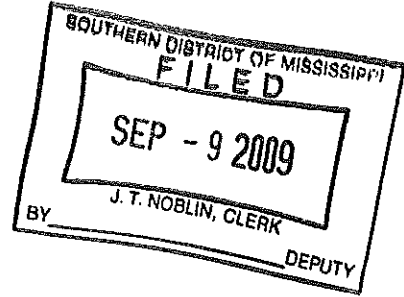


UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION



\_\_\_\_\_  
Valencia Robinson; A.T., by and through  
his parent, C. M.; and  
Jenni Smith,

Plaintiffs,

v.

DON THOMPSON, Executive Director  
of the Mississippi Department of Human  
Services, in his official capacity;  
CHERYL E. SPARKMAN, Director of the  
Division of Economic Assistance,  
in her official  
capacity.

Defendants.

Civil Action No. *3:09c0537WHB-LRA*

COMPLAINT

Plaintiffs, for their complaint in the above-captioned matter, allege as follows:

PRELIMINARY STATEMENT

1. The State of Mississippi has used taxpayer dollars to sponsor an overtly religious event, namely, the annual abstinence-only-until-marriage summit held at the Jackson Coliseum. Defendants select speakers and artists for the summit after reviewing their presentations, and Defendants use state and federal funds to pay them and to pay for the cost of the event. The government-sponsored summits have been riddled with religious messages and sectarian content. Defendants' use of government funds to underwrite religious activities and religious content in this manner violates the Establishment Clause of the First Amendment to the United States Constitution.

Furthermore, the summit impermissibly communicates a message of governmental endorsement of and preference for religion generally, and Christianity specifically. Plaintiffs therefore seek, among other relief, an injunction barring the Defendants from sponsoring and promoting religious messages in their abstinence-only-until marriage programs.

### **JURISDICTION AND VENUE**

2. This action is brought pursuant to 42 U.S.C. § 1983 to redress Plaintiffs' constitutional rights secured by the First and Fourteenth Amendments of the United States Constitution. This Court accordingly has jurisdiction over this matter under 28 U.S.C. §§ 1331 and 1343.

3. Plaintiffs' claims for declaratory and injunctive relief are authorized by 28 U.S.C. §§ 2201 and 2202, by Rules 57 and 65 of the Federal Rules of Civil Procedure, and by the general equitable powers of this Court.

4. The Court has the authority to award costs and attorneys' fees under 42 U.S.C. § 1988.

5. Venue in this district is proper under 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to the claims in this Complaint occurred in the Southern District of Mississippi, Jackson Division.

### **PARTIES**

6. Don Thompson is the Executive Director of the Mississippi Department of Human Services (hereinafter "MDHS"). Defendant Thompson is responsible for the administration and oversight of MDHS, including the Division of Economic Assistance, which includes MDHS's "Just Wait" Abstinence Unit. The Abstinence Unit sponsors

and funds various abstinence-only-until-marriage events, programs, and materials, including the annual teen summit held at the Jackson Coliseum. By selecting and paying speakers to deliver religious messages, and by permitting religious messages to be delivered at an event sponsored and funded by MDHS, Defendant Thompson has violated the Establishment Clause. Defendant Thompson and his successors are sued in their official capacities. Defendant Thompson may be served with process via the Attorney General of the State of Mississippi at Walter Sillers Building, 550 High Street, Suite 1200, Jackson, Mississippi, 39201.

7. Cheryl E. Sparkman is the Director of the Division of Economic Assistance of MDHS, and is responsible for the administration and oversight of the Division. The Division includes MDHS's "Just Wait" Abstinence Unit, which sponsors and funds various abstinence-only-until-marriage events, programs, and materials, including the annual teen summit held at the Jackson Coliseum. By selecting and paying speakers to deliver religious messages, delivering religious messages herself, and permitting religious messages to be delivered at an event sponsored and funded by MDHS, Defendant Sparkman has violated the Establishment Clause. Defendant Sparkman and her successors are sued in their official capacities. Defendant Sparkman may be served with process via the Attorney General of the State of Mississippi at Walter Sillers Building, 550 High Street, Suite 1200, Jackson, Mississippi, 39201.

8. Plaintiff Valencia Robinson is a resident of Hinds County, Mississippi, and is a state and federal taxpayer, and she attended the May 2009 abstinence-only-until-marriage summit. She plans to attend the annual summit in the future, and she objects to and is offended by the religious content of the summit.

9. Plaintiff A.T. is seventeen years old, and has brought suit by and through his parent, C.M. A.T. is a resident of Hinds County, and he attended both the May 2008 and the May 2009 abstinence-only-until marriage summits. He plans to attend the annual summit in the future, and he objects to and is offended by the religious content of the summit.

