

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

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7/12/12 9:44 AM
DISTRICT
CLERK

CENTER FOR INQUIRY, INC.;)
REBA BOYD WOODEN;)
JOHN KIEL AND MICHELLE)
LANDRUM,)

Plaintiffs,)

v.)

No.

CLERK, MARION CIRCUIT COURT;)
PROSECUTOR, MARION COUNTY,)
INDIANA,)

Defendants.)

1 : 12 -cv- 0623 SEB-DML

**Complaint for Declaratory and Injunctive Relief / Notice of Claim of Unconstitutionality of
Indiana Statute**

Introduction

1. Indiana Code § 31-11-6-1 specifies that marriages in Indiana may be solemnized only by a small number of secular elected officials and a large number of clergy or other persons associated with religious organizations. The plaintiffs in this case consist of an organization that is devoted to the pursuit of ethical alternatives to religion as well as the Executive Director of its Indiana branch who has been trained to solemnize marriage ceremonies consistent with the organization's ideals and principles, in addition to members of the organization who wish to be married in such a ceremony. However, such a ceremony cannot be lawfully and validly performed in Indiana because of Indiana Code § 31-11-6-1. The statute is unconstitutional and appropriate injunctive and declaratory relief should issue.

Jurisdiction, venue, cause of action

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

3. Venue is proper in this district pursuant to 28 U.S.C. § 1391.
4. Declaratory relief is authorized by 28 U.S.C. §§ 2201 and 2202 and by Rule 57 of the Federal Rules of Civil Procedure.
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 Constitution of the United States.

Parties

6. The Center for Inquiry, Inc. is a New York non-profit organization, authorized to do business in Indiana, headquartered in the State of New York. The Center for Inquiry – Indiana is the Indiana regional branch and is located in Indianapolis, Indiana.
7. Reba Boyd Wooden is the Executive Director of the Center for Inquiry – Indiana and is the registered agent for the Center for Inquiry in Indiana. She resides in Greenwood, Indiana.
8. John Kiel and Michelle Landrum are members of the Center for Inquiry – Indiana. They are residents of the State of Kentucky.
9. The Clerk of the Marion Circuit Court, is the duly elected Clerk of Marion County and is sued in her official capacity pursuant to Rule 17(d) of the Federal Rules of Civil Procedure.
10. The Prosecutor of Marion County, Indiana, is the duly elected prosecutor of Marion County and is sued in his official capacity pursuant to Rule 17(d) of the Federal Rules of Civil Procedure.

Facts

11. Indiana law, Indiana Code § 31-11-4-3, provides that the Clerk of the Circuit Court of each county is to issue a license to marry to residents of the county who intend to marry. If neither party to the planned marriage are residents of the State of Indiana the license must be obtained from the clerk of the Indiana county in which the marriage is to be solemnized. *Id.*

12. A marriage license issued by the Clerk "is the legal authority for an individual who is authorized to solemnize marriages to marry two (2) individuals." IND. CODE § 31-11-4-15.

13. The marriage license, issued by the Clerk, provides the following notice to the person officiating the wedding:

To any person authorized and empowered by the laws of the State of Indiana to solemnize a marriage under IC 31-11-6: You are hereby authorized to join together as husband and wife the applicants listed above. This form must be completed by the official solemnizing this marriage. Once completed, this form along with the Record of Marriage must be filed in the office of the clerk of the county in which the marriage was issued within thirty (30) days of the marriage solemnization. This License shall be your sufficient authority under my signature and seal as clerk of the Circuit Court.

14. This authorization is granted pursuant to Indiana Code 31-11-4-14, which provides that "[a] marriage license that is issued under this chapter is the legal authority for an individual who is authorized to solemnize marriages to marry two (2) individuals."

15. Following the marriage, the person who solemnizes the marriage must complete the marriage license and return it to the Clerk who issued it and the Clerk is to then forward the marriage record to the Indiana State Department of Health. IND. CODE §§ 31-11-4-16, 18.

16. Indiana Code § 31-11-6-1 provides that:

Marriages may be solemnized by any of the following:

(1) A member of the clergy of a religious organization (even if the cleric does not perform religious functions for an individual congregation), such as a minister of the gospel, a priest, a bishop, an archbishop, or a rabbi.

(2) A judge.

(3) A mayor, within the mayor's county.

(4) A clerk or a clerk-treasurer of a city or town, within a county in which the city or town is located.

(5) A clerk of the circuit court.

(6) The Friends Church, in accordance with the rules of the Friends Church.

(7) The German Baptists, in accordance with the rules of their society.

(8) The Bahai faith, in accordance with the rules of the Bahai faith.

