

**IN THE SECOND JUDICIAL CIRCUIT COURT
JEFFERSON COUNTY, ILLINOIS**

PEOPLE EX REL.
PASTOR MARILYN NEAL,
ROBERTA SHALLENBERGER,
PAUL LYNCH,
CALVIN McCLINTOCK,
SUE TOMLIN,
ROBERTA EVANS, and
SUSAN DAVIS,

Plaintiffs,

v.

JEFFERSON COUNTY BOARD OF
COMMISSIONERS,
COUNTY OF JEFFERSON,
an Illinois body corporate and politic,
CLIFF LINDEMANN,
STEVE DRAEGE,
JOHN HOWARD,
JOEY McDERMOTT,
TIM MARLOW,
RANDY EDWARDS,
JEFF WILLIAMS,
TYLER WILLIAMS,
ADAM ORTGIESEN,
FISHER OVERSTREET,
MICHAEL YOUNG,
WAYNE HICKS, and
JAMES MALONE,
*in their official capacities as Commissioners of
the Jefferson County Board,*

Defendants.

Case no.: 2025MR37

**VERIFIED PETITION FOR DECLARATORY RELIEF AND AN ORDER OF
MANDAMUS OR INJUNCTION**

INTRODUCTION

1. This case concerns Defendants' unlawful placement of a large Ten Commandments Monument on government property at the Jefferson County Courthouse, and the constitutional right of Jefferson County, Illinois, residents to be free from the governmental sponsorship of religion, including the use of public land to promulgate religious doctrine and demonstrate official preference for one religion over others and for religion over non-religion.

2. The Jefferson County Courthouse ("the Courthouse") is a center of government in the community. It houses the offices of the County Clerk & Recorder, State's Attorney, Coroner, Assessor, Public Defender, Emergency Management Agency ("EMA"), and Treasurer. Residents who need access to services provided by these offices must visit the Courthouse. The office for the Jefferson County Board of Commissioners ("the Board") is also located in the Courthouse, and the Board's regular, public monthly meetings are held there.

3. Furthermore, the Courthouse is the only physical polling place for early voting within Jefferson County, and it is the primary voting location in the County during the regular voting period.

4. The Courthouse must serve all County residents and others who need to access the government services it houses, including people of various faiths and people who are not religious. Nevertheless, last year, Jefferson County Sheriff Jeff Bullard commissioned a monument featuring the Ten Commandments ("the Monument") and a biblical passage, which he then installed inside the Courthouse lobby.

5. Sheriff Bullard eventually moved the Monument to the Courthouse lawn, where it prominently sits as the only monument at the public entrance to the Courthouse, such that all

Courthouse visitors and passersby must encounter it. The Board subsequently voted to keep the Monument on the Courthouse lawn.

6. Plaintiffs are residents, taxpayers, and voters in Jefferson County. They include Protestants and Catholics, as well as agnostics and atheists, but they all share at least one common belief: that matters of faith should be reserved to the individual's conscience and faith communities, not usurped by government officials.

7. Plaintiffs have encountered and will continue to encounter the Monument while voting, volunteering as Court Appointed Special Advocates, and engaging in other civic activities at the Courthouse. They object to public money and property being used to propagate scripture, and to send the religiously divisive message that those in Jefferson County who do not subscribe to the specific religious doctrine the Monument represents are second-class residents.

8. Because the installation and maintenance of the Monument on County property violates the Illinois Constitution's prohibitions on denominational preference and use of government funds or property for religious purposes, Plaintiffs seek a declaration that its placement is unconstitutional, and a Court order directing its removal through an order of Mandamus or injunction.

JURISDICTION & VENUE

9. This action arises under 735 ILCS 5/14-101 *et seq.*; 735 ILCS 5/2-701; Art. I, section 3 of the Illinois Constitution; and Art. X, section 3 of the Illinois Constitution.

10. Jefferson County is the proper venue as all official acts and transactions took place in the County and because Jefferson County is where the Defendant Board of Commissioners has its principal office. 735 ILCS 5/2-103.

PARTIES

11. **Defendant Jefferson County Board of Commissioners** is an elected body of public officials lawfully tasked with maintaining the premises of the Jefferson County Courthouse, located at 100 South Tenth Street, where the Ten Commandments Monument is located. 55 ILCS 5/3-1106; 55 ILCS 5/5-17001.

12. **Defendant County of Jefferson** is a political entity charged with executing assigned governmental functions for the County. The County of Jefferson is the lawful owner of the Ten Commandments Monument, as well as the public funds used to erect the Monument on the Courthouse lawn.

13. **The Remaining Defendants**—Defendants Lindemann, Draege, Howard, McDermott, Marlow, Capps, Williams, Nowland, Ortgiesen, Overstreet, Young, and Hicks are each sued solely in their official capacities as Commissioners of the Jefferson County Board.

14. **The Plaintiffs**—Pastor Marilyn “Lynn” Neal, Calvin McClintock, Sue Tomlin, Roberta Evans, Roberta Shallenberger, Paul Lynch, and Susan Davis are all taxpayers and residents of Jefferson County, Illinois.

15. **The People of the State of Illinois**—The People are named as a party, asserting a public right through Counts III and IV below. The People have an interest in seeing the laws, including the Illinois Constitution, faithfully executed. *Noland v. Mendoza*, 215 N.E.3d 130 (Ill. 2022); *Pike Cnty. Comm’rs v. People ex rel. Metz*, 11 Ill. 202, 208 (1849).

