Exhibit 12

In the Matter Of:

INDIANA CIVIL LIBERTIES UNION, ET AL.

-v-

MIKE BRAUN

Reverend Kevin Armstrong

August 20, 2026

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

INDIANA CIVIL LIBERTIES UNION, et al.	)	
Plaintiffs,	)	
-v-	)	No. 1:00-cv-00811-SEB-VSS
MIKE BRAUN,	)	
Defendant.	)	

The deposition upon oral examination of REVEREND KEVIN ARMSTRONG, a witness produced, and sworn by me, Sandra Marchky, RMR, CRR, Notary Public, in and for the County of Marion, State of Indiana, taken remotely, on behalf of the Defendant, on August 20, 2026, at 1:30 p.m. Eastern, pursuant to the Federal Rules of Civil Procedure.

A P P E A R A N C E S

(All participants appeared via Zoom videoconference)

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I N D E X

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COURT REPORTER: Today is August 20, 2026. The time is 1:30 p.m. Eastern. My name is Sandy Marchky, in association with Stewart Richardson, Indianapolis, Indiana. This is the remote deposition of Reverend Kevin Armstrong.

Will counsel please identify themselves for the record and any persons present with you.

MS. PACTOR: Hi, Stevie Pactor of the ACLU of Indiana. I'm joined by my colleague, Ken Falk, and representing the plaintiff, Kevin Armstrong.

MR. LOWREY: I'm John Lowrey, representing defendant, Mike Braun, from the Indiana Office of the Attorney General.

MS. SALZ: I'm Amanda Salz, also representing defendant, Mike Braun, from The Becket Fund for Religious Liberty.

COURT REPORTER: Does counsel agree that I may swear the witness remotely?

MS. PACTOR: Yes.

MR. LOWREY: Yes.

REVEREND KEVIN ARMSTRONG

having been first duly sworn/affirmed, was examined and testified as follows:

EXAMINATION

BY MR. LOWREY:

Q. Good afternoon. As you've just heard, my name is John Lowrey.

Would you please introduce yourself and spell your last name for the record.

A. Sure. My name is Kevin Armstrong, A-R-M-S-T-R-O-N-G.

Q. And have you ever given a deposition before?

A. I believe once a very long time ago.

Q. Do you remember what the circumstances were?

A. It was a case of a theft from the church that I was serving.

Q. Do you roughly remember what year that was?

A. It probably would've been about 1990.

Q. Okay. Well, if you'll forgive me then, I'll just reconfirm some of the ground rules for you.

The way a deposition works is I'm going -- it's kind of like an interview -- I'm going to ask you questions. The court reporter is here recording your answers. I'm going to presume that you understand my questions unless you tell me that you don't.

Is that going to work for you?

A. It will.

Q. All right. And since the court reporter is recording your answers to the questions, please give verbal answers since the record doesn't -- doesn't pick up nods, gestures, things of that nature.

Is that all right?

A. It is.

Q. All right. And I just talked over a little bit there. So I'm sorry about that. But to ensure a clear record, let's both try not to talk over each other since it's much harder for the court reporter to get an accurate record of what's being said if we don't.

Does that work for you?

A. It does.

Q. Great. So please wait until I finish asking my questions before you answer. And I'll wait until you're done answering before I ask any follow-up questions.

If you need a break, feel free to ask. You're the star of the show today. But if we do need a break, I'm going to ask you to finish any pending questions before we go.

Is that going to work for you?

A. It will.

Q. Wonderful. Have you taken any medications today, had any alcohol, done any drugs, anything that might affect your ability to answer?

A. No.

Q. Okay. Is there any reason you can think of why you would not be able to truthfully and accurately answer my questions today?

A. No.

Q. Okay. Other than meetings with your attorneys -- I don't want to hear about anything you said to Stevie or Ken or anyone from the ACLU -- did you do anything to prepare for today's deposition?

A. No.

Q. You didn't review any documents?

A. Well, I've read the complaint.

Q. Anything else?

A. No. I believe only the complaint.

Q. Okay. And when we say the complaint, do you mean the original complaint from back in 2000 or do you mean the amended complaint filed earlier this summer?

A. I've read both.

Q. Okay. And did you review both prior to

this deposition?

A. Yes.

Q. Okay. And do you have any notes or other documents in front of you that we wouldn't be able to see because of the computer screen?

A. No.

Q. You don't have anything open on your computer screen?

A. I have my email open. But I can close that.

Q. Okay.

A. Closed.

Q. Thank you. And are you receiving any compensation from anyone for either your testimony today or for serving as a plaintiff in this case?

A. No.

Q. Okay. Sorry, just ordinary housekeeping at the beginning of any deposition.

So should I call you Reverend Armstrong or Mister?

A. You could call me Kevin if you'd like. That's how I usually answer to people. Mister is fine.

Q. All right, Kevin. Let's talk a little bit about your background then.

What sort of education do you have?

