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FOR THE MIDDLE DISTRICT OF ALABAMA

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STEPHEN R. GLASSROTH,  
DEBRA P. HACKETT, CLK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA

vs.

ROY S. MOORE, Chief Justice  
of the Alabama Supreme Court,

Defendant.

CV - 01-T-1268-N

COMPLAINT

NATURE OF THE ACTION

1. This is a civil action pursuant to 42 U.S.C. § 1983 to vindicate the Plaintiff's rights under the First and Fourteenth Amendments to the United States Constitution. The Plaintiff, an Alabama attorney, seeks injunctive relief to require the Defendant, the Chief Justice of the Alabama Supreme Court, to remove a large religious monument from the rotunda of the Alabama State Judicial Building. The top of the monument contains the Ten Commandments, a sacred text of Judeo-Christian faith; the four sides contain a variety of quotes, generally proclaiming the primacy of the law of God over the law of the citizenry. The monument is intended to communicate the Defendant's endorsement of religion. This purpose is no secret -- the Defendant has expressly proclaimed the monument's religious objectives, which have not only been well-publicized, but are also readily discernible by any reasonably informed observer. To observers such as the Plaintiff, the monument's celebration of the Ten Commandments -- both as a religious text and as the root of and the primary authority for Alabama law -- signifies an endorsement of Judaism and Christianity by the Alabama judiciary, suggesting that adherence to a particular religious creed is a prerequisite or an advantage to those seeking justice in Alabama.

## JURISDICTION AND VENUE

2. This action arises under the First and Fourteenth Amendments to the United States Constitution and 42 U.S.C. § 1983. Jurisdiction is invoked pursuant to 28 U.S.C. §§ 1331 and 1343.

3. Because the Defendant resides in Montgomery, Alabama, and because the subject of this action is located in Montgomery, venue is proper in the United States District Court for the Middle District of Alabama pursuant to 28 U.S.C. § 1391(a).

## PARTIES

4. Plaintiff Stephen R. Glassroth is a member of the Alabama bar and frequently practices law in the state court system, including the appellate courts. Mr. Glassroth's practice requires him to regularly visit the Alabama State Judicial Building ("the Judicial Building"), both to make appearances and to conduct research in the State law library. In addition to his legal practice, Mr. Glassroth serves on the Alabama Sentencing Commission, an obligation that also requires him to regularly visit the Judicial Building.

5. Defendant Roy Moore is sued in his official capacity as the Chief Justice of the Alabama Supreme Court. The Chief Justice is the administrative head of the Unified Judicial System and acts for the Unified Judicial System with respect to its lease of the Judicial Building from the titleholder, the Alabama Judicial Building Authority ("the Authority"). Ala. Code § 41-10-275 (2001). The Authority is a public corporation; the Governor chairs the Authority, and the Defendant is Vice Chair. Ala. Code §§ 41-10-265 (2001). The Defendant, acting in his capacity as Chief Justice, placed the monument at issue in the Judicial Building on August 1, 2001.

## STATEMENT OF FACTS

6. The Alabama State Judicial Building is located in Montgomery, Alabama. It houses the Alabama Supreme Court, the Court of Criminal Appeals, the Court of Civil Appeals, the State law library, and the Alabama Administrative Office of Courts.

7. The monument at issue in this action is located in a prominent place at the edge of the rotunda on the first floor (the main entrance floor) of the Judicial Building. It is a four-sided block composed of solid granite, resting upon a base. The top surface of the block is carved into two tablets, which are angled up and forward to facilitate viewing from the front of the monument. The top edges of the tablets are rounded arcs, a form typically used in depictions of the stone tablets delivered by Moses from Mt. Sinai. The monument stands approximately four feet in height and weighs approximately 5,280 pounds.

8. The following version of the Ten Commandments is etched into the tablets:

I AM THE LORD THY GOD  
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 IN VAIN  
REMEMBER THE SABBATH DAY, TO KEEP IT HOLY  
HONOR THY FATHER AND THY MOTHER  
THOU SHALT NOT KILL  
THOU SHALT NOT COMMIT ADULTERY  
THOU SHALT NOT STEAL  
THOU SHALT NOT BEAR FALSE WITNESS  
THOU SHALT NOT COVET

9. The four sides of the monument are inscribed with selected quotations from a variety of sources. The quotations are intended to support the Defendant's beliefs that the law of God is the foundation of – and superior to – the law and institutions of the citizenry, and that God is necessary to the administration of justice. Thirteen of the fifteen quotations refer to God, one refers to the primacy of “divine” law, and the last

refers to the fundamental nature of "religious obligation." The full text of the monument is contained in the attachment to this Complaint, and is hereby incorporated by reference.

10. The monument and the area immediately around it is roped off. A prominent sign placed near the monument warns that it is protected by twenty-four-hour video surveillance. Public funds are used to cover the expense of that video surveillance.