FACTUAL ALLEGATIONS

The Ten Commandments Monument

16. Jefferson County’s Ten Commandments Monument is made of marble and is approximately 6 feet, 8 inches in height, and 4 feet in width.

17. The Monument is currently displayed on the south lawn of the Courthouse, located at 100 South Tenth Street, Mount Vernon, Illinois. It is located just north of Broadway Street (Route 15), a main road that serves as an exit and entrance to Interstate 64. Across the street is the City of Mt. Vernon's newest public park, "The Commons."

18. The south entrance is the sole public entry for the Courthouse. The other entrances have signs directing citizens to the south entrance. Below are pictures of the Monument.





19. The text of the Commandments featured on the Monument states:

- I. THOU SHALT HAVE NO OTHER GODS BEFORE ME
- II. THOU SHALT NOT MAKE UNTO THEE ANY GRAVEN IMAGE
- III. THOU SHALT NOT TAKE THE NAME OF THE LORD THY GOD IN
VAIN
- IV. REMEMBER THE SABBATH DAY TO KEEP IT HOLY
- V. HONOR THY FATHER AND THY MOTHER
- VI. THOU SHALT NOT KILL
- VII. THOU SHALT NOT COMMIT ADULTERY
- VIII. THOU SHALT NOT STEAL
- IX. THOU SHALT NOT BEAR FALSE WITNESS AGAINST THY
NEIGHBOR
- X. THOU SHALT NOT COVET

20. The base of the Monument also features an engraved Bible verse proclaiming: “When justice is done, it is a joy to the righteous but terror to evildoers. Proverbs 21:15.” Above this Bible verse is an additional engraved statement: “This historic symbol represents the origins and foundation of the justice system of the United States of America.”

21. After consulting lawyers from First Liberty Institute, Sheriff Bullard directed an employee to place a cover over the biblical quotation so that it is no longer visible.

22. On information and belief, Sheriff Bullard designed the Monument, or approved its design, and selected the Monument’s text, including the exact version of the Ten Commandments engraved on the Monument.

23. The version of the Ten Commandments featured on the Monument is associated with Protestant denominations. The Monument’s wording and numbering is drawn from the King

James Bible. *See* Paul Finkelman, *The Ten Commandments on the Courthouse Lawn and Elsewhere*, 73 Fordham L. Rev. 1477, 1489 (2005) (discussing Protestant version of Commandments).

24. Many residents of Jefferson County, including some of the Plaintiffs, do not follow any faith and do not adhere to biblical scripture, including the Ten Commandments.

25. Some faith traditions do not teach, recognize, or reference the Ten Commandments at all. For example, followers of Hinduism, Buddhism, and Taoism generally do not consider the Ten Commandments to be part of their belief system. *See* Finkelman, *supra* at 1479.

26. Even for faith traditions that view a version of the Ten Commandments to be authoritative and important, the particular text and meaning of the Commandments can differ by religious denomination or tradition and translation. For instance, Catholics, Jews, and many Protestants differ in how they number, organize, and translate the Commandments from Hebrew to English. *See* Finkelman, *supra* at 1488–91, 1495.

27. The version of the Ten Commandments on the Monument omits key language and context that is included in the Jewish version. For example, it is missing the important message in the Jewish story about God bringing the Israelites out of Egyptian slavery to freedom. It also summarizes other Commandments instead of including the complete text as found in the Torah. And specific word choices reflected on the Monument wade into serious theological debates. While the Monument’s Protestant text commands, “Thou shalt not kill,” the version of the Commandments followed by many Jews warns, “You shall not murder.” This difference reflects significant disagreement between how different faiths interpret and understand this Commandment. *See* Finkelman, *supra*, at 1488–91, 1495.

28. The version of the Ten Commandments on the Monument is also inconsistent with the version followed by most Catholics, and includes language in one Commandment that some

Catholics find to be an attack on their faith. Specifically, the Catholic version does not include the Monument’s language prohibiting “graven images.” Indeed, iconography, sculpture, and other artwork is common in the Catholic faith, such that embrace of this prohibition as a Commandment has been recognized as a rejection of Catholic tradition. *See* Finkelman, *supra*, at 1488, 1493–94.

Sheriff Bullard Solicits Donations for the Ten Commandments Monument

29. Last year Sheriff Bullard used official government resources, channels, and personnel to promote, finance, and install the Monument.

30. While acting in his official capacity as Sheriff, Bullard solicited donations for the Monument, which he collected using County resources, equipment, and personnel.

31. For example, Bullard circulated a “Donation Pledge Form” to several potential donors, which stated that solicited donations “go to *the Jefferson County Sheriff’s Office Ten Commandments project* for 2024.” Ex. 1 (emphasis added).¹

32. Sheriff Bullard directed donors to make checks out to the “JCSO Chaplaincy Division,” to be deposited into the government account for the Jefferson County Sheriff’s Office’s Chaplaincy Division, and to mail the checks directly to the Sheriff’s Office. He instructed donors to drop off physical checks at the Sheriff’s Office. *See* Ex. 2 at 1.

33. During this fundraising effort, Sheriff Bullard’s assistant—Randa Rowland—would alert him to any checks for the Monument mailed to their office. Rowland used her official government email, during work hours, to alert Sheriff Bullard when she would be depositing donation checks into the government account. *See* Ex. 3.

