Exhibit 1

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U.S. DISTRICT COURT
INDIANAPOLIS DIVISION
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SOUTHERN DISTRICT
OF INDIANA
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

INDIANA CIVIL LIBERTIES UNION, INC., JOAN LASKOWSKI, ALICE BENNETT, JAMES A. TANFORD, STEVEN SCHROEDER, PATRICE MUUMBA ABDUALLAH, REV. KEVIN ARMSTRONG, RABBI ERIC BRAM, DR. EDGAR TOWNE,

Plaintiffs,

v.

FRANK O'BANNON, in his official capacity as Governor of the State of Indiana,

Defendant.

IP00-0811 C -B/S

No.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Introduction

1. This is an action brought to enjoin the defendant from placing a monument containing the text of the Ten Commandments onto the lawn of the Indiana Statehouse. This placement of the Ten Commandments would violate the First Amendment to the United States Constitution since it would represent an establishment of religion by the State of Indiana.

Jurisdiction

2. This Court has jurisdiction of this cause pursuant to 28 U.S.C. §1331.

3. Declaratory relief is authorized pursuant to Rule 57 of the Federal Rules of Civil Procedure and 28 U.S.C. §§ 2201 and 2202.

4. Venue is proper in this district pursuant to 28 U.S.C. § 1391.

5. This action is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation, under color of state law, of rights secured by the United States Constitution.

Parties

6. The Indiana Civil Liberties Union is an Indiana corporation. It is formally incorporated as the Indiana Civil Liberties Union, Inc.

7. Joan Laskowski is an adult resident of West Lafayette, Indiana.

8. Alice Bennett is an adult resident of Muncie, Indiana.

9. James A. Tanford is an adult resident of Bloomington, Indiana.

10. Steven Schroeder is an adult resident of Indianapolis, Indiana.

11. Patrice Muumba Abduallah is an adult resident of Indianapolis, Indiana.

12. Rev. Kevin Armstrong is an adult resident of Indianapolis, Indiana.

13. Rabbi Eric Bram is an adult resident of Indianapolis, Indiana.

14. Rev. Edgar Towne is an adult resident of Indianapolis, Indiana.

15. Frank O'Bannon is the duly elected Governor of the State of Indiana.

Facts

16. Indianapolis is the capital of the State of Indiana.

17. The Indiana Statehouse contains the offices of the Governor and other members of the Executive Branch, the Indiana legislature, and the Indiana Supreme Court and Court of Appeals.

18. The Indiana Statehouse is located in downtown Indianapolis on a plot of land which stretches between Washington and Ohio Streets in a North-South direction and between Capitol and Senate Avenues in an East-West direction.

19. On this plot of land there is a lawn area which stretches from the south entrance of the Statehouse to Washington Street.

20. The Statehouse and its grounds are on public property owned by the State of Indiana.

21. Washington Street is U.S. Highway 40, a major east-west highway that stretches across

Indianapolis.

22. This lawn area is approximately one-half of a city block in size.

23. Defendant O'Bannon has announced that he will place a limestone monument containing, among other things, a version of the Ten Commandments, at the southwest corner of the Statehouse in the lawn area specified above. The news release issued by the Governor is attached to this Complaint.

24. The monument is being donated to the State of Indiana and will be erected sometime around July 1, 2000.

25. In addition to containing the text of the Ten Commandments, the monument will also contain the preamble to the United States Constitution as well as the Bill of Rights.

26. The monument will be four feet high and five feet wide and four feet deep.

27. The Ten Commandments are derived from the Old Testament, Exodus 20: 2-17 and Deuteronomy 5: 6-21.

28. Jewish tradition believes that the Ten Commandments were given by God to Moses on Mt. Sinai.

29. The Ten Commandments are a religious document that is deemed to be sacred by many Christians and Jews.

30. However, there are at least three versions of the Ten Commandments: Jewish, Protestant and Catholic.

31. On information and belief, the version to be posted by defendant O'Bannon is neither the Jewish or Catholic version.

32. The Indiana Civil Liberties Union (hereinafter "ICLU") is the Indiana affiliate of the American Civil Liberties Union and has as its purpose insuring that the constitutional rights of

Indiana residents are preserved and protected.

33. The Indiana Civil Liberties Union has more than 3,500 members. Of these, more than 1,000 reside in Marion County.

34. A key principle of the ICLU is to preserve religious liberty and to preserve the separation of church and state which is a key component of the First Amendment to the United States Constitution.

