In the Matter Of:

INDIANA CIVIL LIBERTIES UNION, ET AL.

-v-

MIKE BRAUN

Rabbi Justin Kerber

August 19, 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 RABBI JUSTIN KERBER, 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 19, 2026, at 9:30 a.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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COURT REPORTER: Today is August 19, 2026. The time is 9:30 a.m. Eastern. My name is Sandy Marchky, in association with Stewart Richardson, Indianapolis, Indiana. This is the remote deposition of Rabbi Justin Kerber.

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

MR. FALK: Kenneth Falk from the ACLU of Indiana representing the plaintiffs in this deposition, representing Rabbi Kerber as well. And Stevie Pactor, who did not turn on her microphone, also from the ACLU in the same capacity.

MR. DAVIS: Joseph Davis, counsel for defendant, Governor Mike Braun. I'm joined by my colleagues at the Becket Fund, Ben Fleshman and Amanda Salz.

MR. LOWREY: John Lowrey here for the defendant, Mike Braun. I'm with the Indiana Attorney General's Office.

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

MR. FALK: Plaintiffs agree.

MR. DAVIS: Defendant agree.

RABBI JUSTIN KERBER

having been first duly sworn/affirmed, was examined

and testified as follows:

EXAMINATION

BY MR. DAVIS:

Q. Well, good morning, Rabbi Kerber.

A. Good morning.

Q. It's nice to meet you.

And would you mind first just stating your full name for the record so we have it.

A. It's a pleasure to meet you too, sir.

And my full name, for the record, Rabbi Justin Kerber. That's K-E-R-B-E-R.

Q. Thank you. And have you ever been deposed before, Rabbi Kerber?

A. No, sir.

Q. Have you ever taken a deposition? I know were an attorney.

A. Yeah. If, you know, moot court stuff back in law school counts, then I suppose so. But the short answer is no.

Q. Okay. Well, I'll just briefly state, you know, kind of the cardinal rules here.

One of them is that we should try really hard not to talk over one another so that the reporter can make a clean record.

And then the other one is that we should try to

use verbal responses to one another, so yeses and nos as opposed to uh-huhs and huh-uhs and things like that.

Does that all make sense?

A. I understand.

Q. All right. And you understand that you just took an oath to tell the truth?

A. Yes, sir.

Q. All right. And is there anything that would prevent you today from giving your full attention to my questions or from answering them fully?

A. No, sir.

Q. All right. So, Rabbi Kerber, you were asked by counsel for the plaintiffs to give an expert opinion in this litigation; is that correct?

A. Uh-huh. Yes, yes, yes, I was.

Q. And you're currently here testifying in your capacity as one of plaintiffs' proposed experts, right?

A. Yes.

Q. Okay. Are you a member of the Indiana Civil Liberties Union?

A. I just recently made a donation to the American Civil Liberties Union. But I'm not

actually sure if that makes me a member of the Indiana Civil Liberties Union or not.

Q. Okay. And you're not here testifying in your capacity as a member or potential member of the ACLU, but as an expert witness; is that correct?

A. Both of those statements are correct, yes, I'm not here as part of the ACLU. I'm here as their expert witness.

Q. Okay. Have you ever seen the monument featuring the Ten Commandments that's at issue in this litigation?

A. I've seen a picture of it.

Q. Okay. Did you review that picture of it in preparation for preparing your report?

A. Yes, sir.

Q. Okay. And do you know where that monument is intended to be placed?

A. I understand that it's intended to be placed on the grounds of the Capitol.

Q. Do you know specifically where on the grounds of the Capitol it's intended to be placed?

A. No.

Q. Have you ever been to the Capitol building, to the Statehouse grounds?

A. Yes.

Q. Okay. What have you gone there for?

A. Well, let's see. I gave the invocation at the start of the Senate session one morning at the invitation of State Senator J.D. Ford back in 2020, 2019. That may have been 2019. I think that was right before the pandemic.

I have been there for various public meetings in the -- what would you call it -- in the rotunda or in the north foyer for meetings such as -- several times for the state Holocaust remembrance ceremony.

