

NORTH CAROLINA
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
05 CVS _____

AMERICAN CIVIL LIBERTIES)
UNION OF NORTH CAROLINA,)
INC.,)
)
Plaintiff,)
)
v.)
)
STATE OF NORTH CAROLINA,)
)
Defendant.)

COMPLAINT AND REQUEST FOR
DECLARATORY JUDGMENT

Plaintiff, complaining of defendant, alleges and says:

1. Plaintiff American Civil Liberties Union of North Carolina, Inc. (“ACLU-NC”) is a North Carolina, non-profit organization with its principal place of business in Raleigh, Wake County, North Carolina. The ACLU-NC has approximately 8,000 members statewide, including individuals of many religious faiths, including Islam and Judaism. The ACLU-NC’s mission is to preserve the guarantees of individual liberties found in the Bill of Rights, including the Establishment Clause of the First Amendment to the United States Constitution, and similar provisions in the Constitution of North Carolina.

2. The ACLU-NC has standing to bring this lawsuit on behalf of its members in that its members would otherwise have standing to sue in their own rights; the interests it seeks to protect are germane to its purpose; and neither the claim asserted, nor the relief requested, requires the participation of individual members in the lawsuit.

3. Defendant State of North Carolina is being sued pursuant to the Uniform Declaratory Judgment Act, N.C.G.S. § 1-253, *et seq.* Plaintiff seeks declaratory relief only. The seat of

government for defendant State of North Carolina is located in Raleigh, Wake County, North Carolina.

4. Upon information and belief, the only religious text distributed to courtrooms throughout North Carolina by State officials to swear in witnesses and jurors is the Christian Bible, i.e., Old and New Testaments.

5. The Al-Ummil Ummat Islamic Center of Greensboro, North Carolina, in June 2005, offered to donate copies of the Quran to the Guilford County court system so that Muslim witnesses and jurors could be sworn in on their holy text; however, Guilford County judicial officials refused this request.

6. Guilford County Senior Resident Superior Court Judge W. Douglas Albright and Guilford County Chief District Court Judge Joseph E. Turner have stated that the Christian Bible is the only religious text which can be used to swear in individuals pursuant to N.C.G.S. §11-2 in Guilford County courts.

7. On June 28, 2005, the American Civil Liberties Union of North Carolina Legal Foundation made a request of the Administrative Office of the Courts to adopt a policy allowing individuals to be sworn using religious texts other than the Christian Bible. On July 14, 2005, Ralph A. Walker, Director of the Administrative Office of the Courts, responded that the “AOC will decline to adopt such a policy as it is within the purview of the General Assembly and the Courts to determine how oaths are to be administered pursuant to Chapter 11 of the General Statutes of North Carolina.” (A copy of this letter is attached hereto as Exhibit A and incorporated as if fully set out herein.)

8. North Carolina General Statute §11-2 states:

Judges and other persons who may be empowered to administer oaths, shall (except in the cases in this Chapter excepted) require the party to be sworn to lay his hand upon the Holy Scriptures, in token of his engagement to speak the truth and in further token that, if he should swerve from the truth, he may be justly deprived of all the blessings of the holy book and made liable to that vengeance which he has imprecated on his own head.

9. Prior to 1985 amendments to N.C.G.S. § 11-2, that statutory section read:

Judges and other persons who may be empowered to administer oaths, shall (except in the cases in this Chapter excepted) require the party sworn to lay his hand upon the Holy Evangelists of Almighty God, in token of his engagement to speak the truth, as he hopes to be saved in the way and method of salvation pointed out in that blessed volume; and in further token that, if he should swerve from the truth, he may be justly deprived of all the blessings of the Gospel, and made liable to that vengeance he has imprecated on his own head.

CLAIM FOR RELIEF

10. Plaintiff hereby incorporates paragraphs 1 through 9 as if fully set out herein.

11. Plaintiff seeks a declaratory judgment that the term “Holy Scriptures” as set out in N.C.G.S. § 11-2 includes not just the Christian Bible, but other religious texts, including but not limited to, the Quran, the Old Testament and the Bhagavad-Gita.

12. In the alternative, if it is determined that the term Holy Scriptures does not include all religious texts, such as for example, the Quran, Old Testament and Bhagavad-Gita, then plaintiff asks the Court to declare that N.C.G.S. § 11-2 is unconstitutional and violates the Establishment Clause of the First Amendment to the United States Constitution and Article 1, Section 13 of the Constitution of North Carolina.

WHEREFORE, plaintiff respectfully requests:

1. That the Court enter a declaratory judgment that the term Holy Scriptures, as set out in N.C.G.S. § 11-2, includes not only the Christian Bible, but other religious texts, including but not

limited to, the Quran, the Old Testament and the Bhagavad-Gita;

2. That the Court, in the alternative, enter a declaratory judgment that N.C.G.S. § 11-2 violates the Establishment Clause of the First Amendment of the United States Constitution and Article 1, Section 13 of the Constitution of North Carolina;

3. That plaintiff be allowed attorney fees and costs as allowed by law; and

4. That plaintiff be granted such other and further relief as to the Court seems just and proper.

This the ____ day of July, 2005.

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