A. I have an undergraduate degree from DePauw University and a master's degree from Duke University.

Q. And what subjects are those in?

A. So the BA was in political science. And the master's is a Master of Divinity.

Q. And about how long ago were those?

A. So I was graduated from DePauw in 1982 and from Duke in 1985.

Q. And after you received your Master of Divinity, did you get a job?

A. I did.

Q. What did you do?

A. So I'm a United Methodist pastor. We are appointed by our bishop. So I served as a university chaplain and then as a parish pastor.

Q. And when was that appointment?

A. So I served a student appointment from 1982 to 1985. I served as chaplain at DePauw from 1985 to 1987. I served at Southport United Methodist Church from 1987 to 1990. I served on the staff of North United Methodist Church from 1990 to 1992. I was the senior pastor at Roberts Park United Methodist Church from 1992 to early 2001. I

was senior pastor at North United Methodist Church from 2001 to 2014. And then I became president of the Methodist Health Foundation from 2014 to 2017. And then I became executive vice president of mission and values and chief of staff for IU Health from then until 2024. I just can't keep a job.

Q. And did you retire then after being the executive vice president?

A. I did.

Q. Okay. So for each of those locations that would've been -- that you were working at during the pendency of this case, roughly where were they, geographically speaking?

A. So Roberts Park United Methodist Church is at the corner of Delaware and Vermont in downtown Indianapolis, 401 North Delaware. And North United Methodist Church is at the corner of 38th and Meridian. And IU Health Methodist Hospital, 16th and Capitol.

Q. Okay. And the Methodist Health Foundation?

A. It's located at Methodist Hospital, 16th and Capitol.

Q. Okay. Thank you. Have you lived in that general vicinity as well? I don't need cross

streets or your address or anything. But if you could roughly locate yours on what portion of the city you've lived in.

A. Yeah, we've lived downtown for 34 years.

Q. So relative to the big landmarks downtown, you know, the Statehouse, the Circle, what direction are you?

A. So I am at the southeast corner of the Mile Square.

Q. How far away from the Statehouse is that, do you know?

A. Yes. It -- by the way I run, it's 1.7 miles.

Q. All right. Are you a member of the ACLU?

A. No.

Q. Are you a member of any political or activist organizations?

MS. PACTOR: I'm going to object on the grounds that Kevin has the right not to answer that question on the basis of his associational privilege, if he chooses not to answer.

Kevin, you may answer the question if you like or you may refuse to answer.

THE WITNESS: I'll not answer.

BY MR. LOWREY:

Q. Fair enough. Have you ever been arrested?
A. No.
Q. Okay. How did you become involved in this case?
A. Honestly, I don't remember.
Q. Okay.
A. It's been so long ago. At the time I was working and living downtown. And I don't remember if someone reached out to me, if I reached out to someone.

(Thereupon, Exhibit No. 1 was marked for identification.)

BY MR. LOWREY:
Q. Okay. All right. I am going to put up on your screen a document I'm going to mark -- we're going to be treating as Exhibit 1 over here, assuming that my computer doesn't do weird things.

MS. PACTOR: I can see it just fine.

THE WITNESS: Yeah, I can see it.

BY MR. LOWREY:
Q. It's doing weird things with my images of the people who are speaking over here. So just trying to snap it to the size of my screen in ways that make no sense. I apologize for the technical difficulty.

All right. Anyhow, can you -- do you recognize this document?

A. Yes. I recognize it as the complaint.

Q. And you said you've reviewed this document in preparation for the deposition?

A. Yes.

Q. All right. I am going to ask you, assuming that it does what it's supposed to do -- sorry for the technical difficulties over here.

MS. PACTOR: John, I'm kind of thrilled right now because he's not the one having technical difficulties.

MR. LOWREY: Well, again, it's snapping people to weird locations and cutting people off. So, Stevie, I can't really see you. Please don't make faces at me while I can't see you.

MS. PACTOR: I promise.

BY MR. LOWREY:

Q. All right. So I'm scrolling down to paragraphs 51 through 54.

Do you recognize these paragraphs?

A. Yes, I do. I see 51 through 53. But --

Q. And here is 54.

A. Yes.

Q. Okay. And are you the Kevin Armstrong

that is referred to by these paragraphs?

A. I am.

Q. Okay. Well, we've already -- we've already discussed where you live. You indicated that when we were talking earlier.

So moving past that statement to the further statement in paragraph 52, that you regularly travel by the Statehouse in the course of your normal activities, how often is regularly?

A. At least twice a week, and then if there are activities that I attend in the Statehouse.

Q. And what brings you by the Statehouse twice a week?

A. My westward running route goes right by the Statehouse.

Q. Okay. And what are these activities that you mentioned?

A. Normally during a legislative session.

Q. During the legislative session?

A. Attending committee hearings or attending the session itself on topics that are of interest to me or are affiliated.

Q. Do you have any particular committees that you attend?

A. Because I serve on a university board of

trustees, my interests are often in higher education.