35. Because of the desire to preserve religious freedom and to deter the establishment of religion the ICLU opposes government displays of religious symbols that represent an establishment of religion.

36. The ICLU has among its members employees of the State of Indiana who work in the State Office Building which lies immediately west of where the monument will be placed. These members will therefore come into frequent, direct and unwelcome contact with the monument during the course of their normal routines and their driving route.

37. For these persons to alter their normal routines and driving routes to avoid seeing the monument would impose an undue burden.

38. The ICLU has among its members persons who regularly travel to the Statehouse to participate as citizens of Indiana in various capacities: citizens who are lawyers and who regularly testify before the legislature or who otherwise participate in the legislative process; citizens who appear in the courts in the Statehouse or who must travel to the office of the Clerk of the Courts located in the Statehouse; citizens who must visit the executive offices located in the Statehouse which include: the Governor, the Lt. Governor, the Secretary of State, the Auditor, the Superintendent of Public Instruction. These persons will come into frequent, direct and unwelcome contact with the monument once it is erected.

39. For these persons to alter their routines to avoid seeing the monument would impose an undue burden and would deter them from exercising their rights as citizens of Indiana.

40. The ICLU has among its members persons who regularly travel on Washington Street and in areas near to the monument where they will come into frequent, direct and unwelcome contact with the monument in the course of their usual travel routes.

41. For these persons to alter their routines to avoid seeing the monument would impose an undue burden.

42. For all these persons, as well as the ICLU's other members, the contact with the monument will not only be direct, but will be unwelcome since it will require the members to view a state sponsored religious display in violation of the principles of separation of church and state which are so important to the ICLU and its members.

43. Joan Laskowski is a member of the ICLU and a member of its Board of Directors.

44. Joan Laskowski is a registered lobbyist and has been a presence at the Indiana Legislature for many years. She is the Vice-President of Legislation for the ICLU.

45. As such, in the past she has frequently visited the Indiana Statehouse to attend the Legislature and various legislative committee meetings. She anticipates doing so again in the future.

46. She is vehemently opposed to the planned posting of the Ten Commandments monument because she believes that it represents an unconstitutional establishment of religion by the State of Indiana.

47. If the monument is displayed she will be forced to come into frequent direct and unwelcome contact with the monument in the course of exercising her rights as a citizen of the State of Indiana.

48. To alter her routine to avoid viewing the monument would cause her undue burden.

49. Alice Bennett is a member of the ICLU. She is also, among other things, on the public

policy committee for Planned Parenthood of Greater Indiana.

50. She has been a registered lobbyist in the past and still attends the legislature on occasion for purposes of testifying and talking to the legislature.

51. She anticipates continuing to do so in the future.

52. She also strongly objects to the planned posting of the Ten Commandments monument because she believes that it is unconstitutional.

53. If the monument is displayed she will be forced to come into frequent direct and unwelcome contact with the monument in the course of exercising her rights as a citizen of the State of Indiana.

54. To alter her routine to avoid viewing the monument would cause her undue burden.

55. James A. Tanford is a member of the ICLU and a member of its Board of Directors. He serves as the organization's Vice President of Litigation.

56. James A. Tanford is a Professor of Law at the Indiana University Law School.

57. He is a frequent visitor to the Indiana Statehouse. He litigates cases in the Indiana appellate courts and is therefore required to conduct business at the office of the Clerk of the Courts. He also frequently attends the swearing in ceremonies for former students who are admitted to the Bar and these are conducted in the Indiana Supreme Court. Additionally, his step-father created some of the stained glass in the Statehouse and when James Tanford is in Indianapolis he enjoys traveling to the Statehouse to see this as well.

58. He also strongly objects to the posting of the Ten Commandments since he believes that it represents the establishment of religion by the State of Indiana.

59. If the monument is displayed he will be forced to come into frequent direct and unwelcome contact with the monument in the course of exercising his rights as a citizen of the State of Indiana.

60. To alter his routine to avoid viewing the monument would cause him undue burden.

61. Steven Schroeder is an Indianapolis resident who frequently travels by the area where defendant plans to post the Ten Commandments monument. He also regularly visits the Statehouse.

62. Mr. Schroeder strongly objects to the posting of the monument by the government because by doing so the State is making the Ten Commandments State property and this represents the State putting itself in a position above God.