10. Plaintiff Jenni Smith is a resident of Hinds County, Mississippi, and is a state and federal taxpayer, and she attended the May 2009 abstinence-only-until-marriage summit. She plans to attend the annual summit in the future, and she objects to and is offended by the religious content of the summit.

### **FACTS GIVING RISE TO THIS ACTION**

#### **Annual Summit Background**

11. To promote the National Teen Pregnancy Prevention Month, MDHS hosts a teen summit every May.

12. Upon information and belief, MDHS has hosted an annual teen summit every year for the last five years.

13. Upon information and belief, MDHS will host an annual teen summit in May 2010.

14. MDHS collaborates with other state agencies, such as the Mississippi Departments of Rehabilitation Services, Mental Health, Health, Education and Employment Securities, and community organizations to develop the agenda and select speakers for the summit.

15. Upon information and belief, MDHS's staff or collaborative partners initially identify potential summit speakers.

16. Upon information and belief, once speakers are identified, MDHS researches them and reviews the content of the speakers' presentations.

17. Upon information and belief, MDHS staff, including Defendant Sparkman, then selects the speakers, which are approved by Executive Director of MDHS, Defendant Thompson.

18. Upon information and belief, in Fiscal Years 2007 and 2008, MDHS received approximately \$1,428,753 each year in federal abstinence-only-until-marriage funds.

19. Upon information and belief, Defendants uses some federal funds to pay for the annual teen summit.

20. Upon information and belief, Defendants also use some state funds to pay for the annual teen summit.

#### **May 2008 Teen Summit**

21. On May 17, 2008, MDHS sponsored their annual Teen Summit from 8:00 a.m. until 3:00 p.m. at the Mississippi Coliseum in Jackson, Mississippi.

22. To advertise the event, MDHS issued a press release stating that the Abstinence Unit in MDHS will host the summit, and thousands of teens from across the state would converge at the Jackson Coliseum to hear the speakers.

23. MDHS distributed a program to the participants of the summit. The program's cover page includes both the MDHS's logo in the top left corner, and also reads at the bottom "Mississippi Department of Human Services, Division of Economic Assistance. 'Just Wait' Abstinence Unit, Teen Summit, May 17, 2008."

24. The first six pages of the program are letters from various government officials welcoming participants to the summit and providing biographical information about each official. These government officials include the Governor of Mississippi; the Mayor of Jackson; the Lieutenant Governor of Mississippi; the Executive Director of MDHS at the time, Donald R. Taylor; the Deputy Administrator for Programs of MDHS; the Deputy Administrator for Operations; Defendant Sparkman; and the Director of State Operation for MDHS.

25. The summit was open to the public, including youth 10 years old and older. and MDHS advertised that youth/teens, parents, school personnel, health professionals, clergy, youth leaders, social service personnel, and other concerned individuals willing to support the message of abstinence until marriage should attend.

26. Participants were required to register in advance either via MDHS's website or by contacting MDHS by phone.

27. Defendant Sparkman advertised the event by sending a memorandum dated November 7, 2007, to school administrators, and she sent another memorandum dated March 3, 2008, to school districts, Boys and Girls Clubs, clergy, Girl Scouts, and YMCA organizations.

28. The March 3, 2008, memorandum encourages the duplication and distribution of the registration form to others who may be interested in attending the event.

29. The summit began with an invocation, which was led by a pastor, Reverend Gary Bell of Lakeshore Church, who asked everyone to bow their heads and pray in Jesus' name.

30. Religious themes and overtly Christian messages continued throughout the program both from government officials and from private individuals selected to perform at the summit by Defendants and other Department of Human Services staff.

31. For example, Defendant Sparkman said, “today is the day the Lord has made and we will rejoice and be glad in it.”

32. Don Taylor, then Executive Director of the Department of Human Services, introduced Lt. Governor Phil Bryant, and said that the Lt. Governor “was not ashamed of the Gospel of Jesus Christ.”

33. Two speakers, Taylor Moore and Miss Mississippi 2007, Kimberly Morgan, invoked religious themes and references to God in their performances.

34. After the summit, Plaintiffs’ counsel sent a letter to Defendant Thompson expressing concern about the religious messages delivered at the May 2008 Summit, and asking for assurances that, in the course of selecting speakers and planning the May 2009 summit, Defendants would ensure that the event remained secular. Plaintiffs’ counsel did not receive a response to their letter.

#### **May 2009 Teen Summit**

35. On May 16, 2009, MDHS sponsored the annual teen summit from 8:00 a.m. until 1:00 p.m. at the Mississippi Coliseum in Jackson, Mississippi.

36. Prior to the summit, MDHS advertised the summit in its “The ‘Just Wait’ Times” – a newsletter on abstinence-only-until-marriage issues and events – noting that it was hosting the event.

