

by the State of Georgia's funding of UMCH's religious program, and include two highly qualified psychological counselors denied employment by UMCH because they do not ascribe to UMCH's religious beliefs. Georgia pays monies from the public treasury to fund UMCH, which proclaims itself a "Christian Church." These monies are used by UMCH to carry out a religious program that requires all employees to be professing Christians, heterosexual, and married or celibate, to accept and abide by UMCH's religious precepts, and to inculcate those religious doctrines in the foster youth placed by the State in UMCH's care, regardless of the religious affiliations of these children.

2. UMCH's religious program includes the condemnation of homosexuality. UMCH refuses to employ staff who are gay or lesbian and/or who will provide supportive professional services to gay and lesbian youth residents. UMCH directs its staff to deny gay and lesbian youth appropriate services, and instead to place such youth in psychological intervention therapies aligned with UMCH's religious doctrine, toward a misguided and dangerous effort to undermine their sexual orientation. This is contrary to accepted professional standards of care for gay and lesbian youth, who are entitled to safe, supportive services in foster care. UMCH has placed its religious mission to indoctrinate the youth committed by the State to its care ahead of its duty to promote, safeguard, and protect the well-being and general welfare of these young people.

3. Plaintiff Aimee Bellmore, a highly capable youth counselor at UMCH who had been notified that she would soon be promoted, was instead terminated when UMCH administrators learned that she does not ascribe to UMCH's religious beliefs, including regarding homosexuality. Plaintiff Alan Yorker, an exceptionally qualified applicant for employment as a therapist, was turned away by UMCH solely because he is Jewish. Other taxpayer plaintiffs are Georgia child welfare professionals, clergy, and the parent of a gay youth, who object to and are injured by the use of their

tax dollars to fund UMCH's religious discrimination and indoctrination.

4. The actions of the State of Georgia and UMCH violate the Separation of Church and State Clause of the Georgia Constitution, Art. I, § 2, para.7; the Establishment Clause of the First Amendment of the United States Constitution; and Title VII of the Civil Rights Act of 1964.

JURISDICTION

5. Jurisdiction is proper under Ga. Const. Art. 6, § 4, para. 1; Ga. Code Ann. §§ 15-6-8 and 23-1-1; and 42 U.S.C. § 2000e-5(f)(3).

VENUE

6. Venue is proper in this court under Ga. Const. Art. 6, § 2, paras. 3 and 4, and Ga. Code Ann. §§ 9-10-31(a) and 31-2-5.

PARTIES

7. PLAINTIFF AIMEE R. BELLMORE was employed by UMCH from April 5, 2001 until November 2, 2001, when she was terminated for failing to ascribe to UMCH's religious beliefs. She was also a Georgia resident and taxpayer throughout this period.

8. PLAINTIFF ALAN M. YORKER applied for a vacant position at UMCH in or about October 2001. UMCH informed Yorker that he was not eligible for employment at UMCH because of his Jewish faith and UMCH's requirement that its employees be Christian. Yorker is and has been at all relevant times a Georgia resident and taxpayer.

9. Plaintiffs Bellmore and Yorker each filed timely charges of discrimination with the Equal Employment Opportunity Commission ("EEOC") on March 14, 2002. Both Bellmore and Yorker have received Notices of Right to Sue from the EEOC within the last ninety days, Yorker on May 3, 2002, and Bellmore on May 17, 2002. Plaintiffs Bellmore and Yorker have complied with all

conditions precedent to bringing this suit.

10. PLAINTIFF THOMAS MORTON is founder, President and CEO of the Child Welfare Institute (“CWI”), a nonprofit organization headquartered in Duluth, Georgia, that provides consultation and training services to child welfare agencies nationwide. Morton received a bachelors degree in psychology and a masters degree in social work from the University of Michigan, and is a doctor of public administration candidate at the University of Georgia. He is and has been at all relevant times a Georgia resident and taxpayer. Morton and CWI believe that publicly-supported child welfare services should be administered according to professionally accepted standards of care to promote the best interests of children, and that religious beliefs that conflict with these standards of care should not dictate the provision of such services. CWI offers training programs for adults caring for foster children that teach the importance of respecting religious diversity of foster children and responding to the needs and best interests of lesbian, gay, bisexual and transgendered youth in foster care. Morton objects to the use of his tax dollars to fund UMCH’s religious program of discrimination, indoctrination and reprobation of homosexuality, which can cause dangerous loss of self-esteem and self-destructive impulses in lesbian and gay youth. Morton respects the right of each religious denomination and organization to adhere to its religious beliefs but objects to the use of government monies to fund a sectarian institution’s inculcation of particular religious tenets in youth and its employment practices that discriminate on the basis of religion.

