

Hall Building in Ringgold, Georgia.

Jurisdiction and Venue

1. This Court has subject matter jurisdiction over the Plaintiffs' civil rights claims pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3). The Court has the authority to grant declaratory relief pursuant to the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202. Plaintiff's action for injunctive relief is authorized by the foregoing statutes and by Rule 65 of the Federal Rules of Civil Procedure. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b).

Parties

2. Plaintiff Thomas J. Odom has been a resident of Catoosa County for many years. He frequently visits City Hall for personal and/or professional reasons. He will be unable to avoid unwelcome viewing of the display at issue in this case on a regular basis in the future unless he significantly alters the way in which he conducts business there and ceases participating in certain activities that occur there. Plaintiff Odom was baptized in the Roman Catholic Church.

3. Plaintiff John Doe has been a resident of the City of Ringgold, Georgia, for many years and pays taxes to the City of Ringgold. He visits the City Hall on a regular basis for

personal and/or professional reasons. He will be unable to avoid unwelcome viewing of the display at issue in this case on a regular basis in the future unless he significantly alters the way in which he conducts business there and ceases participating in certain activities that occur there. Plaintiff Doe is a member of a religious faith that has faced extensive discriminatory treatment, and even persecution, in this country during the twentieth century. Some of this discrimination was endorsed or instigated by government entities. This history of discrimination against adherents to his faith, together with recent expressions of bigoted views regarding his faith by a resident of Ringgold, makes him fearful that defendants' endorsement of a particular set of religious principles could lead to the same type of religiously-based persecution that members of his faith experienced in the past. His fears are exacerbated by his awareness of the destructive impact that government entanglement with and endorsement of a particular faith is currently having in certain other nations.

4. Defendant CITY OF RINGGOLD, GEORGIA, is a municipality established by the laws of the State of Georgia. The display challenged in this case was adopted by the governing officials of the City of Ringgold and the display purports to be made on behalf of the government of the City of Ringgold.

5. Defendant JOE BARGER is the Mayor of Ringgold, Georgia. In his capacity as Mayor he was personally involved in posting the display challenged in this case. In addition, he has made public statements regarding the display that have exacerbated its effect of bestowing government endorsement to a particular religion. He is being sued in his individual and official capacities.

6. Defendant BILL MCMILLON is a member of the Ringgold, Georgia City Council. In this capacity, he voted to post the display challenged in this case. In addition, he has made public statements regarding the display that have exacerbated its effect of bestowing government endorsement to a particular religion. He is being sued in his individual and official capacities.

7. Defendant O.C. ADCOCK is a member of the Ringgold, Georgia City Council. In this capacity, he voted to post the display challenged in this case. He is being sued in his official capacity.

8. Defendant G. LARRY BLACK is a member of the Ringgold, Georgia City Council. In this capacity, he voted to post the display challenged in this case. He is being sued in his official capacity.

9. Defendant MARTHA DENTON is a member of the Ringgold, Georgia City Council. In this capacity, she voted to post the

display challenged in this case. She is being sued in her official capacity.

10. Defendant J.B. PETTY is a member of the Ringgold, Georgia City Council. In this capacity, he voted to post the display challenged in this case. He is being sued in his official capacity.

Statement of Facts

11. On September 24, 2001, the Ringgold City Council passed a motion to display framed copies of the Ten Commandments and the Lord's Prayer, along with an empty frame, in the City Hall.

12. The motion was sponsored by defendant Councilman Bill McMillon.

13. On Monday, October 29, 2001, City of Ringgold officials erected the display in the Ringgold City Hall building. The building houses the offices of the Mayor and City Council, the City Council chambers, police offices of the City of Ringgold, and the City of Ringgold water and sewer departments.

14. The display consists of three framed items inside the main entrance of the Ringgold City Hall Building. On the left side of the hallway, leading to offices where members of the general public conduct city business, are two frames. One of these displays the Ten Commandments and the other displays the Lord's Prayer. On the right side of the same hallway, directly

across the hall from the frames of the Ten Commandments and Lord's Prayer, is an empty frame with the following words across the bottom: "In recognition of those with other faiths."

15. The Ten Commandments frame reads as follows:

THOU SHALT HAVE NO OTHER GODS BEFORE ME.

THOU SHALT NOT MAKE UNTO THEE ANY GRAVEN IMAGE.

