

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Civil Action No.

THE REV. DR. MICHAEL A. NEWDOW, IN PRO PER;

Plaintiff,

v.

GEORGE W. BUSH, PRESIDENT OF THE UNITED STATES;
JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES ("JCCIC");
SENATOR TRENT LOTT, CHAIRMAN, JCCIC;
JOINT TASK FORCE - ARMED FORCES INAUGURAL COMMITTEE ("JTF-AFIC");
MAJOR GENERAL GALEN B. JACKMAN, COMMANDER, JTF-AFIC;
PRESIDENTIAL INAUGURAL COMMITTEE ("PIC");
GREG JENKINS, EXECUTIVE DIRECTOR, PIC;
ONE OR MORE UNNAMED CLERGY(WO)MEN;

Defendants.

VERIFIED COMPLAINT

MICHAEL NEWDOW
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Plaintiff alleges as follows:

JURISDICTION AND VENUE

1. This is a civil action claiming violations of the First and Fifth Amendments of the Constitution of the United States of America. As such, this Court has jurisdiction under 28 U.S.C. § 1331.
2. This action is founded upon the Constitution of the United States of America. As such, this Court has jurisdiction over Defendants under 28 U.S.C. § 1346(a)(2).
3. This is a civil action claiming violations of 42 U.S.C. §§ 2000bb et seq. (Religious Freedom Restoration Act (RFRA)).¹ As such, this Court has jurisdiction under 42 U.S.C. §§ 2000bb-1(c) and 28 U.S.C. § 1331.
4. This action seeks declaratory relief. As such, this Court has jurisdiction under 28 U.S.C. § 2201(a) and 28 U.S.C. § 2202.²
5. This action seeks injunctive relief. As such, this Court has jurisdiction under 28 U.S.C. § 1343(a)(3) and 28 U.S.C. § 1343(a)(4).

¹ Although the Supreme Court struck down RFRA as it pertains to state action in City of Boerne v. Flores, 521 U.S. 507 (1997), "the portion of RFRA remaining after City of Boerne . . . the portion . . . applicable to the federal government . . . survived." Henderson v. Kennedy, 265 F.3d 1072, 1073 (D.C. Cir. 2001). Plaintiff cites RFRA on the assumption that Defendants will contend that the use of chaplains is not for religious purposes (since to admit otherwise would be to admit the Establishment Clause violation). Plaintiff believes this is an absurd and bogus contention, but it would imply that the practice has the "neutral and generally applicable" character RFRA requires. Larsen v. USN, 2004 U.S. Dist. LEXIS 23501 (D.D.C., November 18, 2004).

² It might be noted that Fed. R. Civ. P. Rule 57 states in pertinent part that, "The court may order a speedy hearing of an action for a declaratory judgment and may advance it on the calendar."

6. This action is in the nature of mandamus, and seeks to compel those Defendants who are “officer[s] or employee[s] of the United States or any agency thereof” to perform their duties owed Plaintiff under the terms of the First and Fifth Amendments of the Constitution of the United States. As such, this Court has jurisdiction under 28 U.S.C. § 1361.
7. Defendants all reside in this judicial district.³ The events giving rise to this claim all have taken place, are taking place or will be taking place in this judicial district. Venue is therefore proper under 28 U.S.C. § 1391(b)(1) and (b)(2).

PARTIES

8. Plaintiff Michael A. Newdow is a citizen of the United States, and a resident of the State of California.
9. Defendant George W. Bush is the President of the United States, in whom is vested the executive Power under Article II, Section 1 of the United States Constitution.
10. Defendant Joint Congressional Committee on Inaugural Ceremonies (“JCCIC”) is the committee established by S. Con. Res. 94 on March 16, 2004, “authorized to make the necessary arrangements for the inauguration of the President-elect and the Vice President-elect of the United States.”⁴
11. Defendant Trent Lott is a United States Senator who is serving as chairman of the JCCIC.

³ It is possible that this is not true for the one or more unnamed clergy(wo)men.

⁴ S. Con. Res. 94, 108th Cong., 2d Sess., 150 Cong. Rec. 33, H1081-82 (March 16, 2004).