Q. Which university board of trustees are you a member of?

A. University of Indianapolis.

Q. Are you a member of any other boards?

A. Yes, two other boards.

Q. What are they?

A. The Methodist Health Group which is one of the two governing members of IU Health and the Calvin Fletcher Coffee House Foundation.

Q. What is that?

A. It's the philanthropic arm of the Calvin Fletcher Coffee House.

Q. And is that a business or some other sort of organization?

A. The coffee house?

Q. Yes.

A. Yes, it is what it is described as.

Q. Understood. They aren't always. So I have to ask.

Okay. So in that case, when you visit the Statehouse -- I'm going to share a different document which will be Exhibit 2.

A. The document disappeared on my screen.

Q. It did because I am grabbing a different document.

A. Okay.

(Thereupon, Exhibit No. 2 was marked for identification.)

BY MR. LOWREY:

Q. All right. Do you see this document?

A. Not yet.

Q. Is it not showing?

A. No.

MS. PACTOR: There it is.

THE WITNESS: There it is.

BY MR. LOWREY:

Q. All right. So I'm going to represent to you that this is a document that is a map of the Statehouse and its -- the Statehouse environment -- environs.

Have you seen a map of this sort before?

A. No, I've not seen this map.

Q. Okay. Do you recognize what is depicted by -- what is depicted in this diagram, the street names, the buildings, etc.?

A. Yes, yes.

Q. Do you have any reason to disagree with me when I represent that this is a map of the

Statehouse environs?

A. No.

Q. So on this -- you previously mentioned your westward running route I believe --

A. Correct.

Q. -- taking you to the Statehouse environs? Which street are you traveling on when you do that?

A. Washington Street.

Q. And are you travel -- you're traveling east to west on Washington Street?

A. Most of the time east to west. Sometimes west to east.

Q. And are you traveling on the sidewalk by the Statehouse or the sidewalk across the street from the Statehouse?

A. No, adjacent to the Statehouse.

Q. Okay. And you say you do that twice a week?

A. At least, yes.

Q. And when you come to the Statehouse due to attending a session, are you generally driving or running or walking? How do you get to the Statehouse?

A. Most of the time I walk unless it's

inclement weather.

Q. And when you walk, where do you approach the Statehouse from?

A. Also from Washington Street.

Q. So we're looking at that intersection of Washington and Capitol that's shown on the map?

A. Yes.

Q. And do you enter the Statehouse through the public entrance or do you enter it through a different entrance?

A. A public entrance.

Q. And do you -- can you tell on this map which of those entrances is the public entrance based on where you enter typically?

A. Typically, the southern or western.

Q. The western entrance which would be near the Government Center?

A. Yeah, I believe I enter more often from the southern. But I -- with the new plaza, I think I may have entered from the west. But I'm not sure.

Q. Okay. So you wouldn't take the Capitol Street entrance?

A. I don't recall taking that entrance.

Q. Okay. But you use the public entrance and not the -- so if it turned out, for example, that

the only public entrance was the Capitol Street entrance, you would agree that you took that entrance?

A. If that was the only public one, yes.

Q. And do you ever drive to the Statehouse?

A. Rarely.

Q. When you drive, where do you park?

A. Whatever street parking is available.

Q. All right. And when you go into the Statehouse, where do you go in the Statehouse?

A. Into the main atrium. If I'm going to a committee meeting, one of the committee rooms. If I'm observing, into the gallery.

Q. And when you say the atrium, do you mean the rotunda area?

A. Rotunda, the rotunda, yes.

Q. And what floor are those committee rooms on?

A. I believe the third. But I can't be certain of that.

Q. Now, when you say third, do you mean third as recorded in the Statehouse elevators or third from the ground level, because I know the Statehouse elevators have sort of level one as the basement and then two is the ordinary floor that most people --

most members of the public would come onto and then you have the second and third floor on top of that?

A. My recollection is that it's -- I'm going by the room number.

Q. Okay. Do you remember what the first numeral of those room numbers is?

A. I believe it's 3. But I'm not certain.

Q. Okay. But they're the committee rooms?

A. Yes.

Q. And do you remember if there are any floors above the room with the committee rooms?

A. Yes, I believe so.

Q. Okay. And is it -- do you enter the gallery from the same floor or is it a different floor?

A. I don't remember.

Q. And when you are attending these committee meetings or going to the gallery, are you observing, are you testifying, what are you doing?

A. Observing.

Q. Okay. All right. I'm going to swap back to what had previously been identified as Exhibit 1.

Is it showing up for you again?

A. It is.

Q. Wonderful. So in paragraph 53, it states:

Reverend Armstrong believes that the Ten Commandments are profoundly sacred. He believes that they should not be displayed on the grounds of the Statehouse as it is a religious document and such posting is an establishment of religion and religious belief by the State of Indiana. It is inappropriate for the state to put a monument with such a religious meaning on the grounds of the Statehouse.

