

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

AMERICAN ATHEISTS, INC. *ET AL*

PLAINTIFFS

V

AFFIDAVIT OF HELEN KAGIN
IN SUPPORT OF PLAINTIFFS' MOTION
FOR SUMMARY JUDGMENT

COMMONWEALTH OF KENTUCKY, *ET AL*

DEFENDANTS

Comes the affiant, Helen Kagin and, after being duly sworn, deposes and says:

- 1) I am a plaintiff in the above styled and numbered action.
- 2) I am a Canadian citizen and a permanent resident and taxpayer of the United States and of the Commonwealth of Kentucky.
- 3) I am an Atheist, and I believe that my rights under the Constitution of the United States and the Constitution of Kentucky are being adversely affected by the statutes challenged in this litigation, which I believe to be unconstitutional. I have suffered, and will continue to suffer, damages from the existence of the challenged legislation.
- 4) I personally know of other Atheists in Kentucky who feel similarly offended and injured, but who, for fear of reprisals, are unwilling to come forward and publically state their objections. The organization American Atheists, Inc., of which I am a member, can, as a plaintiff in this case, protect the rights of these individuals.
- 5) Upon information and belief, the statutes challenged are unconstitutional in that they attempt to unlawfully establish religion and belief in a deity in Kentucky. This I believe to be in violation of the First Amendment to the Constitution of the United States and of Section 5 of the Constitution of Kentucky.

6) The statutes challenged require that my tax money be used to proselytize religious belief over non-belief, and to favor and to promote a belief in a god over non-belief in a god in Kentucky, in violation of the provisions of the First Amendment to the constitution of the United States and of Section 5 of the Constitution of Kentucky.

7) The statutes challenged clearly show that belief in a god is preferred by the Commonwealth of Kentucky over my non-belief in a god. This diminishes my civil rights and clearly signals that Atheists are of a lesser worth in Kentucky than persons who believe in a god. The statements regarding the "god" are not merely "ceremonial" or "historic" in that the statutes require that reliance upon this "Almighty God" be both publically posted and taught in training materials. This is not ceremonial expression; it is indoctrination of public employers, who are compelled to endure compulsory instruction that "(T)he safety and security of the Commonwealth cannot be achieved apart from reliance upon Almighty God . . ."

8) As a direct and proximate result of the unconstitutional laws challenged in this litigation, I have suffered both physical and emotion harm and injury. A sense of insecurity for the safety of myself and the state of Kentucky is created by the knowledge that the Kentucky legislature looks to a supernatural entity, which I do not believe exists, as the primary protection of my safety, and the safety of my loved ones, in Kentucky.

9) I do not seek compensation for these injuries, but I do seek to have those laws that created the injuries declared unconstitutional and removed from the law books.

FURTHER AFFIANT SAYETH NAUGHT.

Helen Kagin
HELEN KAGIN

State of Kentucky
County of state-at-large

Subscribed and sworn to before me, by Helen Kagin, this 9th day of March, 2009.

[Signature]
NOTARY PUBLIC

My commission expires:
3-4-2012

