

1 Michael Newdow, in pro per  
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6  
7 IN THE UNITED STATES DISTRICT COURT  
8 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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10  
11 Civil Action No. **2:05-CV-02339-FCD-PAN**  
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13  
14 THE REV. DR. MICHAEL A. NEWDOW, IN PRO PER;  
15

16 Plaintiff,  
17

18 v.  
19

20 THE CONGRESS OF THE UNITED STATES OF AMERICA;  
21 PETER LEFEVRE, LAW REVISION COUNSEL;  
22 THE UNITED STATES OF AMERICA;  
23 JOHN WILLIAM SNOW, SECRETARY OF THE TREASURY;  
24 HENRIETTA HOLSMAN FORE, DIRECTOR, UNITED STATES MINT;  
25 THOMAS A. FERGUSON, DIRECTOR, BUREAU OF ENGRAVING AND PRINTING;  
26

27 Defendants.  
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31 PLAINTIFF'S RESPONSE TO  
32 PACIFIC JUSTICE INSTITUTE'S MOTION TO INTERVENE  
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37 The Pacific Justice Institute ("PJI") – which "represents **religious** persons and  
38 organizations"<sup>1</sup> – has moved to intervene in this case.

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<sup>1</sup> PJI Memorandum of Law in Support of Motion to Intervene at 9:17-18. (Emphasis added.)

1 Plaintiff is concerned about the PJI's ability to maintain accuracy and truthfulness. For  
2 instance, in its Motion, PJI characterizes Plaintiff's Complaint in a completely unwarranted  
3 and inaccurate manner, writing:

4 A plain reading of the complaint reveals that the Plaintiff's purpose is to eradicate all  
5 remnants of religion from public life.<sup>2</sup>

6  
7 This is not only untrue, but the total opposite of what Plaintiff is trying to accomplish. One of  
8 Plaintiff's most fervent desires is to have a robust and uninhibited public display of religion,<sup>3</sup>  
9 and nothing in the Complaint indicates otherwise. The rights of Christians and other  
10 Monotheists to freely exercise their religious desires is supported by Newdow as strongly as  
11 are the rights of those in his own Atheistic church.<sup>4</sup> This lawsuit in no way interferes with  
12 those rights. This lawsuit targets only "the government," which – in terms of religion – is the  
13 antithesis of "the public."

14 PJI also falsely references this lawsuit as one "aimed at promoting government hostility  
15 toward religion."<sup>5</sup> This lawsuit is aimed at nothing of the sort. Governmental neutrality –  
16 which is all that Newdow is requesting – is not hostility, and is construed as such only by  
17 those who demand governmental favoritism for the religious philosophy under which they  
18 wish to live. Mr. Dacus needs to understand that "America's dependence on God"<sup>6</sup> is a purely  
19 religious notion, with which millions of Americans strongly disagree. His desire to see  
20 government reflect his (or any) religious view is precisely what the Establishment Clause  
21 exists to prevent.

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<sup>2</sup> PJI Memorandum at 5:24-25.

<sup>3</sup> Declaration of Michael Newdow (accompanying this Response) at 1:36-37 (¶ 1).

<sup>4</sup> *Id.* at 1:38-39 (¶ 2).

<sup>5</sup> PJI Memorandum at 9:20 (¶ 13).

<sup>6</sup> Affidavit of Brad W. Dacus at 3:12.

The principle of neutrality that underlies the Establishment Clause is the linchpin of our nation's religious liberty, and it has enabled our nation to become the most religiously diverse in the world. Governmental favoritism towards any religious view – such as the favoritism towards Monotheism sought by PJI – is the gravest danger to that liberty.

Assuming that PJI will immediately put an end to its mischaracterizations, Plaintiff has no objection to the Motion to Intervene, and warmly welcomes its contributions to the Court.

Respectfully submitted,

/s/ - Michael Newdow

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31 PLAINTIFF'S DECLARATION IN RESPONSE TO  
32 PACIFIC JUSTICE INSTITUTE'S MOTION TO INTERVENE  
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35 I, Michael Newdow, declare as follows:

36 (1) One of my most fervent desires is to have a robust and uninhibited public display of  
37 religion.

38 (2) I deplore government hostility towards religion as much as I deplore government  
39 favoritism towards religion.

1 (3) I support the rights of Christians and other Monotheists to freely exercise their  
2 religious desires as strongly as I support the rights of those in my own Atheistic  
3 church.

4  
5  
6 I declare under penalty of perjury under the laws of the State of California that the  
7 foregoing is true and correct.

8  
9 Executed on December 5, 2005 in Sacramento, California.

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11  
12 /s/ - Michael Newdow