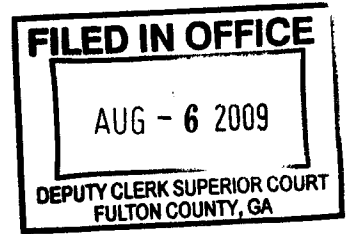


IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA



RABBI SHALOM LEWIS)

Plaintiff,)

v.)

Civ. Act. No. _____)

GOVERNOR SONNY PERDUE,)
in his official capacity as Governor of the)
State of Georgia;)

THURBERT BAKER,)
in his official capacity as Attorney General of)
the State of Georgia; and)

TOMMY IRVIN,)
in his official capacity as Commissioner of the)
Georgia Department of Agriculture;)

Defendants.)
_____)

VERIFIED COMPLAINT

Plaintiff RABBI SHALOM LEWIS files this Complaint against Defendants

~~GOVERNOR SONNY PERDUE in his official capacity as Governor of the State of Georgia;~~

Lewis is subject to the Kosher Food Labeling Act, O.C.G.A. Art. 26-11 (the "Georgia Kosher Laws").

3. Rabbi Lewis is a taxpayer in the State of Georgia. Accordingly, all monies necessarily spent by the State to (a) educate State officials and employees about the Georgia

JURISDICTION

8. This action has been commenced to challenge the constitutionality of the Kosher Food Labeling Act, O.C.G.A. Art. 26-11.

9. The Court has subject matter jurisdiction, pursuant to Art. VI, § IV, Para. I of the Constitution of the State of Georgia.