I've been there for public rallies, supporting both freedom of religion and freedom from hate, I guess you could say.

I was there most recently for the Faith Over Fear rally just a few months ago.

And I've been there -- yeah, I've -- I've been there enough times to lose track of how many times I've been there.

Q. Fair enough. Thank you very much.

All right. So I am going to ask some questions about your declaration.

A. Uh-huh.

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

BY MR. DAVIS:

Q. And so I'll put it up on my screen. And we can mark -- we'll mark it later as the first exhibit to this declaration -- excuse me, to this deposition.

A. If that's important to you, go right ahead. If it's for my benefit, I have the declaration up on my screen. And it might be better for me if I can see your face. But that's -- you do what you need to do.

Q. Yeah. We'll get it up on the screen just so we can call it an exhibit later.

A. Okay.

Q. Appreciate that.

A. Uh-huh.

Q. All right. Do you see the declaration on your screen?

A. I do.

Q. Great. And this is, in fact, the declaration that you prepared for the plaintiffs in this case?

A. Let me scroll through.

Q. Let me know if I'm going too fast.

A. You're going a little fast. But it looks like it's the same one.

Q. All right.
A. Uh-huh, yeah.
Q. Does it look good?
A. That looks like it's my resume too, yes.
Q. Great. Thank you very much.
A. Uh-huh.
Q. All right. And it says here -- I'll just go to paragraph 2 -- that you were asked by plaintiffs' counsel to render an opinion concerning the religious significance of the Ten Commandments; is that correct?
A. Uh-huh. Yes, yes, that's correct.
Q. And whether the Ten Commandments can be deemed to be a secular document devoid of religious significance, either in whole or in part; is that what it says?
A. Yes.
Q. And those are the questions that the declaration addresses, right?
A. Right.
Q. Okay. Is your declaration here, that's a complete statement of the opinions that you intend to testify to in this case?
A. Yes, it is.
Q. Okay. Now, in recounting your background

a little further down, the declaration says that you have a law degree; is that right?

A. Unfortunately, yes, I admit it.

Q. Okay. And did you ever practice?

A. I worked at the law firm of Peabody & Arnold for I think two years. And I -- I did some contract work. I don't even know if you could call that practicing. It was more like paralegal level stuff. I worked for -- let's see, I worked at Peabody & Arnold for, I think it was 1998 to 2000. And then I worked writing case law summaries for LexisNexis for a year until starting rabbinical school.

Q. Got it. Thank you.

So when you were at Peabody, you were a litigator?

A. No, sir. I was working in the corporate department. So I guess you could say that was practicing law. But again my -- my position was kind of marginal.

Q. Understood. Then you got out?

A. Yeah.

Q. All right. So looking back at your report, I'm going to scroll down to paragraph 12 here. Zoom out a tab so I can get it all on the

screen. All right.

And it looks to me like you say there that one of your concerns with the monument in this case is with its rendering of the Sixth Commandment; is that fair to say?

A. Yes, that's one of them.

Q. Okay. And the concern with respect to that commandment is that the monument here renders it as you shall not kill, but in the Jewish tradition, the Sixth Commandment is generally understood as you shall not murder; is that correct?

A. That's correct.

Q. Okay. Do you know if there are any translations in the Jewish tradition that translate that commandment as you shall not kill rather than murder?

A. There are.

Q. Okay. What are some of those translations, do you know?

A. I understand there's one by Rabbi Shraga, I think it's Silverstein, calls itself the Rashi Chumash. He translates it as do not kill, but -- which is ironic because Rashi himself makes clear that it is -- that it's do not murder. Actually, I take that back. That's Rashi's grandson, the

Rashbam.

Q. Okay. And is that translation associated with a particular sort of stream of Judaism or a branch of Judaism or who uses that translation?

A. I would not say that it's associated with any one particular stream of Judaism. It's used in a wide variety of different translations, all with different approaches to translation and different, I think it's fair to say agendas. Translations always -- you know, there's always decisions to make. And -- and the decisions the translator makes are informed by their philosophy, their theology. So, but my point here is that the Jewish Publication Society has issued multiple translations starting in 1917, most recently in the 2020s. And all of them choose do not murder.

