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13 **IN THE UNITED STATES DISTRICT COURT**
14 **FOR THE DISTRICT OF NEW HAMPSHIRE**

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16 **Civil Action No. 1:07-cv-356-JM**

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19 THE FREEDOM FROM RELIGION FOUNDATION;
20 JAN DOE AND PAT DOE, PARENTS; DOECHILD-1, DOECHILD-2 and
21 DOECHILD-3, MINOR CHILDREN;

22
23 Plaintiffs,

24 v.

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26 THE CONGRESS OF THE UNITED STATES OF AMERICA;
27 THE UNITED STATES OF AMERICA;
28 THE HANOVER SCHOOL DISTRICT ("HSD");
29 THE DRESDEN SCHOOL DISTRICT ("DSD");
30 SCHOOL ADMINISTRATIVE UNIT 70 ("SAU #70");

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32 Defendants.

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36 **PLAINTIFFS' MOTION FOR PROTECTIVE ORDER**
37 **EXHIBITS A-E**
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AFFIDAVIT OF JOANN BELL

I, Joann Bell, of lawful age, depose and state:

1. I am a lifelong resident of the State of Oklahoma. I have raised four children who are now all adults. During my children's upbringing, I was occupied at various times as either a full-time homemaker or in employment outside my home. I now have three grandchildren.

2. During the spring of 1981, my three youngest children attended school at Little Axe Independent School District #70 in Cleveland County, Oklahoma. At that time, I learned that the school was engaged in sponsoring prayer meetings. I then unsuccessfully attempted to the Little Axe Administration and School Board to discontinue this practice, as I believed it violated the First Amendment.

3. After failing to convince members of the Little Axe School Board and Administration to stop the school-sponsored prayer meetings, I filed a federal lawsuit in May of 1981. That case, *Bell v. Little Axe*, (subsequently appealed, 766 F.2d. 1391, 10th Circuit, 1985) was tried in the U.S. District Court for the Western District of Oklahoma during December of 1982.

4. After I filed the lawsuit, my family and I received numerous threatening telephone calls and letters. These threats promised physical harm and even death to my family members and me as a result of my involvement as a plaintiff in the lawsuit. Many of the telephone calls told me that our home would be burned. I could not even perform such simple tasks as shopping for groceries in the community without being confronted by other persons about the lawsuit.

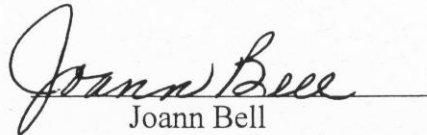
5. On May 14, 1981, I was notified by telephone about a bomb threat to my children's school. My husband and I rushed to the school out of concern for our children's safety. After we arrived at the school, several school employees circled the car. One of the employees grabbed me by the hair of the head and battered my head against the frame of the car's door while she attempted to pull me from the vehicle.

6. On September 18, 1981, my home was burned in a fire of suspicious origin. I had no insurance for this loss. On the day following the fire, many members of the community drove past my property while honking their horns or yelling taunts at my family and me.

7. After the destruction of my home, my family moved out of the Little Axe School District. In addition to the lack of a residence, the move was motivated by a grave concern for the safety of our family.

8. My fellow citizens' resentment of my involvement in *Bell v. Little Axe* created personal nightmare for my family and me. This resentment and the actions it triggered deprived us of any peace of mind or any semblance of a normal family life.

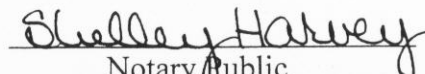
Further, Affiant sayeth not.


Joann Bell

Subscribed to and sworn before me this 5th day of October, 2004

My commission expires:

11-21-2005


Notary Public
#01019273

I, Karl James Black, do declare as follows:

As my wife, Linda, and I are Atheists we had explained to both of our daughters, even before entering school, that they would not be participating in recitation of the Pledge of Allegiance if any teacher ever lead the class in such an 'exercise'. Amanda and Megan were instructed to remain seated and quiet during recitation of the Pledge if it were to take place.

In 1994 my youngest daughter, Megan, began attendance of the Third Grade at Tyler Elementary in the Van Buren Public School System. The teacher, Ms. Sala, was in the habit of having the children stand, place their right hands 'over their hearts', and recite the Pledge of Allegiance every morning.

Ms. Sala noticed immediately that Megan remained seated and did not recite the Pledge. She asked her why she didn't stand and Megan simply told her "Because I am an Atheist." Nothing more was said at that time.

In early October, after several weeks of peaceful coexistence, Ms. Sala suddenly decided she had had enough. She stormed over to Megan's desk, grabbed her by the upper arm, yanked her to her feet, and yelled at her "You will stand!"

Megan did complain that her arm hurt, though it was not bruised. Of course I was in the Administration Office the very next day with Ms. Sala and the Principal, Mr. Gross, and I most certainly did raise my voice more than once in our discussion.

I pointed out that this is exactly why this nonsense of reciting the Pledge should stop as most teachers do not think it is voluntary and that it produces exactly this type of hatred towards those who do not wish to conform. I received profuse apologies, and denials of hate, but my request that recitation of the Pledge be stopped was refused.

Naturally, this 'outed' Megan to the rest of her classmates and pointed her out as a troublemaker. The typical response of the religious was "You don't believe in God? You're going to go to Hell!"

This immediately began a decline in Megan's acceptance and by the Fifth Grade she was the class scapegoat, frequently being picked on. The harassment was broad, rarely was her Atheism the brunt of the matter, but the implication by example of the teacher to the entire class almost certainly provided the impetus that set up this scenario.

Fortunately, going into the Sixth Grade meant going to another school within the district where Megan could start over, away from the clique that had developed in Tyler. It was, however, a trying and upsetting time for our family. Megan in particular.

Clearly, Linda and I could have sued the school and, assuredly, would have won. We decided, as taxpayers, that it would do our cash strapped public schools no good and did not pursue that option. To the best of my knowledge Ms. Sala was not reprimanded.

I declare under penalty of perjury under the laws of the State of Michigan that the foregoing is true and correct.

Executed on December 10, 2003 at Belleville, Michigan.



Karl Black

EXHIBIT B