63. He will therefore be forced to come into frequent, direct and unwelcome contact with the monument if it is posted.

64. Patrice Muumba Abduallah is an Indianapolis resident.

65. Mr. Abduallah frequently travels past the area where defendant plans to post the Ten Commandments monument. He also frequently visits the Indiana Statehouse to participate as a citizen of the State of Indiana.

66. He is a follower of Islam.

67. He objects to the planned posting of the Ten Commandments by the defendant because he believes that it will result in the State of Indiana establishing religion.

68. He will therefore be forced to come into frequent, direct and unwelcome contact with the Ten Commandments if it is posted as planned by the defendant. To avoid seeing the monument he would have to assume an undue burden.

69. Rev. Kevin Armstrong is an ordained United Methodist minister. He is a pastor at Roberts Park United Methodist Church.

70. In the course of his normal activities, Rev. Armstrong frequently travels on Washington Street past the area where the monument is to be posted. He regularly testifies before the Legisalature and regularly attends other events at the Statehouse.

71. Rev. Armstrong believes that the Ten Commandments are profoundly sacred. He also

believes that they should not be displayed on the grounds of the Statehouse and he believes that such posting creates an endorsement of particular religious traditions.

72. Rev. Armstrong will therefore be forced to come into frequent, direct and unwelcome contact with the Ten Commandments if they are allowed to be displayed on the grounds of the Statehouse.

73. Rabbi Eric Bram is the Senior Rabbi at the Indianapolis Hebrew Congregation which is the largest Jewish synagogue in Indiana.

74. Rabbi Bram frequently visits the Statehouse. Among other things he has testified before the Legislature and led Holocaust remembrance observances. He also frequently passes by the area where the Ten Commandments monument is scheduled to be displayed.

75. Rabbi Bram objects to the proposed posting of the Ten Commandments for a number of reasons. First, the public posting of the Ten Commandments does violence to the Jewish teachings and tradition which indicate that the laws of God are to be followed as a result of a sense of duty to the Covenant with God, and not because of the imposition of governmental authority. Secondly, focusing on the Ten Commandments alone trivializes the other important precepts of Judaism. Jewish teaching indicates that there are 613 commandments in the Bible and devout Jewish persons should live by all the commandments. Focusing exclusively on the Ten Commandments misrepresents the Jewish system of belief and mistakenly assumes that these ten have an independent and superior status as "God-given." Thirdly, the planned monument will not include the version of the Ten Commandments that Jews believe was given by God to Moses.

76. Rabbi Bram will therefore be forced to come into frequent, direct, and unwelcome contact with the Ten Commandments monument if it is displayed on the grounds of the Statehouse.

77. Dr. Edgar Towne is an ordained Presbyterian Minister who is currently Professor of

Theology, Emeritus, at Christian Theological Seminary in Indianapolis.

78. Dr. Towne also believes that the Ten Commandments are profoundly religious and should not be posted in a secular setting. The posting of such an sacred document in such a secular setting will lead inevitably to government increasing its role in religious life. Government should have a hands off policy concerning issues of this kind. This sort of government involvement may lead to a burden on individuals' free exercise rights since the government is expressing a religious preference.

79. Dr. Towne frequently passes the area where defendant plans to post the Ten Commandments. He also has attended activities at the Statehouse in the past.

80. Dr. Towne will therefore be forced to come into frequent, direct and unwelcome contact with the Ten Commandments monument if it is displayed on the grounds of the Statehouse.

81. The ICLU and the plaintiffs believe that posting the Ten Commandments on the grounds of the Statehouse as planned by the defendant will send a message that the Ten Commandments have been adopted and endorsed as the approved religious text by the State of Indiana. This is especially true since the Statehouse is the seat of government authority for the State of Indiana. Plaintiffs strongly object to the endorsement and establishment of religion by the State of Indiana.

82. The exposure to the monument would therefore cause the ICLU, its members, and the individual plaintiffs injury in fact.

83. This injury represents irreparable harm for which there is no adequate remedy at law.

84. The planned erection of the Ten Commandments monument has no legitimate secular purpose, but rather has solely a religious purpose.

85. The planned erection of the Ten Commandments monument has a predominantly religious effect and represents an endorsement of religion by the State of Indiana.

