

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

**ANNE ORSI, AMERICAN HUMANIST  
ASSOCIATION, FREEDOM FROM  
RELIGION FOUNDATION, INC.,  
ARKANSAS SOCIETY OF FREETHINKERS,  
JOAN DIETZ, GALE STEWART, RABBI  
EUGENE LEVY, REV. VICTOR H. NIXON,  
TERESA GRIDER, and WALTER RIDDICK**

**PLAINTIFFS**

**v.**

**No. 4:18CV00343 JM**

**MARK MARTIN, in his official capacity  
as Secretary of State of the State of Arkansas**

**DEFENDANT**

**ANSWER WITH JURY DEMAND**

Arkansas Secretary of State Mark Martin, in his official capacity, through counsel, states for his answer as follows:

1. Admitted that a Ten Commandments monument stands on the state capitol grounds. The Defendant denies all other allegations contained in paragraph 1.
2. Paragraph 2 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant denies all allegations contained therein.
3. Paragraph 3 in part speaks for itself and in part states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant denies all allegations contained therein.
4. Paragraph 4 in part speaks for itself and in part states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant denies all allegations contained therein.

5. Paragraph 5 in part speaks for itself and in part states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant denies all allegations contained therein.

6. Paragraph 6 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant denies all allegations contained therein.

7. Paragraph 7 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant denies all allegations contained therein.

8. Paragraph 8 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant denies all allegations contained therein.

9. Paragraph 9 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant denies all allegations contained therein.

10. Paragraph 10 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant denies all allegations contained therein.

11. Paragraph 11 in part speaks for itself and in part states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant denies all allegations contained therein.

12. Defendant avers that that Act 1231 speaks for itself. In addition, paragraph 12 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant denies all allegations contained therein.

13. Admitted that the monument contains the quoted wording.

14. Admitted that hearings were held in which persons expressed objections to the placement of a monument, and admitted that a monument was placed on the state capitol grounds. Defendant denies all other allegations contained in paragraph 14.

15. Paragraph 15 is admitted.

16. Paragraph 16 is admitted.

17. Paragraphs 17, 17a, 17b, 17c, 17d, 17e, 17f, 17g, 17h, 17i, and 17j state legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant denies all such legal allegations contained therein. As to the factual allegations, Defendant lacks information sufficient to admit or deny the allegations in this paragraph, and so denies the same. Alternatively, the other allegations contained in these paragraphs speak for themselves and do not call for a response, but to the extent that a response is called for, all such allegations are denied.

18. Paragraph 18 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant denies all such legal allegations contained therein. As to the factual allegations, Defendant lacks information sufficient to admit or deny the allegations in this paragraph, and so denies the same. Alternatively, the other allegations contained in this paragraph speak for themselves and do not call for a response, but to the extent that a response is called for, all such allegations are denied.

19. Admitted that Mark Martin is the Secretary of State of the State of Arkansas. The other allegations in paragraph 19 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant denies all such allegations.

20. Defendant admits that he referred the matter to the Capitol Arts and Grounds Commission, and admits that a monument was placed on the capitol grounds. Defendant denies all other allegations contained in paragraph 20.

21. Admitted that the monument is located on the south end of the west side of the capitol grounds.

22. Paragraph 22 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant denies all such legal allegations contained therein. As to the factual allegations, Defendant lacks information sufficient to admit or deny the allegations in this paragraph, and so denies the same. Alternatively, the other allegations contained in this paragraph speak for themselves and do not call for a response, but to the extent that a response is called for, the Defendant denies all such allegations.

23. Defendant lacks sufficient information to admit or deny the allegations contained in paragraph 23, and so deny the same. Alternatively, the allegations contained in this paragraph speak for themselves and do not call for a response, but to the extent that a response is called for, the Defendant denies all allegations contained therein.

24. Defendant lacks sufficient information to admit or deny the allegations contained in the first sentence of paragraph 24, and so deny the same. The second sentence states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant denies all allegations contained therein.

25. Defendant lacks knowledge sufficient to admit or deny the allegations contained in paragraph 25, and so denies the same.

26. Defendant lacks knowledge sufficient to admit or deny the allegations contained in paragraph 26, and so denies the same.

27. Defendant lacks knowledge sufficient to admit or deny the allegations contained in paragraph 27, and so denies the same.

28. Defendant lacks knowledge sufficient to admit or deny the allegations contained in paragraph 28, and so denies the same.

29. Defendant lacks knowledge sufficient to admit or deny the allegations contained in paragraph 29, and so denies the same.

30. Defendant lacks knowledge sufficient to admit or deny the allegations contained in paragraph 30, and so denies the same.