The Chabad movement which is not just orthodox, it's Hasidic which is a real specific subset of orthodoxy uses do not murder, as does the Steinsaltz. Rabbi Adin Steinsaltz -- that's S-T-E-I-N-S-A-L-T-Z -- uses it, as do Robert Alter and Everett Fox and I think Richard Elliott Friedman. Those last three are all academics. They are coming at it from a scholarly perspective, in some cases from a literary perspective more than

from a traditional one. Jewish Publication Society is probably the most widely used. All of them render it do not murder because -- well, I'll stick to answering the question. I think I've answered your question.

Q. I believe so. So all of them use do not murder. And by that, you mean all the ones that you just named, but you recognize that there are some that use do not kill, correct?

A. Correct.

Q. Okay. And have you ever heard of the ArtScroll Stone Edition version of the Torah?

A. Yes, I have.

Q. Okay. And that's an English translation of the Torah, right?

A. Yes, it is.

Q. Okay. And is it a well-known translation?

A. I don't know.

Q. Widely used?

A. I've heard of it.

Q. Do you know how it translates the same commandment that we've been talking about?

A. Yes. Stone interestingly enough does render it kill.

Q. Okay. In preparing for this deposition,

did you review the expert report of Rabbi Dr. Stuart Halpern that was submitted for the defendant in this case?

A. I did look at it, yes.

Q. Okay. And you might recall that in his report he states that the ArtScroll Stone Edition is the dominant Torah translation used in Orthodox Jewish synagogues today. Do you remember that?

A. I saw that he wrote that, yeah.

Q. Okay. And do you agree with that statement?

A. I don't know.

Q. Okay. So you don't have any basis for disagreeing with it; would that be correct?

A. I'm just not really in a position to say what's the dominant edition of the -- of the Torah being used in Orthodox synagogues today. A number of folks that I mentioned are -- are Orthodox -- are real traditional Orthodox. You know, one of them is Hasidic. One of them I think is coming out of a Hasidic mind -- you know, mind set, background. But it's not written for a Hasidic audience.

Q. Okay. So we've got some Jewish translations that translate this commandment as do not murder and some that translate it as do not

kill, right?

A. Right.

Q. Okay. Rabbi Halpern's report also states a 19th century Jewish catechism called the Catechism for Younger Children by Isaac Leeser.

Do you remember that?

A. Yeah, that was interesting.

Q. And is that a work you're familiar with?

A. It was not, no.

Q. Okay. Do you know who Isaac Leeser is?

A. It's -- the name is interesting. I wonder if it's possibly an ancestor of someone I used to know. But that's really -- really neither here nor there.

Q. Okay. I think I saw just online that maybe Isaac Leeser was responsible for the first American English translation of the Torah.

Does that ring a bell or is that -- he's just not a name that you're familiar with?

A. Yeah, he's not a name that I'm very familiar with.

Q. Okay. And Dr. Halpern's report says that that work, the catechism by Isaac Leeser describes the Sixth Commandment as thou shall not kill.

Do you recall it saying that?

A. I recall that, yes.

Q. Okay. And since you're not familiar with that work, you don't have any basis for disagreeing with Rabbi Halpern on that point?

A. Right.

Q. Okay. So would it be fair to say that this distinction between murder and kill in the Sixth Commandment, it's an issue that -- that the Jewish -- that those in the Jewish tradition can go either way on, some might translate it as murder, some might translate it as kill?

A. I would not go that far. As I've said, the translations that you've mentioned are very much outnumbered by a wide range of -- by a large number of translations, all of which represent a clear and -- a clear line of Jewish thinking. It's clearly the majority. Judaism has always had a lively tradition of debate and disagreement and argument which is why I'd, frankly, be shocked if there were -- if there were unanimous agreement on anything.

