

1 ADVOCATES FOR FAITH AND FREEDOM
2 Robert H. Tyler, CA Bar No. 179572
3 Jennifer L. Monk, CA Bar No. 245512
4 24910 Las Brisas Road, Suite 110
5 Murrieta, CA 92562
6 Telephone: (951) 304-7583
7 Facsimile: (951) 600-4996
8 jmonk@faith-freedom.com
9 rtyler@faith-freedom.com

10 Attorneys for Plaintiffs
11 CHAD FARNAN, BILL FARNAN, & TERESA FARNAN

12 **UNITED STATES DISTRICT COURT**
13 **FOR THE CENTRAL DISTRICT OF CALIFORNIA –**
14 **SOUTHERN DIVISION**

15 **CHAD FARNAN**, a minor, by and) Case No.:
16 through his parents **BILL FARNAN**)
17 **and TERESA FARNAN;**) Dept: TBA

18 Plaintiffs,)
19 Judge: TBA

20 vs.)

21 **CAPISTRANO UNIFIED**)
22 **SCHOOL DISTRICT; DR.**)
23 **JAMES CORBETT**, individually)
24 and in his official capacity as an)
25 employee of Capistrano Unified)
26 School District; and **DOES 1**)
27 **through 20** inclusive,)

28 Defendants.)

29 **COMPLAINT FOR DECLARATORY**
30 **AND INJUNCTIVE RELIEF AND**
31 **DAMAGES**

32 Filing Date: December 12, 2007
33 Trial Date: None set

1 COME NOW Plaintiffs, by and through counsel, to show the Court the
2 following:

3 **INTRODUCTION**

4 This is a case to vindicate Plaintiff CHAD FARNAN's rights pursuant to the
5 United States Constitution. Plaintiff's rights are violated each day he attends
6 Defendant DR. JAMES CORBETT'S history class. Defendants' conduct is a
7 violation of the constitutional guarantee found in the Establishment Clause through
8 their exhibition of hostility toward religion and endorsement of irreligion in a public
9 high school classroom.

10 **JURISDICTION**

11 1. This civil rights action under 42 U.S.C. § 1983 raises federal claims
12 under the First and Fourteenth Amendments to the United States Constitution.

13 2. This Court has original jurisdiction over the federal law claims by
14 operation of 28 U.S.C. §§ 1331 and 1343.

15 3. This Court has authority to issue the requested injunctive relief under
16 28 U.S.C. § 1343; the requested declaratory relief under 28 U.S.C. §§ 2201-02; the
17 requested damages under 28 U.S.C. § 1343; and costs and attorneys' fees under
18 42 U.S.C. § 1988(b).

19 **VENUE**

20 4. Under 28 U.S.C. § 1391(b), venue is proper in the United States District
21 Court for the Central District of California, Southern Division because a substantial
22 part of the events giving rise to the claim occurred within the District.

23 **IDENTIFICATION OF THE PLAINTIFFS**

24 5. Plaintiff CHAD FARNAN, a minor, is and was at all times relevant to
25 this Complaint a student at Capistrano Valley High School and a resident of Mission
26 Viejo in Orange County, California.

1 6. Plaintiffs BILL FARNAN and TERESA FARNAN are the parents of
2 CHAD FARNAN and presently reside in Mission Viejo in Orange County,
3 California.

4 **IDENTIFICATION OF THE DEFENDANTS**

5 7. Defendant CAPISTRANO UNIFIED SCHOOL DISTRICT is a public
6 entity established, organized, and authorized under and pursuant to the laws of
7 California, with the authority to sue and be sued in its own name.

8 8. Defendant DR. JAMES CORBETT at all times relevant herein was an
9 employee and teacher for the Capistrano Unified School District. This Defendant is
10 sued both individually and in his official capacity.

11 9. The true names and capacities, whether individual, corporate,
12 partnership, associate or otherwise, of Defendants DOES 1 through 20 inclusive, and
13 each of them, are unknown to the Plaintiffs who, therefore, sue them by such
14 fictitious names. Plaintiffs will seek leave to amend this Complaint to show the true
15 names and capacities of DOES 1 through 20 when they have discovered them.
16 Plaintiffs allege that, at all times mentioned herein, all of the Defendants acted or
17 participated in some manner in the acts alleged herein, and in some way caused and
18 are responsible for Plaintiffs' damages. All references to the named Defendants
19 shall include, without limitation, DOES 1 through 20 inclusive.

20 **FACTUAL ALLEGATIONS**

21 10. Dr. James Corbett ("Dr. Corbett") is a high school teacher at Capistrano
22 Valley High School in the Capistrano Unified School District. He teaches Advanced
23 Placement European History at Capistrano Valley High School. Dr. Corbett is the
24 only Advanced Placement European History teacher at Capistrano Valley High
25 School.