Do you agree that that's what it says?

A. I do.

Q. And is that your sole objection to the monument?

A. It is my objection, yes. And within that statement, there are certainly more reasons than that.

Q. Okay. You say more reasons than that. What do you mean when you say that?

A. Well, I would -- I would say this is a true and appropriate summary of why I would object to that.

Q. But your objection is fundamentally based on offense; you're not claiming, for example, that you have suffered physical injury or that it has caused you damages, that it has caused you money

damages or anything like that?

A. It has not caused me money damages.

Q. Has it caused you physical injury?

A. No.

Q. Has it caused you any sort of emotional or mental injury?

A. I find it offensive.

Q. But that's what we're talking about here. We're talking about offense. I promise I'm not trying to trick you. I'm just trying to nail down what the actual injury you're claiming is.

A. Well, it is an injury of my religious and theological beliefs because it feels -- I believe it is an establishment of religion by the state.

Q. Okay. So have you ever seen the monument in question?

A. Only photographs.

Q. Okay. We'll talk about those photographs later.

But have you visited the monument's current location in Bedford, Indiana?

A. No.

Q. Are you offended by the monument where it currently is, in Bedford, Indiana?

A. It's my understanding that it is on the

property of a religious congregation. And it -- if that's the case, I believe that that congregation is entitled to display that.

Q. So the issue with the monument is less the monument itself but who owns the place where it is displayed?

A. It is what the monument represents as a sacred text on a state property.

Q. So we just established that it's not offensive to you if it's on private land, right?

A. Correct. I do not regard it as an establishment on the private land.

Q. So if, for example, it was -- the State of Indiana decided to gift the particular portion of the lawn that it was talking about putting the monument on to a private entity and put the monument on that entity, would you be offended by that?

A. I'm sorry. I'm not sure I understand your question. Is it still on the property --

Q. Well, it would still be on the same place. But if that same place was owned by a private entity, would you be offended by that?

A. I believe it would be very difficult for me to disassociate where that monument is located with on -- in the larger Statehouse property.

Q. So it's sort of a psychic injury based on proximity?

A. No, I don't believe that's what I'm saying.

Q. Okay. I'm trying to understand is all.

A. Yeah, yeah. It -- if some private ownership is carved out just for the monument within the larger Statehouse property, it would be difficult for me to disassociate that it is still on the Statehouse property.

Q. So let's change the hypothetical a little bit.

If I'm remembering that stretch of road, there are businesses on the other side of that road, private businesses on the other side of the road opposite the Statehouse; is that correct?

A. That's correct. There's also still state property on the other side of the road, I believe.

Q. Do you remember what any of those businesses are?

A. Patachou is the one I frequent most often. So that's what I remember. There's also the Westin hotel. There's Orr Plaza.

Q. So say Patachou put the monument out near its outside dining area, is that offensive to you?

A. No. I believe that it is their prerogative as an individual or a business to do that.

Q. Okay. Are you aware of anything else displayed on the monument other than the Ten Commandments?

A. I believe the complaint mentions the Bill of Rights on the other side of the Ten Commandments.

Q. Okay. Are you aware that the monument also has the preamble to the Indiana Constitution on another side?

A. I remember seeing the monument with that, yes.

Q. Okay. And when you say seeing it, you're referring to seeing it in pictures?

A. Yes. You had it up on the screen just a moment ago.

Q. I did? I didn't think I had.

A. You did.

Q. But I will scroll up to the pictures. I suppose I might've scrolled past them when I was scrolling down the complaint.

A. Okay.

Q. So do you recognize this picture?

A. I recognize it from the complaint, yes.

Q. Okay.

MS. PACTOR: John, could you just identify it for the record? It's not clear what page we're on.

MR. LOWREY: Yeah, sure. Sorry about that. This is looking at page 5 of document 101 -- or docket number 101, paragraph 27.

BY MR. LOWREY:

Q. And what does that -- what is that picture, Kevin?

A. It is a picture of the Ten Commandments monument.

Q. Okay. And then moving on to page 6, there is another picture.

A. It's identified in the complaint as the other side containing the Bill of Rights.

Q. Do you recognize that as being a depiction of the Bill of Rights?

A. I recognize the words Bill of Rights. I can't read anything else.

Q. Fair enough. It is kind of a small picture.

And then still on page 6, there's a picture of a third side of the monument. And that looks like

it's a statement regarding the monument.

Do you see that statement?

A. I do.

Q. And are you familiar with the prior monument -- okay, strike those prior -- the prior words I just said.

Do you agree that the picture states, This monument replaces the one donated by the Aeries & Auxiliaries of the Indiana Fraternal Order of Eagles on October 25, 1958?