¹ All eighteen Exhibits included in support of this Petition are records produced by Sheriff Bullard in response to a Freedom of Information Act Request. *See infra*, ¶¶ 74–75.

34. In total Sheriff Bullard raised \$10,728.55, all of which he or Rowland deposited in a government account for the Sheriff's Office Chaplaincy Division. *See* Ex. 4 at 2. According to public records, the Monument project cost \$10,346.24, *id.*, leaving a surplus of \$382.31.

35. Bullard solicited donations primarily from Protestant, typically Baptist, churches and individuals representing churches. *See* Ex. 4.

36. Over a dozen churches donated approximately \$6,000 for the project. *See* Ex. 4.

37. In addition, the Jefferson County Sheriff's Office Chaplains donated \$1,000 to the Monument. *See* Ex. 4 at 1.

38. Donors and potential donors praised Sheriff Bullard erecting the monument as a defense of Christian beliefs.

39. For example, in a letter to Sheriff Bullard accompanying a \$500 donation, one church wrote: "We are thankful to have a sheriff who not only has Biblical beliefs but is also willing to stand for those beliefs in a great way. Our prayer is that this will not only serves as a symbol for what God's standard for living is, but that this will also serve as a missions opportunity to point people to the saving knowledge of Jesus Christ." *See* Ex. 5.

40. In another exchange with a potential donor, the donor cited Romans 1:18 – 32 and wrote: "Thats awesome! Thats where we need to get back to as a country. I fear our nation is headed for judgement, if it doesnt turn from its ways. There are signs of it everywhere." Sheriff Bullard replied: "Yes, there are. It is coming. I'm just trying to do my part to represent His Kingdom until it happens. If it turns violent, you know you can bring your family to the Sheriff's Office. Your always part of the team and we take care of our own..." *See* Ex. 6.

Sheriff Bullard's Installation & Prayer Ceremony

41. Having used his government office and government resources to solicit and collect donations, Sheriff Bullard began planning the installation of the Monument—again using government resources, including County law enforcement officers and County staff.

42. He communicated, in his official capacity, with Pyramid Marble & Granite to construct the Monument, signing those emails as Sheriff. *See* Ex. 7.

43. In a May 7 communication, Sheriff Bullard provided Pyramid Marble & Granite with the Sheriff Department's W9, in order to confirm that the Sheriff's Department was responsible for ordering the Monument and that it was a tax-exempt entity. *See* Ex. 7 at 3.

44. In an August 13 email, Sheriff Bullard wrote to Pyramid Marble & Granite, "I have notified my staff to provide whatever accommodations you need with delivering the monument to the courthouse on the 23rd." Ex. 7 at 5.

45. On July 12, 2024, Deputy Sheriff Kevin Rodriguez wrote an email titled "Command Staff Meeting Notes 07/09/24," to employees: "Courthouse - Large Granite 10 Commandments will be placed in the courthouse. If asked it was paid for through donations. The Supreme Court overturned the separation of church and state. Any complaints refer them to the Sheriff." *See* Ex. 8 at 3.

46. On August 15, 2024, in an email relaying information from the Sheriff's August 13, 2024, Command Staff meeting, Deputy Rodriguez further noted: "August 25, 2024 - **This is our weekend to work.** We need to have the courthouse unlocked by 1430 hours. The 10 Commandment Monument will be delivered around this time. Do not let people gather around when delivered." *See* Ex. 9 at 2 (emphasis added).

47. On August 23, 2024, at the direction of Sheriff Bullard, the Monument was installed in the Courthouse lobby.

48. On August 25, 2024, a prayer and blessing ceremony, organized by Sheriff Bullard, was held inside the Courthouse. He invited private donors as well as some members of the Jefferson County Board of Commissioners.

49. In his invitations, Sheriff Bullard wrote: “We are going to have a private ceremony for all who contributed. No news or social media. Just to bless it.” He further explained that the Monument is “**us showing God an ever so tiny amount of love** in return for loving us first in a way that only He can do.” *See* Ex. 10 (emphasis added).

50. During the ceremony—and at the direction of Sheriff Bullard—on-duty police officers secured the Courthouse, which was closed to the public. Those officers directed ingress to, and egress from the Courthouse.

51. In addition, Sheriff Bullard directed two government employees—chaplains for local law enforcement—to “both say prayers . . . [during the ceremony] to bless the courthouse and the new Ten Commandments Monument.” *See* Ex. 11.

Sheriff Bullard Relocates the Monument to the Courthouse Lawn

52. On October 24, 2024, Sheriff Bullard relocated the Ten Commandments display from inside the Courthouse to its current location on the south lawn. Bullard directed other County employees to arrange the relocation, and to cover up the biblical quote. *See* Ex. 12.

53. Before moving the Monument, Sheriff Bullard consulted lawyers from First Liberty Institute. In a September 26, 2024, email to Pyramid Marble & Granite, he explained: “I received some bad news from the First Liberty Institute today and it looks like we will have to move the

Monument outside to the courthouse grounds. What would you guys to charge to move it outside and sit it on a concrete slab?” *See* Ex. 13.

