

Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JESSE CARD,

Plaintiff,

v.

CITY OF EVERETT, WASHINGTON, and  
FRANK ANDERSON, in his official  
capacity as Mayor of Everett, Washington,

Defendants.

No. CV03-2385L

DECLARATION OF JUDGE E.J.  
RUEGEMER

I, E.J. Ruegemer, do hereby declare as follows:

1. My name is E.J. Ruegemer. I make this declaration of my own personal knowledge, and I am competent to testify to the matters set forth below. I reside at an assisted living facility in Alexandria, Minnesota.

2. Background. I am a retired judge. I served as a judge for approximately 26 years. From 1941 until 1947, I served as a judge on the Stearns County Juvenile Court bench. From 1947 to 1967, I served as a judge for the Seventh Judicial District for the State of Minnesota.

3. In my private life I participated in numerous civic affairs. In particular, I was chief justice and chairman of the Youth Guidance Committee for the Fraternal Order of

1 Eagles. One of the Youth Guidance Committee's primary purposes was to design a well-  
2 defined and simple program that would provide youngsters with a common set of values and a  
3 common code of conduct. Also, I founded the Big Brother's program in St. Cloud,  
4 Minnesota. More recently, I was inducted into the Eagles' Hall of Fame in 1992, and was  
5 named the Eagles' "Citizen of the Year" in 2001.

6 4. Guidance to Juvenile Court Participants. In my work as a juvenile court judge  
7 I often came into contact with youth who were in trouble with the law. It seemed to me that  
8 many of the youngsters who appeared before me were without any code of conduct or  
9 standards by which to govern their actions.

10 5. In fact, I remember one youth who came before me quite well. About the year  
11 1943, a 16-year old boy from St. Cloud, who had stolen a car and hit a pedestrian with that  
12 car. The authorities working on the case recommended that the boy be sent to a boys  
13 reformatory in Red Wing, Minnesota. I was hesitant to send the boy to the reformatory and  
14 ordered a presentence investigation and discovered that the boy came from a broken home,  
15 had no friends, and had failed in school because he had vision and hearing problems. When I  
16 was interviewing the boy I asked him if he had ever heard of the Ten Commandments, and he  
17 told me that he had never heard of them. Rather than send the boy to the reformatory, I  
18 instructed him to read the Ten Commandments. I viewed the Ten Commandments as a code  
19 of conduct that such a troubled youngster could benefit from because it would show him a  
20 code of conduct to live by and help build in him a sense of morality and character. Later, I  
21 helped that youth get a job at a store in St. Cloud. That boy never had any further trouble  
22 with the law, to the best of my knowledge.

23 6. Ten Commandments as a Code of Conduct. After that experience, it occurred  
24 to me that other judges and civic officials that dealt with troubled youth would benefit from  
25 my experience. In my view, if troubled youths were exposed to one of mankind's earliest and  
26 long-lasting codes of conduct, those youths might be less inclined to break the law. It was

1 never my intention that this was to be religious instruction of any kind. Rather, I wanted to  
2 show these youngsters that there existed such recognized codes behavior that could help guide  
3 them. And that such a code was simply a pattern to follow in our basic relations with others.  
4 To that end, I developed the idea of posting printed copies of the Ten Commandments in each  
5 juvenile courtroom in the State of Minnesota and later in juvenile courtrooms throughout the  
6 United States and Canada.

7 7. I recognized that such a program would require funding. Because I was the  
8 chief justice and chairman of the Eagles' Youth Guidance Committee and closely associated  
9 with that Committee's stated mission, I presented this idea to the Fraternal Order of Eagles,  
10 seeking their financial support. At first, the Eagles were reluctant to fund the program  
11 because they were worried that the program might seem sectarian.