12. Defendant Joint Task Force - Armed Forces Inaugural Committee (“JTF-AFIC”) is the committee that “coordinates all military ceremonial support of the inaugural events.”⁵

13. Defendant Major General Galen B. Jackman is the Commander of the JTF-AFIC.

14. Defendant Presidential Inaugural Committee (“PIC”) is the quasi-governmental⁶ “committee appointed by the President-elect to be in charge of the Presidential inaugural ceremony and functions and activities connected with the ceremony.”⁷

15. Defendant Greg Jenkins is the executive director of the PIC.

16. Defendant(s) “one or more unnamed clergy(wo)men” (“Proposed Clergy”) is(are) the individual(s) who will be providing religious prayer at the upcoming presidential inaugural exercises.

⁵ As described at the JTF-AFIC website, accessed at http://www.afic.army.mil/about_jtf_afic.htm on November 23, 2004.

⁶ See 36 U.S.C. § 501 et seq. See, also, 69 Fed. Reg. (No. 193) 59775 (October 6, 2004) (to be codified at 11 C.F.R. pts. 104 & 110) (“The inaugural committee ... receives special privileges in the District of Columbia beginning five days before and ending four days after the inaugural ceremony.”)

⁷ 36 U.S.C. § 501(1).

CLAIM FOR RELIEF

17. The First Amendment of the United States Constitution states “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof ...”
18. The United States Supreme Court has extended the ambit of these words to include any governmental actor.⁸
19. Plaintiff Newdow is an American citizen. He is also an atheist, who sincerely believes that there is no such thing as god, or God, or any supernatural force. On the contrary, under his belief system, “supernatural” is an oxymoron. Thus, Plaintiff denies the existence of God.
20. To Plaintiff, acknowledgements of God (much less endorsements of God) do not solemnize public occasions. On the contrary, they ridicule public occasions, making a mockery of the wonders of nature and of human achievement.
21. To Plaintiff, acknowledgements of God (much less endorsements of God) do not express confidence in the future. On the contrary, they remind him of the most egregious past human conduct, where people have literally burned others alive – an unfathomable act – merely because their victims held different religious views. Acknowledgements of God remind Plaintiff of the myriad wars fought by those convinced that their religious “truths” justified intolerance. They remind him of September 11, 2001, when a fanatic and his religious followers turned four of our airplanes into bombs, murdering 3,000 of our citizens ... all in the name of their God.

⁸ To be sure, the First Amendment is phrased as a restriction on Congress’ legislative authority ... [but it] binds the Government as a whole, regardless of which branch is at work in a particular instance.

Valley Forge Christian College v. Americans United for Separation of Church & State, 454 U.S. 464, 511 (1982) (Brennan, J., dissenting).

22. Defendant George W. Bush is the President of the United States, who was first elected to that position in November, 2000.
23. On January 20, 2001, under his direction and control – and with the assistance and participation of the then-constituted JCCIC, JTF-AFIC and PIC (and the associated staff of those committees) – Defendant President Bush stained the Nation’s inaugural ceremony with a gross violation of the First Amendment’s Establishment Clause. Specifically, two Christian ministers were intruded into that governmental function, for the express purpose of giving sectarian, Christian prayer.
24. Beginning his “invocation” with the words, “Let us pray,” the first minister (Rev. Franklin Graham) repeatedly invoked the name of a purely religious entity, the existence of which is denied by Plaintiff and millions of other American citizens. Rev. Graham ended his constitutionally offensive oratory with the words, “We pray this in the name of the father, and of the son, the Lord Jesus Christ, and of the Holy Spirit. Amen.” Appendix A.
25. Pastor Kirbyjon H. Caldwell was the second minister to infringe upon the rights of Americans that day, imposing his religious dogma via a “benediction.” Also beginning with, “Let us pray,” Pastor Caldwell concluded by saying, “We respectfully submit this humble prayer in the name that’s above all other names, Jesus the Christ. Let all who agree say ‘amen.’” Appendix B.
26. Plaintiff witnessed these purely religious exercises. Seeing them intruded into the midst of his nation’s presidential inauguration made Plaintiff feel like a second class citizen and a “political outsider” on account of his religious beliefs.
27. Plaintiff’s fundamental constitutional right to the protections of the Establishment Clause was infringed upon by this activity. He – like all Americans – has a right to view his

government in action without being forced to confront governmental endorsement of religious dogma with which he disagrees.