54. In total, the relocation cost approximately \$5,250. BNT Concrete billed Jefferson County approximately \$1,050 to create a concrete pad in a new spot on the south lawn for the Monument, and Pyramid Marble & Granite billed the Jefferson County Chaplaincy Division approximately \$4,200 to move the Monument from inside the Courthouse to its new location. *See* Exs. 14–15.

55. After the initial installation in the Courthouse lobby, the Jefferson County Sheriff’s Office had only about \$382 left in private donations for the Monument. To relocate the Monument, Sheriff Bullard paid the difference—approximately \$4,868—from the County’s “Chirper Fund.” *See* Exs. 16–17.

56. On information and belief, the “Chirper Fund” is a government account holding funds designated to provide communications devices for prisoners to use to contact loved ones and other outsiders.

57. The Chirper Fund, along with all of the money within, is held in the public trust.

The Board Votes to Keep the Monument on the Courthouse Lawn

58. After its relocation, the Monument now stands on the Courthouse lawn, which is County property.

59. Notwithstanding the Sheriff’s self-appointed role in driving the Monument’s financing, creation, and placement on the Courthouse grounds, it is the County, through the Board, that is financially responsible for maintaining all County property, including the Monument. State law grants the County the power—and charges it with the duty—to “provide” and “keep in repair” a courthouse and “other necessary county buildings,” and to provide for the County services and

offices that are housed within those buildings. *See* 55 ILCS 5/5-1106. The Board oversees the budget for the maintenance of the Courthouse and its grounds.

60. The Board is aware of the Sheriff's role in orchestrating the placement of the Monument using government resources, in his official capacity as a representative of County government.

61. The Board held a regular monthly meeting on October 28, 2024 and, consistent with its duties, discussed its power to remove the Ten Commandments Monument. Although the agenda for this meeting included discussing removal or relocation of the Monument from the Courthouse lobby, Sheriff Bullard had already moved the Monument to the lawn by the time the meeting was held.

62. During public comment, attendees lauded the Monument as "putting God back into things," and as Christians "starting to stand up." *See, e.g.,* Board Meeting for October 28, 2024 at 9:20.²

63. Sheriff Bullard also spoke during public comment. He claimed that the Monument was "government recognizing our heritage," then affirmed that "for the believer, it means something more." *Id.* at 14:05.

64. After public comment, a Board member moved to table relocation of the Monument "for 60 days" to "get additional legal counsel." That motion was defeated. *Id.* at 39:31.

65. Then, another Board member moved to recognize "that the Monument is on the Courthouse lawn, and that [] the Board [is] in favor of that." That motion required Board members to ask County Attorney Sean Featherstun his view of the situation. *Id.* at 14:25.

² An audio recording of this meeting was provided to the Freedom From Religion Foundation in response to a Freedom of Information Act request. *See* ¶75. Plaintiffs have provided a physical copy of this audio file to the Court as a supplement to this Petition.

66. Featherstun advised that he had consulted four lawyers, all of whom indicated that the Monument raised serious legal concerns, with the best advice from them being, “Hope you’re insured.” Featherstun expressed frustration that he was not consulted before the Monument was erected and noted that his “analysis doesn’t change” based on the Monument being moved. *Id.* at 42:50.

67. Featherstun also provided written legal advice to the Board, discussing the Monument’s legality, as well as its lack of governmental function. *See* Ex. 18.

68. Featherstun identified several factors that could weigh against the Monument’s legality, noting that “[a]n inconspicuous monument appears safer than a large prominent one” and that having “religious donors” undermines the argument that the monument is “non-religious.” Ex. 18 at 2. He also noted that “[t]aken by themselves, the symbolism of the Ten Commandments is largely understood to be religious....” *Id.*

69. After hearing from Featherstun, the Board voted on a proposal to retain the Monument on the Courthouse lawn, with six of the present eight members voting in favor of keeping it, and two abstaining. Board Meeting for October 28, 2024 at 46:10.

70. To date, Defendants have done nothing to remove the Monument from public property. One Commissioner even noted that he was “willing to roll the dice” because the Board “gets sued all the time.” *Id.* at 43:50.

The Freedom From Religion Foundation Advises the Board to Remove the Monument

71. On August 29, 2024, the Freedom From Religion Foundation (“FFRF”), a non-profit advocacy and legal organization, sent a letter to the Board’s chair, Defendant Lindemann, advising the Board that displaying the Monument on government property is unconstitutional. The letter asked the Board to remove the Monument from the Courthouse.

72. The Board did not formally respond to FFRF's letter and did not otherwise act to remove the Monument.

73. On September 19, 2024, FFRF sent an open records request under Illinois's Freedom of Information Act, 5 ILCS 140/1 *et seq.*, to the Board.

74. Through Attorney Featherstun, the Board represented that it possessed no documents responsive to that FOIA request. On the same date, FFRF sent an open records request to Sheriff Bullard and the Jefferson County Sheriff's Office, which returned documents responsive to the FOIA request.

75. On October 24, 2024, FFRF directed a second FOIA request to the Sheriff's Office and Board, to which the Sheriff responded on October 28, 2024. The Board also responded with a letter, an audio recording of the Board's October 28, 2024 meeting, and objections to the FOIA request.

Plaintiffs' Encounters With and Objections to the Monument

76. Plaintiffs are all residents of Jefferson County. Because the Courthouse is a center of local civic life, Plaintiffs use it for various reasons and have no choice but to confront the Monument when visiting the building. It is impossible to avoid the Monument when entering the Courthouse because of its position on the south lawn. The southside doors are the only public entrance for residents. Signs on all other entrances read "PLEASE USE SOUTH DOOR." Plaintiffs each find the Monument deeply objectionable.