A. Yes.

Q. And have you ever seen that prior monument?

A. Not to my knowledge.

Q. Were you aware of that prior monument?

A. From the complaint.

Q. Prior to the complaint, were you aware of that monument?

A. No.

Q. Okay. Would you have been offended by that monument had you been aware of it?

A. If the monument contained the Ten Commandments, yes.

Q. And remind me, at the points that that monument would've been in place from 1958 through

the early '90s, were you living in Indianapolis at that time?

A. I would've been in -- from 1990. But I don't have any recollection of it.

Q. Okay. So you -- then we've got a fourth picture which is on page 7 of the complaint.

And do you recognize what is -- what that picture is?

A. I recognize it as a preamble to the state constitution.

Q. So do you see any of those as religious documents?

A. Those being what?

Q. The Bill of Rights, the state constitution preamble, the statement of the prior -- of the prior monument that's being replaced?

A. No, I don't see them as religious documents.

Q. And you don't -- so they're not affected by the presence of the Ten Commandments on there?

A. I'm sorry. I don't understand your question. What do you mean not affected?

Q. Let me try to clarify. I'm -- I am trying to clarify in your mind what relationship, if any, there is between what is displayed on each side of

the monument.

A. So I regard the Ten Commandments as a sacred text and religious document. I don't regard the others that you've shown me as sacred texts.

Q. Okay. And you view each side as sort of wholly separate then?

A. I view the other three, the three that are not sacred texts of the Ten Commandments, as state, federal or secular documents.

Q. So does -- in your mind, does the presence of secular documents surrounding the Bill of -- surrounding the Ten Commandments move that document from a religious sphere to a secular sphere?

A. No. The Ten Commandments is still a sacred text regardless of what's on the other side.

Q. So you would be offended by the placement of the Ten Commandments no matter what other documents or things were placed around it?

A. I take offense at the Ten Commandments being placed on state property --

Q. Okay.

A. -- as that's my -- yeah.

Q. And but from your point of view, it doesn't matter what is placed with them for that -- for the purposes of offense?

A. Right. If they're on state property does not matter.

Q. Okay. So you've mentioned this as a sacred document. You've mentioned it as an establishment of religion. And you've talked about going into the Statehouse, going to the rotunda, etc.

Are you familiar with the in God we trust plaque that is in the rotunda of the Statehouse?

A. I don't recall where it is. But I believe you, it's probably there.

Q. Okay. Does that offend you?

A. It would be my preference not to have --

Q. Why is that?

A. -- that on which -- because it is -- I recognize that it has become a part of our national culture. But I regard those words as having a particular theological context embedded from my tradition as a sacred language.

Q. Okay. And in the same portion of the Statehouse, the rotunda, are you aware that there is a plaque containing the text of a song/poem called Ain't God Good to Indiana?

A. Yeah, I don't recall that. But it certainly sounds like something from James Whitcomb

Riley.

Q. And are you offended by that being placed in the rotunda?

A. No. I regard that as a poem, not a sacred text.

Q. And are you aware that the rotunda contains a plaque commemorating the first religious service in Indiana which was held on the grounds that would later be the Statehouse?

A. I am aware of that.

Q. And are you offended by that?

A. I regard that as commemorating an historic event.

Q. So it's okay if something has been around for a long time?

A. No. The point is not the longevity. It, in and of itself, is not a sacred text.

Q. Are you aware that there is a meditation room that is on the fourth floor of the Statehouse?

A. Yes.

Q. Are you aware that there are Bibles in that room?

A. I've not been in there in a long time. But I believe you if you say that there are.

Q. All right. There were when I -- there

were when I went there earlier this week.

A. Okay.

Q. Are you offended by the presence of a meditation room with Bibles in it?

A. I believe the meditation room can be used for many things. It would be my preference if it had -- if it were open to all sacred texts.

Q. So the problem is not the presence of -- okay. I should amend that.

The Bible is a sacred text for the United Methodist Church?

A. That's correct.

Q. Okay.

A. Sorry.

Q. No, no. I just wanted to confirm before I started asking questions related to that.

So if -- am I understanding your prior answer correctly that the problem -- that your -- that any offense you might have toward the meditation room is not based on the presence of the Bible in that room, but on the lack of other sacred texts if, in fact, there are not other sacred texts in that room?

A. I would regard it as a more hospitable place, if others wanted those sacred texts to be there. Again, I think the medication room in and of

itself can serve multiple purposes, some of which are religious and some are not.

Q. But are you offended by the presence of Bibles in that room?

A. No, not by the presence of Bibles.

Q. How is that different from the Ten Commandments monument?

A. The Ten Commandments -- well, for a variety of reasons. First of all, that -- the Ten Commandments that you showed me on that monument is a Protestant version of the Ten Commandments. So it would exclude Catholic, Lutheran and Jewish interpretations of the Ten Commandments. So I understand that as an endorsement of a very particular text. And depending on the translation of the Bible which is in a meditation room, I don't know which translation of the Ten Commandments that would be.