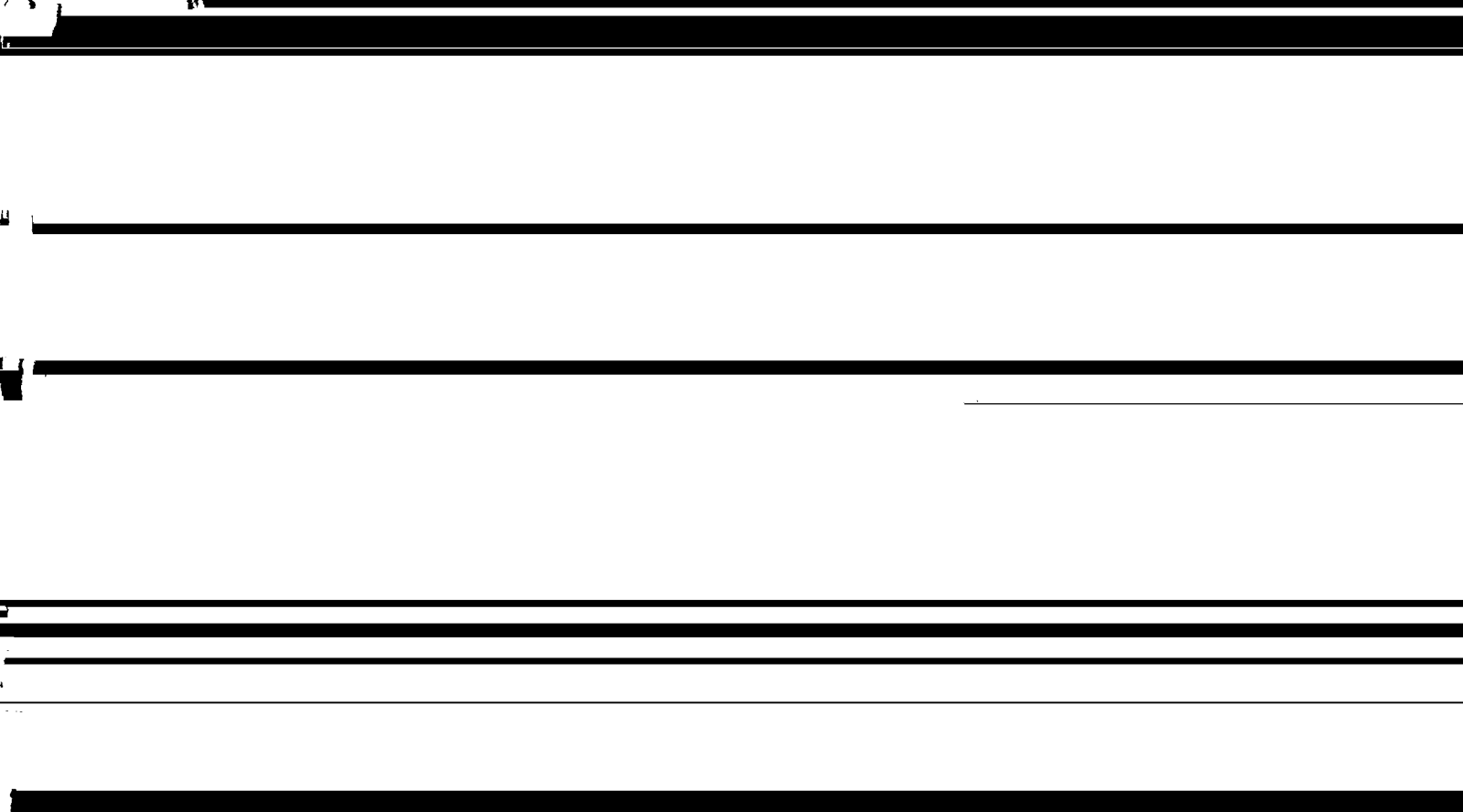
DISCLOSURE ON ISSUES PRESENTED

10. "Kosher" is a word derived from Yiddish and/or Hebrew that is generally accepted to mean sanctioned by Jewish law; ritually fit for use; and/or selling or serving food ritually fit according to Jewish law, e.g., a kosher restaurant. Keeping "kosher," also sometimes referred to as observing "*kashruth*," "is one of the pillars of Jewish life - especially Jewish home life." Dayan Dr. I. Grunfeld, *THE JEWISH DIETARY LAWS*, Vol. I, inside front dust jacket (The Soncino Press, 3rd ed. 1982).

11. The dietary laws that regulate *kashruth* ". . . are a fundamental part of the Divine legislation for the Jew. . . ." *Id.* Fundamental rules of *kashruth* are set forth in the Pentateuch — the first five (5) books of the Bible — and are amplified in the *Shulhan Aruch* and other Jewish writings and in the *halakha*. *Halakha* is "the body of Jewish law

when one factors in the Chassidic Jews, Conservative Jews, and other kosher consumers.

13. There are deviations between the Orthodox Jewish community's interpretation of the Jewish laws governing *kashruth* and the Union of Traditional Judaism's interpretation of some of the Jewish laws governing *kashruth*. Similarly, there are deviations between the Orthodox Jewish community's interpretation of the Jewish laws governing *kashruth* and each of (a) the Conservative Jewish community's interpretation of some of the Jewish laws governing *kashruth*, (b) the Reform Jewish community's observance of the Jewish laws



governing *kashruth*, and (c) the Reconstructionist Jewish community's observance of the Jewish laws governing *kashruth*.

14. Specific differences between the Orthodox and Conservative Jewish

laws governing *kashruth* and (b) and the Reconstructionist Jewish community's observance of some of the Jewish laws governing *kashruth*. Finally, there are deviations between the Conservative Jewish community's interpretation of the Jewish laws governing *kashruth* and each of (a) the Reform Jewish community's observance of the Jewish laws governing *kashruth* and (b) the Reconstructionist Jewish community's observance of the Jewish laws governing *kashruth*.

16. Whether a food may be certified as kosher is a theological matter and not a

legal issue. The term "kosher" as it appears in the Georgia Kosher Law is an ambiguous

and ambiguous and wants of any ascertainable standard.

THE GEORGIA KOSHER LAWS

17. The Georgia Kosher Laws were enacted under color of state law. Further, the

used in the Georgia Kosher Laws means anything other than kosher “in accordance with orthodox Hebrew religious rules and requirements.” *Id.* The State of Georgia has not undertaken to limit or define these Orthodox Hebrew religious rules and requirements but has incorporated them into the statute by reference.

21. Whether a food may be certified as kosher is a theological matter and not a legal issue. The phrase “orthodox Hebrew religious rules and requirements” as used in the Georgia Kosher Laws is vague, obscure, and ambiguous and wants of any ascertainable standard.

universally accept many of the Orthodox Jewish supervisory agencies' *hashaacha* as reliable

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

will be enforced against him, which would irreparably damage his reputation, subject him and his congregation to criminal charges and fines, and impair the exercise of his religion.

~~This credible fear is a distinct and palpable injury attributable to the Georgia KKK - I~~

exercise of religion as guaranteed by the Free Exercise Clause of the First Amendment to the Constitution of the United States of America.

35 The Georgia Kosher Laws are not neutral, generally applicable laws. 141

target a specific religious practice and set of beliefs, and expressly disfavor Plaintiff's faith.

36. By virtue of the infringement upon the Plaintiff's fundamental constitutional rights, the Georgia Kosher Laws are subject to strict scrutiny, which requires that the laws be narrowly tailored to serve a compelling state interest. The Georgia Kosher Laws, as enacted, are not narrowly tailored to serve a compelling state interest. Under a test of strict scrutiny, the

them for the free exercise of their religion as protected by the Georgia Constitution. The Georgia Kosher Laws violate the rights of the Plaintiff and others similarly situated to the free exercise of religion as guaranteed by Article I, § I, Para. II of the Georgia Constitution.

42. The Georgia Kosher Laws are not neutral, generally applicable laws, but instead target a specific religious practice and set of beliefs, and expressly disfavor Plaintiff's faith.