28. Being forced to confront that religious dogma as the price to pay for observing a governmental ceremony is a substantial burden upon Plaintiff's Free Exercise right.⁹ One cannot freely live as an Atheist when the government uses its "power, prestige and financial support"¹⁰ to impose a contrary religious doctrine in the midst of its ceremonies.

29. To directly violate and abridge any citizen's fundamental constitutional rights demands that the courts examine the challenged governmental activity under a strict scrutiny standard.

30. In fact, Congress has specifically enacted legislation to emphasize this principle. 42

U.S.C. §§ 2000bb et seq. (Religious Freedom Restoration Act (RFRA)) states, in pertinent parts:

§ 2000bb(a)(3): "The Congress finds that governments should not substantially burden religious exercise without compelling justification."

§ 2000bb(b)(1) and (b)(2): "The purposes of this chapter are to restore the compelling interest test ... and to guarantee its application in all cases where free exercise of religion is substantially burdened; and to provide a claim or defense to persons whose religious exercise is substantially burdened by government."

§ 2000bb-1(b)(1) and (b)(2): "Government may substantially burden a person's exercise of religion only if it demonstrates that application of the burden to the person is in furtherance of a compelling governmental interest; and is the least restrictive means of furthering that compelling governmental interest."

⁹ "Where the state conditions receipt of an important benefit upon conduct proscribed by a religious faith, or where it denies such a benefit because of conduct mandated by religious belief, thereby putting substantial pressure on an adherent to modify his behavior and to violate his beliefs, a burden upon religion exists. **While the compulsion may be indirect, the infringement upon free exercise is nonetheless substantial.**" Thomas v. Review Board, Ind. Empl. Sec. Div., 450 U.S. 707, 717-718 (1981) (emphasis added)

¹⁰ Engel v. Vitale, 370 U.S. 421, 431 (1962) ("When the power, prestige and financial support of government is placed behind a particular religious belief, the indirect coercive pressure upon religious minorities to conform to the prevailing officially approved religion is plain. But the purposes underlying the Establishment Clause go much further than that. Its first and most immediate purpose rested on the belief that a union of government and religion tends to destroy government and degrade religion."

- § 2000bb-2(4): “[T]he term ‘exercise of religion’ means religious exercise, as defined in section 2000cc-5 of this title.” [§ 2000cc-5(7)(A) “The term ‘religious exercise’ includes any exercise of religion, whether or not compelled by, or central to, a system of religious belief.”]
- § 2000bb-3(a): “This chapter applies to all Federal law, and the implementation of that law, whether statutory or otherwise, and whether adopted before or after November 16, 1993.”
- § 2000bb-3(c): “Nothing in this chapter shall be construed to authorize any government to burden any religious belief.”

31. There is certainly no compelling state interest in having the government advocate for a religious view or sponsor a religious exercise. On the contrary, those activities are clear violations of the commands of the first ten words of the First Amendment. Accordingly, the demands of strict scrutiny have not been met and Defendants must be enjoined from their planned religious activities.
32. Having clergymen provide prayers at presidential inaugurations is of recent origin. In fact, “[n]ot until January 20, 1937, was a prayer offered as an official part of the American ceremony of inauguration.”¹¹ Thus – even accepting for the moment that historically-based violations of the principles underlying the Establishment Clause are permissible (Marsh v. Chambers, 463 U.S. 783 (1983)) – this is not a historically-based practice.
33. On the contrary, the use of chaplains at government-sponsored public ceremonies has been specifically denounced by the Supreme Court. Lee v. Weisman, 505 U.S. 577, 589 (1992):
- [T]hough the First Amendment does not allow the government to stifle prayers which aspire to these ends, neither does it permit the government to undertake that task for itself. ... The First Amendment's Religion Clauses mean that religious beliefs and religious expression are too precious to be either proscribed or prescribed by the State.
34. The high Court has unequivocally reinforced this understanding since Lee was decided:

[T]he religious liberty protected by the Constitution is abridged when the State affirmatively sponsors the particular religious practice of prayer.