Pastor Marilyn "Lynn" Neal

77. Pastor Neal is a resident and taxpayer of Jefferson County. She is a commissioned Christian pastor who regularly preaches at First Presbyterian Church, located in Jefferson County. Pastor Neal also provides sacerdotal services in and around Jefferson County.

78. Pastor Neal first encountered the Ten Commandments Monument when she went to the Courthouse to participate in early voting for the 2024 presidential election.

79. Pastor Neal intends to continue early voting, so she will regularly encounter the Monument in the future if the County does not remove it from the Courthouse lawn.

80. Pastor Neal objects to the Monument on the Courthouse lawn for several reasons.

81. First, she believes in and preaches faith in a loving and accepting God. She believes that her vision of God is at odds with the message communicated by the County's Ten Commandments Monument, which presents the scripture out of context, emphasizing rigid demands and making God appear unaccepting and judgmental. This spiritually harmful message is amplified by the fact that the Monument sits on the lawn of the Courthouse—a place where many residents go to seek civil and/or criminal justice. She believes this in turn suggests that people can expect treatment within the Courthouse that is informed by the unduly rigid religious message the Monument conveys.

82. Second, she believes that the Monument represents an intrusion of civil authority into matters of faith, which should be reserved for religious leaders and faith communities. As a minister, Pastor Neal believes that the Monument co-opts religious belief for improper political purposes, intruding into a sphere that God has commended to clergy and faith communities, not the government.

83. Third, she believes that the Monument demeans and trivializes a holy text by turning it into a lawn decoration.

84. Fourth, Pastor Neal believes that the Monument's placement in an official, public setting usurps her role as a religious leader by promoting an officially preferred version of the Ten Commandments and presenting this scripture outside of its biblical context. She believes that she

could better communicate with and minister to those in her community if her local government were not emphasizing the Ten Commandments over other, more compelling aspects of her faith.

85. Pastor Neal does not want public money to support a religious message that directly conflicts with her personal, sincerely held beliefs and usurps the role of clergy.

Roberta Shallenberger

86. Roberta Shallenberger is a resident and taxpayer of Jefferson County. She is a lifelong practicing Catholic.

87. Shallenberger first encountered the Monument when she voted early at the Courthouse for the 2024 presidential election.

88. Shallenberger also serves as a Court Appointed Special Advocate (CASA) in Jefferson County, which periodically requires attending in-person hearings at the Courthouse.

89. Shallenberger plans to continue voting in person at the Courthouse in future elections, and she plans to continue volunteering in the CASA role indefinitely. If the Monument is not removed, she will be forced to encounter it in the future.

90. Shallenberger objects to the Monument because she recognizes the displayed text as the Protestant version of the Ten Commandments, which conflicts with aspects of the Catholic version.

91. Specifically, the Monument includes the prohibition “Thou shalt not make unto thee any graven image.” The Catholic Ten Commandments do not include this prohibition.

92. The use of religious iconography, sculpture, and other forms of artwork depicting Christ’s crucifixion is common practice for Catholics. Shallenberger understands the County’s Monument to command her and her fellow Catholics to cease this religious practice.

93. It is Shallenberger's understanding that, historically, the Protestant version of the Ten Commandments has been used by some to condemn Catholic religious practice. She further objects to the Monument because of the anti-Catholic bias that she believes the Monument communicates.

94. Shallenberger also objects to the Monument because it communicates her local government's official recognition and endorsement of the Protestant version of the Ten Commandments, and it communicates the County's preference for Protestants over Catholics and members of other non-Protestant religious groups.

95. Shallenberger does not want her local government using public money to promote religious doctrine that conflicts with her own and sends the exclusionary message that, as a Catholic, she is disfavored by County officials.

Paul Lynch

96. Paul Lynch is a resident and taxpayer of Jefferson County. He is a lifelong practicing Catholic.

97. Lynch first encountered the Monument when he voted early at the Courthouse for the 2024 presidential election. He encountered the Monument again when paying taxes at the Courthouse in November 2024.

98. Lynch serves as a CASA volunteer in Jefferson County, which periodically requires attending in-person hearings at the Courthouse.

99. Lynch plans to continue voting in person at the Courthouse in future elections, paying his taxes in person, and volunteering in the CASA role indefinitely. If the Monument is not removed, he will be forced to encounter it in the future.

100. Lynch objects to the Monument because he recognizes the displayed text as the Protestant version of the Ten Commandments, which conflicts with parts of the Catholic version.

101. Specifically, the County's Monument includes the prohibition "Thou shalt not make unto thee any graven image." The Catholic version of the Ten Commandments does not include this prohibition.

102. The use of religious iconography, sculpture, and other forms of artwork depicting Christ's crucifixion is common practice for Catholics. Lynch understands the County's Monument to command him and his fellow Catholics to cease this religious practice.

103. It is Lynch's understanding that, historically, the Protestant version of the Ten Commandments has been used by some to condemn Catholic religious practice. He further objects to the Monument because of the anti-Catholic bias that he believes the Monument communicates.

104. Lynch also objects to the Monument because it communicates his local government's official recognition and endorsement of the Protestant version of the Ten Commandments, and communicates the County's preference for Protestants over Catholics and members of other non-Protestant religious groups.