(9) The Church of Jesus Christ of Latter Day Saints, in accordance with the rules of the Church of Jesus Christ of Latter Day Saints.

(10) An imam of a masjid (mosque), in accordance with the rules of the religion of Islam.

17. The Center for Inquiry – Indiana is the Indiana branch of the Center for Inquiry. It is a membership organization with approximately 230 members who have paid membership fees. It has more than 1,800 persons on its email contact list who have demonstrated interest in the organization.

18. Members of the Center for Inquiry – Indiana are members of the Center for Inquiry.

19. The Center for Inquiry is an organization that is purely secular and maintains that scientific methods and reasoning should be utilized in examining the claims of religion. It maintains that religion is a human creation but that there are basic human values or ethical principles that should govern human behavior and which express a commitment to improve human welfare in this world.

20. Therefore, the Center for Inquiry promotes values often denominated as secular humanism. It also denies a supernatural source of values exists or that a supernatural source is required for human life to have meaning, values, and ethics. Instead, the Center for Inquiry challenges persons to develop their own values, recognizing however, that the basic components of effective morality – integrity, trustworthiness, benevolence, and fairness – should be the universally recognized source of human values.

21. The Center for Inquiry offers a non-religious template that may guide persons in pursuing fulfilling and humane lives – lives that are rich intellectually, ethically, and emotionally – without reliance on religious faith.
22. The Center for Inquiry therefore presents for its members and supporters a detailed and structured philosophy of life.
23. Reba Boyd Wooden is the Executive Director of the Center for Inquiry – Indiana and is a Co-Director of the Secular Celebrant Program for the Center for Inquiry. In this latter position she has trained numerous Center for Inquiry members in how to officiate marriages.
24. This training requires, among other things: attendance at a formal training session; recommendations from a local Center for Inquiry director or branch leader or others; an essay in which the applicant must describe his or her world view; an interview by the Co-Directors of the CFI Secular Celebrant program; as well as approval of a Center for Inquiry executive. The training is designed to instruct the participants in how to properly conduct a ceremony, to make sure that those persons certified by Center for Inquiry are knowledgeable and in agreement with the philosophy and goals of the Center, and to make sure that the potential celebrants are persons of good character who will represent the organization with distinction and are capable of fulfilling the duties imposed by Indiana law, particularly Indiana Code § 31-11-4-16.
25. Reba Boyd Wooden is a certified secular celebrant for the Center for Inquiry.
26. The Center for Inquiry – Indiana has members who have successfully completed the secular celebrant program.
27. Reba Boyd Wooden and other secular celebrants believe that being able to publicly proclaim their belief and philosophy of non-religious but ethical living in the course of marriage ceremonies is an important part of their belief system and their ability to express their beliefs.

28. The Center for Inquiry – Indiana has members in Indiana who would like to be married by a person who has completed the secular celebrant program and is therefore authorized by the Center for Inquiry – Indiana to solemnize marriages. Much like persons who wish to proclaim and reaffirm their religious faith in religious marriage ceremonies, these members of the Center for Inquiry wish, in their marriage ceremonies, to have a meaningful ceremony that features an assertion of their philosophical and ethical views by having their marriage solemnized by a Center for Inquiry officiant who can help integrate their beliefs into the ceremony.

29. Additionally, non-members have requested that secular celebrants perform their weddings because the non-members do not desire to have religious weddings, but wish to have meaningful secular ceremonies.

30. A ceremony solemnized by secular elected officials is often not an acceptable alternative for any number of reasons including, but not limited to: limitations on time and place ceremonies may occur, the fact that religious concepts and language may be included notwithstanding the couple's desires, the couple does not want the governmental overtone that the elected official's presence carries, and the official typically does not know the couple personally and therefore cannot construct a service which expresses the couple's values and personalities.

31. As an organization, the Center for Inquiry desires that its secular celebrants perform weddings for all those who request such weddings, both members and non-members. The Center for Inquiry – Indiana believes this to be an important community service for persons desiring to have a meaningful, but non-religious, wedding. Moreover, having its secular celebrants perform marriages is an important way for the Center for Inquiry – Indiana to assert, express and publicize the organization's philosophical and ethical views.

32. Neither Reba Boyd Wooden nor the other Center for Inquiry members in Indiana who are certified secular celebrants are persons who are allowed to solemnize marriages pursuant to Indiana Code § 31-11-6-1.

33. Indiana law, Indiana Code § 31-11-11-6, provides that a person who attempts to solemnize a marriage and who is not authorized to do so commits a Class B misdemeanor.