Santa Fe Independent School District v. Doe, 530 U.S. 290, 313 (2000).

35. Defendant George W. Bush was recently re-elected as President of the United States.

36. On January 20, 2005, the nation's next inaugural ceremony is scheduled to take place.

Defendant President Bush will take his oath of office for the second time at that occasion.

37. Presidential inaugurals are the Nation's grandest official ceremonies, intended to unite our citizens after political battle, and to instill confidence in our Constitutional system of government.

38. Interlarding those ceremonies with clergymen espousing sectarian religious dogma does not unite, but rather divides, our citizenry. Similarly, instead of instilling confidence in our governmental structure, it tears at the very foundation upon which that structure is built.

39. Defendant President Bush has the ultimate decision-making power as to how the inaugural exercises will proceed, and as to who will participate in the ceremony, itself.

40. On the PIC website, at <http://www.inaugural05.com/events/> is stated: "A minister chosen by the President will deliver an invocation."

41. On December 16, 2004, at 12:44 PST, Plaintiff Newdow contacted the Presidential Inaugural Committee by phone (202-863-2005). He spoke with James Walker, asking whether or not there would be chaplains at the inauguration, giving prayer. Although Mr. Walker did not know how many chaplains there would be, nor who would serve as the chaplains, he stated, "There are going to be chaplains."

¹¹ Medhurst MJ. *God Bless the President: The Rhetoric of Inaugural Prayer*. (The Pennsylvania State University, 1980). (Available on microfilm from University Microfilms International, Ann Arbor, MI (800-521-0600). At 71.

42. Thus, upon information and belief, Defendant President Bush – with the assistance and participation of the other Defendants in this action – will again infuse the inaugural exercises with explicitly religious dogma, thus replicating the aforementioned constitutional violations on January 20, 2005.
43. Specifically, Proposed Clergy – at Defendant President Bush’s behest – will be giving one or more religious prayers during that governmental ceremony.
44. Defendant President Bush has the ultimate decision-making power as to the use of Proposed Clergy, as well as who Proposed Clergy will be.
45. Upon information and belief, Defendants PIC and Greg Jenkins – unless enjoined – will see to it that the President’s choices as to Proposed Clergy are able to deliver their religious prayers during the inauguration ceremony.
46. Upon information and belief, Defendants JCCIC and Senator Lott – unless enjoined – will provide Defendants PIC and Greg Jenkins with the means to access and utilize the government’s property so that Proposed Clergy will be able to deliver their religious prayers during the inauguration ceremony.
47. Upon information and belief, Defendants JTF-AFIC and Maj. Gen. Jackman – unless enjoined – will provide the necessary logistical and equipment support so that Proposed Clergy will be able to deliver their religious prayers during the inauguration ceremony.
48. Any religious belief or religious express not adhered to by all is, constitutionally, sectarian. Appendix C.
49. As indicated, prayers that declare there is a God exclude atheistic Americans, making them feel as “outsiders” due to their personal religious beliefs.

50. Even clergy who have given inaugural prayer recognize this fact. For instance, Rev. Pruden – who gave the invocation at President Truman’s 1949 inaugural – noted that: “If you are going to use a phrase or idea that is immediately contrary to their [the audience’s] tradition or training they just feel left out and not part of the experience.”¹²
51. The prayers given under Defendant Bush’s direction at the 2001 inauguration were constitutionally sectarian inasmuch as they endorsed the idea that there exists a god, which is a religious view adhered to by only a portion of the American people.
52. In addition to their constitutional sectarianism, the prayers given under Defendant Bush’s direction at the 2001 inauguration were colloquially sectarian as well. They were patently Christian.
53. In fact – since the unconstitutional practice of including clergy to pray at presidential inaugurations began in 1937 – every inauguration has included patently Christian prayer. Appendix D.
54. With this pedigree – as well as with this President’s overtly Christian faith – it is presumed that Proposed Clergy will also give patently Christian prayer at the coming inaugural exercises.
55. Such prayers¹³ further increase the sense of isolation of atheists, and further worsen their “outsider” status.
56. For the government to make people feel as “outsiders” due to their personal religious beliefs is a distinct violation and abridgement of their fundamental constitutional rights under the Establishment and Free Exercise Clauses.