37. The summit was open to the public, including youth 10 years old and older, and participants were required to register in advance on MDHS's website or by contacting MDHS by phone and sending in the registration information via facsimile.

38. MDHS distributed a program to the participants of the summit. The program's cover page included both the MDHS's logo in the top left corner, and also reads at the bottom "Mississippi Department of Human Services, Division of Economic Assistance, 'Just Wait' Abstinence Unit, Teen Summit, May 16, 2009."

39. The first seven pages of the program consist of letters from various government officials welcoming participants to the summit and providing biographical information about each official. These government officials include the Governor of Mississippi; the Mayor of Jackson; the Lieutenant Governor of Mississippi; Defendant Thompson; the Deputy Executive Director of MDHS; the Deputy Administrator for Programs of MDHS; Defendant Sparkman; the State Operations Bureau Director for MDHS; the Bureau Director for the Works Program Unit of MDHS; and the Projects Officer in the "Just Wait" Abstinence Unit of MDHS.

40. At the beginning of the summit, Reverend Gary Bell, a pastor at Lakeshore Church, a Congregational Methodist Church, in Byram, Mississippi, who, upon information and belief, is the same pastor who provided an opening invocation at the 2008 summit, provided an invocation.

41. Rev. Bell's biographical information is included in the summit program, and it indicates that Rev. Bell is an ordained minister whose "love for Jesus Christ and a desire to guide students and parents to a closer relationship with God and each other are his obsessions."



42. Reverend Bell said, “let me pray for y’all,” and then provided the following prayer: “Dear Lord, I just thank you for this morning. I thank you for this gathering that’s here today, Lord. You’re so awesome. You’re so wonderful that you can bring this together, Lord. I know that you have something in store for us. I know you want us to learn some things, some things that will change our lives forever. Lord, I pray that you will help each one of us stand out in the crowd, Lord. I pray that you help each one of us be a light in our schools and in our homes. Lord, we thank you for all the blessings that you’ve given us. Again, thank you for this chance this morning to just to get together and learn some positive things about the things you’ll have us to know on. Lord, I pray this in your precious name, the name of Jesus Christ, Amen.”

43. After Rev. Bell’s invocation, Defendant Sparkman thanked Rev. Bell by saying, “Gary that was awesome. Y’all just give him a round of applause one more time.”

44. Defendant Sparkman then greeted the participants and made initial introductions, including introducing Defendant Thompson who welcomed the participants to the summit.

45. Defendant Thompson introduced the next speaker, Judge John N. Hudson, a sitting judge in Adams County Court, in Natchez, Mississippi.

46. Judge Hudson gave a lengthy presentation about the Ten Commandments and God.

47. For example, Judge Hudson explained the purported origins of abstinence by saying: “Where did these rules of abstinence come from to begin with? Well it all began as you well know with our Creator. When He created you and me. He looked at

us and what did He say, after He created human beings? He said, ‘This is good. This is good.’”

48. Shortly thereafter, Judge Hudson said, “[O]ur great Creator - like teaching a five year old the steps in life – gave us those abstinence rules. Most of us from the Judeo-Christian background see those and know those as the Ten Commandments. Now I’m just going to talk about a few of those as to why those abstinent rules are really not negative but positive, and that they undergird our system of laws and our system of conduct as a country and as a nation. First there is, God said, abstain from stealing, remember? Thou shall not steal.”

49. After discussing the commandment related to not stealing, Judge Hudson continued: “You see He knew clearly what was best for us. He then said also abstain from killing – thou shall not kill. . . . Didn’t God know what was best for us?”

50. After discussing the “thou shall not kill” commandment, Judge Hudson continued: “Abstain, He said, from lying – thou shall not bear false witness. . . . I know everybody in this room has lied before. And you’ve experienced the consequences of those lies. The broken trust with your parents, with your teachers, with your peers. The relationships, the feelings of betrayal that occur because of our failure to follow this particular tenet from God. You see, God knew what was good for us.”

51. Judge Hudson then discussed abstinence from sexual activity until marriage: “And then, finally, that rule of abstinence that is most closely associated with what we are here for today. Abstain, God says, from promiscuous sex – thou shall not commit adultery. But why? Is not God being a killjoy? Did He not create this great gift which is so good and wonderful? Why would He tell us not to do it? He’s not. He’s

telling us that He created this great and wonderful gift for a special and unique committed relationship that is to last forever.”