105. Lynch does not want his local government using public money to promote religious doctrine that conflicts with his own and sends the exclusionary message that, as a Catholic, he is disfavored by County officials.

Calvin McClintock

106. Calvin McClintock is a resident and taxpayer of Jefferson County. He identifies as a "seeker" who wishes to learn about multiple religious perspectives, and as an agnostic, who believes that whether a god or gods exist is not knowable.

107. McClintock first encountered the Ten Commandments Monument when he went to the Courthouse in early September to inspect some property records.

108. He again encountered the Monument when he went to the Courthouse to cast his vote early in the 2024 presidential election.

109. If the Defendants do not remove the Ten Commandments Monument from County property, McClintock will be forced to confront the Monument in the future. He regularly pays his annual property taxes in person at the Courthouse and participates in early voting at the Courthouse. He plans to continue both activities in the future.

110. McClintock objects to the Monument on the Courthouse lawn for several reasons.

111. First, as a “seeker” and agnostic, he does not subscribe to the Ten Commandments as religious doctrine. He believes that the display of this scripture at the Courthouse sends an exclusionary and spiritually harmful message to him that, because he holds different religious beliefs than those endorsed by the County, he is disfavored and a second-class resident.

112. Second, McClintock objects to the Ten Commandments Monument because it directs him to believe in the Christian God, to consider “no other gods,” to worship the Christian God, and to engage in other Christian activities, all of which conflict with his personal, sincerely held beliefs as a “seeker” and agnostic.

113. McClintock does not want public money to support a religious message that directly conflicts with his personal, sincerely held beliefs.

Sue Tomlin

114. Sue Tomlin is a resident and taxpayer of Jefferson County. She is a Christian, who serves as a Deacon at First Presbyterian of Mt. Vernon.

115. Tomlin first encountered the Monument at the Courthouse when she participated in early voting for the 2024 presidential election.

116. Tomlin came across the Monument again when she voted early at the Courthouse for the April 1, 2025, election.

117. Tomlin plans to vote early at the Courthouse for every election, so she will continue to be confronted with the Ten Commandments Monument if it is not removed.

118. Tomlin believes that the Ten Commandments Monument sends a negative and inaccurate message about what it means to be a Christian because it emphasizes one aspect of scripture over other, more important Christian principles and because its placement in an official public setting suggests the government endorses that emphasis.

119. Tomlin believes that religion is a deeply personal and spiritual journey. She believes that the Monument sends an exclusionary message to Christians, like her, who do not place the same value on the Commandments in their faith practice as the County's display does. The Monument undermines that belief and makes Tomlin question her faith. Tomlin does not want her local government interfering with her personal religious journey.

120. Tomlin does not want her public money to support a religious message that directly conflicts with—or makes her question—her personal, sincerely held beliefs.

Roberta Evans

121. Roberta Evans is a resident and taxpayer of Jefferson County. She made the spiritual choice to leave the Catholic faith in which she was raised and now identifies as an atheist.

122. Evans first encountered the Ten Commandments Monument when she voted early for the 2024 presidential election at the Courthouse.

123. Evans votes early at the Courthouse every election and believes that she has been the first voter to cast a ballot in the County in each of the last three elections. She has also served as a poll watcher, which required her to register at the Courthouse. She plans to continue these activities in the future and will thus encounter the Monument if it is not removed from the Courthouse lawn.

124. As an atheist, Evans does not subscribe to the Ten Commandments. She objects to the religious messages featured on the Ten Commandments Monument, which largely conflict with her personal beliefs. For instance, the Monument directs readers to believe in and worship the Christian God, to keep the Sabbath holy, and to engage in other Christian activities, all of which conflict with her sincerely held beliefs.

125. Evans believes that the Monument conveys to her and others who do not submit to the County's preferred religious doctrine that they are second-class residents and not welcome in the community.

126. Evans does not want her local government using public money to promote Christianity or any other religion.

Susan Davis

127. Susan Davis is a resident and taxpayer of Jefferson County. She is an atheist who was raised with Humanist values. In keeping with her beliefs, she is a member of, and regularly attends the Mt. Vernon Unitarian Universalist Fellowship.

128. Davis first encountered the Ten Commandments Monument when she voted early at the Courthouse for the 2024 presidential election. She encountered the Monument again when she voted early at the Courthouse during the April 1, 2025, election. She regularly votes early at the Courthouse and intends to do so again in future elections. In addition, Davis lives near the

Courthouse and frequently drives by the Monument as a result. She also sometimes attends city-wide events that take place in the Commons area across from the Courthouse, in direct view of the Monument. She will therefore encounter the Monument again if it is not removed.

129. As an atheist, Davis does not subscribe to the Ten Commandments. Instead, Humanists believe in the “Ten Commitments”: Empathy, Altruism, Humility, Ethical Development, Critical Thinking, Peace and Social Justice, Serving and Participating, Environmentalism, Global Awareness, and Responsibility.

130. Davis objects to the Ten Commandments Monument because she believes that it promulgates religious demands from a creator god and is thus at odds with her sincerely held religious beliefs.

131. She further objects to many of the specific requirements made in the Ten Commandments, including to believe in the Christian God, to worship the Christian God, and to engage in other Christian activities.