34. Moreover, a marriage that is solemnized by a person not authorized to do so is unlawful. *Mason v. Mason*, 101 Ind. 25, 1885 WL 4239, *2 (Mar. 21, 1885).

35. Reba Boyd Wooden and the other Center for Inquiry members from Indiana who are certified secular celebrants are therefore prevented from solemnizing marriages in Indiana.

36. John Kiel and Michelle Landrum are former Indiana residents who have recently moved to Kentucky.

37. John Kiel and Michelle Landrum are long-time members of the Center for Inquiry – Indiana. There is no Center for Inquiry chapter in Kentucky and John Kiel and Michelle Landrum remain members of the Center for Inquiry – Indiana.

38. John Kiel and Michelle Landrum are engaged to be married and plan to wed within the next six months.

39. Both of their extended families reside in Indiana and the couple is planning to marry in Marion County, Indiana.

40. They adhere to the values of the Center for Inquiry and secular humanism and reject the position that morals and ethics are imposed from a supernatural source. However, they are committed to living meaningful ethical lives consistent with their personal beliefs and philosophies.

41. Accordingly, they wish their wedding to be a meaningful expression of their life views and desire that the ceremony reflect their philosophy and beliefs.

42. They therefore desire that their wedding be conducted and solemnized by a Center for Inquiry secular celebrant. Specifically, they desire that Reba Boyd Wooden officiate their wedding.

43. However, Reba Boyd Wooden cannot legally solemnize their marriage because of Indiana Code § 31-11-6-1.

44. At all times defendants have acted and failed to act under color of state law.

45. Plaintiffs are being caused irreparable harm for which there is no adequate remedy at law.

Legal claims

46. Indiana Code § 31-11-6-1, which allows all manner of religious leaders to celebrate marriages and allows persons of faith to be married by religious leaders of their choice, while denying these opportunities to plaintiffs, creates a preference for religion over non-religion in violation of the Establishment Clause of the First Amendment to the United States Constitution and therefore denies rights secured by the First Amendment to:

a. The Center for Inquiry for which the ability to perform such ceremonies is an important way of expressing to its members and the public its belief system and further that has members who wish to be married by secular celebrants and has members who wish to serve as secular celebrants.

b. Michelle Landrum and John Kiel who desire to be married by a secular celebrant as a celebration of their life philosophies and beliefs.

c. Reba Boyd Wooden who desires to be able to celebrate weddings as a secular celebrant as an expression of her philosophy and system of beliefs.

47. Indiana Code § 31-11-6-1 extends the right to officiate at weddings to religious leaders and allows persons of faith to be married by religious leaders of their choice while denying this same right to the plaintiffs. This denies rights secured by the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution to:

a. The Center for Inquiry, which is denied the ability to spread its essential beliefs through marriage ceremonies and which also has members who desire to be married by its certified secular celebrants as well as having members who are certified secular celebrants.

b. Michelle Landrum and John Kiel who are unable to be married by the celebrant of their choice because the celebrant, although a graduate of formal training concerning officiating at marriages, is not a religious celebrant.

c. Reba Boyd Wooden who is denied the ability to celebrate weddings in Indiana, despite formal training, because she is not a religious celebrant.

Request for relief

WHEREFORE, plaintiffs request that this Court:

a. Accept jurisdiction of this case and set it for hearing.

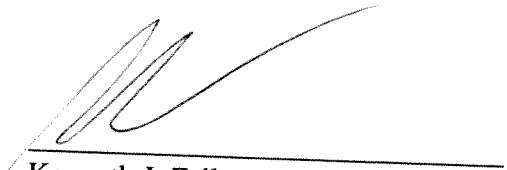
b. Declare that Indiana Code § 31-11-6-1 is unconstitutional for the reasons noted above and declare that marriages performed by Center for Inquiry secular celebrants are not invalid because the secular celebrant is not one of the entities or persons allowed to solemnize marriages pursuant to that statute.

c. Enter a preliminary injunction, later to be made permanent, enjoining Indiana Code § 31-11-6-1 so that:

1. the legal authority bestowed by the Clerk of the Marion Circuit Court pursuant to Indiana Code § 31-1-4-14 includes the ability of Reba Boyd Wooden

and other Center for Inquiry secular celebrants to marry plaintiffs Michelle Landrum and John Kiel and other Center for Inquiry members as well as other members of the public and the Clerk of the Marion Circuit Court is enjoined from in any way denying the validity of marriages performed by Center for Inquiry secular celebrants.

2. the Marion County prosecutor is enjoined from prosecuting any Center for Inquiry secular celebrant who solemnized an Indiana marriage.
- d. Award plaintiffs their reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988.
- e. Award all other proper relief.



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