movement - which is based on shame and self-justifying religious narratives that are sexually exploitative - that to support gay rights is to threaten the integrity of the Civil Rights movement. My testimony as an ardent gay activist for nearly 30 years - alone - proves these points conclusively. The Country does not have the time for any further intellectual dishonesty in these matters of political correctness which erodes freedom and allows individuals with bad intentions to bully people who stand for the truth.

B. FREEDOM COMES FROM THE TRUTH

41. Throughout the Civil Rights movement, the Rev. Dr. Martin Luther King Jr. was never pushing for the lawmakers to step away from Christianity in passing laws to end segregation. He was pushing the lawmakers to return to a deeper and truer Christianity. This is because Christianity accords with that which is true period. But the truth claims embodied in Christianity do not fill an individual with a sense of moral superiority, instead, it humbles them. The gay ideology does the exact opposite. And the bottomline is that without the truth there is no

freedom. Freedom comes from the truth. As a gay rights activist, I used to believe the false narrative that in order to be free a person had to get away from the truth; avoid complying with any dogma or directives. But what I was doing was stepping away from the true religion of Christianity and into the false religion based on gay ideology that is founded in postmodern individual relativism birthed out of the enlightenment tradition. We gay activist were incredible dogmatic about not being dogmatic. We were the worst kind of hypocrite. We were utterly judgmental towards people we thought were judgmental because they had standards, which made us incredibly judgmental.

42. Sex is powerful, and I want to see the legislatures and Courts help our citizens channel their sexual energy in the right way. I want to see our marriage laws make the objectively “right choice” the “easy choice.” Take a fish on the grass. A fish on the grass is not free at all. It is only when the fish is confined to the water that it is able to swim lightening fast and even breathe. So it goes with man. Man must be confined by laws to accord with the truth about our nature because our personal liberty is otherwise subject to suffocation. Our Democracy and unity is suffocating because our government has refused to see that the gay ideology is a moral code. And our government has traded truth for a lie due to a lack of wisdom and our people - especially the youth - are suffering as a result.

C. ENABLING THE TRUTH, NOT DARKNESS

43. So-called gay marriage matters cannot be compared to one of “black vs white.” But it is a matter of “light vs. dark.” For the Courts and legislatures to pass gay rights laws is not an act of love whatsoever because it plunges people further into the captivity and darkness that I was held captive in until surrendering that life to the deeper richer freedom of Christianity.

44. Just like a parent who enables their child's heroin addiction is not engaging in an act of love but a crime that makes them a prospective criminal accomplice, for the Government to pass laws that codify gay right religious doctrine enables a destructive self-perpetuating lie and makes the Government an accomplice in proliferation of fraud. Real love does not tolerate all things. Religious concepts that are part of the false homosexual doctrine like "love is love" and "love wins" are naked assertions that amount to whimsical sentimentality and have no relationship to reality.

D. EXAMPLE OF FALSE RELIGIOUS TRUTH CLAIMS ASSERTED BY THE GAY COMMUNITY

45. As a gay activist, organizer, leader, and insider, here are some of the false religious narratives that we advanced in society to get the ends we were seeking (1) "people are born gay;" (2) "there is such thing as gay genes; (3) being gay involves immutable traits; (4) love is love; (5) avoiding the truth is the way to be free; (6) paint all Christians as haters; (7) only tolerate those who agree with our viewpoint; (8) no set of moral truth claims matter as a basis for law except the one that fits our interests; (9) we are the good people who do not set up binaries and assert truth claims, the Christian are the bad people who do; (8) our identity narrative is not a religion. Our lawmakers should not use these false religious premises that are self-justifying in creating laws because there is no room for our people to object to what amounts to implicitly religious assertions. It is especially traumatic for me because it makes me have to pay homage to a false ideology that I spent nearly 30 years of my life as a captive of, only to later see that this religious ideology was destroying me and thousands of people who I care deeply about and still do to this day.

E. PRO-TRADITIONAL MARRIAGE LEGISLATION

46. I and other pastors helped support a bill that allows pastors to refuse to perform so-called gay weddings which passed in the state of Florida, but not Georgia. I am so glad that legislatures and the governor here thought it was important to protect pastors and small churches from having to drop their sound religious convictions and be forced to adopt the dishonest religious convictions held by the government officials who shoehorned so-called gay marriage into legal validity on the backs of fraudulent legal arguments. I am thankful to the sponsors and cosponsors of the bill, and I am most thankful for my Governor Rick Scott who signed the bill into law immediately. I am thankful to the work that the pastors and lobbyist did in presenting the facts. This law is a shield to protect pastors from having to abandon their religious views on marriage to adopt the ones that moral relativist in government feel that they should have.

47. I see gay activist throwing everything at governors and lawmakers to continue to codify and advance their fake religious ideology because they are afraid of being exposed as being completely dishonest. They are afraid of the push back coming from the church that is finally awakening is about to take place. The gay activist plan is get Hollywood involved and sport celebrities involved, suggesting that they are being discriminated against. They know - just like the devil knows - that they are about to be defeated. They know that so this is why they are coming with everything they have to shut down different initiatives that stop their efforts to use government to codify their religious narrative. The pushback has begun. The church has finally awakened, and we can take back our country.

**F. TO FALSELY CALL A GROUP HATEFUL IN ORDER TO RAILROAD
FRAUDULENT AGENDAS ITSELF MAKES GAY ACTIVIST GROUPS HATE
GROUPS**

48. It is the homosexual's talking point to suggest that Christians are hateful. Gays have used social ostracism as a tool. We were taught to use the word hate and social ostracism in advancing

gay rights because no Christian wants to be known for being hateful and legalistic. Social ostracism was a great weapon for us. Behind private doors we would laugh at how we were able to use lies to get what we wanted. Now that I have become a Christian it is crystal clear to me that Christians do not hate people, but they do oppose the ideology and doctrines that lead people into lifestyles that are subversive to individual and collective human flourishing. Christians separate the spirit of homosexuality from the person who is being occupied by it. Christians love people who are homosexual, but they do not support and condone that lifestyle because silence in the face of evil is itself an immense act of evil. To not object to wrongdoing is to participate with it. The idea that "Christians are good people and gay people are bad people" is far too simplistic to be correct. People who are under the influence of Christianity by definition admit that they are flawed and broken and in need of a savior as the starting position. The question is not whether gay people are more or less moral than Christians. The question that I am concerned with is whether it is wrongful and unlawful for the government to codify the gay ideology. I submit that doing so will erode freedom and make us less free.

49. I absolutely love people who self-identify as homosexual. I want the same thing that has happened to me to happen to them. I want them to leave behind that false narrative and come into the healing and restorative waters of Christianity. If a person submits themselves to the Lordship of Jesus Christ and allow themselves to fall under His influence, they will not want to live a lifestyle that is outside of the ones He does not condone. God is no kill joy. He wants what's best for us, and we all are invited to receive the grace, joy, and peace that only Jesus can offer. It is not even that I am trying to over spiritualize these matters. It is simply my observation and experience that nothing else works. Nothing else can take away the pain and provide the fulfillment we all want so badly.

The gay community and the Christian community have this in common - they are both looking for life and happiness, but the Christian community has the answers in the form of a personalized truth.

50. I believe that I was rescued from a lesbian lifestyle that was not going to produce any life. I want others to have that same freedom. That is why I risked everything. That is why I put my magazine, financial situation, and reputation on the line. None of that matters, compared to the transcending peace that comes from having an authentic and sincere relationship with the God of the Bible through his son Jesus Christ. I hope and pray that the lawmakers and legislatures will use my testimony to stop advancing the gay charade that has more in common with slavery than liberty.

I attest under the penalty of perjury that the above mentioned statements are true and accurate.

A handwritten signature in black ink, appearing to read "Charlene E. Cothran", followed by a long horizontal line extending to the right.

Charlene E. Cothran

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

WHITMAN-WALKER CLINIC, Inc. et.

al.

(Plaintiffs)

V.

**U.S. DEPARTMENT OF HEALTH AND
HUMAN SERVICES et. al.**

(Defendants)

1:20-cv-01630-JEB

DECLARATION OF ROBIN GOODSPEED

I, Robin Goodspeed, declare under the penalty of perjury, pursuant to 28 USC sec. 1746 as follows:

1. I am over 18 and a resident of Wyoming.

BIOGRAPHY

2. I am a grateful Christian Ex Lesbian, Ex Queer. I was born in the 1950s and I lived most of my adult life as a lesbian. In 2009, in my 50s, I was freed from the horrible homosexual life I lived by the grace of God and the power of Jesus Christ. I was not born queer. I was not "born that way." I was sexually abused in a life threatening way at the age of 2 by a female pedophile babysitter without the knowledge of my family. I was born and raised in Kansas City, Kansas and came from a middle class family with a working, agnostic father and a stay-at-home, devout Christian mother. I was the oldest of three siblings. I went to school and attended church. However, as a result of being sexually abused, I suffered a nervous breakdown at the age of 13 and began a life-long battle with anger, depression, addiction, and suicide. I developed crushes on female teachers and coaches. I went from being a happy, active "A" student to an angry, depressed "D" student. I knew I needed help so I went to my church youth group. My youth

pastor, instead of helping me, offered me marijuana. I knew that was not help and refused. I turned away from the church and from God and became an angry atheist. I needed help desperately, but my family could not afford, and did not believe in, therapy and I began making choices that led to a life of homosexuality.

3. I had my first lesbian sexual experience in college after getting drunk and waking up in bed with my best female friend. In spite of my depression, eating disorder, alcohol addiction, and suicidal thinking, I was deeply ashamed of my first lesbian encounter. In my heart of hearts I knew it was wrong. My sexual abuse driven self-loathing was so deeply rooted that I refused to speak to school counselors. I stopped going to class and purposely flunked out of that school, trying to leave my lesbian partner and lesbian desires behind. This began another dysfunctional, life-long pattern of geographical cures, but it also forced my parents to admit that I needed help and the next year I saw my first therapist, an MD psychiatrist, while I went to junior college in my home town. However, I never talked about my lesbian experiences and lesbian desires to her and only talked about my depression and compulsive overeating. The next year I went to my home state university and the shame I felt about my lesbian attractions lessened as my addictive eating, alcoholic drinking, and suicidal obsession increased. I developed compulsive attractions to female students and finally began a secret, closeted lesbian relationship with one of my sorority sisters. My alcoholic drinking and suicidal obsession escalated and many nights I would get drunk, get behind the wheel of my car with the intent of killing myself, and wake up the next morning suffering from a blackout and not remembering how I got home. I know now that it was the grace of God that kept me from killing myself and/or someone else.

4. I finally managed to graduate from college, but my lesbian partner left me and I struck out for another city in the Midwest and became an "out", angry, atheist lesbian. My depression,

addiction, and suicidal obsession never left me and I sought counseling help and was told for the first time that I was “born homosexual.” This was by a lesbian therapist at the state university in that city who also tried to seduce me. I sought out 12 Step groups, which have been called “poor man’s therapy”, because due to my dysfunctional life and dysfunctional work life, I did not have the money to seek out more professional therapy. I found the same “born homosexual” belief there and that fit well with my atheist belief system. My atheist religion worshipped at the altar of science and if a “professional” or the growing atheist culture told me that I was “born queer” then it was my DNA or my genes that were responsible for my life and my choices, not me. I also embraced the Higher Power concept of the 12 Step programs. As an atheist, I was the center of my own universe and the 12 Step programs taught me that I could make my Higher Power anything I wanted. That was code for my Higher Power being me. In spite of never finding healing or peace, I did keep from killing myself, learn to manage my misery better, and become more functional and productive.

5. I went to many counselors for depression, addiction, and suicide during the 1970’s, 80’s, and 90’s and beginning with the lesbian counselor every one of them told me what I have come to know as the blatant, bold faced lie of being “born homosexual.” On my 40th birthday, facing another suicidal crisis brought about by my emerging memories of life threatening sexual abuse, I was able to see a therapist who helped me face what had happened to me as a small child and heal the night terrors that I had suffered from for a life time. The suicidal compulsion was healed, but even this therapist who helped me face the sexual abuse I suffered as a small child, told me “That’s who you are. You’re a homosexual.” This was while I was on suicide watch. Again, a “professional” perpetrated the lie and I embraced the lie because, as a homosexual, I was never held accountable for my choices or the damage that I did to myself and others.

6. I embraced the homosexual life and lived for most of 35 years as an “out” lesbian. I brought my lesbian partners to work and all work functions in the corporate world where I worked in various administrative assistant positions. I participated in homosexual rights political groups like Human Rights Campaign (HRC) as a volunteer. I was an in-your-face, dyke on a bike, and rode my motorcycle in black leather with my lesbian partner in Gay Pride Parades. I helped manage a lesbian club committed to supporting the lesbian community where I lived and facilitating “hook-ups” for “late blooming” lesbians. I vacationed at homosexual resorts. But eventual long term sobriety and multiple lesbian relationships did not bring peace or remove my deep seated shame. I never even considered confronting the lie that I was “born that way.” I became a permanent, angry, atheist homosexual victim “constitutionally incapable of being honest with myself.”