132. She further believes that the Monument conveys to her and others who do not adhere to this scripture that they are second-class residents and unwelcome in the community because of their religious beliefs, or lack thereof.

133. Davis does not want her local government using public money to promote Christianity or any other religion.

CLAIMS FOR RELIEF

COUNT I

DECLARATORY AND INJUNCTIVE RELIEF

Violation of Ill. Const. Art. I, Sec. 3

(against all Defendants)

134. Plaintiffs incorporate all previous paragraphs as though alleged herein.

135. Article I, section 3 of the Illinois Constitution states in relevant part: “The free exercise and enjoyment of religious profession and worship, without discrimination, shall forever be guaranteed, and no person shall be denied any civil or political right, privilege or capacity, on account of his religious opinions; . . . No person shall be required to attend or support any ministry or place of worship against his consent, nor shall any preference be given by law to any religious denomination or mode of worship.”

136. Known as one of the Illinois Constitution’s “disestablishment clauses,” Article I, section 3, according to the constitutional convention’s delegates, is even “more restrictive than the . . . Federal Constitution.” 6 *Records of Proceedings, Sixth Ill. Constitutional Convention* at 1372 (discussing Article I, section 3 on May 29, 1970).

137. During the Constitutional Convention’s discussion of Article X, section 3, the other disestablishment clause, delegates noted that “there is no compulsion” for the Illinois courts to follow the United States Supreme Court on the Establishment Clause in interpreting the Illinois constitutional provision, “as they are passing upon the matter as a federal question.” 6 *Records of Proceedings* at 787 (discussion on April 23, 1970).

138. Illinois governments violate Article I, section 3 if its action (1) does not have a secular purpose, (2) has the primary effect of advancing or inhibiting religion; or (3) fosters an excessive government entanglement with religion. See *Bd. of Educ. Sch. Dist. No. 41 of Cook Cnty., Ill. v. Bakalis*, 54 Ill. 2d 448, 466 (1973); *People v. Falbe*, 189 Ill. 2d 635, 645–49 (2000).

139. The display of the Ten Commandments Monument on the Courthouse lawn does not have a secular purpose. Defendants' installation and continued display of the Monument, therefore, violates Defendants Article I, section 3 of the Illinois Constitution.

140. The effect of erecting and maintaining the Ten Commandments Monument on the Courthouse lawn is for the County to promote and advance the Monument's religious message, which highlights and endorses the religious beliefs of one or more Christian denominations. Defendants' installation and continued display of the Monument, therefore, violates Defendants Article I, section 3 of the Illinois Constitution.

141. In selecting and inscribing on the Monument a version of the Ten Commandments that highlights and endorses the religious beliefs of one or more Christian denominations, Defendants have taken sides in theological controversies over religious doctrine and practice, fostering excessive government entanglement with ecclesiastical matters. Defendants' installation and continued display of the Monument, therefore, violates Article I, section 3 of the Illinois Constitution.

142. By erecting and maintaining the Ten Commandments Monument on County property, Defendants are giving preference to religion over non-religion. They are also giving preference to some Christian denominations over others and to Christianity over other religions that either adhere to a different version of the Ten Commandments or do not consider the Ten Commandments to be part of their faith tradition.

143. By erecting and maintaining the Ten Commandments Monument on County property, Defendants are communicating a preference for specific modes of worship and specific aspects of practice by some Christian denominations over others.

144. Plaintiffs will continue to suffer irreparable constitutional harm through their encounters with the Monument unless it is removed from the public entrance to the Courthouse, and have no adequate remedy at law to address this harm.

COUNT II
DECLARATORY AND INJUNCTIVE RELIEF
Violation of Ill. Const. Art. X, Sec. 3
(against all Defendants)

145. Plaintiffs incorporate all previous paragraphs as though alleged herein.

146. Article X, section 3 of the Illinois Constitution provides in relevant part that no “grant or donation of land, money, or other personal property [shall] ever be made by the State, or any such public corporation, to any church, or for any sectarian purpose.”

147. Article X, section 3 is more restrictive than the First Amendment to the United States Constitution. Indeed, the Illinois Constitutional Convention twice rejected proposed amendments to the provision that would have substituted the language of the First Amendment stating that “Congress shall make no law respecting an establishment of religion.” 6 *Record of Proceedings* at 251. “There is no compulsion upon” the Illinois Courts to follow federal Establishment Clause guidelines in interpreting Illinois’s constitutional provision “as they are passing upon the matter as a federal question.” 6 *Record of Proceedings* at 787.

148. The County is a public corporation under Article X, section 3, and subject to its limitations. *See, e.g.*, Chancellor James Kent, Commentaries on American Law, 2 Kent. Comm. at 118 (1827) (“Public corporations, are such as exist for public political purposes only, such as counties, cities, towns, and villages.”); *see also Spalding v. People*, 172 Ill. 40, 48 (1898).

149. Government action will violate Article X, section 3 if the government action (1) does not have a secular purpose, (2) has the primary effect of advancing or inhibiting religion, or

(3) fosters an excessive government entanglement with religion. *See Bakalis*, 54 Ill. 2d 448, 461 (1973); *People ex rel. Klinger v. Howlett*, 56 Ill.2d 1, 3–4 (1973).

150. By erecting and maintaining the Ten Commandments Monument on government property, Defendants have unconstitutionally granted land for a sectarian purpose, in violation of Article X section 3 of the Illinois Constitution.