THOU SHALT NOT TAKE THE NAME OF THE LORD THY GOD IN VAIN.

REMEMBER THE SABBATH DAY, TO KEEP IT HOLY.

HONOUR THY FATHER AND THY MOTHER.

THOU SHALT NOT KILL.

THOU SHALT NOT COMMIT ADULTERY.

THOU SHALT NOT STEAL.

THOU SHALT NOT BEAR FALSE WITNESS AGAINST THY NEIGHBOR.

THOU SHALT NOT COVET.

16. The Lord's Prayer frame reads as follows:

OUR FATHER WHICH ART IN HEAVEN,

HALLOWED BE THY NAME.

THY KINGDOM COME.

THY WILL BE DONE IN EARTH, AS IT IS IN HEAVEN.

GIVE US THIS DAY OUR DAILY BREAD AND FORGIVE US OUR DEBTS, AS WE FORGIVE OUR DEBTORS.

AND LEAD US NOT INTO TEMPTATION, BUT DELIVER US FROM

EVIL; FOR THINE IS THE KINGDOM, AND THE POWER, AND THE
GLORY, FOR EVER.

AMEN.

17. Each frame measures approximately 22 inches by 32 inches.

18. The three frames are situated such that a person entering the City Council Chambers in City Hall is immediately able to see their profiles. Any person who stands in front of the frames is easily able to read their text, which is plainly visible and not obscured by surrounding items.

19. The entrance to the City Council meeting room is adjacent to the display, such that a person who uses the meeting room must view the three-frame display.

20. No other items are displayed near the three frames described above. They stand as a display separate and distinct from any others.

21. Defendant Councilman Bill McMillon has explained that, "We are hoping we will not have to fight to uphold this decision, but we will if we have to. People have been trying to pull God out of America, and we are trying to put Him back." The council is not trying to show preference to any one religion, he claimed.

Instead, "[w]e are recognizing that there is a Supreme Creator whom we call God."

22. Defendant Councilman Bill McMillon has also publicly stated that the empty frame included in the display "is for those who believe in nothing," and that persons who don't believe in the Ten Commandments or the Lord's Prayer "can go stand in front of it and believe anything they want to." He has further stated that he is not worried about offending non-Christians or Muslims with the display "because we don't have any of them here."

23. Defendant Mayor Joe Barger has publicly stated that "the blank frame is for those who we don't know who they are." He has also stated that he is not worried about offending non-Christians or Muslims with the display.

24. The Ten Commandments is a religious text, commonly understood to be associated with the Christian and Jewish faiths.

25. There are several renditions of the Commandments that vary depending on the source of the particular translation of the Bible. No one rendition of the Commandments is used or preferred by all faiths or denominations.

26. The rendition of the Ten Commandments on the monument at issue in this case is taken from the King James Bible. The Lord's Prayer is an uniquely Christian text, a prayer taught by Jesus Christ to his Disciples. It is described in Luke 11:2-4 and Matthew 6:9-13 of the Christian Bible.

27. The defendants' use of such a religious display in the

primary government building of the City of Ringgold has the effect of denigrating the personal and philosophical beliefs of the plaintiffs. It makes the plaintiffs feel like second class citizens of their community. They are offended by the three-frame display because of their views about constitutional requirements, because it suggests that adherence to a particular faith is a prerequisite or advantage to obtaining favorable treatment from the City Council, and because it sends to them the message that they are not full members of the judicial and political community.

28. Many of the Commandments on the monument are outside the scope of secular law, such as those compelling worship of a single deity, respect for the Sabbath, and proscribing the taking of the name of the Lord in vain.

29. The display challenged in this case in the Ringgold City Hall building was undertaken with a religious purpose, constitutes unlawful endorsement and advancement of religion, reflects hostility toward non-Christian and/or non-Judeo-Christian religions, and causes harm to the Plaintiffs by offending them and making them feel unwelcome in the building.

30. Each of the plaintiffs regularly conducts business in and/or attends events in the Ringgold City Hall. When they do they are directly affronted by the defendants' overtly religious

display and subjected to unwelcome religious statements by the government of the City of Ringgold. Defendants' placement and maintenance of the religious display challenged in this case thus has the impact of requiring plaintiffs to accept unwanted religious symbolism as a condition for their entry into the primary government building of the City of Ringgold.