7. In 2007 three life changing events occurred; the breakup of another lesbian relationship, the loss of another but more lucrative job, and the death of my father. Suffering shame, guilt, and grief and with the help of another 12 Step program, Adult Children of Alcoholics, for the first time I began to honestly question whether I was “born queer.” The only person in my life who had never surrendered to that lie, was my mother, a devout Christian. She never stopped praying for my healing, and in my heart of hearts, I knew that she was right and that I was wrong. God allowed these events, that I considered crises at the time, in order to reach me and I came to admit, eventually then emphatically, that I was not “born homosexual.” I went back to church. At first, I attended the denomination of my childhood at a large downtown cathedral in Portland, Oregon, the west coast city where I was then living. It embraced homosexuality and all of the men in the large choir, including the choir master and his partner, the main soloist, were homosexual. I began to realize that I had made choices that led to my life of homosexuality and

that I, and I alone, was responsible for those choices. As a permanent homosexual victim, I had made everyone and everything else responsible for my desperate unhappiness. With the death of my father, I had no one left to blame.

8. The last obstacles to my healing were the mountain of shame that I lived under and the paralyzing fear that I was too bad, too sinful for God to forgive me. I knew that I was going to hell because I had been living in my own hell on earth for a lifetime. I sincerely began searching for a Bible Believing Church and finally, in 2009, God led me to witness the filmed testimony of a man freed from alcoholism, drug addiction, and suicide through the power of Jesus Christ. I knew instantly that Jesus Christ could heal me of homosexuality. With tears streaming down my face, I fell to my knees in a dark, empty theatre and I asked Jesus to come into my heart and forgive me and He did. I was freed immediately from all desire to continue in the homosexual life and filled with an amazing and powerful peace.

9. I spent the next several years extricating myself from the lesbian prison that I had created for myself. God led me to a supportive Christian Evangelical Bible Preaching Church and Christian Singles Group where I was free to talk about my conversion experience, talk about leaving homosexuality, and share my Ex Homosexual testimony. I adopted a very simple litmus test for any Christian church that I wanted to attend. If a Christian pastor or minister refused to state that homosexuality is a sin from the pulpit or any of the congregation refused to state that homosexuality is a sin in public, then that was not a church that I wanted to be a part of. As an active atheist homosexual, I was a committed unrepentant sinner. As a Christian Ex Homosexual, I knew that I was not born that way and that homosexuality is a choice, a behavior, and a sin. There is no such thing as an unrepentant, committed, active homosexual Christian. The two are mutually exclusive. For my continued healing, I left the lesbian groups, friends, and small

business that I had been a part of. Through God's grace, I was able to eventually move from the west coast to the mountain west to be closer to my mother who had become ill. God facilitated a profound healing in me and a heartfelt reconciliation between me and my mother. My mother went to her heavenly reward in 2012, but she lived to see me accept Jesus Christ as my Lord and Savior, leave the heathen homosexual life that I had chosen, and begin to speak the truth about the choice, behavior, and sin of homosexuality.

THOUSANDS CHOOSE TO LEAVE HOMOSEXUALITY

10. I did not choose to be sexually abused as a child, but I did choose homosexuality. I was not "born queer." And through the grace of God and the power of Jesus Christ, today I am one of thousands of Ex Homosexuals who have left homosexuality. There are now excellent Licensed Professional Therapists doing Reparative Therapy that help children, adults, and families heal from sexual abuse and unwanted same sex attraction. All children, families, and adults deserve the choice to heal. Today innocent and abused children, like I was, are being deceived and enslaved in homosexuality by a growing amoral atheist culture that celebrates all promiscuity, a psychotherapy community that refuses to tell the truth about the choice and negative consequences of homosexuality, and a legal system that wants to criminalize, and then persecute for profit, the professionals trying to help. The dark design of a homosexual-driven agenda alleging reparative therapy harm intends to re-victimize children who have already been sexually abused and traumatized by sexual predators and then enslave them in the homosexual life until the age of 18, when the damage already done to them is harder to heal. This is cruel and inhumane punishment. The natural consequences of my choice to live a homosexual life were; shame, depression, anger, addiction, disease, and suicide. I never received the benefits of Professional Reparative Therapy, but the counseling and 12 Step support that I did receive kept

me alive long enough for God to finally reach and heal me. When I reached out for and received His help and healing, I was freed from the hideous homosexual life that I chose and all the misery that went with it. Thousands like me have left homosexuality and the grace of God, the power of Jesus Christ, and God's forgiveness and healing are available to all.

TESTIFYING AGAINST REPARATIVE THERAPY BANS

11. When God freed me from homosexuality He called me to stand up and speak up for the truth about homosexuality. I have spent the last several years sharing my experience as an Ex Homosexual and testifying against Reparative Therapy Bans, against Homosexual Marriage, and against Human Rights Ordinances, more accurately known as Homosexual Power and Privilege Ordinances. Here is a list of the testimonials that I have given, both oral and written:

History of Testifying Against Reparative Therapy Bans

Oral

2014/02/20 – Washington State Senate Committee – Olympia, WA – Defeated
2014/03/24 – Illinois State Legislature, HB5569 – Springfield, IL (Lobbying Only) – Defeated
2014/06/27 – Washington, D.C. City Council, Bill 20-501 – Washington, D.C. – Passed
2015/02/24 – Colorado House Committee Hearing, HB 1175 – Denver, CO – Passed
2015/04/08 – Colorado Senate Committee Hearing, HB 1175 – Denver, CO – Defeated
2015/04/28 – Oregon Senate Committee Hearing, HB 2307 – Salem, OR – Passed
2015/07/28 – Massachusetts Legislature Joint Committee Hearing, H97 – Boston, MA – Tabled
2016/03/08 – Colorado House Committee Hearing, HB 1210 – Denver, CO – Passed
2016/04/11 – Colorado Senate Committee Hearing, HB 1210 – Denver, CO – Defeated

Written

2016/02/10 – Hawaii Committee Hearing, HB 1675 – Defeated

2016/04/05 – New Hampshire Senate Committee Hearing, HB 1661 – Tabled

2016/04/07 – Vermont Senate Committee Hearing, S. 132 – Passed

History of Testifying/Lobbying FOR Ex Homosexuals and Reparative Therapy and
AGAINST Homosexual Marriage and Human Rights Ordinances

Oral

2013/02 – Wyoming Senate Committee Hearing, Homosexual Marriage Bill – Cheyenne, WY -
Defeated

2013/07/31 – Washington, D.C. – Ex Gay Lobby Day – Washington, D.C. (Lobbying Only)

2015/09/09 – Cheyenne City Council – Human Rights Ordinance – Cheyenne, WY - Defeated

Written

2016/06/03 – Iowa Board of Medicine Reparative Therapy Study Committee

NO SCIENTIFIC DATA FOR GENETIC HOMOSEXUALITY

12. The foundational lie of genetic homosexuality has been perpetrated throughout western culture by the homosexual cabal with no scientific proof whatsoever. Satan is the Father of Lies and many decades of repetition of the “born that way” lie, along with a false perception and promotion of homosexual victimhood has created a justification for homosexual power and privilege, which has always been the real agenda. The truth is that there is no scientific data or proof that there is a homosexual gene or that anyone is “born homosexual.” Homosexuality is not a civil right based on immutable factors like race or gender. (Yes, your DNA does define your immutable gender.) Homosexuality is a choice, a behavior, and a sin. The psychotherapy community knows the truth, but has been pushing the “born homosexual” lie for decades to gain political power. There is no scientific data to support a queer gene, but there are identical twin studies, among many others, that prove that homosexuality is a choice and a behavior. I am an

Ex Homosexual and I, and thousands like me, are the living proof that homosexuality is a choice. Our goal is to speak the truth to the world that there is incredible hope and healing available to all and anyone can choose to leave homosexuality.

Ellis, Mark. "Identical Twin Studies Prove Homosexuality Is Not Genetic." *HD, Life In*.

<http://www.hollanddavis.com/?p=3647>.

Whitehead, Neil and Briar. "Are Homosexuals Born That Way?" "What If I'm an Identical Twin?" "Can You Change Your Sexual Orientation?" *My Genes Made Me Do It!*
Lafayette, Louisiana: Huntington House Publishers. 40.1999. 163.1999. 194.1999.

ATHEISM

13. As an angry atheist for most of my life, I subscribed to the supremely self centered world view that I was the center of my own universe. Every atheist is the center of their own universe. If I couldn't see it, hear it, feel it, touch it, taste it, or think it, it didn't exist. Atheists do not believe in God, Satan, or sin, but atheists have a peculiar religious faith in what they understand. Atheists don't believe in right or wrong, just "relative" because the morality of atheism is power. Whoever has the power makes the rules. The three atheist poster children of the 20th century, Stalin, Hitler, and Mao murdered well over 100 million people between them, more than all the "religious" wars of the first 19 centuries put together. Attack atheists do have a religious belief system and atheists are the best little worker bees that Satan has ever had. Satan's most powerful accomplishment was to convince men that he didn't exist. Yet, Satan was driven from heaven because he wanted to be God. Satan wanted the power of God. Atheists are Satan's true children because even though they don't believe he exists what they crave is power.

14. As an angry atheist homosexual, power was what I craved in my life and power is the one and only goal of the homosexual cabal. As an individual, mostly dysfunctional, homosexual, my

untreated and unhealed sexual abuse driven core was rage. It was always simmering just beneath the surface ready to erupt in suicidal or homicidal fury. Rage was the energy that I stoked and used to power myself through my life. In the 35 years of my homosexual life I never met a lesbian or homosexual who didn't have some abuse in their history and some rage that they could channel at will. Rage is a miserable way to live, but it is very effective in achieving goals because there are no distractions. The homosexual cabal is powered by rage and craves one thing and one thing only, power. Everything the homosexual lobby does is to achieve their infinite desire for power, and there is never enough power. Homosexual activists are not interested in equality. They want what I call the three P's; power, privilege, and pay back. The Human Rights Campaign is euphemistically named to hide their true agenda. A more truthful name would be Homosexual Rule Campaign. All the true goals of the homosexual lobby are intentionally camouflaged to hide their truly sinister agenda.

15. As a hate filled atheist lesbian, my personal motives were often evil. There is no other word for it and I knew it. As a wounded abuse victim full of rage, I often wanted to hurt others. This is a very common dynamic in psychotherapy. Victims become perpetrators. As an atheist with no solid moral restraints, it was but for the grace of God that I didn't succeed in doing more harm than I did when my rage became uncontrollable, up to and including murder. This is also true of the homosexual cabal. There is not only a desire for power and control but for payback. As a homosexual, I was a worker bee for Satan, and though I professed not to believe in God or Satan, I knew how evil my true motives were. Payback for the homosexual activists includes persecution and punishment. As a child, I was recruited into Satan's sin of homosexuality through the unhappy circumstances of hidden pedophile sexual abuse as a small child; a lack of family or church support for healing; and dishonest, abusive, homosexual-driven therapy "born

queer” lies. The dark homosexual atheist agenda is to intentionally recruit future generations of children into homosexuality by attacking, persecuting, punishing, and eliminating Christianity; criminalizing effective reparative therapy; and promoting, celebrating, and legalizing the atheist amoral belief system of increasing sexual promiscuity and perversion.

LGBT HATE, HATE GROUPS AND THE POLITICAL POWER AGENDA

16. Homosexuals, driven by hate and truly guided by Satan whether they admit it or not, have been organized, effective, and relentless over a very long time. There is truly a battle between principalities and powers raging in the heavens and we in America have not come to the state of our current collapsing culture by accident. Three of the organizations that I have come in contact with while testifying as an Ex Homosexual in the last few years are dedicated to the work of advancing homosexual rule and Christian collapse: Southern Poverty Law Center (SPLC), Human Rights Campaign (HRC), and the National Center for Lesbian Rights (NCLR). There are many more, but these three are worth mentioning in more detail.

17. SPLC (Southern Poverty Law Center) is located in Montgomery, Alabama, and is organized as a non-profit, but is in reality a multi-million dollar law firm committed to targeting, persecuting, and prosecuting groups and individuals that it identifies as “Hate” groups. SPLC originated in the south fighting groups like the KKK, but has been high jacked by the LGBT cabal. SPLC has a \$350 million war chest. The majority of this money is now solicited from homosexuals who donate money to protect their homosexual power and privilege, to punish their perceived attackers, and because they have no children to pledge their estates as they die from the natural consequences of homosexuality. SPLC maintains a “Hate Map” on its website that includes numerous Christian groups and individuals supporting Christian family values. They place Licensed Professional Reparative Therapists and groups helping clients heal from

unwanted same sex attractions on the SPLC “Hate Map.” The SPLC LGBT Rights Project is dedicated to promoting the false pseudoscience of genetic homosexuality. Their goal is to profit from persecuting, prosecuting and eventually eliminating Reparative Therapy by alleging undocumented, unproven harm. SPLC initiated the suit of Ferguson v. JONAH in 2014 in the state of New Jersey and won by exploiting recruited, dishonest plaintiffs; biased judge and court proceedings; and overly broad New Jersey consumer fraud laws. SPLC forced JONAH, a Jewish group helping Jewish men heal from unwanted same sex attractions, out of business.

18. HRC (Human Rights Campaign) is a national, multi-million dollar, non-profit, lobbying organization, located in Washington D.C. The cofounder of HRC, Terry Bean, is a homosexual activist who has been a major fund raiser for the Democratic Party, including President Obama. In 2014 he was arrested in Portland, Oregon for having sex with a 15 year old boy and recording it on video, but was never tried because the boy and his mother declined and were rumored to be paid not to testify. This is the anecdotal tip of the hate filled homosexual HRC iceberg. HRC is committed to creating, maintaining, and enforcing a protected, privileged LGBT class through lobbying and legislation that enables LGBT lawyers to target, prosecute, and profit from attacking organizations and individuals exercising their First Amendment Rights to Freedom of Speech and Freedom of Religion. HRC initiates and funds lobbying for Human Rights Ordinances in strategic cities and states throughout the US and has been instrumental in President Obama’s Transgender Predator Bathroom Decree. HRC is responsible for proposing legislative bans on Reparative Therapy using alleged, undocumented claims of harm with a primary goal of establishing a national therapy ban. Since its inception, HRC has been intrinsically involved in advancing LGBT Power and Privilege through legislation at every level.