11. PLAINTIFF STEPHANIE SWANN is an Assistant Professor at the University of Georgia School of Social Work and holds a Ph.D. in Social Work from Smith College School for Social Work. Dr. Swann is and has been at all relevant times a Georgia resident and taxpayer. In addition to her teaching duties, Dr. Swann conducts research in the area of youth development and

maintains an active practice in Atlanta in individual and family psychotherapy. She has a longstanding interest in the welfare of lesbian and gay youth and expertise in the problems they confront, including diminished self-esteem, and even self-destructive behaviors, resulting from religious-based condemnation. She is a founder of YouthPride, Incorporated, a social service organization serving gay, lesbian, bisexual and transgender youth in Georgia. Dr. Swann respects the right of each religious denomination and organization to adhere to its religious beliefs but objects to the use of government monies to fund a sectarian institution's inculcation of particular religious tenets in youth and its employment practices that discriminate on the basis of religion.

12. PLAINTIFF GLORIA RUTHERFORD is and has been at all relevant times a Georgia resident and taxpayer. Rutherford, the mother of a gay teenaged son who suffered harassment in his school, is painfully aware of the problems faced by lesbian and gay youth. Rutherford is an active member of Parents, Families and Friends of Lesbians and Gays ("PFLAG"), a national support and advocacy group. She objects to the use of her tax dollars to fund UMCH's program of anti-gay religious indoctrination, which subjects lesbian, gay and bisexual youth who are residents there to serious risk of emotional and personal trauma. Ms. Rutherford respects the right of each religious denomination and organization to adhere to its religious beliefs but objects to the use of government monies to fund a sectarian institution's inculcation of particular religious tenets in youth and its employment practices that discriminate on the basis of religion.

13. PLAINTIFF RABBI JOSHUA LESSER is the Rabbi of Congregation Bet Haverim, a Jewish congregation in Decatur. Rabbi Lesser is and at all relevant times has been a Georgia resident and taxpayer. Rabbi Lesser respects the right of each religious denomination and organization to adhere to its religious beliefs but objects to the use of government monies to fund a sectarian

institution's inculcation of particular religious tenets in youth and its employment practices that discriminate on the basis of religion. As a youth educator and counselor, and a gay man, he is well aware of and gravely concerned by the harm inflicted on youth who are denied respect for their gay or lesbian sexual orientation.

14. PLAINTIFF THE VERY REVEREND HARRY PRITCHETT is the Rector Emeritus of All Saints Episcopal Church in Atlanta. Reverend Pritchett is and at all relevant times has been a Georgia resident and taxpayer. Reverend Pritchett has served on the boards of Georgia social service organizations providing services to children, the homeless, people living with HIV or AIDS, and other populations. He recognizes that individuals and organizations motivated by diverse religious faiths play an important role in serving others in need, and respects the right of each religious denomination and organization to adhere to its religious beliefs, but he objects to the use of government monies to fund a sectarian institution's inculcation of particular religious tenets in youth and its employment practices that discriminate on the basis of religion.

15. Plaintiffs Bellmore, Yorker, Morton, Swann, Rutherford, Lesser and Pritchett are collectively referred to herein as the "Taxpayer Plaintiffs."

16. The Taxpayer Plaintiffs object that the State places children in its custody at and pays government funds to UMCH, where children in foster care are subjected to government-funded Methodist religious indoctrination, regardless of the religious faiths of these children. The Taxpayer Plaintiffs object that as part of UMCH's government-funded and endorsed religious indoctrination, youth who are lesbian, gay, bisexual or questioning their sexual orientation receive a dangerous message of condemnation from the religious teachings that UMCH imposes. The Taxpayer Plaintiffs further object that their tax dollars are used by UMCH to advance its religious program through

employment practices that discriminate on the basis of religion. This State-sponsored and -funded religious program causes injury to the Taxpayer Plaintiffs.