But I will say that in the 12th century the Rashbam who was a -- that name Rashbam, R-A-S-H-B-A-M, is an acronym of man's Hebrew initials. The R is for Rabbi Shmuel ben Meir. I

forget his exact name. The point is he's a widely read, widely respected authority who's been -- whose works have been studied since the 12th century. Points out that the translating it -- points out that the Torah always uses tirtzach from -- that's from a root, Resh, that's R-E-S-H, Tzade, T-Z-A-D-E, Chet, C-H-E-T, to mean unauthorized or -- or un -- or what's the word -- unauthorized or extra -- extra legal killing. The Torah does permit killing in other situations. So retzach is the word that the Torah uses for the killing of Abel by his brother, Cain.

On the other hand, the Torah recognizes and permits war. It permits capital punishment in certain cases. It even permits killing in self-defense.

I was saying about the Rashbam, Rashbam makes that point that ret -- it always uses retzach for unauthorized or improper killing. There are other Hebrew words that mean kill which the Torah uses in other cases. Rashbam points -- Rashbam actually criticizes the -- the using of translating it as kill as sloppy and not appropriate.

The -- as far as -- and as far as I know, the only reason we have translations that read kill all

date back to the Vulgate which is the first translation of the Torah into Latin. That goes all the way back to the fourth century by Jerome. Christians know him as Saint Jerome. In his translation, the Vulgate became the official Catholic doctrine for the next thousand years. That became the church's official translation of the Bible.

Q. Well, thank you for that. So, and I understand your view that -- that murder is the majority position. It's, in your view, the correct translation. But, I mean, we've already agreed that there are, in fact, Jewish translations that use kill, right?

A. A few, yes.

Q. Okay. Let's scroll down -- let's scroll up, excuse me, to paragraphs 10 and 11 of your declaration. And I'll just let you -- if you need it, just take a moment to reread that and I'll have a couple of questions about those.

A. Sorry about that phone thing. That's my wife just making sure.

Q. Those are important things.

A. Absolutely. So I was reviewing paragraph 10 now?

Q. 10 and 11, please.
A. 10 and 11. So let's see. Right.
Q. Okay. And it looks to me like the opinion that you're stating here is that the public posting of the Ten Commandments distorts Jewish belief, right?
A. That's correct.
Q. Okay. And that's because these kinds of postings, they depict only ten commandments when in the Jewish understanding there are 613; is that right?
A. That's in paragraph 8 of my -- of my statement -- of my declaration, yeah.
Q. Okay. And I'm also looking at paragraph 10. In fact, Jewish teaching is that there are 613 commandments in the Bible.
A. Wait a minute. We're looking at different versions of the document somehow.
MR. FALK: Rabbi, please look at his if you are looking at another one because he has --
THE WITNESS: I'm going to close mine then. Let's see. Thanks, Ken. All right. So --
MR. DAVIS: And while you're reading, Rabbi Kerber, Ken, can I just ask, this is the final one that we should be using here, right?

MR. FALK: Correct.

THE WITNESS: If Ken says it, then I believe it, yes.

MR. DAVIS: Thank you.

A. So, anyway. So now we're looking at this paragraph 10, 613 commandments, should live by all of them, focusing exclusively on the ten. Yes, sir, yes.

BY MR. DAVIS:

Q. Okay. And I guess my question is, the monument we're talking about here though, I mean, it doesn't deny that there are other commandments in addition to these ten, does it?

A. Well, it -- it holds out these particular ten precepts as being somehow -- as being somehow worthy of -- worthier of public mention than the rest of the Torah.

Q. Well, I guess I'll just -- maybe I'll ask it this way.

Are you aware that, on the other side or one of the other sides of the monument, it depicts the Bill of Rights from the United States Constitution?

A. I don't remember seeing a picture of that, no.

Q. Okay. Well, I mean, we can pull up a

picture if you'd like. You know, I'll represent to you that that is the case.