31. Paragraph 31 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant denies all such legal allegations contained therein. As to the factual allegations, Defendant lacks information sufficient to admit or deny the allegations in this paragraph, and so denies the same. Alternatively, the other allegations contained in this paragraph speak for themselves and do not call for a response, but to the extent that a response is called for, the Defendant denies all such allegations.

32. Paragraphs 32, 32a, 32b, 32c, 32d, and 32e state legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant denies all allegations contained therein.

33. Paragraph 33 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant denies all such legal allegations. As to any factual allegations, Defendant lacks information sufficient to admit or deny the allegations in this paragraph, and so denies the same.

34. Paragraph 34 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant denies all such legal allegations. As to any factual allegations, Defendant lacks information sufficient to admit or deny the allegations in this paragraph, and so denies the same.

35. Paragraph 35 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant denies all such legal allegations. As to any factual allegations, Defendant lacks information sufficient to admit or deny the allegations in this paragraph, and so denies the same.

36. Admitted that Rapert was among the sponsors of Senate Bill 939. Defendant lacks sufficient information to admit or deny the other allegations contained in paragraph 36, and so denies the same.

37. Paragraph 37 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant denies all such legal allegations. As to any factual allegations, Defendant lacks information sufficient to admit or deny the allegations in this paragraph, and so denies the same.

38. Paragraph 38 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant denies all such legal allegations. As to any factual allegations, Defendant lacks information sufficient to admit or deny the allegations in this paragraph, and so denies the same.

39. Defendant lacks knowledge sufficient to admit or deny the allegations contained in paragraph 39, and so denies the same.

40. Paragraph 40 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant denies all such legal allegations. As to any factual allegations, Defendant lacks information sufficient to admit or deny the allegations in this paragraph, and so denies the same.

41. Paragraph 41 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant denies all allegations contained therein. Defendant denies any other allegations contained in this paragraph.

42. Paragraph 42 is denied.

43. Paragraph 43 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant denies all such allegations. Defendant denies any other allegations contained in this paragraph.

44. Paragraph 44 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant denies all such allegations. Defendant denies any other allegations contained in this paragraph.

45. Paragraph 45 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant denies all such allegations. Defendant denies any other allegations contained in this paragraph.

46. Paragraph 46 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant denies all such allegations. Defendant denies any other allegations contained in this paragraph.

47. Paragraph 47 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant denies all allegations contained therein.

48. Paragraph 48 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant denies all allegations contained therein.

49. Paragraph 49 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant denies all allegations contained therein.

50. Paragraph 50 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant denies all allegations contained therein.

51. Paragraph 51 is denied.

52. Paragraph 52 is denied.

53. Paragraph 53 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant denies all such allegations. Defendant admits that public hearings were held in which both supporters and opponents of the monument spoke. Defendant denies all other allegations contained in this paragraph.

54. Defendant lacks information sufficient to admit or deny the allegations contained in paragraph 54, and so denies the same.

55. Paragraph 55 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant denies all such allegations. Defendant denies all other allegations contained in this paragraph.

56. Paragraph 56 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant denies all allegations contained therein.

57. Paragraph 57 states legal conclusions that do not call for a response, but to the extent that any response is called for, the Defendant denies all allegations contained therein.

58. Defendant denies that any Plaintiff is entitled to any relief.

59. Defendant denies all allegations not specifically admitted herein.

60. Defendant specifically denies all allegations to the extent that they state legal conclusions.

61. The Defendant reserves the right to file an amended answer or other appropriate pleading.



**DEFENSES**

- 62. The Plaintiffs lack standing.
- 63. The Court lacks subject-matter jurisdiction.
- 64. The Defendant is entitled to immunity under the U.S. Constitution, including the Eleventh Amendment, and under general principles of sovereign immunity to any suit or claim.
- 65. This action is barred by the statute of limitation.
- 66. This action is barred by the doctrine of laches.
- 67. The Plaintiffs fail to state a claim upon which relief can be granted.
- 68. The Defendant is entitled to qualified immunity and statutory immunity.

**JURY DEMAND**

- 69. The Defendant gives notice of his jury demand.

Therefore, the Defendant respectfully requests that the court dismiss the Plaintiffs' complaint.

Respectfully submitted,

LESLIE RUTLEDGE  
Attorney General

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*Attorneys for Secretary of State Mark Martin*

**CERTIFICATE OF SERVICE**

I, Michael A. Cantrell, hereby certify that on June 13, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which shall send notification of such filing to all counsel of record.

/s/ Michael A. Cantrell  
Michael A. Cantrell