

## **AMERICAN ATHEISTS, INC.**

<http://www.atheists.org>

<http://www.americanatheist.org>

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### **ATHEISTS HAIL VERDICT IN OKLAHOMA TRIAL – UNANIMOUS "NOT GUILTY" IN SMAKLOWSKI CASE**

A jury in Guymon, Oklahoma has found a local Atheist father "not guilty" on all counts following an alleged altercation over his daughter being expelled from her high school sports team.

Chester Smalkowski, a resident of Hardesty, OK became concerned when daughter Nicole was kicked off her school girl's basketball team after refusing to join a prayer circle with teammates. Together with Nicole and her mother Nadia, Mr. Smalkowski approached the school principal in an effort to discuss the matter. A physical altercation ensued, and the principal filed criminal assault charger.

When Smalkowski rejected an offer to have the charges dropped if he and his Atheist family left the state, the charges were upgraded to a felony.

On June 22, 2006, the jury found Smalkowski innocent of the felony charge of assault and two lesser charges involving misdemeanor assault.

Edwin Kagin, National Legal Director for American Atheists joined with Enid, OK. attorney Tim Gungoll in defending Mr. Smalkowski.

"This is a major victory for civil rights," said Mr. Kagin following the verdict. "Much of this case depended on whether or not a jury of twelve people from the heart of the American Bible belt would believe the word of an Atheists in addition to the physical evidence."

Mr. Kagin also praised the wives of two ministers who during jury selection informed the judge that they could not be fair to an Atheist during a criminal trial. They were dismissed.

"The system worked in this case," said Kagin. Kagin also noted that co-counsel Tin Gungoll was a practicing Roman Catholic. He grilled the jury, asking if members would consider him a hypocrite to his faith for defending an Atheist. "Attorneys and jurors in the Smalkowski case did a remarkable thing," added Kagin. They checked their opinions about religion at the front door of the court house and looked only at the evidence."

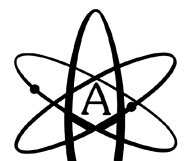
American Atheists will soon be filing a civil lawsuit in Federal Court involving issues of unconstitutional and coerced religious expression; conspiracy to deny civil rights and other aspects of the Nicole Smalkowski case.

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AMERICAN ATHEISTS is a nationwide movement that defends civil rights for Atheists; works for the total separation of church and state; and addresses issues of First Amendment public policy.



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