17. DEFENDANT UNITED METHODIST CHILDREN’S HOME OF THE NORTH GEORGIA CONFERENCE, INC. (“UMCH”) is a non-profit corporation organized under the laws of the State of Georgia, with its principal place of business in DeKalb County. It is a “child-caring institution” licensed by DEFENDANT DEPARTMENT OF HUMAN RESOURCES OF THE STATE OF GEORGIA to provide residential and other foster care services to children in State custody. It has a residential campus facility in Decatur, Georgia, where approximately 70 children in State custody reside in UMCH’s care. UMCH can be served by service on its registered agent, Beverly O. Cochran, Jr., 500 Columbia Drive, Decatur, Georgia, 30030.

18. UMCH receives approximately 40% of its funding from government payments in connection with its care of children assigned by the State to its facility. UMCH is wholly owned by and affiliated with the United Methodist Church of the North Georgia Conference. UMCH proclaims, “[W]e are the church and it is our intent to project our image to our clients and into the community and general public as a Christian Church agency, United Methodist in denomination.” As set forth below, UMCH asserts that it is a religious institution, and engages in a program of religious indoctrination of all the children in its care, regardless of the religious affiliation or beliefs of the children or their families.

19. UMCH has a standing policy to hire only those persons who profess Christianity as their religion, in order to “preserve our identity as a Christian Church in carrying out our mission.”

20. DEFENDANT DEPARTMENT OF HUMAN RESOURCES OF THE STATE OF GEORGIA (“DHR”) is a State agency with the duty to administer or supervise all categories of public

assistance within the State, including foster care and adoption services, and to administer or supervise all county Departments of Family and Children Services. It is empowered and authorized to administer, expend, and disburse federal, state and county funds through its agencies and divisions to provide for public child welfare and youth services in Georgia. It has authority to contract with, license and regulate child-caring institutions, including UMCH, as well as persons or entities making foster care placements within the State of Georgia. Its principal place of business is in Fulton County.

21. DEFENDANT JIM MARTIN is Commissioner of DHR. His principal place of business is in Fulton County. He is the chief administrative officer of DHR and supervises, directs, accounts for, organizes, plans, administers and executes the functions vested in DHR. He is sued in his official capacity only.

FACTUAL ALLEGATIONS

UMCH Terminated Aimee Bellmore Because She Does Not Accept Its Religious Beliefs

22. Aimee Bellmore, who holds a master's degree in counseling psychology, applied for a position as a counseling therapist at UMCH in the Spring of 2001.

23. As part of the initial UMCH job application process, Bellmore was required to complete a written application that called for her to identify her religion, and, if Christian, religious denomination. The application also asked for her church affiliation and minister's name, and required her to provide at least one minister as a reference.

24. Bellmore was also required to sign a document entitled "The United Methodist Children's Home Position on Family, Marriage, and Human Sexuality," setting forth religious beliefs that job applicants were purportedly required to embrace. The preface to this document states, "There are

certain principles to which [UMCH] ascribes by its very nature of being a Christian, church-related agency. These principles provide the foundation for the values which we hope to communicate to the young people entrusted to our care. . . .” Among the “principles” set forth in this document are that: “Although all persons are sexual beings whether or not they are married, sexual relations are only clearly affirmed in the marriage bond,” and “[w]e do not condone the practice of homosexuality. . . .” These religious “principles” are a direct paraphrase from paragraph 161(G), *Social Principles, The Nurturing Community, Human Sexuality*, of the Book of Discipline of the United Methodist Church.

25. The employment document concludes with this statement, which UMCH job applicants are required to sign: “I understand the above positions of the United Methodist Children’s Home and will support them by precept and example while affiliated with the Children’s Home.”