26 11. Chad Farnan ("Chad") is a 16-year-old sophomore at Capistrano Valley
27 High School. Chad is an honors student whose goal is to attend either the University
28 of Southern California or the University of California at Los Angeles.

1 12. Chad is a Christian who adheres firmly to the Christian faith and
2 practices its tenets.

3 13. Chad's school counselor informed him that in order to possibly attain
4 admission to either the University of Southern California or the University of
5 California at Los Angeles, both highly selective schools, it is necessary to take
6 Advanced Placement European History.

7 14. Dr. Corbett made the following statements on October 19, 2007, while
8 teaching the Advanced Placement European History class at Capistrano Valley High
9 School:

- 10 a. "How do you get the peasants to oppose something that is in their best
11 interest? Religion. You have to have something that is irrational to
12 counter that rational approach....[W]hen you put on your Jesus glasses,
13 you can't see the truth."
- 14 b. "Now, the Boy Scouts have said, unless you're willing to love God, and
15 unless you're willing to – unless you're not gay, um – they are saying,
16 being gay excludes you. Not believing God or not professing a belief in
17 God also excludes you....But you see, until they started these rules,
18 Boy Scouts used to – or Boy Scout troops usually met at schools, and
19 places like that, parks, government buildings. They can't do that
20 anymore. They can't do that anymore, because now they are, in their
21 own mind, a homophobic and a racist organization. It's that
22 simple....It's call[ed] separation of church and state. The Boy Scouts
23 can't have it both ways. If they want to be an exclusive, Christian
24 organization or an exclusive, God-fearing organization, then they can't
25 receive any more support from the state, and shouldn't."
- 26 c. "People – in the industrialized world the people least likely to go to
27 church are the Swedes. The people in the industrialized world most
28 likely to go to church are the Americans. America has the highest

1 crime rate of all industrialized nations, and Sweden has the lowest. The
2 next time somebody tells you religion is connected with morality, you
3 might want to ask them about that. Um, and let's see. Is there
4 something else on that? No.”

5 d. “U.S. regulators – U.S. regulators say they added new warnings about
6 the potential risks of sudden hearing loss for men who are using Viagra,
7 Cialis, or Levitra. So what they have been be telling you all these
8 years, that you'll go blind, isn't true; but you will go deaf. And now
9 what I think – some Canadian has to get this, but I have a suspicion, if
10 you went down the list of side effects, of possible side effects, of this
11 drug, you could – you could really – I mean, somebody who had all the
12 side effects would be pretty fun. I mean, there is, after all, the four-
13 hour thing. So, you know, you know, if you run into somebody who is,
14 you know, deaf and whose pants felt stiff, he's probably using the
15 drug....They're happy, but they're deaf.

16 e. ““After an outbreak of pregnancies among middle school girls,
17 education officials in the city [of Brooklyn, Maine] had decided to
18 make birth control pills available at the middle school health
19 centers....’ [O]ther people say, you know, we shouldn't be teaching
20 our kids how to have sex safely. We should be teaching our kids
21 abstinence. Well, we know abstinence doesn't work. And we know
22 one other thing; and that is, once people become sexually active, they
23 often don't stop for, like, 40 or 50 years. I mean, generally, when you
24 start you don't, like, have a conversion and try to become re-virginized,
25 you know. It's not going to happen.”

26 UNKNOWN STUDENT: “Isn't it sort of like to urge more girls to have
27 sex?”
28

1 DR. CORBETT: ...Let's say – and there is a lot of reasons women take
2 birth control pills, including just, you know, organizing a period so that
3 it happens – instead of randomly, that it happens at the right time. So,
4 you know, let's say, for the sake of argument, that there is a girl in here
5 that a doctor gave birth control pills to because she needed to regulate
6 her cycle. Girls, as soon as you start taking those pills, at the moment,
7 you're going to be going, 'Whoopie. Time to have sex.' I don't think
8 so. You know, so the argument that it's just going to make them have
9 sex is just absurd. If that were true, girls, then the first time somebody
10 takes you out on a date and halfway through the date pulls out a
11 condom, and says, 'Hey, we're safe. Let's go,' all the girls would say,
12 'Sure.' But they're not gonna say that, you know. Um, now, uh, you
13 know, the arguments – the way it works is, parents have to give
14 permission for their child to go to the health center. But they do not
15 have to have parental permission to get the birth control pills. And, in
16 fact, it's confidential....So, you know, some parents are objecting,
17 saying it's taking too much power away from the parents. Parents are
18 pretty irresponsible. And so is the Bush administration with its
19 abstinence policy. Spending billions of dollars on something they
20 know doesn't work, wonderful. Wonderful. Idiotic. Um, birth control
21 pills for middle school girls. My mother has a solution to this problem.
22 And I'm sure the girls were careful. My mother thinks that all the boys,
23 when they reach puberty, should be given a reversible vasectomy....”