Q. Okay. Now, to confirm, is the United Methodist Church a Protestant denomination?

A. It is.

Q. Okay. Are you offended by the Christmas tree lighting that takes place annually in downtown Indianapolis?

A. No, and largely because, as we joke in our

household, it ain't a Christmas tree.

Q. So if it were an actual Christmas tree, would you be offended?

A. No. To my knowledge, a Christmas tree, in and of itself, has no sacred or religious imposition.

Q. Does Christmas have a sacred or religious imposition?

A. Christmas is a sacred holiday for Christians. It is also, I recognize, a secular holiday.

Q. Okay. How about nativity scenes, are you offended by nativity scenes on public properties?

A. I am offended by nativity scenes on government properties.

Q. Why?

A. For the same reason, it's an endorsement of a particular tradition.

Q. So a nativity scene is the same as the Ten Commandments monument from your point of view?

A. Right, if on government property.

Q. Okay. Are you offended by the -- okay. Strike that.

Are you aware that there is an inscription on the Liberty Bell?

A. I am.

Q. Are you aware that the inscription on the Liberty Bell is a quotation from Leviticus 25:10 which, assuming that I'm rendering this correctly, is, Proclaim liberty throughout all the land unto all the inhabitants thereof?

A. Yes. I believe there are instances in which scripture has been used for thematic purposes, but not for endorsement of a particular faith tradition.

Q. So you're not offended by that inscription then?

A. I do not regard -- I don't regard pulling out a scripture for thematic purpose as being the same as using the entirety of a sacred text.

Q. And you don't believe there's any thematic purpose to the placement of the Ten Commandments with the Bill of Rights and the Indiana Constitution?

A. I believe that those Ten Commandments have a sacred purpose.

Q. Are you aware that the East Pediment of the Supreme Court Building in Washington, D.C. has a depiction of Moses with the Ten Commandments?

A. It's been a while since I've been there.

But as I recall, also Confucius and Muhammad and Hammurabi.

Q. Are you offended by the depiction of Moses with the Ten Commandments there?

A. I understand it, as a whole, to be history of the legal movement.

Q. So I didn't hear a clear yes or no. Is that yes, I am offended or no, I am not?

A. No, not within the context of the other figures which I interpret to be a historical depiction not an endorsement of Confucianism or Islam or Christianity.

Q. So moving on, still staying in the Supreme Court Building in Washington, D.C., are you aware that the Ten Commandments are inscribed on the doors leading into the Supreme Court -- the Supreme Court courtroom?

A. Again, I don't remember which translation it is. But it would have to be of a particular faith tradition if there's just one set.

Q. Are you offended by the presence of the Ten Commandments on that door?

A. It would -- yes.

Q. Why?

A. Again, we're on federal property. It's an

endorsement of a particular theological text.

Q. And are you aware that there are inscriptions from Leviticus 19:18, Micah 6:8, and Psalm 19:1 in the Library of Congress?

A. I'm not aware of that.

Q. Are you offended by the presence of those inscriptions if they are in fact there?

A. I have to confess, even as a United Methodist pastor, I would not be able to identify all three of those. So I don't know its purpose.

Q. Fair enough. Let me look at my notes and see if I can provide what they are.

It's still sharing the complaint, not the document I just opened up, I hope?

A. Correct.

Q. Wonderful. Leviticus 19:18 as rendered in the Library of Congress is, Thou shalt love thy neighbor as thyself. Micah 6:8 as rendered in the Library of Congress is, What doth the Lord require of thee, but to do justly, and to love mercy, and to walk humbly with thy God? And then as rendered in the Library of Congress, Psalm 19:1 is, The heavens declare the glory of God; and the firmament sheweth his handiwork.

Are you offended by those inscriptions in the

Library in Congress?

A. Again, to the extent that they would exclude other faith traditions, it would seem an endorsement. Again, all of these which are pulled out of a particular context I understand have likely been done so for some thematic purpose.

Q. So it's the thematic purpose that determines whether it's offensive to you or not?

A. No. It's whether those texts exclude other religions or endorse particular religion.

Q. Okay. Thank you.

Moving to a hypothetical then, have you ever heard of the Yamas and the Niyamas?

A. No.

Q. They're -- as I understand them or as I'm going to represent to you today, they are a set of positive and negative commandments in Hinduism.

Would you be offended if, instead of the Ten Commandments, the Yamas and the Niyamas were listed on the monument?

A. Yes.

Q. Would you be offended if the five precepts from Buddhism were on the monument instead of the Ten Commandments?

A. Yes, if the monument is again located at

the Statehouse.

Q. The Taoist precepts?

A. Yes.

Q. The Hellenic virtues?

A. Sorry. You'll have to be more specific of what those are.

Q. The virtues of man according to Greek philosophy?

A. I would -- to my knowledge, there is no religious entity that represents that.

Q. So if it were depictions of, say, philosophy -- if it were philosophical statements, like someone decided to put a portion of a speech Atlas Shrugged on it, for example, would that offend you?