¹² Statement of Rev. Edward Hughes Pruden, as quoted in Medhurst MJ. “*God Bless the President: The Rhetoric of Inaugural Prayer.*” (The Pennsylvania State University, 1980). (Available on microfilm from University Microfilms International, Ann Arbor, MI (800-521-0600). At 174.

57. The 2001 prayers made Plaintiff – a minister, proponent and follower of a religious faith that specifically denies the existence of God and the veracity of Christianity – feel like an “outsider” on both accounts. It is presumed that Proposed Clergy’s prayers will make Plaintiff feel like an “outsider” as well. Thus, the Establishment and Free Exercise Clauses will be violated.
58. The 2001 prayers were facially religious. It is presumed that Proposed Clergy’s prayers will be facially religious as well. Thus, they will violate the Establishment and Free Exercise Clauses.
59. The 2001 prayers had a primarily religious effect. It is presumed that Proposed Clergy’s prayers will have a primarily religious effect as well. Thus, they will violate the Establishment and Free Exercise Clauses.
60. The 2001 prayers showed a preference for a particular religious belief. It is presumed that Proposed Clergy’s prayers will show a preference for a particular religious belief as well. Thus, they will violate the Establishment and Free Exercise Clauses.
61. The 2001 prayers demonstrated an affiliation of government with a particular religious belief. It is presumed that Proposed Clergy’s prayers will demonstrate an affiliation of government with a particular religious belief as well. Thus, they will violate the Establishment and Free Exercise Clauses.
62. The 2001 prayers signaled a disapproval of other religious views (i.e., the view that god does not exist, and the view that Jesus Christ is not divine). It is presumed that Proposed Clergy’s prayers will signal a disapproval of these religious choices as well. Thus, they will violate the Establishment and Free Exercise Clauses.

¹³ E.g., prayers that are made “in the name of the father, and of the son, the Lord Jesus Christ, and of the Holy Spirit” (Rev. Graham), and “in the name that’s above all other names, Jesus the Christ” (Pastor Caldwell).

63. The 2001 prayers violated the principal of governmental neutrality towards religion. It is presumed that Proposed Clergy's prayers will violate the principal of governmental neutrality towards religion as well. Thus, they will violate the Establishment and Free Exercise Clauses.
64. The 2001 prayers inculcated the specific religious beliefs that (a) God exists, and (b) Jesus Christ is the Son of God. It is presumed that Proposed Clergy's prayers will inculcate these specific religious beliefs as well. Thus, they will violate the Establishment and Free Exercise Clauses.
65. The 2001 prayers – in a governmental ceremony such as the presidential inauguration – amounted to the coercive imposition of religious dogma. It is presumed that Proposed Clergy's prayers will amount to the coercive imposition of religious dogma as well. Thus, they will violate the Establishment and Free Exercise Clauses.
66. The 2001 prayers placed government's "imprimatur" on the specific religious beliefs that (a) there exists a God, and (b) that Jesus Christ is the Son of God. It is presumed that Proposed Clergy's prayers will place government's "imprimatur" on these specific religious beliefs as well. Thus, they will violate the Establishment and Free Exercise Clauses.
67. The effect of the purely religious words uttered by Rev. Graham and Pastor Caldwell was for Christian Americans to perceive them as an endorsement of their Christianity, and for non-Christian Americans, including Plaintiff, to perceive the Pledge as a disapproval of their non-Christianity. It is presumed that Proposed Clergy's prayers will have the same effect. Thus, they will violate the Establishment and Free Exercise Clauses.
68. These violations infringe upon the associated individual rights accruing to Plaintiff under the Establishment Clause. Additionally, as previously noted (at paragraph (28), supra),

being forced to confront this dogma constitutes a substantial burden on Plaintiff's Free Exercise rights.