26. After being given this job application, Bellmore was interviewed by Sherrri Rawsthorn, head of UMCH Social Work Services, who was to be Bellmore’s supervisor. Bellmore informed Rawsthorn that although as a child she had belonged to a Catholic Church, she no longer belonged to any religious congregation or denomination, and did not ascribe to all the United Methodist Church’s religious doctrines. Bellmore further informed Rawsthorn that her religious beliefs and practices were drawn not just from Christianity, but from other world religions as well, and include respect for diverse sexual orientations. Bellmore informed Rawsthorn that professional standards in child welfare services also dictate respect and support for diverse sexual orientations, and that Bellmore would have to be true to these professional principles in her work with the foster youth.

27. Rawsthorn told Bellmore that she would be able to respect and support diversity of religious beliefs and sexual orientations at UMCH. Rawsthorn assured Bellmore that she could

complete and sign the application and accept employment at UMCH consistent with Bellmore's principles on these subjects. Given that direction from Rawsthorn, Bellmore signed the form and accepted UMCH's offer of employment.

28. Bellmore was hired and began work at UMCH in April 2001. Bellmore served as a Unit Coordinator in UMCH's Campus Life Department. She was in charge of counseling the residents and supervising the staff of two of UMCH's seven residential cottages. Bellmore supervised staff responsible for and counseled children placed by the State at UMCH.

29. Based on information and belief, a substantial portion of Bellmore's salary was funded by government payments to UMCH for the care of children in State custody.

30. In July 2001, Bellmore received a very positive written review from Rawsthorn, with ratings ranging from good to excellent in every job performance category. The evaluation lauded her as "a dedicated and reliable employee," whose assessments of and treatment plans for clients are "excellent." According to the review, "[o]ne of Aimee's greatest strengths is her ability to maintain effective communication with those with whom she works."

31. Bellmore was doing such a fine job that after the July review, Rawsthorn informed her that Rawsthorn and Campus Director Jeffrey Amos wanted to promote her to a new position as family therapist overseeing all of UMCH's residential cottages.

32. But instead of promoting Bellmore, UMCH fired her in November 2001. Bellmore was informed by Rawsthorn and Amos that she was terminated because UMCH administration had learned that Bellmore failed to adhere to UMCH's religious beliefs, including the belief that homosexuality cannot be condoned. Because Bellmore does not ascribe to and practice religious beliefs on which UMCH conditions employment, UMCH terminated her employment.

UMCH Rejected Top Employment Candidate Alan Yorker Because He Is Jewish and Does Not Accept Its Religious Beliefs

33. Yorker received his bachelor's degree in American Studies in 1969 from Columbia University, and a master's degree in psychology in 1974 and completed three years of doctoral studies in clinical psychology in 1978 from Georgia State University. Yorker has served as the State Chairperson of the American Association of Sex Educators, Counselors and Therapists; as the Gubernatorial Appointee to the Georgia Composite Licensing Board for Social Workers, Professional Counselors and Marriage and Family Therapists; and as the Legislative Affairs Chair of the Georgia Association of Marriage and Family Therapists. In addition to practicing adolescent and family therapy over the course of several decades, since 1987 Yorker has been an Instructor and Consultant to the Emory University Schools of Medicine, Nursing and Public Health, teaching professional students on human sexual development.

34. Responding to an advertisement in the Atlanta Journal Constitution for a therapist position, Yorker sent his resume to UMCH in October 2001. UMCH promptly called Yorker in for an interview with Sherri Rawsthorn, Director of UMCH Social Work Services.

35. Like Bellmore before him, prior to his UMCH interview Yorker was required to complete an application form that asked him to identify his religious affiliation, "church," and "minister." Yorker identified himself as Jewish on this section of the application, and provided the names of his synagogue and rabbi.

36. Yorker was also required to read and complete "The United Methodist Children's Home Position on Family, Marriage, and Human Sexuality." Like Bellmore, Yorker does not ascribe to these religious principles, and did not sign the form prior to the commencement of his interview.

37. As Yorker's interview with Rawsthorn was beginning, Rawsthorn checked his application form and saw that Yorker had identified himself as Jewish. At that point she told Yorker that UMCH does not hire Jews, and terminated the interview.

