

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

MICHAEL NEWDOW, *et al.*,

Plaintiffs,

v.

HON. JOHN ROBERTS, JR., *et al.*,

Defendants.

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Civil Action

No. 1:08-cv-02248-RBW

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JAN - 2009

NANCY MAYLE WHITTINGTON, CLERK  
DISTRICT COURT

**UNOPPOSED MOTION OF THE STATE OF TEXAS, *ET AL.***  
**FOR LEAVE TO FILE BRIEF AS AMICI CURIAE**  
**SUPPORTING THE DEFENDANTS**

Amici, by undersigned counsel, respectfully move the Court for an Order, in the form .  
attached hereto as Attachment One, granting them leave to file a brief as amici curiae  
supporting the Defendants in the above-captioned matter and opposing the entry of a  
preliminary injunction.

**POINTS AND AUTHORITIES SUPPORTING THE MOTION**

For and in support of the motion, Movants show the Court:

1. The Plaintiffs complain that the practice of offering prayers—including  
invocations and benedictions—at the inauguration of the President of the United States and  
the tradition of including “so help me God” at the end of the Presidential oath of office  
violate the United States Constitution.

2. The Plaintiffs seek a preliminary injunction enjoining Defendant Hon. John  
Roberts, Jr., from including the phrase “so help me God” while administering the Presidential  
oath of office on January 20, 2009, and further seek a preliminary injunction enjoining all

other Defendants from having religious prayer at the official Presidential Inauguration Ceremonies on the United States Capitol grounds on January 20, 2009.

3. Movants desire to present to the Court their views, as amici curiae, regarding the constitutionality of the traditional practices of including prayer and the words “so help me God” at Presidential inaugurations.

4. The amici States’ interest in this case stems not only from the fact that the President is elected to serve the entire nation, but also from the States’ desire to protect similar inauguration practices that have been adopted pursuant to state laws and customs for state and local inaugurations across the country.

5. The undersigned conferred with counsel for the Plaintiffs regarding this motion on January 6, 2009, and Plaintiffs are unopposed to the motion for leave to file.

6. The undersigned conferred with counsel for the government Defendants on January 6, 2009, and the government Defendants do not take a position on the motion for leave to file.

7. The undersigned conferred with counsel for the Presidential Inaugural Committee and Emmett Beliveau on January 7, 2009, and the PIC Defendants do not take a position on the motion for leave to file.

8. The undersigned contacted, and left a message for, Defendant Rick Warren on January 7, 2009. Undersigned received no indication whether Defendant Rick Warren would oppose the motion for leave to file.

9. The undersigned conferred with Defendant Joe Lowery on January 7, 2009, and he is unopposed to the motion for leave to file.

10. To insure that no undue delay results from the grant of this motion, Movants have attached to the motion, as Attachment Two, the proposed brief.

FOR ALL THE FOREGOING REASONS, the motion should be granted and the Court should direct the Clerk to file the proposed brief submitted by amici curiae and enter it on the docket in this matter.

Dated: January 7, 2009.

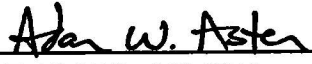
Respectfully submitted,

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COUNSEL FOR AMICI CURIAE

### **CERTIFICATE OF SERVICE**

I certify that on, January 7, 2009, a true and correct copy of this document was served by Federal Express Delivery on all counsel of record in this proceeding as listed below:

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I certify that on, January 7, 2009, a true and correct copy of this document was served by U.S. Certified Mail, Return Receipt Requested on counsel of record in this proceeding as listed below. A courtesy copy was also sent by electronic mail.

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