11. The Defendant has denied requests by other persons and organizations seeking to erect their own displays in the main rotunda.

12. On August 1, 2001, Chief Justice Moore installed the monument in the rotunda of the Judicial Building. The monument was brought in at midnight, in an effort to hide its existence from the public and the other members of the Alabama judiciary until the installation was complete.

13. On the morning of August 1, 2001, the Chief Justice unveiled the monument at an unpublicized ceremony. At the ceremony, the Chief Justice declared: "May this day mark the beginning of the restoration of the moral foundation of law to our people and a return to knowledge of God in our land."

14. According to news accounts, the Chief Justice has stated publicly that the purpose of the monument is "to remind the appellate courts and judges of the circuit and district courts of this state and members of the bar who appear before them as well as the people of Alabama who visit the Alabama Judicial Building of the truth stated in the preamble of the Alabama Constitution that in order to establish justice we must invoke the favor and guidance of Almighty God."

15. The Defendant campaigned for the position of Chief Justice as "The Ten Commandments Judge." He used the slogan in public appearances, interviews, and on billboards erected across the state.

16. As a practicing attorney and a sentencing commissioner, the Plaintiff is often required to enter the Judicial Building to fulfill his business obligations. Mr.

Glassroth also uses the Judicial Building to conduct legal research in the State's law library.

17. Mr. Glassroth has read the full text of the monument.

18. Mr. Glassroth reasonably views the monument as an endorsement of religion by the Alabama judiciary. Mr. Glassroth also reasonably believes that the monument suggests to all who view it that adherence to a particular religion's creed is a prerequisite or an advantage to those seeking justice in Alabama. As a practicing attorney and an officer of the court, these messages are deeply offensive to Mr. Glassroth.

19. Although Mr. Glassroth does not approach and examine the monument every time he is in the Judicial Building, he cannot help but notice it as he enters the rotunda. He must approach the monument in order to access the stairs or the elevator to any of the courtrooms, or to enter the law library (to the left of the monument) or the clerk's office (to the right). Each sighting of the monument – however brief – is an affront to Mr. Glassroth.

20. The Defendant's purpose in erecting the monument is to advance religion. In addition, the display of the monument in the Judicial Building has the primary effect of advancing religion.

21. The installation and maintenance of the monument in the Judicial Building creates an excessive entanglement of government with religion.

## CAUSES OF ACTION

### I.

22. The display of the Ten Commandments monument constitutes an impermissible endorsement of religion by the State and thereby violates the Plaintiff's rights under the First and Fourteenth Amendments to the United States Constitution.

23. The violation of the Plaintiff's rights specified above may be remedied pursuant to 42 U.S.C. § 1983.

II.

24. The display of the Ten Commandments monument creates an excessive entanglement of government with religion and thereby violates the Plaintiff's rights under the First and Fourteenth Amendments to the United States Constitution.

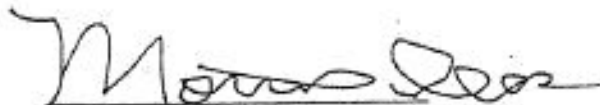
25. The violation of the Plaintiff's rights specified above may be remedied pursuant to 42 U.S.C. § 1983.

**PRAYER FOR RELIEF**

WHEREFORE, the Plaintiff prays that this Honorable Court grant the following relief:

1. Enter a permanent injunction requiring the Defendant, his agents, employees, and all persons acting in concert with him to remove the monument from the Judicial Building;
2. Award the Plaintiff reasonable costs and attorneys' fees; and
3. Grant the Plaintiff such other relief as the Court deems necessary and just.

Respectfully submitted,



Morris Dues  
Rhonda Brownstein  
J. Richard Cohen  
James A. Tucker  
Post Office Box 2087  
Montgomery, AL 36102-208  
(334) 956-8200

## ATTACHMENT

For the Court's convenience, this attachment includes the full text of the Ten Commandments monument in the main rotunda of the Alabama State Judicial Building.

The top surface of the monument reads:

I AM THE LORD THY GOD  
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 IN VAIN  
REMEMBER THE SABBATH DAY, TO KEEP IT HOLY  
HONOR THY FATHER AND THY MOTHER  
THOU SHALT NOT KILL  
THOU SHALT NOT COMMIT ADULTERY  
THOU SHALT NOT STEAL  
THOU SHALT NOT BEAR FALSE WITNESS  
THOU SHALT NOT COVET

On each of the monument's four sides, one quotation is centered, highlighted, and inscribed in particular large lettering. The featured quotation on each side of the monument is indicated below with **bold text**. On the front side of the monument, the quotations are as follows:

