



November 15, 2004

Federal Express

Bruce V. Schewe, Esq.  
Phelps Dunbar  
365 Canal Street, Suite 2000  
New Orleans, LA 70130-6534

Re: ACLU of Louisiana v. Foster, No. 2002-1440 (GTP)

Dear Bruce:

I am writing to inform you of numerous violations of the settlement agreement between Plaintiff ACLU of Louisiana and Defendants Governor of Louisiana and Dan Richey regarding the Governor's Program on Abstinence ("GPA"), entered November 7, 2002 (the "Settlement Agreement"). The Settlement Agreement incorporated Parts 1, 2 & 3 of Judge Porteous' Preliminary Injunction Order, dated July 24, 2002 (the "Court Order"). Pursuant to the Settlement Agreement and the Court Order, Defendants are prohibited from using GPA funds to convey religious messages or otherwise advance religion in any way. This prohibition covers all GPA-funded activities and materials, including the GPA's website, [AbstinenceEdu.com](http://AbstinenceEdu.com).

Content on the GPA "AbstinenceEdu.com" website violates this prohibition in a number of ways. First, for example, in the "Ask the Experts" section, found under "Research," the GPA's self-appointed "experts" promote religion in answer after answer:

- In response to a student asking how she might convince a friend to keep her virginity, the GPA's expert advised, "Tell your friend that abstaining from sex until entering a loving marriage will give her the freedom to acheive [sic] true self-esteem – to be really, truly, 'cool' in God's eyes as well as yours and mine."
- In answering another student's question about her peers' reaction to her "True Love Waits" pledge of abstinence, the GPA expert wrote: "God will help you to explain what you mean in a way that is different for everyone so that they can understand it too. He will provide the words, if you let Him. Let Him lead your discussion, and answer the questions of your peers. I know it will be hard and scary

to get up in front of you [sic] class and share your commitment, but please know that God is standing beside you the whole way. Have courage and answer the questions as God wants you to.”

- An adult asked the GPA expert, “What about people like me (now in my 40’s), and there are many like me, who have no desire to get married . . . Are we supposed to stay abstinent all of our lives?” The GPA’s expert answered: “Why would you want to have a series of monogamous relationships instead of marriage? God’s plan is for us not to be alone, but to have one spouse for life. When you are 55 and have a heart attack or cancer of the colon, which of these many women will be there for you? No one. Your commitment is to self-indulgence, not to wholly loving a woman – and being loved – as God intended.”

Second, the GPA offers several “skits” for downloading, including “The Wedding,” which begins with a male minister opening his Bible and intoning “Dearly beloved, we are gathered here today to join this man and this woman in holy matrimony. When God began His wonderful work on this world he made man and woman to have a special bond. This bond would be a connection that would not be with any other human. The bond between a man and a woman would somehow in God’s eyes connect them forever.”

Third, the “Fresh Start” section of “Student Coffeehouse” not only links to an article published by LifeWay, Biblical Solutions for Life, but also affirmatively advises readers to scroll down to the portion beginning with “What if . . .?” This section of the article reads:

What if . . .?

Some people have a past they wish they could erase. . . . Whatever may have happened or whatever your sin, God offers second chances! His forgiveness is a gift. We don't deserve it, but He offers it to us anyway! That's called grace! See Ephesians 1:7 and Colossians 1:13-14. When you decide you want to stay sexually pure from this day forward, then you can experience a second virginity. This second virginity comes by asking for God's forgiveness through Jesus and by committing to stay sexually abstinent until marriage. Reclaiming your purity can give you a whole new outlook and freedom in your life. See 2 Corinthians 5:17 and Ephesians 4:21-24.

Fourth, the website's "Student Coffeehouse" is filled with summaries and links to articles that advance religion, in particular Christianity and Biblical precepts. Indeed, the AbstinenceEdu.com website itself acknowledges that it is posting "faith-based commentary." A non-exhaustive sampling of excerpts includes:

- "After repenting, ask God to forgive you through Jesus Christ. Then ask Him for strength to resist future sexual temptations – because by giving in once, you've made it harder to resist the next time. . . . By the way, when you and your girlfriend do pray to God, you should pray separately too." J. Budziszewski, *What if We Love Each Other*, Boundless Webzine.
- "*Newlyweds* [a popular reality TV show starring singers Nick Lachay and Jessica Simpson] could be harmful if anyone looks to Nick and Jessica as marriage role models. In fact, very few newlyweds could provide a good example of what it means to be a healthy husband and wife. For Christians, the standard of a lifetime marriage is set in Scriptures like Ephesians 5:22-33, and probably best learned from a much older, much more Christ-like couple in your life." *A Model Marriage?*, Campus Life, March/April 2004.
- "This fictional story is an example of how media voices can undermine God's eternal truth and cause you to stumble. . . . Colossians 2:8 warns, "See to it that no one takes you captive through hollow and deceptive philosophy, which depends on human tradition and the basic principles of this world rather than on Christ." No one is peddling more hollow and deceptive philosophy than the entertainment industry. And when worldly philosophies and morality masquerade as fun, they can penetrate our hearts virtually unchallenged." Bob Smithouser, *High Voltage – Why Media Messages Matter*, Brio Magazine.
- "[I]t's one thing to recognize we're still sinners, another to simply surrender and let sin rule our lives. We can't meet God's standard or earn His forgiveness, but as saved people we can discipline ourselves to combat sin on a daily basis; we have a New Man inside us as well as an Old Adam. God has given us the means to fight back, and urges us to focus our attention on the things that will strengthen us – the noble, the pure, the admirable, the praiseworthy (Philippians 4:8).

And that's a lifelong project." Marshall Allen, *Fighting Sexual Temptation – and Winning*, Boundless Webzine.