43. By virtue of the infringement upon the Plaintiff's fundamental constitutional rights, the Georgia Kosher Laws are subject to strict scrutiny, which requires that they

narrowly tailored to serve a compelling state interest. The Georgia Kosher Laws, as enacted, are

not narrowly tailored to serve a compelling state interest. Under strict scrutiny, laws that

criteria in violation of the Establishment Clause of the First Amendment to the Constitution of the United States of America.

49. The enforcement by the State of C.C. v. ...

Jewish laws is an impermissible entanglement of affairs of church and state. The enforcement of

53. The enactment, adoption and necessary interpretation of the Georgia Kosher Laws

criteria in violation of Article I, § II, Para. VII of the Georgia Constitution.

54. The enforcement by the State of Georgia and/or by its agencies or courts of the Jewish laws is an impermissible entanglement of affairs of church and state. The enforcement of a religious dietary law by criminal statute amounts to an active promotion and recognition of

59. By adopting "orthodox Hebrew religious rules and requirements" as the statutory criteria the Plaintiff and every Jewish individual who observes *kosher* in accordance with

standards other than "orthodox Hebrew religious rules and requirements" are being derived of

accordance with standards other than "orthodox Hebrew religious rules and requirements," are being deprived of the equal protection of the law in violation of the Article I, § I, Para. II of the Georgia Constitution.

rights, the Georgia Kecher Laws are subject to strict scrutiny. The Georgia Kecher Laws are subject to

70. That the phrase “orthodox Hebrew religious rules and requirements” is not sufficiently precise so as to be self-defining nor is the phrase a term the meaning of which can easily be discerned, nor is it defined within the Georgia Kosher Laws or within any other Georgia statute. The phrase “orthodox Hebrew religious rules and requirements,” as used in the Georgia Kosher Laws, is unconstitutionally vague for want of a more precise definition.

71. The purported purpose of the Georgia Kosher Laws is to protect consumers by preventing fraud in the sale and distribution of kosher food. The Georgia Kosher Laws provide that possession of non-kosher food in any place of business advertising the sale of “kosher” food is *prima facie* evidence that the person in possession exposes the same for sale with intent to defraud. Criminal sanctions can be imposed for violations of the Georgia Kosher Laws.

particularly true with respect to laws, like the Georgia Kosher Laws, that impose criminal penalties.

75. The term “kosher” is not sufficiently precise so as to be self-defining nor is the word a term the meaning of which can easily be discerned, nor is it defined within the Georgia Kosher Laws or within any other Georgia statute. The word “kosher,” as used in the Georgia Kosher Laws, is unconstitutionally vague for want of any ascertainable standard in violation of the Georgia Constitution.

76. That the phrase “orthodox Hebrew religious rules and requirements” is not sufficiently precise so as to be self-defining nor is the phrase a term the meaning of which can easily be discerned, nor is it defined within the Georgia Kosher Laws or within any other Georgia statute. The phrase “orthodox Hebrew religious rules and requirements,” as used in the Georgia Kosher Laws, is unconstitutionally vague for want of any ascertainable standard

77. The purported purpose of the Georgia Kosher Laws is to protect consumers by preventing fraud in the sale and distribution of kosher food. The Georgia Kosher Laws provide that possession of non-kosher food in any place of business advertising the sale of “kosher”

Kosher Laws to be unconstitutional, void and unenforceable.

RELIEF

79. This action has been necessitated by the State of Georgia's failure to comply with

the Georgia and United States Constitutions. Appended to this pleading are the following exhibits:

attorney's fees and costs pursuant to 42 U.S.C. § 1988.

WHEREFORE, Plaintiff, RABBI SHALOM LEWIS, respectfully requests that
Defendants, GOVERNOR SONNY PERDUE, in his official capacity as Governor of the State of
Georgia; THURBERT BAKER, in his official capacity as Attorney General of the State of

This 6th day of August, 2009.

Respectfully Submitted,



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Daniel Mach
(pro hac vice motion forthcoming)
ACLU Foundation

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

RABBI SHALOM LEWIS;

Plaintiff,

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GOVERNOR SONNY PERDUE,
in his official capacity as Governor of the
State of Georgia;
THURBERT BAKER,
in his official capacity as Attorney General of
the State of Georgia; and
TOMMY IRVIN,
in his official capacity as Commissioner of the
Georgia Department of Agriculture;

Defendants.

Civ. Act. No. _____

VERIFICATION ON BEHALF OF PLAINTIFF

I, Shalom Lewis, declare that I am an individual and resident of the State of Georgia.

I have read the foregoing Verified Complaint and know the contents thereof. The facts contained in same are true of my own knowledge, except as to those matters which are therein

stated on information and belief and, as to those matters, I believe them to be true.