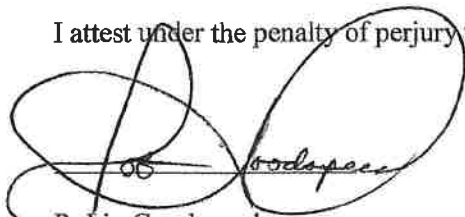
19. NCLR (National Center for Lesbian Rights) is a million dollar, non-profit law firm and lobbying agency located in San Francisco, California and dedicated to enforcing LGBT Privilege through litigation, legislation, policy, and public education. The 2014 NCLR "Born Perfect" campaign specifically targeted Reparative Therapy using the fraudulent pseudoscience of biological homosexuality as justification. NCLR lawyers lobby for and profit from advancing therapy bans by attacking Licensed Professional Therapists for undocumented harm. This results in punishing thousands of therapy clients by eliminating freedom of client choice to heal from sexual abuse, trauma, unwanted same sex attraction, and the natural consequences of homosexual behavior including depression, addiction, disease, and suicide. NCLR is also involved in lobbying the UN for LGBT rights and privileges at the international level.

CONCLUSION

20. I am a grateful Christian Ex Lesbian who is committed to exposing the lie of genetic homosexuality; confronting the queer power, privilege, and recruiting agenda; and joining with thousands of other Ex Homosexuals to share the hope and healing available to all who seek it. I was born in the 1950s, sexually abused as a small child, and lived my adult life as an angry atheist lesbian. For decades I went to counselors for depression, addiction, and suicide and believed the propaganda of biological homosexuality, unsupported by scientific data, because I could remain a permanent, perpetual victim. I was freed from the misery of homosexuality in my 50's by the grace of God, the power of Jesus Christ, and the prayers of my Christian mother who never gave up on me. As a Christian Ex Homosexual, I am living proof that homosexuality is a choice, a behavior, and a sin. There is no such thing as an unrepentant, active homosexual Christian. I began to testify against Reparative Therapy bans, work with Ex Homosexual groups, and fight against queer legal lobbying organizations like SPLC, HRC, and NCLR that proselytize

children into homosexuality and persecute therapists and Christians for profit. The attack atheist religion is marching and I have been called to stand for God's Truth and to share His hope and His healing.

I attest under the penalty of perjury that the above mentioned statements are true and accurate.



Robin Goodspeed

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

WHITMAN-WALKER CLINIC, Inc. et.

al.

(Plaintiffs)

v.

1:20-cv-01630-JEB

**U.S. DEPARTMENT OF HEALTH AND
HUMAN SERVICES et. al.**

(Defendants)

**DECLARATION OF LPC, EdM, MA, LCADC, DR. TARA M. KING DIRECTOR OF
KING OF HEARTS LIFE ENHANCEMENT SERVICES, LLC**

I, Tara M. King, declare under the penalty of perjury, pursuant to 28 USC sec. 1746 as follows:

2. My website is here: <http://www.kingofhearts.biz/>.

3. I can be seen speaking here: <https://www.youtube.com/watch?v=m08a0kG-q9Y>. "Dr. Tara King, Ex-Lesbian and Executive Director King of Hearts (Trenton, NJ - 5/6/2013)."

4. I am the Director of King Of Hearts (KOH), which I founded in 2000. I am an EdD, MA, LPC, LCADC. In 1987, I obtained a Bachelor of Arts degree in Counseling from the University of Sioux Falls, located in Sioux Falls, South Dakota. In 1993, I gained a Master of Arts degree in Counseling from Liberty University in Lynchburg, Virginia. In 2002, I received a Doctor of Education degree in Administration from Nova Southeastern University in Miami, Florida. In addition, I met the requirements to become a Licensed Clinical Alcohol and Drug Counselor (LCADC) in 1998. In 1999, I became a Licensed Professional Counselor (LPC) and a certified Substance Awareness Coordinator (SAC). I secured a Master of Arts degree in Special Education from New Jersey City University in 2003. I have been a professional in the mental health and

substance abuse fields for over 25 years. I also have experience as a Special Education Teacher and Administrator of Schools.

5. King of Hearts Counseling Center's mission is Holistic Health, addressing the emotional, physical, mental, social and spiritual elements of living. With this focus, we counsel (mentor, coach, teach) in various areas including Post Traumatic Stress Disorder, Depression, Anxiety, Marital Difficulties, Sex/Love/Relationship Addiction, Substance Abuse, Grief, Anger Management, Eating Disorders and Co-dependency, to name a few. We offer individual, couple, family and group counseling either face to face, skype or via phone. Our team of experienced, compassionate, licensed counselors are trained to help you with all of life's challenges. Each counselor has a minimum of a Master's degree in Counseling with years of experience. The director who oversees all therapists, has over 23 years experience in the mental health and addiction fields. Our conveniently located center offers daytime and evening appointments Monday through Saturday. Our fees are affordable and we accept most insurances. For the uninsured, we offer discounted rates so that no consumer will be denied access to our team of experts. So remember: Hope deferred makes the heart sick, but a longing fulfilled is a tree of life.

6. King of Hearts' (KOH) mission is 'Holy'stic Health, addressing the emotional, physical, mental, social and SPIRITUAL elements of living. With this focus, we counsel (disciple, mentor, coach, teach) in the following areas:

- co-dependency • child/adolescent behavioral problems • communication skills • assertiveness training • problem solving • depression and related matter • substance abuse • depression/bi-polar • tobacco addiction • drug and alcohol problems • eating disorders • obsessive thoughts • sex/love/relationship addiction • same sex attraction • wives of sex addicts • sexual purity for men • marital concerns • extra-marital affairs • pornography • parenting skills • parent of addict • stress • anxiety • fears • grief • hopelessness • anger / anger management • lack of forgiveness • difficulty making friends • loneliness • aggressive behavior • divorce recovery • gambling • overspending • budgeting issues.

7. I at one time self-identified as a lesbian, but left that behind, and now self-identify as a Christian.

8. Myself and other therapists engage in sexual orientation change efforts for people who want to leave the gay lifestyle. The LGBTQ community calls the therapy "reparative therapy." I have three other clinician who work with me. We all engage in this type of therapy. Most importantly, the kind of therapy we do is client centered. Whatever the client presents is the problem is the type of therapy we engage in. If a client comes in with alcohol problems, we don't browbeat them and tell them to get sober. If a client comes to us with a bad marriage, we don't browbeat into believing that must have a good marriage. The client dictates the treatment in the therapy. That is what ethical therapists do. Unless a client comes to me saying that they want to change their same-sex attraction, I do not address the matter. I had a woman I was working with for about eight months because I had been testifying against the Jerry Sandusky Victimization Act, discovered that I am involved in conversion therapy. And my client's question to me was, why didn't I tell her about it. My response was that because she did not present with distressed for her sexuality and because she presented with distress for other traumatic related issues, I, thereby, addressed what was presented to me as the problem.

9. It is laughable pathetic for anyone to suggest that we would ever think about engaging in shock therapy or the sharing of pornography images to desensitize a client. Such practices are unethical and whoever would do such a thing should be held accountable. To practice that kind of thing as a licensed professional counselor, you lose your license. We take the rules of ethics immensely seriously and hold our fiduciary duty owed to clients in the highest regard.

10. I am a former lesbian. At the tender age of 16, I was in a same-sex relationship. I had one same-sex relationship. But even then I did not publically or privately self-identify as homosexual. There are many people at that age who do not define themselves as gay. And these people would benefit from counseling to get to the bottom of what was going on. I knew then that I was not truly homosexual. I knew then that how my relationships progressed would determine if I was truly homosexual or not.

11. At 19 I went to therapy, my therapist told me that I was born gay and that I was gay and that I had to embrace it. My therapist never gave me a choice of an option. She presented as if homosexuality was based on immutability. She did not disclose that homosexuality was more on par with a religious ideology. From 19 to 24, I continued in same-sex relationships in many respects because society and my therapist were more or less indoctrinating me with an ideology that is not only based on unproven faith based assumptions but is sexually exploitative and false.

12. It was when I was 24 that one of my former girl friends, informed me that she was going to get sexual orientation therapy to try and leave the gay lifestyle. That was the first time that I had heard that people were not born gay and that change was possible. I too pursued that kind of therapy. Reparative therapy is talk therapy; it is insight oriented. We try to get our clients to understand why they are making decisions that they are making. It is psychodynamic in that we go into the childhood and find out what kinds of trauma were evident.

13. There is no scientific evidence that supports the idea that a person is born gay. There is evidence that homosexuality is merely an ideology and that people have an incredible ability to lie to themselves. I have three homosexual brothers out of a family of seven that at one time had four of us who self-identified as homosexual, one would think that I could make the case of a

gay gene, it would be me. But the science says that people are not born gay, and I as a licensed professional say that people are not born gay. In fact for anyone to suggest that homosexuality is based on immutability is an act of incredible unethical intellectual dishonesty.

14. If a judge was to say that people are born gay, as a medical professional, I would find that to be an act of judicial malpractice. If a politician were to say that people were born gay, I as licensed professional and former lesbian would say that it was an act of political malpractice.

15. All of my brothers, including myself, were sexually abused, and were the victims of trauma. We came from a very dysfunctional family, and I believe that our homosexuality came out of that dysfunction as a way of coping. I have at least five friends who engaged in the homosexual lifestyle who went through sexual orientation therapy, and they too are now living a heterosexual lifestyle.

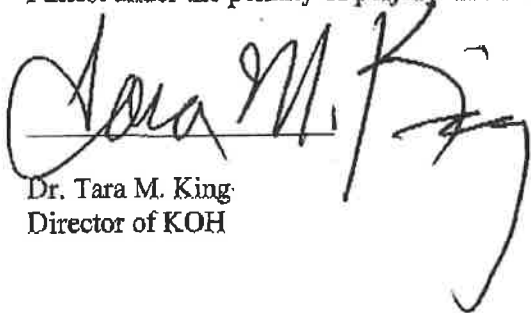
16. I do not believe that homosexuals should be discriminated against. But I do not think that any branch of government should codify or even acknowledge the homosexual ideology because it is predicated on unproven faith based assumptions that are implicitly religious. The codification of gay rights ideology based on the fiction of immutability interferes with my ability to do my job as health care provider. The legal codification of the homosexual identity narratives does more than just close minds and end debate, it subjects licensed professionals like myself from speaking the truth and upholding our fiduciary to provide the greatest forms of medical and reparative treatment for our clients. More than that it hurts the integrity of our profession that plays a vital role in maintaining the public's health.

18. I have counseled individuals who self-identified as homosexual out of the lifestyle.

19. I want to others to know that they can they do not have to be in cultural captivity. I want them to know that they can leave the lifestyle and identity narrative if they want to. Like a Muslim can convert to Christianity, after they realize that works based righteousness religions are by definition dehumanizing, I want to others to know that they can go from gay to straight. I did. I have closed the door on same-sex attraction by coming under a different stream of influence that is rife with a living hope, personalized truth, and immense freedom. Not only do I not make apologizes for that. I want others to know this living hope that accords with the truth about who we are and the way things are.

20. As a citizen of the United States, I expect the legislatures and lawmakers to follow the Constitution. Since homosexuality is more of a religion than it is an matter based on immutability, I expect that the homosexual ideology that once held be captive not be established as plausible through the use of government. I demand and expect that I and other mental health professionals have the right to exercise our first amendment rights to speak in step with our training, knowledge, and professional experience.

I attest under the penalty of perjury that the above mentioned statements are true and accurate.



Dr. Tara M. King
Director of KOH

EdD, MA, LPC, LCADC

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

WHITMAN-WALKER CLINIC, Inc. et.
al.
(Plaintiffs)

V.

1:20-cv-01630-JEB

U.S. DEPARTMENT OF HEALTH AND
HUMAN SERVICES et. al.
(Defendants)

**DECLARATION OF THE PAST PRESIDENT OF PARENTS AND FRIENDS OF EX-
GAYS AND GAYS (PFOX) GREGORY QUINLAN**

I, Gregory Quinlan, declare under the penalty of perjury, pursuant to 28 USC sec. 1746 as follows:

1. I am over 18 and a resident of New Jersey.
2. Here are a few of many links to me speaking in videos. The statements that I make in this videos are true and accurate that I now incorporate into this sworn testimonial:
 - a. Gregory Quinlan - Interview with News Plus Part 1.

Gregory Quinlan ^{was} the president of PFOX--Parents and Friends of Ex-Gays & Gays (PFOX).

It's a national non-profit organization that supports families, advocates for the ex-gay community, and educates. Quinlan argues that ex-gays should be considered a 'protected' class against hate crimes. He also says that persons who are gay can be rehabilitated to become straight--which is derived in large part from his own experience in doing just that.

<https://www.youtube.com/watch?v=gDDAbCS25KY>

- b. Gregory Quinlan - Interview with News Plus part 2.

<https://www.youtube.com/watch?v=nUcLia8Ws8Y>

- c. The LGBTQ (QIAAP) Agenda: Ground Zero in the Culture War.