A. That's okay. I'll take -- that's okay.

Q. All right. And do you know what the Bill of -- you know what the Bill of Rights are?

A. Yes.

Q. Okay. And those are the first ten amendments to the U.S. Constitution; is that correct?

A. Sounds right.

Q. Okay. And are you aware that there are other amendments to the U.S. Constitution?

A. Uh-huh, sure.

Q. Okay. And those other amendments are, you know, equally law as the first ten, right?

A. Right.

Q. Okay. So, I mean, by depicting the Bill of Rights, is the monument therefore denying that there are other rights or other amendments to the U.S. Constitution?

A. I don't know.

Q. Okay. I mean, it might not be, right?

A. I don't know.

Q. Okay. So you don't know if by depicting the first ten amendments to the U.S. Constitution,

the monument is denying that there are other amendments, but you do believe that by depicting the first Ten Commandments, that it's somehow denigrating the other commandments that are in the Bible?

A. It -- I'm saying that it mistaken -- it misrepresents Jewish belief and mistakenly assumes that they have independent and superior status to the other ones.

Q. Right. And so would the monument also be assuming that the first ten amendments to the U.S. Constitution have superior status by only depicting those and not the other amendments?

A. I'm not really an expert in -- in the Bill of Rights, not here. What I also -- what it also says in my statement is that the monument by -- by squishing the commandments together, so to speak, also distorts Jewish tradition on which commandment is which in a way that's significant and which -- which -- as we've seen, do not kill originates with Christian theology and Christian teaching.

Q. Well, I do want to focus on the -- thank you for that. I want to focus on the ten versus 613 issue just for a moment.

A. Sure.

Q. Is it your testimony or your expert opinion that there's no sense in which the Ten Commandments are sort of set apart as a discrete unit within the Jewish tradition?

A. No, sir, that's not.

Q. That's not your opinion?

A. That's not my testimony, no.

Q. And so there is a sense in which they are treated as a discrete unit of commandments even if they're not sort of super binding or something like that?

A. So the sense in that they're separate and distinct is that -- and we learn in the Torah in Exodus Chapter 20 that God speaks to the entire community of Israel at that moment. God -- all of Israel hears these ten statements. In fact, in the original Hebrew, the word for this group of commandments that we call the Ten Commandments is Aseret ha-Dibrot. That's A-S-E-R-E-T H-A-hyphen-D-I-B-R-O-T, Aseret ha-Dibrot, diber. Same word gives you with word and thing. These are ten statements, ten sayings that God speaks. And then we read, after that, the next thing is all Israel covers their -- basically, they cover their ears and they are so terrified of this direct,

unmediated experience that they beg Moses to go up to the top of Mount Sinai, get the whole Torah from God and bring it back down to them. Later on in -- in Deuteronomy, Moses praises the Israelites for this.

So that is -- that's the -- that's why we think of Ten Commandments. It's those statements. Those are the ones that all Israel hears at that one miraculous moment at Sinai.

Q. Thank you for that. And so the monument depicting these Ten Commandments together as the Ten Commandments, that's not itself inherently objectionable from the Jewish perspective, is it?

A. Well, it -- as -- as we've stated, it puts them in -- it sets them apart without mentioning any of the others. It -- it blends them with -- with Catholic and Protestant teaching in a way that does violence to -- certainly to Jewish belief and I would think to Christian belief as well. So, yeah, this monument is objectionable from that standpoint.

Q. Sorry. I was really trying to focus on just the fact that, you know, it depicts a set of commandments that it calls the Ten Commandments.

So set aside the issue of like the way it's rendered on the monument which I understand we've

talked about already, but just treating the Ten Commandments as somehow a discrete unit, that's not objectionable from the Jewish perspective, is it?

MR. FALK: Can I ask for a clarification? Are you asking as a general matter or as referring to the monument on the public space?

MR. DAVIS: Yeah, thanks, Ken.

BY MR. DAVIS:

Q. As a general matter is the question.

A. As a general matter. I mean -- I mean, just the fact that we talk about Aseret ha-Dibrot, I mean, I guess means that, yeah, we -- we know of these particular commandments in that sense.