38. Rawsthorn subsequently told Bellmore, who was still employed at UMCH at that time, that Yorker was the top candidate for the position but that she had cut off his interview on the basis of his religion. Rawsthorn advised Bellmore that it was UMCH's practice to "throw in the trash" any resumes from candidates with Jewish-sounding last names, but that in this case, she had not recognized the name "Yorker" as Jewish, and so had invited him in for the interview.

UMCH Proclaims Itself a "Christian Church" Carrying Out a Religious "Mission" in Response to the Discrimination Charges Filed with the EEOC by Bellmore and Yorker

39. Both Bellmore and Yorker filed timely charges of religious discrimination with the EEOC in Atlanta. In response to these charges, UMCH claims itself to be a "religious corporation and/or institution" exempt from employment non-discrimination requirements under Section 702 of Title VII of the Civil Rights Act of 1964. UMCH proclaims itself "a Christian Church," directly owned and controlled by the North Georgia Conference of the United Methodist Church. According to UMCH, it is "necessary . . . to carry out [UMCH's] mission" and to "preserve [its] identity as a Christian Church" that all its paid staff positions are "held by persons who profess Christianity as their religion." All its staff therefore "are affiliated with Christian religious denominations."

40. In further response to the EEOC charges, UMCH asserts that:

once it became known to the Administrator of [UMCH] that, as admitted by Ms. Bellmore, her religious beliefs were not in conformity with those required by [UMCH] for employment, that she did not consider herself as belonging to any religious denomination and 'did not ascribe to the United Methodist Church's religious doctrines,' it was lawful and non-discriminatory that [UMCH] terminate her employment in accord with its policies.

41. UMCH also admitted that prior claims of religious discrimination in employment had been filed against UMCH with the EEOC, two by job applicants turned away because of their Jewish faith, and that in response to these earlier charges UMCH had claimed immunity as a religious institution under Title VII's religious exemption.

42. In the Spring of 2002, UMCH added the following qualification for employment to its website job posting: "Must be a professing Christian." It also added this pronouncement to the website: "in order that we may preserve our identity as an agency of a Christian Church in carrying out our mission, it is necessary that we declare all of our paid staff positions to be religious sensitive. Therefore, in all of our paid staff positions, it is our intent to employ only persons who profess Christianity as their religion."

UMCH Engages in Government-Funded Inculcation of Its Version of Christian Religious Beliefs

43. UMCH seeks to instill its version of Christian values and teachings in its youth residents. UMCH's Methodist mission permeates UMCH's programs and the services that UMCH provides to youth in its care.

44. UMCH requires all its youth residents, irrespective of their faith, to attend Methodist services and Sunday school on a weekly basis. On information and belief, UMCH may make exception to this rule only for some Baptist residents, who may be permitted to attend Baptist services instead if already members of a Baptist congregation in the area. Otherwise, all youth, whether Methodist, Muslim, or of some or no other faith, are required to participate in Methodist services and training. Those who openly object are still required to participate in Methodist worship.

45. UMCH also pressures its youth residents to attend mid-week Methodist services in an on-site chapel. On information and belief, its staff discourage youth from exploring non-Christian religious beliefs and practices, even forbidding any discussion or materials relating to these beliefs and practices in the facility and encouraging youth interested in diverse religious views to read UMCH-provided Christian Bibles instead. On information and belief, UMCH staff also engage in more impromptu religious indoctrination of its residents.

46. UMCH further inculcates its religious beliefs through its employment practices. As alleged above, UMCH requires all its staff to ascribe to and practice its religious beliefs, including that they be Christian, heterosexual, and married or celibate. Staff are required to accept, embody and teach UMCH's Christian religious beliefs to the youth in State custody entrusted to UMCH for foster care. UMCH hires and retains only staff who adhere to and practice UMCH's version of Christian doctrine based on the United Methodist *Book of Discipline* and who can assist to inculcate UMCH residents with UMCH's religious beliefs.

47. As part of its program of religious indoctrination, UMCH attempts to teach the youth in its care its religious disapproval of homosexuality. UMCH will not hire or retain gay or lesbian staff, because UMCH's anti-gay religious beliefs so dictate. UMCH trains its staff that they should not give appropriate professional support to UMCH residents who are coming out as gay or lesbian, but instead that they should send these youth into potentially dangerous behavioral intervention therapy.