24 f. “....[C]onservatives don't want women to avoid pregnancies. That's
25 interfering with God's work. You got to stay pregnant, barefoot, and in
26 the kitchen and have babies until your body collapses. All over the
27 world, doesn't matter where you go, the conservatives want control over
28 women's reproductive capacity. Everywhere in the world. From

1 conservative Christians in this country to, um, Muslim fundamentalists
2 in Afghanistan. It's the same. It's stunning how vitally interested they
3 are in controlling women.”

4 g. “Um, freedom of expression, freedom of censorship. It just makes it a
5 major literary center of activity. Because religious reforms, now, here –
6 you know, again, boy, I'll tell you. It does put me in mind of the culture
7 wars that are going on in the United States today. I mean, here is
8 Joseph II. He's trying, for example, to end serfdom. Serfdom in which
9 the peasants, the Serb class, on these estates worked, literally,
10 property. They had no rights to speak of at all. He doesn't just go that
11 far. I mean, he tries to get them land. He tries to set them – I mean, um
12 – he really has the interest of this class of people at heart, and the – the
13 reforms that he makes really are going to make the lives of these
14 peasants massively better. So why do the peasants oppose him?
15 ...Because he also tried to reform religion, and the peasants love their
16 church. It's the same thing here. You know, you go down to Georgia,
17 Alabama, Mississippi, all these states that are as red as they could
18 possibly be, as right-wing Republican as you could possibly be. When
19 you first present these people with the economic policies of the
20 Democratic party, they are all Democrats. Virtually all the social
21 programs, they like. They lead the Democratic party on social issues.
22 That's it. Social issues, can you imagine what they're saying on Rush
23 Limbaugh now? About, ‘Middle school people in New England giving
24 people birth control pills. My God. What next?’ I love Rush
25 Limbaugh. A fat, pain in the ass liar. And, boy, is he a liar.
26 Unbelievable. Um, anyway, the guaranteed freedom of religion for
27 Jewish people, that upset a lot of Catholics, um, Protestants. That upset
28 a lot of Catholics, trying to get people to tolerate other religions. But,

1 come on. The church is there. The local priest is there telling them,
2 ‘Joseph II is satanic. He's like those Democrats that will be around in
3 another 300 years.’”

4 h. “...If you're poor, and you live in the inner city, um, chances are
5 actually greater that one parent will be at home, and that you will be
6 living in an apartment. You guys, most of you, have parents, two
7 parents, who work. And if you want to smoke a joint, you can walk out
8 into the backyard, sit down by the swimming pool, and smoke it. You
9 do not have to worry about some cop driving by and busting you. In
10 the inner city, you can't smoke with your mom in the apartment, so you
11 go down to the street corner. There is no place to hide. They get
12 busted all the time there. Here, you know, the dealers – I'm sure there
13 are people in here who know people who will sell pot. That's one of the
14 ironies of teaching here and one of the ironies of our own judicial
15 system is that – every year I ask my class this question, and every year I
16 know what the answer is. I say, if – I'm not going to do this. Let's get
17 that straight. If I made this offer – I am not making this offer. If I
18 made this offer, and the offer is: The first person who leaves this room
19 for lunch, who comes back with either alcohol or marijuana will get an
20 ‘A’ for the year. What would I have? Alcohol or pot?

21 THE CLASS: Pot.

22 DR. CORBETT: So the illegal substance is more available to you than
23 the legal substance. Anyway, um, you know, we've had several
24 presidential commissions look into our judicial system, penal system,
25 and they've all concluded the same thing: It simply doesn't work. And
26 the systems in other nations do work. Sweden, for example, the longest
27 you can spend in prison for a crime – machine-gunned a kindergarten

1 class – the longest you can spend in prison is 10 years.

2 UNKNOWN STUDENT: Oh, what?

3 DR. CORBETT: Why are you outraged by that? They have the lowest
4 crime rate in the industrialized world. Where would you rather live if
5 you're worried about crime? Here or there....There, obviously.”

6 i. “So we know what rehabilitation works and that punishment doesn't,
7 and yet we go on punishing. It really has a lot to do with these same
8 culture wars we're talking about. This whole Biblical notion: Sinners
9 need to be punished. And so you get massively more Draconian
10 punishment in the South where religion is much more central to society
11 than you do anyplace else. And, of course, the Southerners get really
12 upset, as what they see as lenient behavior in the North. You know,
13 we're going to solve this problem. Except, guess what? What part of
14 the country has the highest murder rate? The South. What part of the
15 country has the highest rape rate? The South. What part of the country
16 has the highest...church attendance? The South. Oh, wait a minute.
17 You mean there is not a correlation between these things? No, there
18 isn't. Um, in fact, there is an inverse correlation. In those places where
19 people go to church the least, the crime was the most. And that's not
20 just Sweden and the United States. That's Pennsylvania and Georgia.
21 It's not even true.”