86. At all times, defendant has acted under color of state law.

Claim for Relief

87. The planned Ten Commandments monument on the Statehouse grounds violates the Establishment Clause of the United States Constitution as incorporated and made applicable to the State of Indiana by the Fourteenth Amendment to the United States Constitution.

Request for Relief

WHEREFORE, plaintiffs request that this Court:

1. Accept jurisdiction of this cause and set it down for hearing at the earliest opportunity.

2. Declare that defendant's planned placement of the Ten Commandments on the grounds of the Statehouse violates the United States Constitution for the reasons specified above.

3. Enter a preliminary, to be followed by a permanent, injunction preventing the defendant from placing the Ten Commandments monument on the grounds of the Statehouse.

4. Award plaintiffs their costs and reasonable attorneys' fees.

5. Award all other proper relief.

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FRANK O'BANNON
GOVERNOR

For immediate release Tuesday, March 14, 2000

New monument will include Bill of Rights

O'Bannon signs 10 Commandments bill; outlines new Statehouse monument design

Governor Frank O'Bannon today signed legislation to let state and local governments display the 10 Commandments in a historical context.

At the same time, O'Bannon announced that a new monument will be erected on the Statehouse lawn this summer, featuring not only the 10 Commandments but also the preamble to the U.S. Constitution and the Bill of Rights.

"For more than three decades, a monument inscribed with the 10 Commandments stood on the Statehouse lawn as a reminder of some of our nation's core values," the governor said.

"Soon those words will stand alongside the abiding principles of our form of government, especially its protections of individual rights," O'Bannon added. "They're ideals we all need to be reminded of from time to time."

Effective July 1, House Enrolled Act 1180 permits units of government, including schools, to display the Ten Commandments, if they so choose, along with other documents of historical significance that have formed and influenced the legal or governmental system of the United States.

The legislation received overwhelming bipartisan support, adopted by votes of 90-6 in the Indiana House of Representatives and 40-10 in the state Senate.

Representative Jerry Denbo authored the bill, whose lead sponsor was state Senator Kent Adams. State Representative Brent Steele co-authored and is spearheading the monument project.

"Our entire Statehouse is rich with other monuments to our heritage," Steele said. "This new monument will soon take its proper place alongside such historic figures as Oliver P. Morton, Thomas A. Hendricks, George Washington and Christopher Columbus."

"The new monument will be an integral part of the Statehouse setting, which honors the history of our state and our nation," O'Bannon added.

Also displayed on the Statehouse lawn are memorials to returning veterans of the Civil War and to the wartime efforts of Hoosier women.

Other markers note the significance of U.S. Highway 40, which passes the Statehouse. In the 1800s it was known as the National Road, and Congress used it to promote the young nation's westward settlement.

In addition to the historical text to be inscribed on the new monument, Steele said it will honor the Indiana State Aerie and Auxiliaries of the Fraternal Order of Eagles, based in Anderson, which donated an earlier 10 Commandments monument to the state in 1958.

"In the fifties, Eagles lodges across the country donated monuments like the one we had to their home states," Steele said. "We thought it only right that we note on the new monument that it replaces one given so generously before."

After gracing the Statehouse lawn for three decades, the original monument was broken in a series of acts of vandalism. The Eagles reclaimed and repaired it at a cost of about $2,500. It now stands outside the Anderson lodge, somewhat battered but still at its original 6-foot height and 5-foot width.

The new monument, valued at more than $20,000, will be about 4 feet high, 5 feet wide and 4 feet deep. It will stand on the spot formerly occupied by the Eagles' monument.

Jack R. Moore, state conductor of the Indiana State Aerie, Fraternal Order of Eagles, and an officer of the Anderson lodge, said he looks forward to the dedication ceremony for the new monument.

"We were proud to have donated the first monument, and we're really pleased to be recognized on the new one," Moore said. "It's a wonderful thing for the state."

To be carved from a 9-ton block of Lawrence County limestone, the monument is planned as a gift to the state solicited by Representative Steele from five Southern Indiana companies. They will provide the stone, design and carve it and then transport and install it.

"On behalf of all Hoosiers, I want to thank Representative Steele, the Elliott Stone Company, Evans Limestone Company, Watterson Monument Service, Hoosier Drafting and Charles Jones, engineer, for their generosity," O'Bannon said. "The monument they envision will be a wonderful addition to the many historic markers on the Statehouse grounds.

Reporters'

contact: Phil Bremen or Cheryl Reed, 317-232-4578

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