The LGBTQ (QIAAP) Agenda - audio recording from Breakout Session of The Awakening 2013. Discussion is moderated by Rena Lindevaldsen, and features Matt Barber, Cynthia Dunbar, and Gregory Quinlan. For more information about related events and topics please visit www.lc.org.

<https://www.youtube.com/watch?v=aITfwAT8l9c>

a. Gregory Quinlan - Biography on PFOX

<https://www.youtube.com/watch?v=Qof0l0WXtog>

b. The Wisdom of God:

<https://www.youtube.com/watch?v=ek5BI2vYP0A>

c. Pastor Charlene Cothran - Testimony before the Civil Justice Subcommittee

<https://www.youtube.com/watch?v=s-FhlKbCDJg>

d. Ex Lesbian Charlene Cothran Tells her Testimony:

https://www.youtube.com/watch?v=p_wXcCCfE2U&list=PLB0192509974B4210

e. African-American Pastors Decry Gov. Deal's Betrayal on Religious Liberty

<http://www1.cbn.com/cbnnews/us/2016/april/african-american-pastors-decry-gov-deals-betrayal-on-religious-liberty%20?cpid=:ID:-9283:-DT:-2016-04-01-16:32:42:-US:-JG1:-CN:-CP1:-PO:-GC1:-ME:-SU1:-SO:-FB1:-SP:-NW1:-PF:-%20VI1->

INTRODUCTION

3. I incorporate my bio here.¹ I was born in 1958. I am married to a woman of the opposite-sex.

4. I am a registered nurse. As a gay identified man, I helped care for AIDS patients when the AIDS epidemic hit the gay community hard in the mid-1980s. At the age of 30, I joined the Human Rights Campaign Fund as it was identified then, the largest gay and lesbian political organization in the United States, forming a branch in his home town of Dayton, Ohio. Since leaving the homosexual life I have shared my testimony on radio programs and Christian television. I have been quoted in USA Today, The Wall Street Journal, The New York Times, and World Net Daily. My testimony was published in the February edition of Charisma Magazine.

5. I worked for the New Jersey Family Policy Council to protect the sanctity of marriage and worked with Parents and Friends of Ex-Gays and Gays (PFOX) as a board member and past President. I am an advocate for the ex-gay movement; emphatically arguing that citizens get accurate information about the changeability of sexual orientation so that those with unwanted same-sex attractions know they have an option other than the gay lifestyle. In 2009 at a shareholders meeting of PepsiCo I informed the Board that the gay political organizations they were funding promoted "fear and hostility against the ex-gay community." In March of 2010 on behalf of PFOX, I addressed the corporate directors of the Walt Disney Company at its annual shareholder's meeting and asked them to approve a resolution to include ex-gays in Disney's mandatory diversity training for employees.

¹ My bio that was compiled by Thomas Coy from Parents and Friends of Ex-Gays and Gays (PFOX) procured in March of 2010, an article by Michael J. McManus in Religion and Ethics from May 24, 2006 entitled "Causes & Cures of Homosexuality," and excerpts from an August 1998 Focus on the Family "Citizen" magazine article entitled "Former Homosexual now a Pro-family Lobbyist" written by Clem Boyd. Charisma Magazine February 2016 "Gay Activist has Road to Damascus Experience."

BACK GROUND

6. I was the oldest of four children growing up with an abusive father. Although my mother was a born-again Christian, my father was “an atheist with an attitude;” an Archie Bunker type with the added element of violence. I was usually the one my father would choose to abuse. Twice his father’s beatings put him in the hospital. “One day at age 8, in front of his friends, Greg asked his dad, “You hate me, don’t you?” His dad cursed and replied, “Yes, I hate you.,” and laughed. I sighed, “I knew that.””

7. My mother regularly took us children to church and at the age of nine, I “professed my faith in Jesus Christ,” but life at home with his father only got worse. At the age of ten after a group of neighborhood boys began looking at their fathers Playboy’s a thirteen year old boy from across the street began having sex. I recalled that time in my life, “I knew it was wrong, but what I got was affirmation, affection, approval and someone was touching me who was not beating me up.”

8. “At age 23 I made my sexual behavior public, “blowing the doors off the closet,” as I have described it. I had many sexual encounters, visited gay bathhouses all across the state, was a regular patron of porn shops and lived the party life within gay social circles.” I consider myself very fortunate that I remained HIV-negative, after living the promiscuous gay lifestyle. I believe it was God’s providence that I am not infected with the HIV virus.

9. “As a registered nurse, I began taking care of AIDS patients when the crisis hit the Dayton-area in the mid 80s. I took these men to the doctor and cared for them at home. “Then this guy I was dating invited me to a reception in Columbus in 1986 for the Human Rights Campaign Fund (HRCF). ”That’s how I was introduced to gay politics, at age 28.

10. "Two years later, I started an HRCF committee in Dayton. HRCF is the largest gay and lesbian political organization in the country, chiefly responsible for securing AIDS research money from the federal government. I raised thousand dollars out of Dayton and really got involved because of the AIDS epidemic. But in all my work with HRCF I was trying to justify being in the lifestyle, because I was miserable. I was under a doctrine and religious ideology that was void of a living hope.

11. I started watching Christian TV to see what the enemy was doing, the 700 Club, PTL and TBN. At first, I wanted to reach through the set and strangle Pat Robertson. But I saw an ex-gay on the show who shared how he left the lifestyle. "EX GAY?" I asked myself. How is that possible? But I hated my life. There is pleasure in sin for a season, but I wanted out. I watched intently - partly making fun, partly wishing it was true. I thought, "I don't have to be gay?"

12. I watched a panel of former homosexuals on TBN, listened to their stories of pain and sex addiction, some with drug addictions. I decided I wanted out of this lifestyle. It was Thanksgiving weekend, 1992 and he decided to call TBN. When I prayed to God admitting my sin and recommitting my life to Jesus Christ, I had peace.

13. I had been on TV, radio and in newspapers (as a homosexual activist). I was not ashamed of being a homosexual and talking about the AIDS crisis. I'd go to Washington D.C. two to three times a year to lobby Capitol Hill. But I had a lot of trouble telling this total stranger what my problem was. I was suddenly ashamed of being gay. I wasn't happy about it.

14. My decision resulted in a sudden and abrupt turn in my life. I got into church immediately, changed his telephone number, stopped hanging out at gay bars, and discontinued my volunteer

work with the Dayton Area AIDS Task Force. I stopped cold turkey doing anything in the gay lifestyle.

15. I had a lot of reasons to be angry, but when I started on a path of truly forgiving my father, my anger and bitterness left - along with my homosexual desires. As a grassroots lobbyist I went to Capitol Hill for the lunatic left. HRCF trained me how to do it and a year later I was using my training for the other side. The Lord turned it all around.

16. I might be one of the most visible and outspoken ex-gays in America. I started an Ohio ministry, the Pro Family Network, which lobbied for passage of Ohio's one man, one woman Marriage Amendment and I am a past board member and spokesperson for PFOX (Parents and Friends of Ex-Gays and Gays). The goal was not to codify Christian marriage, but to legally define actual marriage in order to keep the homosexuals from using government to legitimize their religious identity narrative at the expense of the truth and the public's health. I talk to teens about the complex issue of homosexuality, giving them insights that academia and the media suppress. I have debated for a person's right to self-determination, spoken to the scientific evidence that homosexuality is not innate and have defended natural marriage in 17 states and the District of Columbia. I worked vigorously with the New Jersey Family Policy Council to protect the sanctity of marriage from 2008 to 2015. I have now founded the Center for Garden State Families 2015.

17. For choosing to defend the interests of individuals with unwanted same-sex attractions, the public's right to know that homosexuality is changeable, the teenager's right to know that the gay lifestyle is often miserable, and for one man one woman marriage, I have has been screamed at and heckled by gay activists who consider my transformation a dangerous threat to their incredible dishonest narrative that seeks to exploit the sympathies of the general public - which is

nothing more than a shallow power play that is inherently sexually exploitative. I have also received death threats, which has been hard for my wife on many levels. It led to our divorce in 2007. But I care very much about the youth, the public health, and the country in general.

Factors of Homosexual Causation:

18. As with the vast majority of male homosexuals, my childhood was full of hurt and rejection. I did not identify with my father as a young child. Every young boy needs same-sex affirmation that he is a male and an adolescent boy needs affirmation that he is becoming a man. I did not get the male affirmation that I needed so when I discovered sex with an older neighborhood boy, it filled that void in an unhealthy way.

19. Most would agree that if a 13 year old boy introduces a 10 year old girl to sex it is molestation. The same standard should apply to a 13 year old boy introducing a 10 year old boy to sex. Growing up as a teen, I was interested in sex with other men only because of that introduction. I've known thousands of homosexuals and I've never met someone who was not introduced to sex at an early age, generally with the same sex. There multiple causative factors for same sex attraction. They are similar and yet different in scope and application between male and female. Current changes in cultural norms are actually encouraging same sex experimentation in minor children. Pornography is readily accessible and free online creating early childhood sexualization. Pornography was a definitive factor in my sexual identity development.

Motivations to Change:

20. I had an active homosexual sex life, but I was miserable as a gay man. I could not deny that I hated my gay life and when I saw a former homosexuals give their testimony on TV it gave me the hope that I could get out of homosexuality.

There was also a religious motive to change. Buried in the subconscious or in religious terms in the depths of my soul, I believed my homosexual behavior was immoral and homosexuality in general was objectively immoral. When I called TBN to pray a prayer of reconciliation with God, I immediately felt peace. I wanted others to have it too.

From a Christian perspective I made a heartfelt profession of faith at age nine. The Scriptures show that while God judges man He is also merciful, compassionate and patient, "not wanting anyone to perish, but everyone to come to repentance" (2 Peter 3:9). God did not give up on me, and when I turned to God, like the Parable of the Lost Son in Luke chapter 15, God ran to meet me.

Process of Change:

21. From my testimony, there is not a lot of information on my process of change. The peace I felt from reconciling to God was real and he built upon it. Intuitively, I knew that my gay friends would mock my new direction in life and hinder my growth as a Christian, because I was convinced that homosexual behavior was immoral and was not based on immutability as we were convincing one another to believe. My gay friends would not be sympathetic to me rejecting my gay identity as their own lives were built upon a gay identity, which is a religious narrative predicated on unproven faith based assumptions that are completely false and as implausible as the truth claims floated by the impeached self-righteous religion of Islam. I wisely "stopped cold turkey doing anything in the gay lifestyle." I obviously filled that void with

people who were supportive and empathetic with the new direction of my life. Obviously, my father's deathbed conversion where he confirmed that he loved me helped me begin the process of forgiveness and reconciliation of past wounds. The time I spent caring for my dying father probably added to my ability to reconcile. It was through the process of forgiving my father that my bitterness and anger healed. As this healing increased my residual homosexual desires left.

22. One of the main messages that I have is that if people want to get out of the gay lifestyle they can. For ten years, I lived the homosexual lifestyle, and self-identified as a homosexual. As a registered nurse who was living in the gay lifestyle, I watched a 100 of my friends and acquaintance die of aids before I stopped counting. Being faced with questions of mortality, I began questioning where I was going and what I was doing.

23. I began to research and found that there was no scientific evidence that people were born homosexual, and there was no biologic evidence for why I was doing what I was doing in this life style, in accepting this particular sexual identity. I started to think through it and figured out why was I and others living this lifestyle, it just seemed to be a cultural, sociological, and emotionally based. I questioned why do I want to keep this lifestyle going. I was not fulfilled.

24. I did not take a pill. I did not pray away the gay. I just decided that I wanted to drop this ideological belief system and life style. I went through a process of figuring out why I got to where I was. I was sexually molested as a child. I always say that Hugh Hefner was my first molester because it was Playboy magazine that literally aroused me as a 10 year old. That's how I got into the homosexual lifestyle. I lived in that lifestyle for ten years openly. But coming out of that lifestyle was not a switch that I just turned off. I had to explore why did I feel the way that I did. I did not seek reparative therapy. I had very little counseling. A lot of my decision to leave the gay religion was a journey that I took on my own.

25. A lot of ex gays leave the lifestyle for religious reasons and a lot leave it for all kinds of different reasons, but it is literally like converting from one religion to the next. A lot of what I do now is to declare an individual's fundamental right to self-determination.

26. I believe that doctors, therapists, physicians, counselors, and persons in the healing arts absolutely must have the right to help counsel individuals out of the gay lifestyle, if they want to leave it behind. I believe that physicians have the obligation to help such individuals leave behind the lifestyle and the ideology that propels it.

27. Even one homosexual who turns straight proves that homosexuality is not innate. I am proof of that and I've seen thousands of others leave the lifestyle and denounce it. Homosexuality is a choice, but I did not choose my feelings. But I did act on my feelings. That is, I did choose how I responded to those feelings. I did not have all of the information when I responded to those feelings. And that is problem. Today in public schools we are not giving students a choice. Teachers are telling them to "be gay" to try it "you'll like it." It is a dangerous experiment. Minors who buy into that ideology and not just taking on an identity, they are exploring the acts of sex. Teachers and society try to pass it off as safe sex, but there is no such thing. It should be called suicidal sex. I know that because I buried a lot of people who were homosexual who practiced safe or safer sex.

28. I was successful in suing the District of Columbia in having ex gays be protected as a recognized minority group of people. There is a huge amount of resistance towards ex gays because if you can show that you can change from gay to straight, it creates a problem for others who identity as LGBT, who want to believe the gay ideology. There are those who want to believe that Islam is a religion of peace, and yet, the jihadist tend to cause a problem for those types. Since I and other ex-gays are saying openly that people can change and leave the

homosexual lifestyle, it single handedly destroys the entire gay rights and transgender narratives, which are indeed based on fraud, the denial of truth, and sexual exploitation.