A. I would find it odd, but not offended.

Q. What if it were other philosophical traditions, say, from Hobbes' Leviathan?

A. No, I would not be offended.

Q. Let's change the hypothetical a little bit because previously you had mentioned one of the concerns about the presence of the sacred writing was whether it seemed like if it was excluding other religions.

So what if instead of having the Bill of Rights

and the preamble to the Indiana Constitution and a statement that it was replacing another monument on it, it had in addition to the Ten Commandments those Yamas and Niyamas and five precepts and Hellenic virtues on the other sides so that it was encompassing multiple religions, would that change things for you or would you still be just as offended?

A. It would not change things because it obviously is not incorporating all religious traditions.

Q. So if something was -- if, say, someone put a dodecahedron monument on the Statehouse and every side referenced a different religious tradition, would that offend you?

A. It is hard for me to imagine that it is impossible --

Q. I was getting a little -- I was getting a little ridiculous there. I'm sorry for talking over you.

All right. And then in -- moving away from the hypotheticals and what other things may or may not cause you offense to paragraph 54, 54 states that you will be forced to come into frequent, direct, and unwelcome contact with the Ten Commandments if

the monument is allowed to be displayed on the grounds of the Statehouse.

Can you elaborate on that sentence?

A. Well, as I've mentioned earlier, it is a regular route for me to travel and one that I choose because, for purposes of my running, it's the safest route that I have in order to go west. And because I'm a downtown resident, I'm there often in the downtown area.

Q. Now, when you're running past, are you ever entering the lawn area by the Statehouse or are you just running near the lawn?

A. I'm running on the Cultural Trail adjacent to the lawn.

Q. And as I'm recalling the Statehouse -- why don't I put up that map we were looking at earlier again, which appears to have disappeared. Why did it disappear? One moment.

So we're -- are you able to see this map?

A. I am.

Q. Wonderful. It's always nice when it finally works.

So looking at the side of the -- the south side of the Statehouse near Washington Street, do you see those triangle-shaped areas down there?

A. Yes.

Q. What currently are those areas comprised of, just sort of generally?

A. Grass, lawn, some shrubbery.

Q. Okay. You're not going into those areas when you run?

A. Not normally, no.

Q. And so if we're looking at that triangle with the 3 in it, for example, do you come anywhere near any portion of that triangle other than the southern point?

A. I do cut across that northern passage between the State Government Building and the Statehouse lawn in order to get to the canal.

Q. Okay. So do I understand you to say that you run across that plaza area that's not labeled on this map between Washington Street and Ohio Street then as well?

A. Just the portion that -- the southern portion on the west side that enters into the large plaza that would be in the middle of this diagram and to the west.

Q. Okay. And it mentions unwelcome contact with the Ten Commandments. But my understanding from your statements earlier is that it's not the

Ten Commandments -- it's not unwelcome contact with the Ten Commandments themselves so much as unwelcome contact with a monument that has them; is that correct?

A. I don't understand the distinction.

Q. The Ten Commandments themselves are not inherently offensive to you, correct?

A. When they're not on government property.

Q. Right. So the Ten Commandments -- the Ten Commandments do not offend you?

A. If I'm understanding your question correctly, the Ten Commandments in and of themselves as a sacred text in my tradition, no, do not offend me.

Q. It is only whether or not you're coming into unwelcome contact with the monument displaying the Ten Commandments?

A. Correct.

Q. Okay. And then in that second sentence, the paragraph states that you would have to alter your routine to avoid viewing the monument.

How would you have to alter your routine?

A. I would have to take South Street rather than Washington Street for my route which puts me in competition with Greyhound buses and U.S. Postal

Service semis and considerably more traffic than I have when I'm on the Cultural Trail.

Q. Why South Street instead of, say, the sidewalk on Capitol, for example?

A. Well, that doesn't take me where I go.

Q. Okay. Fair enough. I don't have a clear picture of what your running route is other than -- other than that it's on Washington Street at some point.

So is there a way that you can provide an overview of your running route that does not, you know, disclose your actual address or something of that nature because again we're not interested in invading your privacy for all that I'm here, you know, interviewing you? But --

A. So traveling Virginia to Washington to then across.

Q. Across to where?

A. Either to the river route or to the canal.

Q. Okay. And then from the river or canal, what do you do?

A. Sometimes -- so I have a variety of training runs. And so it can be I go up to Michigan along the river and turn back. It can be that I cross over on 10th Street and head up toward 16 Tech

towards 16th Street. It can be that I pass 16th Street and go through that neighborhood up to the Naval Armory.

Q. Okay. And the only two routes you're aware of that can get you to the river or canal are Washington Street or South Street?