48. In a UMCH staff training session, staff were asked what they would do if a youth resident came out as gay. Among the choices offered were to: (1) support and advocate for the youth, and provide him or her with information about support services for gay youth, or (2) notify a supervisor

so that the young person can be sent for psychological intervention therapy in alignment with UMCH's religious doctrine. UMCH staff were instructed that the "correct" answer is the latter choice – young people coming out as gay at UMCH should be referred to therapy to intervene in their sexual orientation. The staff who "incorrectly" chose the former option – the option consistent with professional standards of child welfare – were reminded that they work for the United Methodist Children's Home, where homosexuality is not condoned.

49. UMCH's attempts to inculcate its religious teachings about homosexuality to youth in its care conflict with widely-recognized standards of practice in the child welfare field, professional norms of social work, and the best interests of the youth entrusted to UMCH's care by DHR and its divisions. For example, the Code of Ethics of the National Association of Social Workers ("NASW") provides: "Social workers should not practice, condone, facilitate, or collaborate with any form of discrimination on the basis of . . . sexual orientation . . ." Likewise, the Child Welfare League of America, the leading national association of child welfare agencies with responsibility for setting professional standards in the field, requires that its members' "practice[s], policies, and provision of services are nondiscriminatory in relation to . . . sexual orientation." Moreover, the American Psychiatric and Psychological Associations, the American Academy of Pediatrics, the NASW, and the American Counseling Association have all adopted policies cautioning against clinical therapy interventions designed to alter sexual orientation from gay or lesbian to heterosexual. As the American Psychiatric Association explains, "The potential risks of [such] 'reparative therapy' are great, and include depression, anxiety and self-destructive behavior." American Psychiatric Association, *Position Statement: Psychiatric Treatment and Sexual Orientation* (1998).

50. With the support of DHR, UMCH has placed its religious mission to indoctrinate the

youth committed by the State to its care ahead of its duty to promote, safeguard, and protect the well-being and general welfare of these young people.

The Government Substantially Funds UMCH's Religious Program

51. Georgia government monies are paid directly to and substantially fund UMCH, a self-proclaimed "Christian Church" whose mission is to instill its particular religious values in the youth in its care. DHR and its divisions assign children in State custody to UMCH and make payments to UMCH for the care of these children. On information and belief, the purpose of the payments is to fund UMCH's programs, including the hiring of staff to counsel and provide for the needs of these children. These government monies pay the salaries of staff hired on the basis of their religious beliefs to carry out UMCH's mission. UMCH financial statements, on file with DHR, indicate that government tax dollars have even contributed to pay the salary of a chaplain, a "Coordinator of Christian Education," and a "Christian Education Worker" on UMCH's staff.

52. DHR has been on notice and aware of UMCH's religious character and discrimination. For example, UMCH financial statements on file with DHR at least since 1999 reflect explicitly religious staff positions on UMCH's government-funded payroll. And records dating back to 1998 of the prior EEOC charges of religious discrimination in employment by UMCH, and UMCH's responses invoking Title VII's Section 702 religious exemption, are likewise on file with defendant DHR. DHR and defendant Martin have thus been apprised at least since DHR's receipt of these records that UMCH claims itself to be a religious institution, has explicitly religious government-funded staff positions, and discriminates in hiring on the basis of religion. _

53. Despite UMCH's status as a religious institution and its program of religious discrimination and indoctrination, defendant DHR has at all relevant times provided and continues

to provide monies from the public treasury to fund UMCH to care for children in State custody. Indeed, Georgia public monies comprise UMCH's single largest source of operational income. In financial documents filed with DHR, UMCH reported receiving in 1999 \$1,054,420 from the government out of a total of \$2,865,281 in operational income; in 2000 an estimated \$1,136,000 from the government out of a total of \$3,016,000; and in 2001 a projected \$1,325,000 out of \$3,285,000. According to UMCH's website, 40% of its income derives from government funds.

54. Moreover, defendants DHR and Martin cause children in State custody to be placed in foster care at UMCH and to be required to submit to UMCH's program of religious indoctrination, without regard to the religious beliefs or preferences of the children and their families. The children in State custody placed by DHR and its divisions in UMCH's care do not exercise independent private choice in their placements at UMCH or in their subjection to its government-funded religious indoctrination.