**"THE LAW OF NATURE ARE THE LAWS OF GOD; WHOSE  
AUTHORITY CAN BE SUPERSEDED BY NO POWER ON EARTH."**

**- George Mason**

**"LAWS OF NATURE AND OF NATURE'S GOD."**

**- Declaration of Independence**

**"THE TRANSCENDENT LAWS OF NATURE AND NATURE'S  
GOD, WHICH DECLARES THAT THE SAFETY AND HAPPINESS  
OF SOCIETY ARE THE OBJECTS AT WHICH ALL POLITICAL  
INSTITUTIONS AIM, AND TO WHICH ALL SUCH INSTITUTIONS  
MUST BE SACRIFICED."**

**- James Madison**

**"THIS LAW OF NATURE, BEING CO-EVAL [SIC] WITH  
MANKIND AND DICTATED BY GOD HIMSELF, IS OF COURSE  
SUPERIOR IN OBLIGATION TO ANY OTHER. IT IS BINDING**

OVER ALL THE GLOBE, IN ALL COUNTRIES, AND AT ALL TIMES: NO HUMAN LAWS ARE OF ANY VALIDITY, IF CONTRARY TO THIS; . . . UPON THESE TWO FOUNDATIONS, THE LAW OF NATURE AND THE LAW OF REVELATION, DEPEND ALL HUMAN LAWS; THAT IS TO SAY, NO HUMAN LAWS SHOULD BE SUFFERED TO CONTRADICT THESE."

- William Blackstone

The quotations on the left side of the monument are as follows:

"THE INCLUSION OF GOD IN OUR PLEDGE THEREFORE WOULD FURTHER ACKNOWLEDGE THE DEPENDENCE OF OUR PEOPLE AND OUR GOVERNMENT UPON THE MORAL DIRECTIONS OF THE CREATOR."

- Legislative history [sic]

"ONE NATION UNDER GOD, INDIVISIBLE, WITH LIBERTY AND JUSTICE FOR ALL"

- Pledge of Allegiance 1954

"HUMAN LAW MUST REST ITS AUTHORITY ULTIMATELY UPON THE AUTHORITY OF THAT LAW WHICH IS DIVINE."

- James Wilson

"AND CAN THE LIBERTIES OF A NATION BE THOUGHT SECURE WHEN WE HAVE REMOVED THEIR ONLY FIRM BASIS, A CONVICTION IN THE MINDS OF THE PEOPLE THAT THESE LIBERTIES ARE OF THE GIFT OF GOD? THAT THEY ARE NOT TO BE VIOLATED BUT WITH HIS WRATH?"

- Thomas Jefferson

*The quotations on the back of the monument are as follows:*

"LET IT SIMPLY BE ASKED, WHERE IS THE SECURITY FOR PROPERTY, FOR REPUTATION FOR LIFE, IF THE SENSE OF RELIGIOUS OBLIGATION DESERT THE OATHS WHICH ARE THE INSTRUMENTS OF INVESTIGATION IN COURTS OF JUSTICE?"

- George Washington



"SO HELP ME GOD."

- Judiciary Act of 1789

"THE GREATER PART OF EVIDENCE WILL ALWAYS CONSIST OF THE TESTIMONY OF WITNESSES - THIS TESTIMONY IS GIVEN UNDER SOLEMN OBLIGATIONS WHICH AN APPEAL TO THE GOD OF TRUTH IMPOSE [SIC?]; AND IF OATHS SHOULD CEASE TO BE HELD SACRED, OUR DEAREST AND MOST VALUABLE RIGHTS WOULD BECOME INSECURE."

- John Jay

The quotations on the right side of the monument are as follows:

"WE, THE PEOPLE OF THE STATE OF ALABAMA, IN ORDER TO ESTABLISH JUSTICE, INSURE DOMESTIC TRANQUILITY, AND SECURE THE BLESSING OF LIBERTY TO OURSELVES AND OUR POSTERITY, INVOKING THE FAVOR AND GUIDANCE OF ALMIGHTY GOD, DO ORDAIN AND ESTABLISH THE FOLLOWING CONSTITUTION AND FORM OF GOVERNMENT FOR THE STATE OF ALABAMA."

- Constitution of Alabama

"IN GOD WE TRUST."

- National Motto 1956

"O THUS BE IT EVER WHEN FREEMEN SHALL STAND  
BETWEEN THEIR LOV'D HOME AND THE WAR'S DESOLATION!  
BLEST WITH VICT'Y AND PEACE MAY THE HEAV'N RESCUED LAND  
PRAISE THE POWER THAT HATH MADE AND PRESERV'D US A  
NATION!

THEN CONQUER WE MUST, WHEN OUR CAUSE IS JUST,  
AND THIS BE OUR MOTTO - 'IN GOD WE TRUST,'  
AND THE STAR-SPANGLED BANNER IN TRIUMPH SHALL WAVE  
O'ER THE LAND OF THE FREE AND THE HOME OF THE BRAVE."

-- National Anthem

Copyright information is inscribed below the quotations on the back of the monument, as follows:

© 2001 R.S. MOORE  
D.S. MELCHIOR  
R.C. HAHNEMANN