22 15. Plaintiffs are informed and believe that parents and/or students have
23 complained to the District regarding the “teaching” of Dr. Corbett. Additionally,
24 Plaintiffs are informed and believe that parents and/or students have complained
25 directly to Dr. Corbett regarding the content of his “teaching” and comments he has
26 made in the classroom.

27 16. Dr. Corbett continues to spend a large portion of class time propagating
28 his personal views to a captive audience, his high school history class. In doing so,

1 he clearly demonstrates a sense of hostility towards religion or, in the alternative, a
2 favoring of irreligion over religion. As a result of his comments, Christian students
3 in the class, including Mr. Farnan, feel ostracized and treated as second-class
4 citizens.

5 17. Mr. Farnan is uncomfortable going to class and feels like Dr. Corbett
6 has created an atmosphere where he cannot effectively learn, both because and
7 regardless of his religious beliefs.

8
9 **ALLEGATIONS OF LAW**

10 18. All alleged acts of the Defendants, their officers, agents, servants,
11 employees, or persons acting at their behest or direction, were done and are
12 continuing to be done under the color and pretense of state law, including the
13 statutes, regulations, customs, policies and usages of the State of California.

14 19. Unless and until the enforcement of the Defendants' current Policy is
15 enjoined, the Plaintiffs will continue to suffer irreparable harm to their federal and
16 state constitutional rights.

17 20. The irreparable harm to the Plaintiffs' constitutional rights is a direct
18 result of a policy, ordinance, regulation, or decision officially adopted by
19 Defendants.

20 **CLAIMS FOR RELIEF**

21 **I. FIRST CLAIM: VIOLATION OF THE ESTABLISHMENT CLAUSE**
22 **OF THE FIRST AMENDMENT TO THE UNITED STATES**
23 **CONSTITUTION.**

24 21. The Plaintiffs re-allege and incorporate herein by reference each
25 foregoing paragraph and further allege as follows:

26 22. The Defendants' practice and policy are hostile toward religion and
27 favor irreligion over religion.

28 23. Defendants' practice and policy treat students holding religious beliefs

1 as second-class citizens of the community because of their protected religious
2 expression, beliefs, and conduct.

3 24. Defendant Dr. Corbett’s statements in the classroom—and the District’s
4 continued employment of said employee—convey a governmental message that
5 students holding religious beliefs are outsiders and not full members of the
6 community.

7 25. The Defendants therefore violate the Establishment Clause of the First
8 Amendment to the United States Constitution as incorporated and applied to the
9 states under the Fourteenth Amendment.

10 WHEREFORE, the Plaintiffs respectfully pray that the Court grant the
11 equitable and legal relief set forth hereinafter in the prayer for relief.

12 **PRAYER FOR RELIEF**

13 WHEREFORE, Plaintiffs respectfully request the following relief:

14 a. That this Court permanently enjoin Defendants, their agents, servants,
15 employees, officials, or any other person acting in concert with them or on their
16 behalf, from continuing to make statements in the classroom that are hostile towards
17 religion and favor irreligion over religion;

18 b. That this Court enter a Declaratory Judgment stating that Defendants’
19 policy or practice of acting with hostility towards religion and favoring irreligion
20 over religion violates the First Amendment to the United States Constitution;

21 c. That this Court grant Plaintiffs an award of nominal damages against
22 the Defendants;

23 d. That this Court award damages in an amount to be determined by the
24 finder of fact in accordance with the proof, plus interest at the legal rate until paid;

25 e. That this Court award the Plaintiffs’ costs and expenses of this action,
26 including a reasonable attorneys’ fee award, in accordance with 42 U.S.C. § 1988
27 and other applicable law;

1 f. That this Court grant such other and further relief as the Court deems
2 equitable, just, and proper;

3 g. That this Court adjudge, decree, and declare the rights and other legal
4 relations of the parties to the subject matter here in controversy, in order that such
5 declarations shall have the force and effect of final judgment; and

6 h. That this Court retain jurisdiction of this matter as necessary to enforce
7 the Court's orders.

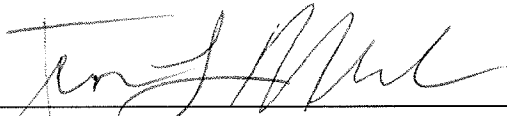
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9 **JURY DEMAND**

10 Plaintiffs hereby demand a jury trial.

11
12 DATED: December 11, 2007

ADVOCATES FOR FAITH & FREEDOM

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14
15 By: _____


16 Jennifer L. Monk
17 Attorney for Plaintiffs
18 CHAD FARNAN, BILL FARNAN, and
19 TERESA FARNAN
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