- “What is not okay? Anything that stirs desire to sin. (That would include just about anything accompanied by moaning.) The standard is spelled out for us in 1 Thessalonians 4:3-8, which tells us not to defraud each other sexually. “Defrauding” is intentionally creating or sustaining a desire that cannot rightfully and righteously be met. . . . God’s standard draws the line at lustful thoughts, requiring moment-by-moment dependence on God’s power and commitment to His Word.” William Cutrer & Sandra Glahn, *How Far Is It OK to Go Before Marriage*, Focus on the Family’s family.org.
- “Another secret though that men don’t let out is as simple as it is devastating: ‘There are two kinds of women. Those you have sex with and those you marry’. . . . If you want a virgin wife, you have the best chance of attracting her by keeping your pants zipped up yourself. . . . The Bible tells us that all other sins are outside the body but the man who has sex with a woman who is not his wife sins against himself. God chooses this one sin above all others as the most destructive to your soul and spirit.” Nick Cirimo, *Just for Guys: How to Stay Sexually Pure*, Family Research Council’s Ideas & Energy website.
- “Gail Hayes is an author and international speaker who helps women understand that they are created by God with special identity and purpose. . . . She explains that God created women with a natural desire to please the opposite sex, and that desire is appropriate within God’s boundaries.” Joanne Brokaw, *An Immodest Proposal*, Breakaway Focus on the Family Magazine for Teen Guys.
- “The great evil (and yes, that’s the right word) of sex outside marriage is that it takes something created to be holy and desecrates it. Sex can’t be separated from God’s order of creation, and when we try to pretend otherwise, we’re trying to make God go away so we can re-order creation to suit our own lusts or other emotional desires. We may try to tell ourselves we’re expressing ‘love.’ But when we seek to slice sex off from the life of love – lasting marriage – and to have it on the side instead, we’re actually expressing a type of hatred for our Creator. We’re throwing the blessings He gave us back in His face and demanding substitutes tailored to our preferences.”

Matt Kaufman, *Sex in the Real World, Revisited*, Boundless Webzine.

- “Obedience to God is possible even when our desires go the other way. If we are obligated to chastity (and we are), then we are also obligated to do what is necessary to preserve it. The discipline of obeying God, even against your desires, is honored by God, and will pay dividends throughout your coming marriage. Trust Him; it's true.” J. Budziszewski, *Is it God, or Is it Estrogen?*, Boundless Webzine.

Fifth, numerous articles in the website's "Library" advance Christianity and Biblical precepts:

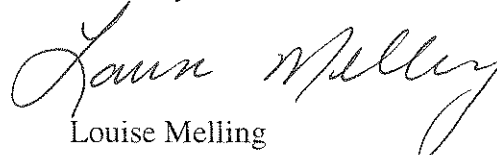
- “The condom's biggest flaw is that those using it to prevent the conception of another human being are offending God. God intends that sexual intercourse should take place only between a man married to a woman. If people follow God's plan for human sexuality there would be no problem with sexually transmitted diseases. Furthermore, each and every act of marital intercourse must be both unitive and open to procreation. Any action, including condom use, which has as its purpose to render procreation impossible is intrinsically evil. . . . (Catechism of the Catholic Church, 2368-2370).” *The Flawed Condom*, American Life League, 2002.
- “The issue is not protection but sexual promiscuity. Any proposed solution other than the one God outlines in the Bible – sex being within the boundaries of a marital relationship between one man and one woman – misses the mark. . . . Abstinence is a call to a disciplined life based on a biblical precept. Bluntly stated, God expects His creation to practice self-control.” Chris Turner, *Battling AIDS: Biblical Principle or Billions of Dollars?*, Baptist Press News, August 24, 2004.
- “Titus 2:12-13 says, ‘God's grace teaches us to say ‘no’ to ungodliness and worldly passions, and to live self-controlled, upright and godly lives in this present age, while we wait for the blessed hope – the glorious appearing of our great God and Savior, Jesus Christ.’ You must encourage your teen to stand before God and to say, ‘OK, teach me to say no. I know these worldly passions exists, but I know the only way I will be able to say no is if You teach me!’” Dannah Gresh, *How to Raise Sexually Pure Kids*, CBN.com.

- “It is time for Christian men and women to demonstrate in their own walk that sexual purity – in or out of marriage – is not a onetime vow but a daily re-commitment to seek God’s grace for our failure, his power for our victories, and his best for our lives.” Jennifer M. Parker, *The Sex Lives of Christian Teens*, Today’s Christian, March/April 2003.
- “God ordained marriage and singleness as the best forms to contain our sexual natures. In the long run, following the Bible really does provide greater health and happiness than does promiscuity.” Tim Stafford, *Let’s Talk Sex: What Christian Books on the Topic Are, and Are Not, Communicating*, Christianity Today, May 28, 2004.
- “In an oversexed culture, it’s important to teach young girls balance between looking nice and obsessing on beauty. . . . Help your daughter see who she is in Christ – wonderfully made, created in His image, more valuable than sparrows, etc. Girls don’t need to be Cosmo girls. They need to be cosmic girls, mirrored after the image of the heavenly maker, God.” Linda S. Mintle, *Help Your Tweener Be a Cosmic Girl, Not a Cosmo Girl*, Crosswalk.com.

Each of the above examples of religious content on the GPA’s AbstinenceEdu.com website constitutes an independent violation of the Settlement Agreement’s bar on advancing religion in any manner. Please take immediate action to expunge these examples and review the GPA website for further violations of the Settlement Agreement. If all offending material is not removed within thirty days, the ACLU will be forced to take further legal action.

Thank you for your cooperation in this matter.

Sincerely,

  
Louise Melling  
Attorney for Plaintiffs

cc: The Honorable G. Thomas Porteous, Jr.