FIRST CLAIM FOR RELIEF

Violation of Title VII, 42 U.S.C. § 2000e-2(a)(1) (Religion-Based Employment Discrimination) (Bellmore v. UMCH)

55. The foregoing paragraphs of this Complaint are incorporated herein.

56. UMCH discharged Bellmore because her religious beliefs conflict with those of UMCH and because she does not hold and adhere to the religious beliefs of UMCH.

57. Bellmore was an exemplary employee of UMCH and would not have been discharged but for her religion and religious beliefs and failure to adhere to those of UMCH.

58. UMCH acted with malice or reckless indifference towards Bellmore's protected federal

rights.

59. As a direct and proximate result of her unlawful discharge by UMCH, Bellmore has suffered and continues to suffer lost past and future compensation, lost insurance and benefits, expenses in seeking other suitable employment, and emotional distress.

60. 42 U.S.C. § 2000e-2(a)(1) makes it an unlawful practice for an employer to terminate an employee because of the employee's religious beliefs or failure to adhere to the employer's religious beliefs.

61. UMCH is not entitled to invoke the religious exemption under Section 702 of Title VII in this case. Application of the Section 702 exemption in this context would violate the Establishment Clause of the United States Constitution and Art. I, § 2, para. 7 of the Georgia Constitution. Section 702 does not apply in this instance because a substantial amount of Bellmore's salary and of the operating expenses of UMCH are publicly funded. UMCH cannot, consistent with the United States and Georgia Constitutions, engage in religious discrimination under shelter of this exemption while receiving substantial government financial support. Bellmore is therefore entitled to her statutory remedies under Title VII.

SECOND CLAIM FOR RELIEF

Violation of Title VII, 42 U.S.C. § 2000e-2(a)(1) (Religion-Based Employment Discrimination) (Yorker v. UMCH)

62. The foregoing paragraphs of this Complaint are incorporated herein.

63. UMCH refused to hire Yorker because his religious beliefs conflict with those of UMCH and because he does not hold and practice the religious beliefs of UMCH.

64. Yorker was an exceptionally qualified applicant for the position for which he applied at UMCH. UMCH would have hired Yorker but for his religion and religious beliefs and his failure to adhere to those of UMCH.

65. UMCH acted with malice or reckless indifference towards Yorker's protected federal rights.

66. As a direct and proximate result of UMCH's unlawful failure to hire him, Yorker has suffered lost past and future compensation, lost insurance and benefits, expenses in seeking other suitable employment, and emotional distress.

67. 42 U.S.C. § 2000e-2(a)(1) makes it an unlawful practice for an employer to refuse to hire an individual because of his religious beliefs or failure to adhere to the employer's religious beliefs.

68. UMCH is not entitled to invoke the religious exemption under Section 702 of Title VII in this case. Application of the Section 702 exemption in this context would violate the Establishment Clause of the United States Constitution and Art. I, § 2, para. 7 of the Georgia Constitution. Section 702 does not apply in this instance because a substantial amount of the salary for the position Yorker applied for and of the operating expenses of UMCH are publicly funded. UMCH cannot, consistent with the United States and Georgia Constitutions, engage in religious discrimination under shelter of this exemption while receiving substantial government financial support. Yorker is therefore entitled to his statutory remedies under Title VII.

THIRD CLAIM FOR RELIEF

**Violation of Georgia Constitution, Separation of Church and State Clause,
Art. I, § 2, Para. 7**

(Taxpayer Plaintiffs v. Defendants)

69. The foregoing paragraphs of this Complaint are incorporated herein.

70. The Separation of Church and State Clause of the Georgia Constitution, Art. I, § 2, para. 7, provides, “No money shall ever be taken from the public treasury, directly or indirectly, in aid of any church, sect, cult, or religious denomination or of any sectarian institution.”

71. As a self-proclaimed “Christian Church” that engages in religious discrimination in employment and religious indoctrination of youth in its care, and that claims entitlement as a religious institution to Section 702's Title VII exemption, UMCH is disqualified under the Georgia Constitution from receipt of public monies.