A. Well, so I often run in the morning. And I'm looking for the safest route.

MR. LOWREY: Sure. All right. Could we -- why don't we take maybe a 15-minute break? I'll double check and see if I have anything else. And I've been keeping Kevin going here for an hour -- for about an hour and a half. So --

MS. PACTOR: John, if you think you're -- do you think you're about wrapping up? Because if so, I'll just go ahead and just do my discussion with Kevin now. And then we shouldn't need to take a second break.

MR. LOWREY: At the moment, I've gotten through my outline. I'm mostly going to be checking my notes to see if there's anything else I want to talk to him about.

MS. PACTOR: Okay. Perfect.

(Recess taken)

BY MR. LOWREY:

Q. Kevin, we're back from our break. Do you understand that you are still under oath?

A. I do.

Q. Wonderful. So previously we had been talking about various circumstances when you would or would not be offended by various things that may or may not be related to religious texts.

Do you remember that?

A. Yes.

Q. And you indicated that you're offended by the monument -- by the proposed placement of the monument on the Statehouse grounds?

A. Correct.

Q. So are you offended by the -- by the knowledge that the monument is going to be there or are you only offended if you would see the monument?

A. So your -- so your question is if my offense is connected in any way to my mere cognitive understanding or by seeing it?

Q. Effectively. If, for example, the monument was on the grounds but in a place where you would never encounter it as part of your ordinary routine --

A. I see.

Q. -- would you be offended by the knowledge

that it was on the grounds or is it only because you'll be seeing the monument that you're offended by it?

A. No. I'm offended both by the knowledge and by seeing it.

Q. So you wouldn't be less offended if you didn't see it?

A. No, having knowledge of --

Q. Okay. Is there any context in which you would not be offended by the presence of the Ten Commandments on government property?

A. None that I can think of.

MR. LOWREY: Okay. I think that's all I have.

EXAMINATION

BY MS. PACTOR:

Q. Okay. I just have one question for you, Kevin.

Do you remember when you and John were talking about the various entrances to the Statehouse and which ones you have used in the past?

A. I do.

Q. If I were to describe to you that the west entrance is the accessible entrance, would that refresh your recollection about whether you have

ever gone in the west entrance?

A. Yeah, I'm sure that I have. I believe that also is the entrance where press offices are. That's my recollection of walking in on the west side.

MS. PACTOR: Okay. Great. That was my only question.

THE WITNESS: Okay.

RE-EXAMINATION

BY MR. LOWREY:

Q. Just following on from that then, if you are approaching that west entrance, are you approaching it from the direction of Washington Street?

A. Well, I would have to turn off of Washington Street and go north, yes.

Q. Okay. That's what I wanted to make clear is that you were turning off of Washington Street and coming north rather than turning off of Ohio Street and coming south to get there?

A. Correct.

MR. LOWREY: Okay. I have nothing else.

MS. PACTOR: Nothing from me.

MR. LOWREY: And if we could get a condensed copy, please.

MS. PACTOR: And we will order an electronic as well.

(Deposition concluded at 2:58 p.m.)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

INDIANA CIVIL LIBERTIES UNION, et al.	)	
Plaintiffs,	)	
-v-	)	No. 1:00-cv-00811-SEB-VSS
MIKE BRAUN,	)	
Defendant.	)	

Job No. 209727

I, REVEREND KEVIN ARMSTRONG, state that I have read the foregoing transcript of the testimony given by me at my deposition on August 20, 2026, and that said transcript constitutes a true and correct record of the testimony given by me at said deposition except as I have so indicated on the errata sheets provided herein.

_____
REVEREND KEVIN ARMSTRONG

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STATE OF INDIANA)
) SS:
COUNTY OF MARION)

I, Sandra Marchky, a Notary Public in and for the county and state, do hereby certify that the deponent herein was by me first duly sworn to tell the truth, the whole truth, and nothing but the truth in the aforementioned matter;

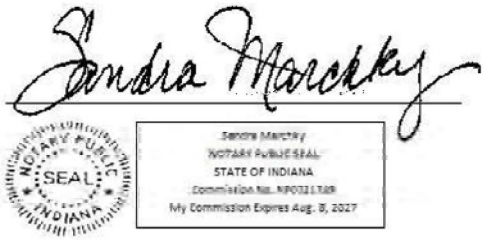
That the foregoing deposition was taken on behalf of the Defendants; that said deposition was taken at the time and place heretofore mentioned between 1:30 p.m. and 2:58 p.m.;

That said deposition was taken down in stenograph notes and afterwards reduced to typewriting under my direction; and that the typewritten transcript is a true record of the testimony given by said deponent;

And thereafter presented to said witness for signature; that this certificate does not purport to acknowledge or verify the signature hereto of the deponent.

I do further certify that I am a disinterested person in this cause of action; that I am not a relative of the attorney for any of the parties.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 25th day of August, 2026.



My Commission Expires:
August 8, 2027

Job No. 209727

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