Q. Okay. So I want to go back to the full 613.

A. Uh-huh.

Q. Where are those 613 commandments found?

A. Those are found in the Torah. And it's actually later Jewish theology, Jewish tradition that identifies -- it's called the Taryag Mitzvot. Taryag, T-A-R-Y-A-G, Mitzvot, M-I-T-Z-V-O-T. Taryag is the number 613. There are actually -- like I said, there's a long tradition of discussion and debate and disagreement within Judaism. There's actually debate over exactly which commandment is

which. There are different authorities that -- that attempt to go through every word of the Torah, of the five books of Moses and identify all 613 which more than one authority does, but they don't necessarily agree with one another.

Q. And so in the Torah, so some of those commandments are found in -- I'm sorry, strike that. I'll just ask it this way.

Which are the books of the Torah?

A. That's Genesis, Exodus, Leviticus, Numbers, Deuteronomy. We teach -- I teach our religious school children to think giant elephants live next door, G-E-L-N-D.

Q. That's helpful.

A. I think so. That's how I remember it too sometimes.

Q. Okay. Are you -- you're aware of the Liberty Bell near Independence Hall in Philadelphia?

A. Yes, sir.

Q. Okay. And are you aware that the Liberty Bell has a Bible verse or maybe it's a piece of a Bible verse inscribed on it?

A. Uh-huh, I do.

Q. Do you know what that verse is?

A. I believe it says proclaim liberty

throughout the land. I believe that's -- oh, my gosh, now I'm -- now I'm blanking on it. Leviticus -- at the moment, I can't remember the chapter and verse number. But, yeah.

Q. Okay. Yeah. I think 25:10 is how Rabbi Halpern describes it in his report.

Does that sound right?

A. Sure.

Q. Okay. And is that verse, Leviticus 25:10, proclaim liberty throughout all the land, is that one of the 613 commandments?

A. Interesting. I would -- yes, I would expect that it is.

Q. Okay.

A. But at this point, I would want to actually chase down one of those lists of 613 commandments. But I think it is, yeah.

Q. Okay.

A. You shall proclaim --

Q. Would it help, I mean, if I put like the verse in context on the screen or something like that, would that be helpful? I want to be helpful to you.

A. That won't be necessary.

Q. Okay. So we can work under the assumption

that you believe it is one of the 613; is that right?

A. Uh-huh.

Q. Okay. So does the Liberty Bell also distort Jewish belief by depicting only that one of the 613 commandments?

A. As I see it, that's a -- that's an aspirational view. It's not a demand of how to -- of how to work. By the way, though, if -- if they were asking me these questions at this time, I'd say, ah, you know, better not. I'd also say there's not in this case a difference between Jewish and Christian teaching in a way that privileges Christian teaching. And oh, by the way, more recent scholarship casts doubt on what the -- what the colonists were -- were -- on the framing of it that the colonists have, the translation they're working with, proclaim liberty. Recent scholarship of cognate ancient Near Eastern languages makes that verse more likely proclaim release throughout the land, release from debts.

Q. So you have some concerns about the translation on the Liberty Bell in the same way that you do about the Ten Commandments here?

A. Yeah. I'd prefer that the Ten

Commandments remain in the Torah and not become public monuments, yeah.

Q. And also that the Leviticus 25:10 remain in the Torah and not become a public monument?

A. That'd be -- if were you asking me about it today, I'd rather you didn't.

Q. Okay. So that inscription, objectionable to you from the Jewish perspective or at least close to the line?

A. Yeah. However, what I -- like I said before, that translation doesn't, as far as I can tell, privilege one religion over another in quite the way this one does, nor does it -- nor does it seek to -- seek to establish like a -- what looks like a government -- you know, a government-approved translation.

Q. Okay. So you have some additional concerns. Okay. That's helpful. Thank you.

A. Sure.

Q. On that point about privileging one tradition over the another, is that the language that is used? I'm sorry.

A. Privileging.

Q. And I guess that takes us back to the murder kill discussion which I'll revisit briefly.

A. Sure.

Q. You said that the distinction between murder and kill, it's a point of difference between Jewish and Christian traditions, in your view?