69. "The Joint Congressional Committee on Inaugural Ceremonies ... plans and **finances** the Presidential inaugural events held at the Capitol, including the swearing-in ceremony."¹⁴

70. Federal tax dollars were spent – under the taxing and spending power of Article I, 8, of the Constitution – to further the religious messages of Rev. Graham and Pastor Caldwell. For example, the many men and women involved in the JCCIC and JTF-AFIC – responsible for the inauguration's security, maintenance, audiovisual needs, transportation, etc. – were paid with tax dollars. Those who spent time dealing with the ministers and their representatives, and clearing the way for them to espouse their religious messages, were also being paid with tax dollars. Additionally, tax dollars were spent to print the programs, including the set-up fees, etc., to list those individuals as invocation and benediction speakers. The same holds true for the printing of their violative sermons in the Congressional Record.

71. Upon information and belief, the same expenditures of federal tax dollars will be involved in furthering Proposed Clergy's prayers.

72. Plaintiff pays federal income taxes. Some of those tax monies will be utilized to pay for these expenditures.

73. Spending tax dollars to promote religious messages is a per se violation of the Establishment Clause:

[T]o compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors, is sinful and tyrannical.

¹⁴ 69 Fed. Reg. (No. 193) 59775 (October 6, 2004) (to be codified at 11 C.F.R. pts. 104 & 110) (emphasis added).

Thomas Jefferson, *Bill for Establishing Religious Freedom* (1799), in *Basic Writings of Thomas Jefferson*, Foner PS (ed.) (Willey Book Company: New York, 1944), p. 48.

Who does not see that . . . the same authority which can force a citizen to contribute three pence only of his property for the support of any one establishment, may force him to conform to any other establishment in all cases whatsoever?

Madison's *Memorial and Remonstrance*, as quoted in Everson v. Board of Education, 330 U.S. 1, 41 (1947) (note 29).

74. There is a fundamental constitutional right to observe and participate in the Nation's official ceremonies free from governmental endorsement of religion.

75. Plaintiff plans to attend the inaugural ceremonies, and already has a ticket reserved.

Appendix E.

76. Wishing to avoid any government-sponsored religious dogma – much less Christian, monotheistic religious dogma – at this momentous life experience, Plaintiff is placed in the untenable position of having to choose between not participating in the presidential inauguration or being forced to countenance purely religious ideals that he expressly denies and that turn him into an “outsider.” To be placed in this position is a violation of Plaintiff's fundamental constitutional right of general citizenship in addition to violations of his Free Exercise, Due Process, Equal Protection and privacy rights:

The essence of the Government's position is that, with regard to a civic, social occasion of this importance, it is the objector, not the majority, who must take unilateral and private action to avoid compromising religious scruples, hereby electing to miss the graduation exercise. This turns conventional First Amendment analysis on its head. It is a tenet of the First Amendment that the State cannot require one of its citizens to forfeit his or her rights and benefits as the price of resisting conformance to state-sponsored religious practice.

Lee v. Weisman, 505 U.S. 577, 596 (1992).

77. Beyond their constitutional infirmities, the aforementioned activities are void as against public policy. As mentioned, one of the key purposes of an inauguration is to engender national unity. By placing sectarian religion into the ceremony, that unity is frayed.
78. The constitutional impropriety of the 2001 inaugural prayers was not sensed solely by Plaintiff here. On the contrary, this startling governmental endorsement of sectarian religious dogma was recognized by an extremely wide audience, both nationally (see Appendix F)¹⁵ and internationally (see Appendix G).
79. The primary act of the inauguration is the administration of the presidential oath of office.
80. That oath is a declaration that the new President will uphold the Constitution of the United States:
- I do solemnly swear (or affirm) that I will faithfully execute the Office of the President of the United States, and will to the best of my ability, preserve, protect and defend the constitution of the United States.
81. It is an offense of the highest magnitude that the leader of our nation – while swearing to uphold the Constitution – publicly violates that very document upon taking his oath of office.

¹⁵ Harvard Law Professor Alan Dershowitz – one of the nation’s most widely known constitutional scholars – left no doubt about the illicit nature of the prayers: “[T]he first act by the new administration was in defiance of our Constitution.” (See Appendix F.)