52. After discussing the importance of sexual abstinence, Judge Hudson concluded: “You see, God knows what is best for us, and what indeed we can look forward to to pursue our happy life. . . . Do unto others as you would have them do unto you. And Jesus adds, ‘love thy neighbor as you would love yourself.’ It’s all wrapped up in that, He says. Is it loving to steal, to lie, to kill, to gossip, to put down, to abuse drugs? No, it’s not. Is it loving to make someone else an object of our sexual pleasure? No, it’s not. So our faith calls us to abstain but it calls us to fill those moments of abstinence with those moments of active love. It calls us to be shining lights like all those red lights that we’ve seen in this audience today. To honor each other as wonderful creatures and creations of God . . . . One of my favorite benedictions that I have loved from over the years comes from St. Francis of Assisi, when he gives us the charge of how we are to live our lives. how we are to stand up in the crowd, how we are to be lights to those people around us. when he said ‘we’re simply asked to make gentle our bruised world. We are simply asked to be lovers, and carers, joy-bringers to the people around us, to be compassionate to all, he said, including oneself – take care of each other, take care of yourself. And then in the time leftover to repeat the ancient tale, our faith story, and go the way of God’s foolish wants.”

53. At the conclusion of Judge Hudson’s presentation, Defendant Thompson presented Judge Hudson with a certificate of appreciation for being a guest speaker at the summit, and Defendant Sparkman presented Rev. Gary Bell with a similar certificate of appreciation.

54. Later in the summit the Pilgrim Rest Mime Ministry from Brandon, Mississippi performed.

55. The Mime Ministry's biographical information is also included in the summit's program, and it says that the Mime Ministry "focuses solely on preparing the hearts of God's people to receive what He has to offer. By putting words to motion, they strive to effectively lift up the name of Jesus." The Mime Ministry has "ministered to various groups and organizations" and "God has anointed these young men to be on a mission for Him."

56. The Pilgrim Rest Mime Ministry performed two lengthy gospel songs.

57. The lyrics of the first song included: "Open your mouth and glorify God if He's done anything for you . . . Holla if you really need something from God tonight/Listen to me on this record/I don't know what it is you're going through/But God said you can get your breakthrough tonight/Look at someone and say, 'I'm gonna get my breakthrough tonight . . . Now you've been praying and seeking God and fasting/But when you ask God/'Do you really have faith that He could do it?'/Do you serve a God that is able?/Do you serve a God that is strong and mighty?/Well, if you do, can I tell you how to get your breakthrough?/Say, '[unintelligible], how can I get my breakthrough right now?'"

58. The lyrics of the second song included: "When I think of all the goodness of Jesus/And all He has done for me/My soul cries out, 'Hallelujah!'/Thank God for saving me! . . . Every day with Jesus is sweeter than the day before/Every day with Jesus, I love him more and more . . . I'm a son of a pastor, you know/I thought so as

long as I went to church, I thought I was cool/As long as I played the organ, it was anointed/That means I had a relationship/But the Bible says, 'Take heed unless you fall.'”

59. The second song also included a call and response with audience: “Listen, to say God is good is an understatement, y’all feeling me?/ So if you crazy like me, look at your neighbors and say, ‘excuse me’/ [Audience repeats]/‘Excuse my language’/[Audience repeats]/‘But the word “good” ain’t good enough’/[Audience repeats]/‘So allow me to say it this way’/[Audience repeats]/God’s been so [unintelligible] to me!”

60. Defendant Sparkman delivered the summit’s closing remarks.

#### **CAUSE OF ACTION**

61. Plaintiffs reallege and incorporate by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.

62. At all relevant times, Defendants have acted under color of state law.

63. Defendants’ pattern and practice of government sponsorship of religious messages and events, and the use of public funds to advance and promote religion, described in paragraphs 1-60, violates the Establishment Clause of the First Amendment to the United States Constitution as applied to the States by the Fourteenth Amendment and 42 U.S.C. § 1983.

64. Plaintiffs have no adequate remedy at law for Defendants’ constitutional violations.

#### **RELIEF REQUESTED**

WHEREFORE Plaintiffs, respectfully requests that the Court enter judgment in its favor and:

1. Declare, pursuant to 28 U.S.C. § 2201, that Defendants' actions, as set forth above, violate the Establishment Clause of the First Amendment to the United States Constitution;

2. Enter a permanent injunction prohibiting Defendants and their agents, representatives, successors, and those acting in concert with them from advancing religion and/or including religious messages - including but not limited to references to God, Jesus Christ, or the Bible - in all state-sponsored and state-funded abstinence-only-until-marriage events, materials, and programs;

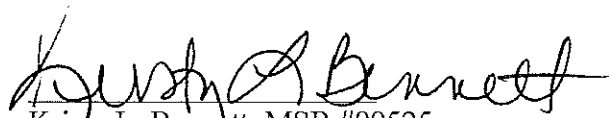
3. If federal dollars were used by Defendants to pay for the annual teen summits, order Defendants to refund those dollars to the federal government;

4. Award costs and fees for this action, including attorneys' fees; and

5. Award such further relief as this Court deems appropriate.

Dated: September 9, 2009

Respectfully Submitted,



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