29. The American Psychological Association and the Psychiatric Association both say that sexuality is fluid. People make decisions on their sexuality based on their feelings and life circumstances, and not immutable traits. I made a decision after homosexuality did not work for me, after the decade that I openly practiced it. For over two decades now, I've been out of that lifestyle, and I've been much happier. I've been practicing a heterosexual lifestyle.

30. There are tons of pro-LGBT groups that will go after you personally, if you say that you can change. Of course, since these groups do not believe that truth exists in the first place, they have zero accountability over their hearts. I find the gay activist groups to be an extreme hate group that is truth phobic. I am a proponent of allowing people to make an informed choice, when it comes to a sexual lifestyle. I want people to know that they do not have to live the gay lifestyle, if they do not want to and that it is better to keep the door on that narrative altogether.

31. I have a scar on my nose because I was punched in the face after handing out pamphlets saying that I am an ex gay. That is the kind of hatred and bigotry that I get from breaking rank with the phony narrative that people are born gay. I did choose that homosexual identity, and I want people to know that they do not have to stay gay if they do not want to.

32. I try to give people hope. People who are in the homosexual lifestyle do not have to stay in it, and it is ok for them to leave it behind completely and start anew. I see these kinds of people all the time. A lot of them do not go public about it because they get pressed and shamed by their peers. Many people who lead the gay lifestyle, and who have decided to leave it are now married and they do want to expose their children to past. I just really feel called to let others know that

they do not have to stay where they are if they do not want to. So I started several ex-gay support groups and became involved with PFOX -Parents and Friends of Ex-Gays & Gays.

33. Many in the media ignore the reality of ex gays because they have based their entire life around the idea that truth is relative. It is their religion, and our existence shows that their religion is fake, shallow, silly, and removed from reality. When the media does cover ex gays, it is incredibly negative. They make fun of us, falsely say that we were not gay to start with, and that there is something wrong with us. They mockingly state our identity in quotation marks as was done by NPR on June 21, 2016, "Greg Quinlan of the group Parents and Friends of Ex-Gays & Gays, who describes himself as a "former homosexual," was among those who raised the subject."

34. The group Truthwinsout.org has majorly attacked me and tried to slander me. The founder, Wayne Besen, has made statements like "Someone needs to run Greg over or infect him with AIDS." That's pretty hateful rhetoric. He then attempted to sue me for slander for calling him out on his hate filled rhetoric on a TV program.

35. I absolutely believe that homosexuality is an unhealthy lifestyle. There is AIDS issues. But its more than that. It is psychologically traumatizing and shame filled lifestyle. It is empty and exploitative. The minister of Health, 18 months after the Netherlands codified homosexual marriage, did a secular study on HIV transmission, the highest transmission of the HIV infection was amongst partnered men. Of those partnered men, they on average admitted to seven to eight extra marital affairs during the homosexual relationship, and virtually zero were monogamous. The pathology of homosexuality does not change even after it has been codified. Homosexuality is about sex mixed with a lot of lies and false intimacy. The homosexual lifestyle is about sex. It is about the relationship of sex and that in itself is unhealthy.

36. While other forms of marriage besides man-woman marriage should not be codified because it memorializes unproven faith based assumptions, the right of self-determination should be. People should be allowed information so that they can make an informed choice whether to get into or get out of the gay lifestyle.

37. I get asked a lot if homosexuality involves civil rights, and my answer is that civil rights is based on innate and immutable traits, and by that definition, people who self-identify as gay or transgender should not be given suspect class status. The American Psychiatric Association has not established that there is proof of biologically gay individual. There have been tons of studies trying to prove that there is such thing as a gay gene. Like for example, the one conducted by Dean Hamer, who is a homosexual, whose study turned out to be faked.

I attest under the penalty of perjury that the above mentioned statements are true and accurate.

A handwritten signature in cursive script, appearing to read "Gregory Quinlan", written in dark ink.

Gregory Quinlan

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

**WHITMAN-WALKER CLINIC, Inc. et.
al.
(Plaintiffs)**

V.

1:20-cv-01630-JEB

**U.S. DEPARTMENT OF HEALTH AND
HUMAN SERVICES et. al.
(Defendants)**

**DECLARATION OF PASTOR RICH PENKOSKI FOUNDER OF WARRIORS FOR
CHRIST AND SOCIALCROSS.ORG**

I, Richard Penkoski, declare under the penalty of perjury, pursuant to 28 USC sec. 1746 as follows:

1. I am over 18.

2. I am the founder of SocialCross.org. SocialCross.org is the premier Christian social networking site, providing Christian content, custom profiles, and so much more.

SocialCross.org is connecting Christians all across the world. Social Cross was created with the specific purpose of tearing down the walls that have divided believers for to long. Social Cross is an alternative to facebook for Christians.¹

¹ <https://www.christianpost.com/news/social-cross-website-offers-christians-alternative-facebook-196418/>

3. I am the founder of Warriors For Christ, which is a pre-denominational ministry, that offers theology degrees, counseling certificates, and a chaplains course to educate those who have been called into ministry.² <https://wfcchurch.org/>. Warriors For Christ has over two hundred thousands followers on facebook.³ I conduct weekly live stream radio interviews and have a dedicated following.

4. In 1994 joined the United States Navy. I graduated top of my class in A school becoming a Petty officer, with a speciality in code. In 1998, I graduated from Seminary Bible College with a degree in Theology becoming licensed ordained Minister. I attended Walden University without a focus on psychology. In 2012, I started Warriors of Christ Ministry and got married. I am a father of 6 children.

² A pre-denominational Christian is a Christian or disciple of Christ who seeks to base all of his or her beliefs and practices upon the New Testament itself, starting with the teachings of the Lord Jesus Christ Himself. We desire to recover original New Testament Christianity, or the faith once delivered unto the saints. We are neither Catholic nor Protestant and reject any and all Catholic and Protestant traditions that are inconsistent with or contrary to the New Testament, no matter how deeply-entrenched these traditions may have become. Our overriding goal is to be true to Christ and true to the New Testament. In the first century, there was only one church. Christians in different locations were united by a common faith, a common belief, and by a common form of worship. There were churches at Jerusalem, Corinth, Rome, Ephesus, Antioch, and a number of other places. That which separated them was geography — not different teachings. But that was then. . . In the 21st Century, things are a lot different in the religious world. Now we have a variety of different churches, teachings, practices, and forms of worship. In fact did you know that the majority of denominations are less than 600 years old? The Bible teaches that Jesus was only ever going to build (establish) one church: "...I will build My church..." Matthew 16:18; and that He died to save only one church: "Christ also loved the church and gave Himself for her" Ephesians 5:25. Quite clearly then not all the churches of today can be the one Jesus built. The implications of this is worthy of our deepest consideration. The concept of non-denominational or pre-denominational Christianity which Warriors for Christ espouses, is to do away with all the man-made teachings, creeds, and traditions that have developed over the years. In other words unless a teaching or practice can be found in the Bible we don't hold to it or teach it. By following this simple aim we can be the same church that Christ we read about in the pages of the New Testament established. Warriors for Christ started as a facebook page (<https://facebook.com/warriorschurch>) and quickly grew because of our uncompromising stand and our educating the masses in biblical truth. Part of what made us popular was our exposing and challenging the lies of the atheist community, exposing false teachers and their teachings, as well as the other denominational religions. Warriors for Christ launched WFC University of Theology in 2016 to offer Theology degrees, counseling certificates, and a chaplains course to educate those who have been called into ministry and need to be trained up.

³ <https://www.facebook.com/warriorschurch/>

INDOCTRINATION IN MIDDLE SCHOOLS AND REPRISAL

5. I moved from New Jersey to West Virginia. While attending 7th grade Middle School at Harpers Ferry, my daughter, Ariana, was confronted with a very liberal agenda at the school. There was clearly a drive for the teachers to indoctrinate students in the religion of Secular Humanism/moral relativism and religions other than Christianity. The social studies teacher elected to bring a Muslim speaker to teach the students about Islam. These Islamic speakers taught my thirteen year old daughter how to put on a jihad and how to meditate. I observed that my daughter was upset by the fact that the teacher would say in class "Jesus is not God." My daughter would tell me about such things, and she was upset and my wife and I were disturbed by the reports because it was apparent that some of the teachers were proactively using their position as state officials to push a religious worldviews onto my daughter that we found to be false and offensive.

6. I called the Principal of Harpers Ferry Middle School, Mr. Vandell, to confront him about the Islamic indoctrination taking place in the classroom. After telling him my concern, I felt assured that he would talk to the teacher and investigate. Shortly thereafter, Mr. Vandell contacted me to let me know that he did not believe that the teacher had done anything wrong. He did assure me that he would press for the teacher to be more inclusive of other religions, since the teacher had admittedly skipped over parts of the text book concerning Christianity. In my personal interaction with the faculty, it was my impression that the majority were ardent subscribers to the religion of diversity and secular humanism, while being hostile towards Christianity.

7. Before the encounter with the Principal, my daughter had always been a straight A student. However, following my encounter with the Principal, she came home with an F on her interim

report card in the same history class. Mortified, I called the Principal and accused the teacher of prospectively engaging in reprisal for whistleblowing. The Principal assured me that the teacher would not do that and that he would get to the bottom of the matter. Later the Principal contacted me and said that because my daughter had not turned in certain assignments, she was given an F. But that was not true. My daughter had turned in the assignments at issue. In fact, the assignments were graded by the history teacher. Fortunately, my daughter had saved a copy of the graded assignment which served as direct proof that the teacher was targeting her for reporting. I brought the graded assignments to the principal, and my daughter's grade was readjusted from an F back to an A. The teacher said that it was an oversight. But that was unlikely. My daughter was moved to a different honor class to avoid additional targeting.

**THE SECULAR HUMANIST AND LGBTQ SELF-HELP ASSAULT ON MY
ORGANIZATION AND FAMILY FOR THINKING DIFFERENTLY**

8. I am a Christian Pastor. I believe that Jesus was who he said he was. I refuse to take a scalpel to the Bible and cut out parts that I do not think are relevant to the modern mindset. I believe that such practices are incredibly arrogant and themselves primitive. I take the New Testament at face value and think that divine law trumps all laws that are inconsistent with it. No amount of social or governmental coercion imposed on me and other sincere Christ Followers will ever change the fact that I have decided to treat Jesus as my King. The Bible is clear that sex is wonderful. God made it after all. Yet, the Bible suggests that healthy sex is all about context, and the context that God intended for humans to have sex in involves only one man and one woman in the confines of covenant marriage. I agree with the Bible's take that all other sexual unions and practices are immoral, obscene, and subversive to human flourishing. This is not just the way that I feel about it, deep down, I believe that everyone just knows that this is the case just as they

know the pedophilia and murder are inherently wrong. No one has to teach us that. It is a matter of self-evident truth. Such perverse practices all equally violate the givenness of our nature and the truth about the way things are as a matter of common sense. Those who suggest otherwise are objectively desensitized and are guilty of intellectual blindness and cannot be taken seriously.

Homosexual practices dehumanize and depersonalize us and create a life of opportunity costs. I believe that for the government to encourage homosexual practices is an incredible act of hate, immaturity, and cruelty. In fact, it is a form of rape by trick and government sanctioned sexual exploitation. Ever since I started Warriors for Christ I have been outspoken that homosexuality is a sin and that homosexual theology is toxic and should not be promoted because it involves unhealthy, unnatural, and perverse forms of sex that are insurmountably obscene and indecent.

9. I do not feel morally superior to anyone. I adamantly oppose sin and wrongdoing, not people.

Christianity is a belief system that starts with an omission that I am broken and in need of a redeemer. It is an omission of imperfection. The gospel - in part - is that humans are far worse than we imagined by far more loved by God than we could dare fathom. The Church is not a museum for the righteous. No indeed! The Church is a hospital for the sick, but it is in that weakness that I have found hope and strength in a personalized relationship with Jesus Christ. Based on my experience the personalized truth of Jesus is restorative and represents a living hope that is radically transformative. Admittedly, it is on faith that I adopt Christ as a substitutionary atonement for my own fallen nature. My faith in Christ and the living word of God does not come from an absence of thought but the exact opposite. Because I am outspoken and because I refuse to conform to the modern cultural narrative, I have been a major target of harassment for the intolerant LGBTQ community, which is bent on silencing Christians or

converting them to their narrow self-serving worldview, which is nothing more than a mask to justify conduct that was illegal until recently, through tactics of coercion. Obergefell did not create tolerance, it created moral superiority complex in hoards of Secular Humanists.