31. On October 16, 2001, the undersigned counsel from Americans United for Separation of Church and State sent a letter to Kim Sawyer, the City Attorney for Ringgold, Georgia, as well as each member of the Ringgold City Council objecting to the erection of the three-frame-display challenged in this case. To date, no response has been received to this letter.

32. On October 26, 2001, Robert Tsai sent a letter, on behalf of the American Civil Liberties Union of Georgia, to Mayor Joe Barger objecting to the three-frame-display and asking that it be taken down. To date, no response to this letter has been received. In fact, several of the defendants have made public statements reaffirming their intent to maintain the display and announcing their intent to fight to keep it up, if necessary.

CAUSES OF ACTION
Count One: Violation of First Amendment
of the Federal Constitution

33. Plaintiffs re-allege and incorporate by reference as if fully set forth herein the allegations set forth above.

34. The actions of the Defendants, as set forth in this Complaint, entitle the Plaintiffs to a remedy under 42 U.S.C. §1983 because the defendants have, under color of law, subjected Plaintiffs to a deprivation of their rights under the First and Fourteenth Amendments to the United States Constitution.

35. The Establishment Clause of the First Amendment of the United States Constitution provides that "Congress shall make no law respecting an establishment of religion."

36. The installation and display of the Ten Commandments, the Lord's Prayer, and an empty frame in defendants' City Hall offends, intimidates and harasses the Plaintiffs. The harassing impact of the overtly religious, sectarian display is exacerbated by the fact that it is erected in such a manner that persons must look at it in order to transact routine business with city employees and officials at that location. The display sends a message to all who enter the City Hall Building that the government encourages and endorses the practice of religion in general, and in particular the Christian denominations that support the public display of the King James translation of the Ten Commandments and the Lord's Prayer, and that persons of other faiths or non-believers are not welcome in the building.

37. The installation and display of the Ten Commandments, the Lord's Prayer, and an empty frame on public property by the

defendants, in the manner described above, violates the Establishment Clause in that it has the primary purpose and effect of advancing religion, constitutes governmental endorsement of religion, demonstrates a preference for Christianity (and particularly for the Christian denominations that support the public display of the King James translation of the Ten Commandments and the Lord's Prayer) over other religions and over non-religion, and reflects hostility toward religions other than Christianity.

38. As a result of the defendants' actions described above, Plaintiffs have suffered injury and have been caused irreparable harm for which there is no adequate remedy at law.

**Count Two: Violation of the
Constitution of the State of Georgia**

39. Plaintiffs re-allege and incorporate by reference as if fully set forth herein the allegations set forth above.

40. Article I, Section II, Paragraph VII of the Constitution of the State of Georgia provides that "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."

41. Although the frames themselves were reportedly donated to the City of Ringgold, their display necessarily involves a

consumption of resources funded by the City of Ringgold. Defendants' use of such City of Ringgold funds to install, maintain and/or display the Ten Commandments, the Lord's Prayer, and an empty frame on public property, in the manner described above, violates Article I, Section II, Paragraph VII of the Constitution of the State of Georgia in that public monies are expended in aid of the practice of religion in general, and certain Christian denominations in particular.

42. As a result of the defendants' actions described above, Plaintiff John Doe and other tax payers of the City of Ringgold have suffered injury and have been caused irreparable harm for which there is no adequate remedy at law.

Prayer for Relief

WHEREFORE, in light of the foregoing, the Plaintiffs respectfully request that they be awarded the following:

1. A declaratory judgment pursuant to 28 U.S.C. §§ 2201 and 2202, and 42 U.S.C. § 1983, declaring that the defendants' actions violate the Establishment Clause of the First Amendment to the United States Constitution and/or Article I, Section II, Paragraph VII of the Constitution of the State of Georgia;
2. An injunction pursuant to Fed. R. Civ. P. 65, 42 U.S.C. § 1983, and 20 U.S.C. §§ 4071-74, requiring the defendants to permanently remove the three-frame-display challenged in this

case;

3. General compensatory damages in an amount sufficient to compensate each of the plaintiffs for the mental and emotional distress each has suffered as a result of defendants' abridgement of their constitutional rights;

4. Nominal damages;

5. The costs of this action, including all out of pocket expenses and reasonable attorney fees, as calculated pursuant to 42 U.S.C. § 1988; and,

6. Any other relief that the Court deems proper.

Respectfully submitted this ____ day of June, 2002.

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