

COMMONWEALTH OF KENTUCKY
FRANKLIN CIRCUIT COURT
DIVISION II
CASE NO 08-CI-1950

AMERICAN ATHEISTS, INC. *ET AL*

PLAINTIFFS

V

AFFIDAVIT OF EMMETT F. FIELDS
IN SUPPORT OF PLAINTIFFS' MOTION
FOR SUMMARY JUDGMENT

COMMONWEALTH OF KENTUCKY, *ET AL*

DEFENDANTS

Comes the Affiant, Emmett F. Fields and, after being duly affirmed, deposes and says:

As a lifelong Atheist I am compelled to become a Plaintiff in this lawsuit that challenges the constitutionality of including a sectarian religious assumption in the Kentucky Homelend Security law by declaring a dependency upon a god as the bases of our defense against real world dangers.

I am convinced the law attacked in this lawsuit is completely unconstitutional and serve only sectarian purposes for the following reasons:

1. The Founders of our National Government, remembering so well the horrors of religious (Christian) establishment in Europe, sought to prevent the reoccurrence of these horrors in the New World by declaring, within the Constitution itself, (Article VI.) "... and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States." The Legislators who inserted this religious addition to a proposed Kentucky law, and those who voted for it, was in violation of the Oath or Affirmation they took when they assumed the responsibilities of Public Office in Kentucky.
2. The sectarian religious nature of the law is in flagrant violation of the First Clause of the very First Amendment to the Constitution of the United States, which states that "Congress shall make no law respecting an establishment of religion,". This protection against militant religion using the power of government to promote secretion beliefs was put first because protection against religious abuse through government power was foremost in the minds of those who laid the foundations of this Great Nation. If Congress is forbidden the power to make laws that 'even hint at' an establishment of religion, it is obvious that no lesser government body, National or

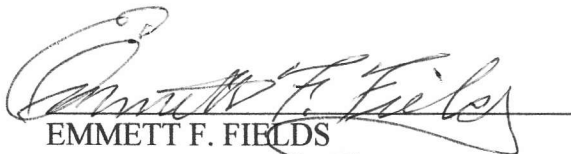
State, can override this restriction by enacting such forbidden laws. Therefore this Kentucky law is in direct violation of the Establishment Clause, and is absolutely unconstitutional.

3. The Court certainly knows the Kentucky Constitution and Bill of Rights that clearly states: "No preference shall ever be given by law to any religious sect, society or denomination; nor to any particular creed, mode of worship or system of ecclesiastical polity; ... privileges or capacities of no person shall be taken away, or in anywise diminished or enlarged, on account of his belief or disbelief of any religious tenet, dogma or teaching. No human authority shall, in any case whatever, control or interfere with the rights of conscience." It is not to inform the Court that I quote this, but to point out the fact of the importance of Religious Liberty in the United States, and in Kentucky. Rivers of blood have been spilled in obtaining our Religious Liberty and Freedom of Conscience that is spelled out in the above Constitutions, any attack upon these Religious Liberties is a criminal act beyond description. Think of the thousands of Americans who have given their life on the battle fields of the world in defense of our Liberty. Without Liberty our Nation is no more than an expanse of land that separates two oceans. And this law attacks the grand ideals this Nation was founded upon.

4. It is my Pledged Duty to defend this Nation against all its enemies, foreign and domestic. When I enlisted in the United States Marine Corps I made that Pledge, and each time I reenlisted I reaffirmed that Pledge to defend this nation. It is in fulfillment of these pledges that I again proudly step forth to defend this nation against all its enemies, foreign and domestic. The Legislators who proposed this law, and those who voted for it, are enemies of our most basic freedom – Religious Liberty.

5. It is not the business of our laws to promote sectarian beliefs. As a studied Atheist I am aware that there is no evidence that a god can possibly exist. The objective study of religion began long ago, even before religion lost its power to torture and burn alive those who could not believe impossible things. The true history of the god idea is war, hate, bigotry, torture, murder, fear, extortion, slander, profit and treachery, and, as here, political intrigue, intimidation and control. The god delusion has never been a protection against anything, but has been the cause of endless suffering and horror, a plague to humanity.

FURTHER AFFIANT SAYETH NAUGHT.


EMMETT F. FIELDS

State of Kentucky

County of Jefferson

Subscribed and sworn to before me, by Emmett F. Fields, this 9th day of March, 2009.