10. June 2017 was deemed to be “pride month,” which likely would not have come about but for the Courts imposing gay marriage on all 50 states. Facebook created a rainbow pride emoji and the gay pride flag emoji. On June 11, 2017, I posted on facebook that if anyone posted the gay pride emoji or flag on my facebook page that my organization would block them stating: “a rainbow emoji will get you instantly banned from our page.” Consequently, all hell broke loose, as my organization was subjected to a bombardment of the actual intolerance and the white hot hate that is the hallmark of the heart of Secular Humanists. “Patho.org,” which standards for Progressive Secular Humanist, and a publican called the “Friendly Atheist” then published articles encouraging their followers to harass Warriors For Christ. Countless bloggers put out a call to fellow Secular Humanists to harangue me and my organization for our refusal to check out brains at the door of the shallow modern cultural narrative that is exclusive, narrow, out of date, and already on its way out. Thousands of homosexuals and Secular Humanists threaten, harass, and ostracize my organization for not believing in their faith-based worldview.⁴ Pathos article was called: “Christian Facebook Page Fights Rainbow Flag Emojis (And Loses).” The article read as follows:

Facebook has added rainbow flag emojis, and a Christian Facebook page is promising to ban anyone who uses them. In honor of LGBT Pride month the rainbow flag is joining the “thumbs

⁴ Here is an example of a Secular Humanist who put out a call for action on youtube to harangue me. Basically, the speaker in this video proves that people who are dogmatic about not being dogmatic are <https://www.youtube.com/watch?v=Sj8gpZm9JjI>

up” and “heart sign,” as well as “excited,” “shocked,” “sad,” and “angry” emoji as a way to react on Facebook. However, the Warriors for Christ Facebook page is not happy that Facebook has added a rainbow flag emoji to their list of possible post reactions, and issued a stern warning explaining that anyone using a rainbow flag emoji would be banned. As one might expect, many reasonable people accepted the challenge, and bombarded the anti-gay Christian Facebook page with happy rainbow flag emojis. In response, the Christian Facebook page issued the following public service announcement:

“Despite all the lies and false accusations here we are not being hateful to any person. We also will not back down from proclaiming (sic) truth of God’s word. Sin is sin period. Sin results in eternal seperation (sic) from God. Despite your lack of understanding of love, we here love everyone enough to speak the truth even in the face of so much hate. So we speak the truth that sin leads to death, but we have a savior that can set one free from sin and give them a new life in Christ. Lord I know that right now many lost people are being sent here by the powers of darkness that control them to harass this page. I pray that when they come here that their eyes be opened up to the truth of your word. Your word is living and active and has the power to reach the heart. And even though these people are coming here as our enemies to hate us, I still pray blessings over them and pray you open their eyes to see the truth clearly. Satan has blinded many to the truth, but we come against any attack or insult or curse of the enemy in Jesus name.”

Bottom line: The “Warriors for Christ” are feeling persecuted because their anti-gay rhetoric is being ridiculed. And all their prayers to a God that does not exist will never justify their pious bigotry and hatred. Bonus: How to get the Pride rainbow flag reaction on Facebook The rainbow flag reaction will only appear as an option for users if they like Facebook’s LGBTQ page. How to get the rainbow flag reaction Log in to Facebook in the app or on the web Go to the LGBTQ@Facebook page Like the page You might need to logout and log back in again before the reaction appears.

11. The article by Pathos was a call for its readers to harass me. The article falsely stated that “many reasonable people” responded to my post, but the responses were not reasonable. In many

cases, the threats sent my way were illegal and were clearly calculated to marginalize and oppose me for not buying into the narrow minded and illogical narratives of the LGBTQ church.

Because the writers at Pathos are devout moral relativists they arrogantly assume that everyone else should be as well. However, it takes a huge amount of faith to believe that God does not exist, that this life is just one big accident, that humans are merely animated pieces of meat, and that we are all just accidental particles. Meanwhile, the evidence suggests otherwise, if there is no such thing as God, then is no basis for justice, which would mean that there is no basis for Courts, which is absurd. It is simply a fact that without faith there is no basis for morality, and without morality there is no basis for law. Clearly, actual justice exists because this Court would not exist otherwise, neither would the Constitution.

12. On or around June 12, 2017, the Friendly Atheist published an article in response to my June 11, 2017 post that read as follows:

“Here’s some advice. If you run a Facebook page promoting Jesus, and you call yourselves “Warriors for Christ,” don’t tell everyone you can’t handle rainbow emojis. Naturally, everyone began posting comments with plenty of rainbows. It’s almost like the threat of being banned from the page didn’t stop them... And the Warriors were not happy about that at all. There are more rainbow emojis in that thread, too. It’s entirely possible those are just trolls pretending to be Christian... but there’s a long history of inflammatory statements and videos on that page, not to mention a website, that all suggest these people really exist. All the more reason to keep showing your solidarity with the LGBTQ community.”

<http://www.patheos.com/blogs/friendlyatheist/2017/06/12/a-christian-facebook-page-will-ban-anyone-posting-rainbow-emojis-guess-how-this-ends/#ULbWeRrSvKvdQABu.99>

13. As a Pastor and Minister who studied theology, I can attest that the gay pride rainbow colored flag is a religious symbol. The gay pride flag is the paramount religious image for the LGBTQ church of Secular Humanism and Postmodern western moral relativism - expressive individualism. Facebook knows or should know that to be the case. Facebook knows or should

know that the rainbow colored flag is a mask that promotes a form of obscenity and indecent sexual conduct that erodes community standards of decency that is by definition exploitative. Just as a Muslim might not want a cross emoji posted on his social media page, I do not want the LGBTQ Secular Humanist - who are driven by emotion and not by reason - to come to my cyberspace to post their exclusive religious icon either. The fact that I made that clear only to provoke the opposite result is proof that government sponsored gay marriage is a sham that has cultivated an entitlement syndrome that is dangerous. The truth is that "homosexuality" is a religion - although an irrational one - and the main icon for that religion is the rainbow colored flag. The rainbow colored flag is not neutral. It is not secular. The rainbow colored flag promotes a theocratic orthodoxy that is based on a series of unproven faith-based assumptions that are at the very least implicitly religious. Facebook, many self-identified homosexuals, and most Democrat leaders know or should know this to be the case. No one can prove or disprove that they are born gay and, therefore, homosexual ideology can only be taken on faith and is, therefore, religious in nature. While self-identified homosexuals are free to have their beliefs, the governments endorsement of those faith has cultivated an entitlement for such believers to bash Christians, like myself, with a false sense of impunity is an evil that can no longer be justified through the false misappropriation of the race-based civil rights movement lead by Pastor Martin Luther King Jr..

14. In retaliation to my post on June 11, 2017, I receive thousands of threats through the mail. Tens of thousands of text messages poured in. I had to block over 900,000 people from facebook who were intentionally harassing my organization and its members. Feces were mailed to my home. My car was keyed. My wife and children were threatened. There were people who began

stalking my family. It got so bad that I went to the police for help and advice. Based on the advice of local law enforcement, I decided to move my family.

15. Based on my experience, it is my observation that gay marriage is a sham and that the fake gay civil rights movement is a sham. I can attest first hand that the gay civil rights movement has nothing to do with tolerance, equality, unity, and peace. The governments entanglement with the fake gay civil rights movement has only manage to plunge the believers in the religion of Secular Humanism into further darkness and a form of entitlement that is patently destructive and dangerous. The governments entanglement with the fake gay civil rights movement and the religion of Secular Humanism has in fact cultivated uncompromisable division, vast selfishness, and profounded hate towards those who do not believe in the narrow religion of Secular Humanism endorsed through clear abuse of process and malicious prosecution. Just as Islam is not really a religion of peace. Secular Humanism is the opposite of the religion of tolerance. The idea that "love is love" or that the gay marriage would bring about dignity, respect, understanding, and tolerance is a complete sham that has nothing to do with reality. While gay marriage is fake marriage, the persecution of Christians that has taken place in the wake of *Obergefell* by emotionally driven Secular Humanist is very real. By force law, the government must disentangle itself with the religious plight of self-identified homosexuals and the doctrines of Secular Humanism .

16. Having received over 10,000 spam text messages to my phone and untold harassment message, I felt compelled to assemble some of choice threats that I had received in response to my message on June 11, 2017 and put them together in this youtube video:

<https://www.youtube.com/watch?v=XMMNYG9nTek>. The judicial putsch in *Obergefell* is the

superseding cause of the harassment that I and millions of other Christians are subject to. Here are some of the messages that I received that prove that gay marriage is sham.

-Christine Cates sent me: "Who could ever say that about anyone?....Seriously kill yourself, please...There is a special place who have NO compassion or empathy for one another...If your incredibly lucky...you get jail....after that I can only smile."

-Nic Valle sent me this message: "These are the ones that think they are persecuted. Why the Romans fed people like this to lions."

-Maxwell Atkins sent me this message: "He's right. [Christians] all deserve to die."

-Alice Sonlaw wrote: "Whoever runs this page needs to go eat a gun. Seriously kill yourself! Please."

-Lily Lynn sent me this message: "Maybe you'll stop getting hate if you stop spreading hate on the LGBTQ community oh no beware my gay ass is going to fuck your wife. #lovewins #pride"

-Darrin Betzman send me this message: "You should kill yourself."

-Jamie Lynn Myer wrote "You should do it..."

-Peter Griffith wrote "Can't wait for the years after the rapture...when all you believers are persecuted and beheaded!!! Ohhh joy"

-Alexander Dimes wrote: "I literally want you to get hit by a car."

-Bob Galvin wrote: "I'm here looking of a guy named Jesus, I just bought a new nail gun..."

-Shane Walsh wrote "you should definitely kill yourselves...or you can keep trying to restart the crusades. Either or."

-James Garrett Chaffee send me this message: "Oh my fuck you people are pathetic zealots....Like make the jump to a cyanide laced kool aid already and let the world progress without your 15th century ass views."

17. I literally received thousands of threatening and harassing messages like that. I still do. It's been more than over six months and the harassment continues. If I am receiving messages like this, I am concerned that minors who are Christians are also receiving such messages from the same entitled and aggressive Secular Humanists who believe that their conduct is justified by the government ratification. And why shouldn't Secular Humanist feel entitled to bash non-observers in view of the government's endorsement of their faith? Secular Humanists pride themselves on not believing absolute truth and the belief that there is no form of ultimate accountability. It is self-evident that many are driven by their glands and not a sense of transcultural justice or accountability. The government's wrongful entanglement with the fake gay civil rights movement and the religion of secular humanism has emboldened the legion of Secular Humanist to engage in the outrageous tactics they have employed on me and my organizations. I am an adult and while those threats directed at myself and my family are distressful and disturbing, I am incredibly concerned for the welfare, health, and safety of teenage Christians who are being bullied by the fake tolerant Secular Humanists and the LGBTQ church thanks to the governments wrongful entanglement with the LGBTQ church. It is my observation and opinion that the Courts have grossly eroded freedom and produced persecution by imposing gay marriage on the whole of society by the government's reckless decision to respect the most popular form of parody marriage in a manner that completely entangles the government with the religion of Secular Humanism. As a taxpayer, I object to that

entanglement. It is my observation and experience that the government's endorsement of the fake gay civil rights movement is fundamentally causing division, intolerance, confusion, and harm. It is my observation that the LGBTQ movement proves that love without truth is shallow sentimentality. It is my opinion as a former Soldier, taxpayer, and citizen that the government must no longer legally recognize gay marriage or gay rights as civil rights - they never were. The government's decision to respect the gay civil rights movement as if it is secular in nature - when it is not - has lead to mass confusion, intolerance, and persecution by those who pride themselves on the idea that there is no ultimate form of accountability. The government's promotion of the lack of checks and balances on the human heart by the ratification of an orthodoxy that it only pretends is indefensible is downright dangerous and it is a policy practice that must completely end in all 50 states. Our government is not a church and it is not a redeemer. By entangling itself with the religion of secular humanism, the government has communicated to social networking platform, like facebook, that it too should make Secular Humanism its supreme official religion. The reason why facebook does not provide a cross icon, the ten commandments icon, or the star and crescent icon but it does provide the gay pride flag icon is because the Federal Courts have wrongfully entangled the government with the religion of secular humanism through the *Obergefell* decision which must now be overruled as the sham that it always was.

18. Around July 6, 2017, I did an interview with Christian Post about the persecution my organization and I were subjected to. The article was entitled: "Pastor Receives Feces in Mail. Has Car Keyed for Opposing Facebook's Rainbow Flag Emoji." The information in the article is true and accurate and reads as follows:

A pastor who leads a Christian ministry that vowed to ban anyone who posts the rainbow flag emoji to its Facebook page says LGBT activists have inundated his inbox, mailbox and phone lines with gay porn and threatening messages. They even keyed his car. The Facebook page "Warriors for Christ (<https://www.facebook.com/warriorschurch/>)," which has nearly 200,000 followers, made headlines last month after it was reported (<http://www.patheos.com/blogs/friendlyatheist/2017/06/12/a-christian-facebook-page-will-ban-anyone-posting-rainbow-emojis-guess-how-this-ends/>) by Patheos.com blogger Hemant Mehta, the "Friendly Atheist," that anyone who posts a rainbow flag emoji on the Facebook page would be "instantly" banned from the page. Pastor Rich Penkoski, a West Virginia resident who is the leader of the Facebook page (<https://www.facebook.com/warriorschurch/>) and it's pre-denominational ministry (<https://wfcchurch.org/>), told The Christian Post on Thursday that he and his colleagues have banned over 900,000 different Facebook users in the last month. "The thing about the rainbow flag is nobody asked why we didn't want it on our page. The issue was that the rainbow emoji is a pride symbol for homosexuality and we are a Christian ministry," Penkoski said. "We don't celebrate sin and we are not going to embrace it now. We know, as Christians, that sin leads to death." However, it's not just the use of the rainbow flag emoji that is concerning Penkoski and his nine-or-so colleagues affiliated with the ministry. "The 'Friendly Atheist' character wrote a blog about us and it snowballed from there. Every single online gay blog or newspapers, they all picked it up and went with their version of it. We got hammered. It must have been overnight. We banned over 900,000 people," Penkoski added. "We received messages of 'You should die,' 'Go kill yourself.'" Penkoski said he even had to change his home address to that of the local police station because of the "threats we were getting." Penkoski also

had to change his phone number because he received over 20,000 spam text messages within two days. He said people had signed him up to receive calls, texts and emails about gay dating websites, car insurance companies, car dealerships and other commercial advertisements.