12 8. In order to decide on a version of the Ten Commandments that would be non-  
13 sectarian, I formed a committee consisting of fellow judges, lawyers, various city officials and  
14 clergy of several faiths from the St. Cloud area. At first, there was some debate about the  
15 particular order of the commandments, but in order to avoid any potential conflict we  
16 determined that the actual commandments should not be numbered. Once this was agreed  
17 upon, the committee developed a version of the Ten Commandments which was not  
18 identifiable to any particular religious group, and on this basis the Eagles agreed to support  
19 such a youth guidance program. This entire process occurred over a period of years.

20 9. Ten Commandments Monuments. While this program was developing, I  
21 received a telephone call from motion picture director/producer Cecil B. DeMille. At the  
22 time, Mr. DeMille was making a movie called "The Ten Commandments." He told me that  
23 he thought that the Eagles-sponsored program was a wonderful idea and suggested that  
24 instead of distributing paper copies, that we should put the Ten Commandments on bronze  
25 plaques and distribute them throughout the United States. I suggested that since the original  
26 Ten Commandments were carved in granite that that would be a much more appropriate

1 material to use. He agreed, and I worked with two local Minnesota granite companies to  
2 produce granite monuments inscribed with the Ten Commandments.

3 10. The Ten Commandments are not the only images appearing on the  
4 monuments. There is also a picture of an eagle grasping an American flag and an all-seeing  
5 eye, like the one on the dollar bill. Myself and other members of the committee, with the help  
6 of an artist, designed the face of the monument. We intended it to set forth a code of conduct,  
7 not an endorsement of any or one particular religion at all.

8 11. Dedication Ceremonies for the Monuments. Once the monuments were  
9 produced, local aeries of Eagles throughout the country paid for monuments through the  
10 donations of their respective members. Once enough money was raised to purchase one of  
11 the monuments, the monuments were then presented to the communities where the local  
12 aeries were located. The very first such dedication took place at the International Peace  
13 Garden in North Dakota. Charlton Heston, who appeared in the movie "The Ten  
14 Commandments," helped dedicate that monument. At that particular dedication ceremony,  
15 myself, Charlton Heston, and the mayor of the city where the Peace Garden is located all gave  
16 speeches. There were members from the local clergy at the dedication ceremony, as was  
17 commonplace of all civic ceremonies at that time. However, none of the religious leaders  
18 present spoke at or participated in the dedication ceremony.

19 12. In total, I attended about ten such ceremonies. Generally speaking, at these  
20 ceremonies various civic leaders, including the mayors of each town and representatives from  
21 the local Eagles organization, usually gave speeches. No religious leaders ever spoke at any  
22 dedication ceremony that I attended. The ceremonies usually lasted about fifteen minutes and  
23 the speakers usually talked about the mission of the Youth Guidance Program and about its  
24 belief that the Ten Commandments were a good code of conduct.

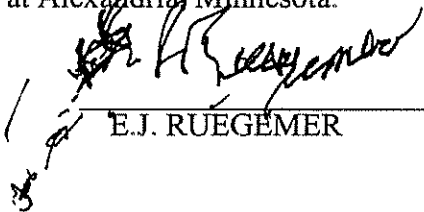
25 13. To the best of my knowledge and recollection, there are probably about 140-  
26 150 granite monuments of the Ten Commandments from the Eagles located throughout the

1 country. In my opinion, the Youth Guidance Program was successful.

2 14. I do not have any individualized or specific knowledge about that particular  
3 monument that is located in Everett, Washington.

4 I hereby declare, under penalty of perjury of the laws of the state of Minnesota that the  
5 foregoing is true and correct.

6 DATED this 19 day of Sept, 2003 at Alexandria, Minnesota.

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9 E.J. RUEGEMER

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 25, 2004, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

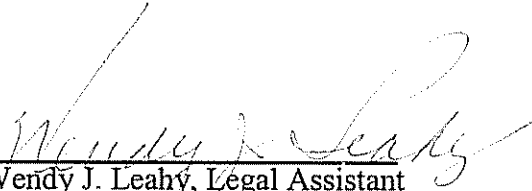
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