151. Defendants have further violated Article X section 3 of the Illinois Constitution by expending County dollars from the Chirper Fund for the purpose of erecting the Ten Commandments Monument and by using Jefferson County Sheriff's Office employee time and resources for the purpose of planning and installing the Monument and conducting a "prayer and blessing ceremony" for it.

152. Defendants' grant of land and public funds for the Monument do not have a secular purpose.

153. Defendants' grant of land and public funds for the Monument have the primary effect of promoting and advancing the Monument's religious message, which highlights and endorses the religious beliefs of one or more Christian denominations.

154. Defendants' Ten Commandments monument has a primary purpose and effect of advancing religion over non-religion, and a specific sect of Christianity over all others.

155. Defendants' grant of land and public funds for the Monument also excessively entangles government with religion because Defendants selected and inscribed on the Monument a version of the Ten Commandments that reflects the religious beliefs of a few Christian denominations, taking sides in theological controversies over religious doctrine and practice.

156. Plaintiffs will continue to suffer irreparable constitutional harm through their encounters with the Monument unless it is removed from the public entrance to the Courthouse, and have no adequate remedy at law to address this harm.

COUNT III
ORDER OF MANDAMUS
Violation of Ill. Const. Art. I, Sec. 3
(against all Defendants)

157. Plaintiffs incorporate all previous paragraphs as though alleged herein, including but not limited to the allegations in Counts I–II.

158. Plaintiffs have a clear right to relief. Defendants’ Ten Commandments Monument violates the Illinois Constitution.

159. Here, Plaintiffs assert a violation of the Illinois Constitution against a County government action affecting everyone in the County. That is a public right; therefore, “the people are regarded as the real party.” *Murphy*, 298 Ill. at 72; *Noland v. Mendoza*, 2022 IL 127239 (Ill. 2022).

160. Defendants are aware that, under the Illinois Constitution, they cannot give official preference to any religion or denomination or favor religion over non-religion.

161. Defendants—and only Defendants—have the ability to execute their duty, as they are the owners of the Monument and the land surrounding the Monument. Because the Monument is government property, they are the only party able to remove it. They acknowledged this duty by considering—and rejecting—removal of the Monument during a Board meeting.

162. Plaintiffs have a constitutional right to a County government that remains neutral on matters of religion; Defendants’ duty to maintain a religiously neutral County government is not discretionary, and they are exclusively tasked with that duty in this context. Defendants are

aware of this duty and are unwilling to comply. Plaintiffs are entitled to Mandamus for violations of Illinois Constitution Article I, section 3.

COUNT IV
ORDER OF MANDAMUS
Violation of Ill. Const. Art. X, Sec. 3
(against all Defendants)

163. Plaintiffs incorporate all previous paragraphs as though alleged herein, including but not limited to the allegations in Counts I–II.

164. Plaintiffs assert a violation of the Illinois Constitution against a County government action affecting everyone in the County. That is a public right; therefore, “the people are regarded as the real party.” *Murphy v. City of Park Ridge*, 298 Ill. 66, 72 (1921). Plaintiffs have a clear right to relief. Defendants’ Ten Commandments Monument violates Article X, section 3 of the Illinois Constitution.

165. Defendants are aware that, under the Illinois Constitution, they cannot use government funds, property, resources, or time “for any sectarian purpose.”

166. Defendants—and only Defendants—have the ability to execute their duty, as they are the owners of the Monument and the land surrounding the Monument. Because the Monument is government property, they are the only party able to remove it. They acknowledged this duty by considering—and rejecting—removal of the Monument during a Board meeting.

167. Defendants’ duty is not discretionary.

168. Plaintiffs have a constitutional right to ensure that no “grant or donation of land, money, or personal property” by a County government goes toward a “sectarian purpose”; Defendants have a clear duty not to violate that right. Because Defendants are aware of that duty and they are unwilling to comply with that duty, Plaintiffs are entitled to Mandamus for violations of Illinois Constitution Article X, section 3.

REQUEST FOR RELIEF

Plaintiffs respectfully request this Court:

- I. Enter a declaratory judgment, pursuant to the Declaratory Judgment Act, 735 ILCS 5/2-701, in favor of Plaintiffs declaring that the Monument's current placement at the Courthouse is unconstitutional under Article I, section 3 and/or Article X, section 3 of the Illinois Constitution;
- II. Grant Plaintiffs an Order of Mandamus under Article I, section 3 and/or Article X, section 3 of the Illinois Constitution, compelling Defendants to remove the Ten Commandments Monument from County property;
- III. In the alternative to an Order of Mandamus, issue a permanent injunction ordering Defendants to remove the Ten Commandments Monument from County property and enjoining Defendants from displaying the Monument on County property in the future;
- IV. Award Plaintiffs reasonable attorneys' fees and costs; and
- V. Award such other relief as this Court finds appropriate.

RESPECTFULLY SUBMITTED,

/s/ Jon R. Meador

Jon R. Meador

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ATTORNEYS FOR Plaintiffs
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VERIFICATION

I, Jon R. Meador, under penalties provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, hereby certify that I have read the foregoing Verified Complaint; that the factual statements set forth in this Verified Petition are true and correct, except for those alleged on information and belief; and that I am informed and I believe that the facts alleged on information and belief are also true.

June 9, 2025

/s/ Jon R. Meador