"Before we could change [the address], they sent fecal matter to our house, gay porn to our house. Last night, for instance, someone threatened [in a Facebook message] to rape me. They said if I disrespect their pride flag they would come pound my [behind]," he explained. "These people are absolutely horrid. ... These are the types of things a decent human being wouldn't do, regardless of whether they are Christian or not. It was all meant to bully us and try to silence us."

"We had to go arm ourselves because people would send me personal emails through our website's contact form, saying they know where I live," he continued. Penkoski added that his car was keyed after the hysteria surrounding the group's Facebook post first began last month and opponents found his home address on the ministry's website. "We didn't realize the address was on there until this started happening and we started getting mail," he said. "The police said that this is completely unacceptable and this is actually a hate crime." Penkoski explained that the prayer line the ministry operates, which he said also doubles as a suicide crisis line, was inundated with calls from LGBT supporters in the days following reports of the "Warriors for Christ" Facebook post. The original intent behind the controversial Facebook post, Penkoski said, was not to hate on anybody but to "tell people the truth regardless of cost or consequence," adding that the backlash he has received has been "absolutely evil." "People can't stand that. They can't stand any disagreement," Penkoski said. "They automatically assume that it is hatred and nothing can be further from the truth." "Warriors for Christ" is not the only Christian Facebook page that has received intense backlash from the LGBT community. Elizabeth

Johnston, a conservative evangelical homeschool mom who runs the popular blog and Facebook page "The Activist Mommy," shared screenshots with CP that show how LGBT activists have inundated her inbox with emails saying that she had been signed up for Pornhub.com and the Gay DVD Empire newsletter. She also has received emails from LGBT supporters telling her to go kill herself. "I am honored to experience a very small amount of persecution for my Lord. I'm not in prison yet or being tortured for my faith yet, but that is where we are headed if Christians don't quickly find their voice," Johnston wrote in a recent blog post (<http://www.activistmommyofficial.com/blog/the-activist-mommy-mocks-personal-hit-piece-from-the-lgbt-advocate-magazine/>). "The threats, ridicule and personal attacks are a constant reminder to me of the power of the Gospel. God's Word is true and the best defense the father of lies has is cruel personal attack, lies and threats. I will not be silent, even if it costs me my life, for my love for God supersedes my love for my life." See <https://www.christianpost.com/news/pastor-receives-feces-mail-car-keyed-opposing-facebooks-rainbow-flag-emoji-191104/>

19. The July 6, 2017 article correctly confirms the fact that my car was keyed, feces were mailed to my house by Secular Humanists, that I had to block over hundreds of thousands of people from harassing my facebook page.

20. On July 11, 2017 I did an interview with the Christian Post entitled "Pastor Says Facebook Removed Live Video After Calling Pride Rainbow Mark of the Beast." The information in the article is true and accurate and can give the law makers insight into the persecution that I and other Christians have faced:

"A West Virginia pastor who has expressed vocal opposition to Facebook's pro-LGBT rainbow emoji is accusing the social media site of unjustly suspending his personal account. Pastor Rich Penkoski, who oversees the popular "Warriors for Christ (https://www.facebook.com/pg/warriorschurch/about/?ref=page_internal)" Facebook Page, told The Christian Post in an interview on Tuesday that his account was suspended as he was "doing a live sermon." "I was preaching about how the pride rainbow could be the mark of the beast and how Mark Zuckerberg wanted to have Facebook replace the church," recalled Penkoski. "Within 1 minute I was kicked off my live video and had to log back in. I received a notice that my live video was removed for violating Facebook Terms of Service." Penkoski explained to CP that this was his most recent temporary suspension from the social media, remarking that "I get banned all the time." "I have been banned for 30 days for calling an atheist a liar. I've been banned for showing photos of Quranic verses about killing infidels," he continued. "I've been banned for saying LGBT, which is why I now use lgbtqrstuv on the page. They keep adding letters anyway so it fits." To celebrate Pride Month in June, Facebook added a rainbow flag to its usual list of emoji reactions that people can use when reacting to a comment. "We believe in building a platform that supports all communities. So we're celebrating love and diversity this Pride by giving you a special reaction to use during Pride Month," stated The Official LGBTQ Resource Page for Facebook.

(<https://www.facebook.com/LGBTQ/photos/a.559035344122874.147187.545385972154478/1875150119178050/?type=3&theater>) Penkoski garnered headlines last month when he announced that anyone who used the rainbow flag emoji on the "Warriors for Christ" Facebook page would be banned. The West Virginia preacher received a great deal of negative backlash, including

derogatory comments, thousands of text messages, and fake pages set up on Facebook to mock him. "Every single online gay blog or newspapers, they all picked it up and went with their version of it," said Penkoski to CP in an earlier interview.

(<http://www.christianpost.com/news/pastor-receives-feces-mail-car-keyed-opposing-facebooks-rainbow-flag-emoji-191104/>) "We got hammered. It must have been overnight. We banned over 900,000 people ... We received messages of 'You should die,' 'Go kill yourself.'"

21. Around June 26, 2017, I did an interview with Christian Post was re-posted by Christian Today which includes information that is true and accurate that summarizes some of the situation I experienced. The Article is entitled: "Pastor who banned rainbow flag emoji from his Facebook page is forced to flee after receiving death threats." The article accurately reads:

"A West Virginia pastor who has received threats and endured various other forms of harassment for voicing opposition to Facebook's rainbow flag emoji has moved his family out of their home in Harpers Ferry after being advised by local police to do so because of safety concerns. As previously reported, Richard Penkoski, who runs the online ministry "Warriors for Christ," has received an immense amount of backlash from LGBT advocates after the popular Warriors for Christ Facebook page vowed in June that anyone who posted the rainbow flag emoji on the page would be banned by its administrators. Penkoski told The Christian Post that he didn't want the rainbow flag emoji on the "Warriors for Christ" page because it "is a pride symbol for homosexuality and we are a Christian ministry." After Patheos.com's "Friendly Atheist" Hemant Mehta reported on how Warriors for Christ would ban anyone from its Facebook page who posted the rainbow flag emoji, the Facebook page was quickly inundated with over 900,000 rainbow emojis and the "Warriors' for Christ" prayer line was inundated with callers who

opposed the ministry's view on sexuality. Because the Warriors for Christ webpage listed Penkoski's home address, he and his family have received threats, have had feces sent to their house and have had their car keyed up. Additionally, Penkoski says that there were occasions when he would see random people walking back and forth on the road outside of his home. Last Tuesday, Penkoski received the most chilling threat in the form of a Facebook message from a man named Michael Grant. "I know somebody waiting right now to put a bullet through your skull," Grant's message, which was shared with The Christian Post, reads. Grant's message continued by warning Penkoski that someone was going to kill him and his family. Penkoski told CP that the message from Grant came just one day after he and his wife decided to move out of their rental home in Harpers Ferry, which they had lived in for only eight months after the family moved to West Virginia from New Jersey in 2015. Having now settled into a new rental home in a new town, Penkoski said that his home address will not be shared on the ministry website or Facebook page. "I am not going to back down from it, but I do have six children and I do have to be wise about that as well. To me, honestly, it's just a matter of time until one of these people does something stupid," Penkoski explained. "It was recommended by the police and my attorney as well that as much as we want to stand up, maybe it is just smartest to move because all these people know where we live. It is a smart thing to do for my family's sake." Penkoski assured that "none of this is going to cause me to back down. "We are not going to stop telling the truth." This article was originally published in The Christian Post."

<https://www.christiantoday.com/article/pastor-who-banned-rainbow-flag-emoji-from-his-facebook-page-is-forced-to-flee-after-receiving-death-threats/111157.htm>

22. The July 11, 2017 article confirmed that I was subjected to threats and harassment for opposing homosexual practices. The harassment fails to show that “love is love” but it does prove that legally recognized gay marriage is a sham.

23. The June 26, 2017 article correctly describes my experience. My experience does not show that “love is love.” but it does prove that legally recognized gay marriage is a sham. In America, I thought that tolerance was supposed to cut both ways. It is my observation that the government’s entanglement with the fake gay civil rights movement is the superseding cause of my harm and the harm of other Christians. My family and myself did receive death threats. We were forced to move out of our home. As a former Soldier, I am not living in the same America that I defended.

24. My facebook page was not the only Christian page that was getting bombarded with the rainbow emoji and threats by aggressive Secular Humanist, who feel entitled by fellow Secular Humanists in office to conduct a crusade to oppress Christians.

<https://hellochristian.com/8482-pastor-receives-death-threats-for-opposing-facebooks-rainbow-flag-emoji>

25. In response to all of the harassment and targeting I received from Secular Humanists on Facebook, I decided to start my own facebook for Christians called SocialCross.org. Around August 27, 2017, I did an interview with the Christian Post about the Socialcross. The information in the article is accurate and will provide some insights to the Courts and legislatures. The article reads as follows:

Conservative Christians who've been barred from Facebook for posting their beliefs about homosexuality and LGBT issues now have a new social media platform they can join that won't

block users for defending biblical principals. After being suspended from Facebook numerous times for posting their thoughts on LGBT issues, a group of Christian preachers have launched a social networking alternative to Facebook called SocialCross (<https://socialcross.org/>).

SocialCross, which works in a very similar manner to Facebook, aims to give Christians a place to engage and have conversations about events going on in the world without fear that their accounts will be suspended or blocked. In just three weeks since it has been launched, over 2,300 users have signed up for SocialCross. "This is a place where we can all come together as people who believe in Christ who want to share with one another and learn from each other, and do so without an environment of fear of having people report our post or Facebook blocking us for 30 days," the website's co-founder, Rich Penkoski, a West Virginia- based preacher and co-founder of the online pre-denominational ministry Warriors for Christ (<https://wfcchurch.org/>), told The Christian Post in an interview this week. Penkoski explained that he and his colleagues were inspired to create their own social media platform that allows Christians to speak freely and openly after his personal Facebook page was banned for 30 days on separate occasions in July because of comments he made in online threads that were reported to Facebook administrators by LGBT Facebook users. Penkoski and the Warriors for Christ Facebook page (<https://www.facebook.com/warriorschurch/>) made headlines in June when the ministry vowed to block anyone who posted the LGBT rainbow flag emoji (<http://www.patheos.com/blogs/friendlyatheist/2017/06/12/a-christian-facebook-page-will-ban-anyone-posting-rainbow-emojis-guess-how-this-ends/>) on its Facebook page. "People were asking me for years to [build this kind of site] and I always said no. But when the whole thing happened with us in July, [my colleagues] were like, 'You know Rich, maybe we should.' I kept getting

banned. I just got off another 30-day ban," Penkoski said. "Another one of our guys got banned for saying, 'Jesus Christ can cure homosexuals from homosexuality.' He got banned for that. It was my ministry team that was like, 'This is the time to really start it.' I prayed about it a lot. I said, 'You know what? Let's do it.'" Along with Penkoski, the site was founded by his wife, Amanda, and their colleagues Anita Kallinicos and Nellchy Kentley. But with little Web development experience between the four of them, they hired the Indian-based company Pas Softech to build the new website. Penkoski said the Christian social media site was developed by PAS Softech Pvt. Ltd (<http://www.passoftech.com>), which is run by a Hindu man named Ankur Agarwal, and was created in less than two months. "The whole idea is that it's a Christian site, run by Christians, designed by Christians and based on biblical principles," Penkoski said. "But anybody and their brother can join so long as they understand that we're a Christian site run by Christians." The site allows users to interact with each other by posting Christian-themed emojis such as a cross, praying hands, praise hands, an ichthys, a christian flag, a Bible and others. One unique aspect of the site is that it allows users to search for relevant Bible verses without having to leave the site. Users can easily use the "Bible Search" located in the upper right-hand corner of the SocialCross homepage to look up Scripture. "This is a social networking site with the features that all of us Christians want," Penkoski asserted. The site's code of conduct (https://socialcross.org/terms/code_of_conduct) prohibits any use of profanity, racial epithets and sexually explicit adult material. The code of conduct also prohibits users from harassing others and authoring personal attacks. "You may express your disagreement with someone's point of view, but personal attacks, or attacks based on another person's race, national origin, ethnicity, gender, disablement or other such affiliation, are prohibited," the SocialCross code of conduct

states. "A violation in this area may result in a warning or immediate termination from service. If you receive such a warning, you agree to read the SocialCross.org Terms and Conditions again." Penkoski added that although members of the LGBT community are allowed to join SocialCross, they are not allowed to harass users because of their belief in biblical definitions of marriage and sexuality. "LGBT members are welcome so long as they are not going to try to cram that garbage down our throats," Penkoski asserted. "If you want to come and ask honest questions and have honest dialogue, you are more than welcome. But if the goal is to comment and force their lifestyle on others, that is not going to be allowed." Penkoski said that since the website launched in its beta mode three weeks ago, "LGBT trolls" have found the page and harassed users. "This is the same group of people that says to leave them alone," Penkoski said. "We started a Christian social network site and they have to hop right over there, too, telling us to go die and leave them alone. It makes no sense." Penkoski added that people who promote hate groups and hateful ideologies like white supremacy and neo-Nazism are not welcome on the social media site. Penkoski and his team have already had to ban one Nazi supporter from the website. "Over 2,000 people are using the site. We had to upgrade servers twice because of it," Penkoski said. "For the most part, it's just a Christian audience right now. We haven't had any real issues and we are surprised because we are in the crosshairs of certain groups of people who know that we are doing it." Considering that over 2,300 people have signed up for the platform in just under three weeks with relatively little promotion or advertising of SocialCross, except on the Warriors for Christ Facebook page, Penkoski and his team are expecting that they will need to increase the SocialCross staff in the future. Although the founders initially intended for SocialCross to be a nonprofit and advertisement free, Penkoski said that they quickly realized that the costs of

running a site like this would be too great not to allow for paid advertisers. "When I set this up, [our server company] said that based upon the growth that they see so far, they can honestly see us using 100 servers in a year or two year's time. You are talking \$10,000-a-month to keep this thing running," Penkoski explained. "There is no way we can do it as a nonprofit. There is just no way." Penkoski said he's hopeful that within the next two months, SocialCross users will be able to do livestreaming. Although SocialCross has been launched, Penkoski emphasized that the site is still in its "development mode" and they're in the process of working out some of the issues. "It's hard to launch something like this without fully launching it, because without actual people using it there's no way we are going to find all the bugs in a real- world situation," he said. "It's like when an app launches for the first time or when a new phone launches, they say it's a launch but it is still technically in beta. Because we have a lot of people using it, we fixed a lot of things and are adding features. We are launched but we are still in that development mode."