72. The State of Georgia pays monies from the public treasury to fund UMCH’s program of religious indoctrination and discrimination. Through DHR the State of Georgia has committed and continues to commit children in its custody to the care of UMCH, for whose maintenance and well-being the State pays. Georgia’s payments to and selection of UMCH, a sectarian institution, and commitment to UMCH of children in State care, constitutes public aid to UMCH in violation of the Georgia Constitution.

73. A real and actual controversy exists in that the State of Georgia continues to provide public monies to UMCH to fund religion-based discrimination and inculcation by UMCH of youth in State custody, in deprivation of the rights of the Taxpayer Plaintiffs protected by the Georgia Constitution.

74. The Taxpayer Plaintiffs lack an adequate remedy at law.

FOURTH CLAIM FOR RELIEF

Violation of the Establishment Clause of the First Amendment to the

United States Constitution (42 U.S.C. § 1983)

(Taxpayer Plaintiffs v. Commissioner Martin in his official capacity only)

75. The foregoing paragraphs of this Complaint are incorporated herein.

76. The Establishment Clause of the First Amendment of the United States Constitution provides that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.” The Establishment Clause is applicable to the States through the Fourteenth Amendment of the United States Constitution.

77. The State of Georgia’s practice of providing government funds to finance UMCH staff positions that are filled in accordance with religious tenets and that are intended to promote and inculcate UMCH’s religious mission violates the Establishment Clause. The State of Georgia’s practice of providing government funds to finance UMCH services that seek to instill Methodist Christian religious doctrine in the youth residents in State custody results in government indoctrination, excessive government entanglement and political divisiveness in violation of the Establishment Clause.

78. As an official of the State of Georgia, defendant Martin has an absolute and unambiguous duty to refrain from violations of the Establishment Clause.

79. The State of Georgia’s continuing practices as described above deprive the Taxpayer Plaintiffs of their rights, as taxpayers, that are protected by the First and Fourteenth Amendments of the United States Constitution and made actionable by 42 U.S.C. § 1983.

80. The Taxpayer Plaintiffs lack an adequate remedy at law.

PRAYER FOR RELIEF

All Plaintiffs request a jury trial on all matters so triable.

On the basis of the foregoing allegations, Plaintiffs pray for judgment as follows:

A. Assert jurisdiction over this action.

B. Order UMCH to reinstate Bellmore, and award all damages flowing from the illegal and discriminatory termination of Bellmore, including but not limited to lost past and future compensation, lost insurance and benefits, expenses in seeking other suitable employment, damages for emotional distress, punitive damages, and attorney's fees and costs.

C. Order UMCH to hire Yorker, and award all damages flowing from the illegal and discriminatory refusal to hire Yorker, including but not limited to lost past and future compensation, lost insurance and benefits, expenses in seeking other suitable employment, damages from emotional distress, punitive damages, and attorney's fees and costs.

D. Grant a declaration pursuant to Ga. Code Ann. § 9-4-2(a) that the State of Georgia, DHR and Commissioner Martin have violated the Georgia Constitution, Art. I, § 2, para. 7, by providing public aid for UMCH's religious activities, indoctrination and discrimination.

E. Grant a declaration pursuant to Ga. Code Ann. § 9-4-2(a) that the State of Georgia, DHR and Commissioner Martin have violated the Establishment Clause of the United States Constitution by providing public aid for UMCH's religious activities, indoctrination and discrimination.

F. Grant an order enjoining the State of Georgia, DHR and Commissioner Martin from providing further funding to UMCH so long as UMCH engages in a religious program of employment discrimination and indoctrination of youth in State custody.

G. Grant an order requiring UMCH to reimburse the State of Georgia for any government funds it has received at least since Alan Yorker's rejection for employment up to and

until it ceases and desists in its practices in violation of the Georgia and United States Constitutions.

H. Award reasonable attorney's fees, pursuant to 42 U.S.C. § 1988 and any other applicable provision of law.

I. Award costs of suit.

J. Grant such other and further relief as the Court may deem just and proper.

Respectfully submitted this 31st day of July, 2002.

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