A. Yes, yes.

Q. Okay. Do you have expertise in Christian theology?

A. What I have expertise in is Jewish theology which, as I -- as I cited, the Rashbam. The reason that -- that verse sometimes gets translated as kill goes back to the Vulgate, the translation into Latin which says nay -- what was the occi -- occidentes. I can -- I can pull up the Latin if you want me to.

Q. That's all right. So the point is that, in your view, that word kill, it sort of historically traces its lineage back to a Christian translation of the Bible?

A. To the Christian translation for a thousand years which was the -- the Vulgate became the official translation of the Catholic church.

Q. Right. But in your understanding, the Vulgate is not currently the Christian translation in the same way that it was then, right?

A. I think not.

Q. Okay. And so today do all Christians interpret this commandment to mean kill instead of murder?

A. I'm not here as an expert in Christian theology. I probably shouldn't speak to that.

Q. Sure. So, I mean, as far as you know, there maybe some Christian traditions that, like the Jewish tradition, understand this to mean murder instead of kill?

A. Probably.

Q. Okay. So this is an issue where, as far as you know, there are Christians and Jews on the same side of that distinction?

A. Yeah, possible.

Q. Okay. All right. Just to get back to this monument, if that monument, if it were a really big piece of limestone and it included all 613 commandments, would that be objectionable from your perspective?

A. I still would --

MR. FALK: Excuse me. Again, to clarify, are you asking on the Statehouse lawn or somewhere else?

BY MR. DAVIS:

Q. Thank you. Yes, on the Statehouse lawn.

A. Then I still would have concerns about -- about the State of Indiana establishing a religion or having -- or what's word I use? Can you scroll down in my statement?

Q. Sure.

A. Yeah. I would still be concerned about the imposition of government authority in -- in matters of faith and belief. I don't want the State of Indiana establishing Judaism anymore than I want it establishing Christianity.

Q. Fair enough. But on that -- on that point, I guess I do want to ask, I mean, does putting up the monument itself require anybody to abide by whatever commandments are depicted on the monument?

A. It -- again, the implications are -- are clear I think.

Q. So it's your understanding of the implications of the monument, but it's not your actual understanding that anybody would be punished for not keeping the Ten Commandments simply because there's a monument depicting them on the Statehouse grounds?

A. I'm not sure I understand your question.

Q. Yeah, it was poorly-worded.

Do you understand that there would be any punishment for breaking the Ten Commandments that would be imposed by the State of Indiana as a result of this monument being posted on the Statehouse grounds?

A. No, I don't think so.

Q. Okay. And would the posting of the monument on the Statehouse grounds prevent those of the Jewish faith from following God's commandments on their own?

A. No, I don't think so. I'll continue to follow them as best I can.

Q. So a Jewish citizen of Indiana would be free to continue to follow God's commandments for any reason both before and after the monument's posted?

A. I hope so.

MR. DAVIS: Me, too. That may be all I have, everybody. If we can take maybe a five-minute break and I'll jump back on and confirm one way or another.

(Recess taken)

MR. DAVIS: Nothing further from defendant. Thank you for your time, Rabbi Kerber.

MR. FALK: We have nothing further for the

Rabbi.

(Deposition concluded at 10:23 a.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. 209726

I, RABBI JUSTIN KERBER, state that I have read the foregoing transcript of the testimony given by me at my deposition on August 19, 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.

_____
RABBI JUSTIN KERBER

STEWART RICHARDSON & ASSOCIATES
Registered Professional Reporters
One Indiana Square, Suite 2425
Indianapolis, IN 46204
(800)869-0873

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;

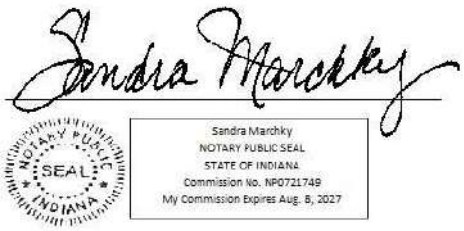
That the foregoing deposition was taken on behalf of the Defendants; that said deposition was taken at the time and place heretofore mentioned between 9:30 a.m. and 10:23 a.m.;

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. 209726

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