<https://www.christianpost.com/news/social-cross-website-offers-christians-alternative-facebook-196418/>

26. The net result of Obergefell is not tolerance and openness. Christians and other non-observers will naturally withdraw into their own communities and circle the wagons to avoid being subjected to abuse and harassment. Legally recognized gay marriage is a sham imposed by a handful of Secular Humanist judges at the expense of fundamental liberty interests. While legally recognized gay marriage is fake marriage, the erosion of liberty interests is very real. I have personally observed this.

III. LGBTQ IDEOLOGY INFILTRATES THE ELEMENTARY SCHOOL

27. After moving my family to a new location because of the threats, I decided to place my children in a new school in the hopes of getting a new start. My daughter entered into the 8th grade. The school conducted an anti-suicide week. The teacher, Mrs. Coffin, took it upon herself show the students a pro-gay video that was not part of the programing. The video displayed two boys in bed being romantic with each other. Mrs. Coffin told the students not to tell their parents that she showed them the video. In response, my daughter went straight home and told me what had happened because I have raised her to report wrongdoing like that. Since Secular Humanists have no standard of right and wrong, there is no standard for character and decency, which means in reality that Secular Humanists in position of authority are often times a terrible influence.

28. Mrs. Coffin is pro-transgender very pro-LGBTQ. In keeping with a pattern of inappropriate behavior, she “friends” students on Instagram. My daughter was following her. This teacher is a devout Secular Humanist who prides herself on not believing in truth and is all around a bad influence for failing to know the objective difference between right and wrong and real and fake.

29. In response to the showing the pro-LGBTQ video, I called the Principal of the school, Dr. Branch. He said that he would investigate. A Christian publication contacted the Board of Education. The Principal reported back to me that the students wanted Mrs. Coffin to play the video. My daughter was called to the Principal’s office where the Principal told her that “students who lie make my job harder.” This caused my daughter to have a panic attack and she had to go see the school nurse. The Board of Education then investigated the Principal for bullying. Meanwhile, I am in disbelief at the lack of moral compass manifested by Secular Humanist educators whose salaries fall on the taxpayer shoulders, like myself.

30. In response to my daughter's reporting both Mrs. Coffin and another teacher, who is also a devout Secular Humanist, attempted to drop my daughters grade. My daughters grade went from an A to an F in the school's electronic grading system. My wife caught this sudden change in grade, since parents have access to this system. My wife went the Principal's office, with my daughter, and member of the Board Of Education to confront him about the change in grade. My wife was furious at the Principal's lack of leadership and his abuse, she made it clear that he was not to talk to our daughter again without at least one of her parents present.

31. This experience was immensely painful for us because we were reliving the past all over again that was imposed the year before at Harpers Ferry Middle School. My interaction with the LGBTQ church was very public and well known, and I believe that the teachers at my daughter school were treating her with animus, disapproval, and disproportionate disfavor because of my public stance that homosexuality is a sin that is immoral and that is a perspective pathway to pediphillia to be legalized.

32. While there has not been the promised land rush on gay marriage in the wake of *Obergefell*, I can attest that there has been a landrush on Secular Humanist in the elementary schools to indoctrinate minors to a religious worldview on sex that was illegal until recently, that fails to check out with the natural design, that is inherently exploitative, and that threatens community standards of decency. My daughter can attest to that as well. This kind of injustice is not just taking place in West Virginia Middle Schools, these practices are taking place in public schools all across the United States. I know this because of my interaction with the fans of my radio show and with the followers of Warriors of Christ. Prior to *Obergefell*, the levels of

indoctrination of LGBTQ orthodoxy within the public schools was not the same level following the decision.

33. I and other Christians like myself get blocked from facebook all the time for not converting to Secular Humanism that the government has wrongfully and recklessly endorsed and promoted. The Government's entanglement with the fake gay civil rights movement is bad for speech and has a chilling effect that is incredibly destructive and damaging. Over all, the government's endorsement of gay marriage and its decision to falsely treat sexual orientation as a suspect class has been and continues to be a total disaster that has greatly eroded freedom and rights that are real and that are protected for good reason. As a former Soldier of the United States Military, I am appalled that the members of the Court would entangle the government with what amounts to a civil rights charade that is nothing more than a sword to oppress Christians and other non-observers.

34. I am a taxpayer, I have standing to sue to enjoin the government from legally recognizing gay marriage for violating the Establishment Clause because my personal experience and the experiences of my daughter in the elementary schools unequivocally shows that gay marriage policy and sexual orientation discrimination statutes fail all three prongs of the Lemon test. I am an layman and I can see that. In order to protect minors and to restore Constitutional rights, I implore this Court and the legislature to stop legally recognizing gay marriage and sexual orientation as a suspect class.

35. I ask the legislature and the Courts to honor the Constitution and end its entanglement with the LGBTQ religion and the religion of Secular Humanism completely.

I attest under the penalty of perjury that the above mentioned statements are true and accurate.

A handwritten signature in black ink, appearing to read 'Richard Penkoski', with a long horizontal flourish extending to the right.

Pastor Richard Penkoski
Founder of Warriors For Christ
And SocialCross.org

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

WHITMAN-WALKER CLINIC, Inc. et.
al.
(Plaintiffs)

V.

1:20-cv-01630-JEB

U.S. DEPARTMENT OF HEALTH AND
HUMAN SERVICES et. al.
(Defendants)

DECLARATION OF REVEREND JOAN GRACE HARLEY

I, Joan Grace Harley, declare under the penalty of perjury, pursuant to 28 USC sec. 1746 as follows:

1. I am over 18. I am a 65
2. I am African American. I was transgender for 18 years. I have left that behind and am now a Reverend, having converted to a new sex-based self-asserted identity narrative.
3. My Grandad was a pastor.
4. When I was three I moved from Washington D.C. to South Carolina.
5. I grew up admiring women. My father really wanted to have a son. And this was made known in our family. I felt like to win my father's affection and approval, I would try to be the son he did never had. I was a tomboy. I would feed the pigs and work on trucks. Things like that.

6. Growing up, I always felt different. I had an older sister who was girly. The rest of my family was light skinned and I was dark skinned. Back then, it mattered. So I just did not feel like I fit in anywhere. I suffered from feelings of rejection that I internalized. I felt inferior.

7. My father promised by my mother that our family would move up North where her family was. But he never made good on that promise, and he remained in the South. My mother decided to move back to Washington where her family was located. They remained married, and I would travel back and forth to be with both. I lacked a feeling of permanency.

8. From around age 13, I became sexualized. I had a boyfriend but was not really attracted to men at the time. I had two children and became a single mom early on.

9. I then started working as a nurse, security guard, and then working in film.

10. One night, ABC News decided to put on a nightly series about alternative lifestyles in the D.C. area called the 1,2,3,4,5. I decided to watch every night. Each night the topic was on homosexuality. I did not know any homosexuals. But something inside me clicked, and I decided that because I felt different I must be a homosexual in light of the truth claims floated by the programming. The program was preaching the idea that a man could be trapped in a woman's body. I accepted that assumption on faith and decided it must be true for me. Basically, the ABC news program was nothing short of a televangelist proselytizing the homosexual orthodoxy that flows from the church of postmodern, western, expressive individualism, and moral relativism. If I did not watch that News program, I might never have become transgender.

10. After watching the program, I went into my closet and picked out the most masculine thing I could find. I started dressing like a man. I went to my first gay bar like I owned the place. My odyssey began. I went from Joan the woman to Joe the man.

11. As a transgender, I looked like Michael Jackson. I wasn't overly masculine or feminine.

12. I married a woman in 1978. We divorced, and my former wife became a Christian and return to me and implored me to leave the gay lifestyle and become a Christian. I was appalled by her suggestion and could not believe she would make it. I could not believe that my former wife would try to convince me that I was not really a man trapped inside a woman's body like the LGBTQ community preached.

13. In 1992, I was living with a woman, but I started to feel like I had bought into a false lie. I started to feel that I should get out of the unfulfilling transgender lifestyle. I was crying and suffering because I felt like I was in a trap of my own making. I felt cheated and lied to. I was sexually dead. I broke up with my girlfriend on August 19, 1992, Bill Clinton's birthday. In September of 1992, I developed strong feelings for men. My countenance begin to physically change as I started to try to get closer to the God of the Bible and shape my life according to his will. My heart changed. There is no question that sexuality is not based on immutability and that sexuality is fluid.

14. Since August 19, 1992, I haven't had a dream or any desire for women. I felt like I wasted 18 years of my life on the false promises floated out of the transgender and LGBT church. For the past 25 years, I have had no desire to be with a woman. I feel regret about my years spent as a transgender but I am glad to know that I am redeemed and in relationship with a perfect Heavenly father who accepts me as I am designed.

15. Just before leaving the transgender lifestyle behind I had a dream where Jesus told me that I would be an ambassador for him someday. In 1997, I decided to become a Reverend.

16. Since leaving the transgender and LGBT community, I have been outspoken and vocal about the dehumanizing and destructive truth claims promoted by the LGBTQ community. I can attest that homosexuality is absolutely a religion. It is a series of unproven faith based assumptions and naked assertions that are implicitly religious. The Government must treat the LGBTQ and transgender truth claims as religious suppositions.

17. Having been an LGBTQ insider for 18 years, I can attest that the LGBTQ church seeks to use government to enshrine its orthodoxy so that its congregational members will feel less ashamed and inadequate about their life style that goes against the way we are and the way things are.

18. After leaving the church of LGBTQ and converting to a new identity narrative, I have been very outspoken about the lies promoted by that faith. Consequently, I have been subjected to insult, threats, bullying, and persecution and the fear that it will continue. I'll go on a radio show and subsequently worry that someone will come and shoot up my house or mess with my car.

My existence to the gay and transgender community constitutes a strong threat because it exposes the lies at the heart of their religion. But like the Constitution and its master narrative of the New Testament Gospel, I am an ambassador of the truth, and I must tell the truth because the truth sets people free, and I deeply love people as the God of the Bible first loved me. I have been redeemed, and I want others who are in the gay lifestyle to know that they can be redeemed as well.

19. My story - alone - proves that homosexuality and transgenderism is not based on immutability whatsoever. Sexual orientation is not a suspect class for purposes of the equal protection and substantive due process clause of the 14th amendment. And allow me to say with convincing clarity as an African American female that I am appalled that the government of

these United States would allow the LGBTQ falsely equate the fake gay civil rights movement to the legitimate raced based civil rights movement of the 1960s lead by Dr. King. I can attest that to falsely equate gay rights based on sexual orientation to race rights based on something as inconsequential as skin tone is an act of fraud and racial animus that manages to be both sexually and racially exploitative.

20. Once I went to an LGBTQ even to speak out about leaving the lifestyle and LGBTQ religion behind, a police officer used unauthorized physical force to remove me from that event. It was traumatic. I was exercising my free speech rights and telling my story. The government's impressible legal recognition of gay marriage has made not just homosexuals but anyone who is pro-gay feel entitled to oppress, marginalize, intimidate, and bully anyone who dares believes that homosexuality is immoral, obscene, and subversive to human flourishing - which it categorically is. The government's invalid legal recognition of homosexual orthodoxy has closed minds and ended debates, while posing a threat to all ex gays and persons of religious conviction. The reason why moral relativist are so determined to stifle those of us who are on the side of the truth is because they have based their entire identity on the idea that truth is merely a man made convention, when people like myself prove that it is not. They want to remain and promote the darkness. Persons of religious convictions are naturally in a position of danger if the government is telling moral relativist that their ideology is beyond dispute - when my testimony and personal experiences demonstrate insurmountably that homosexuality and transgenderism is not based on immutability whatsoever and that any prior court that stated otherwise is lying to the American public.

21. As a former insider on the gay and transgender community, I am very concerned about children. The fact that the government has legitimized homosexual religious orthodoxy and dogma, those who are pro-gay feel entitled to recruit and convert minors to the homosexual lifestyle - sexualizing them at an early age. The government's endorsement of gay marriage promotes obscenity, erodes community standards of decency, normalizes false permission giving beliefs about sex, and interferes with consent. The government's wrongful recognition of homosexual doctrine is subjecting minors to sexual exploitation.

A handwritten signature in black ink, appearing to read "Joan Grace Harley". The signature is written in a cursive, flowing style with a long horizontal line extending from the end.

Joan Grace Harley