WHEREFORE, Plaintiff prays for relief and judgment as follows:

- I. To declare that Defendants – in utilizing any clergymen (much less an openly Christian minister and an openly Christian pastor) in a presidential inauguration – violate the Establishment and Free Exercise Clause of the United States Constitution, as well as 42 U.S.C. §§ 2000bb et seq. (Religious Freedom Restoration Act (RFRA));
- II. To enjoin these Defendants – or similarly situated government officials – from utilizing any clergymen to engage in any religious acts at the January 20, 2005 presidential inauguration as well as any future presidential inauguration;
- III. In the alternative, to enjoin these Defendants – or similarly situated government officials – from utilizing clergymen to engage in Christian religious acts at the January 20, 2005 presidential inauguration as well as any future presidential inauguration;
- IV. To allow Plaintiff to recover costs, expert witness fees, attorney fees, etc. as may be allowed by law; and
- V. To provide such other and further relief as the Court may deem proper.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 17, 2004.

Respectfully submitted,

Michael Newdow, in pro per

APPENDIX A

TEXT OF INVOCATION GIVEN BY REV. FRANKLIN GRAHAM AT PRESIDENT BUSH'S INAUGURATION, JANUARY 20, 2001¹⁶

Let us pray.

Blessed are you, O Lord, our God. Yours, O God, is the greatness and the power and the glory and the majesty and the splendor, for everything in heaven and earth is yours. Yours, O Lord, is the kingdom. You're exalted as head over all. Wealth and honor come from you. You are the ruler of all things. In your hands are strength and power to exalt and to give strength to all.

As President Lincoln once said, "We have been the recipients of the choicest bounties of heaven. We have been preserved these many years in peace and prosperity. We have grown in numbers, wealth and power as no other nation has ever grown. But we have forgotten God. It behooves us then to humble ourselves before the offended powers, to confess our national sins and to pray for clemency and forgiveness."

O Lord, as we come together on this historic and solemn occasion to inaugurate once again a president and vice president, teach us afresh that power, wisdom and salvation come only from your hand.

We pray, O Lord, for President-elect George W. Bush and Vice President-elect Richard B. Cheney to whom you have entrusted leadership of this nation at this moment in history. We pray that you'll help them bring our country together so that we may rise above partisan politics and seek the larger vision of your will for our nation.

Use them to bring reconciliation between the races, healing to political wounds, that we may truly become one nation under God.

Give our new president, and all who advise him, calmness in the face of storms, encouragement in the face of frustration, and humility in the face of success. Give them the wisdom to know and to do what is right and the courage to say no to all that is contrary to your statutes of holy law.

Lord, we pray for their families, and especially their wives, Laura Bush and Lynne Cheney, that they may sense your presence and know your love.

Today, we entrust to you President and Senator Clinton, and Vice President and Mrs. Gore. Lead them as they journey through new doors of opportunity to serve others.

Now, O Lord, we dedicate this presidential inaugural ceremony to you. May this be the beginning of a new dawn for America as we humble ourselves before you and acknowledge you alone as our Lord, our Savior and our Redeemer.

We pray this in the name of the father, and of the son, the Lord Jesus Christ, and of the Holy Spirit. Amen.

¹⁶ 147 Cong. Rec. 7, S421-22 (January 22, 2001).

APPENDIX B

TEXT OF BENEDICTION GIVEN BY PASTOR KIRBYJON H. CALDWELL AT PRESIDENT BUSH'S INAUGURATION, JANUARY 20, 2001¹⁷

Let us pray, please.

Almighty God, the supply and supplier of peace, prudent policy and nonpartisanship, we bless your holy and righteous name.

Thank you, oh God, for blessing us with forgiveness, with faith and with favor.

Forgive us for choosing pride over purpose, forgive us for choosing popularity over principles and forgive us for choosing materialism over morals.

Deliver us from these and all other evils and cast our sins into your sea of forgetfulness to be remembered no more.

And Lord not only do we thank you for our forgiveness, we thank you for faith—faith to believe that every child can learn and no child will be left behind and no youth will be left out.

Thank you for blessing us with the faith to believe that all of your leaders can sit down and reason with one another so that each American is blessed.

Thank you for blessing us with the faith to believe that the walls of inequity can be torn down and the gaps between the rich and the poor, the haves and the have-nots, the uneducated and the educated can and will be closed.

And Lord lastly we thank you for favor. We thank you for your divine favor. Let your favor be upon President Clinton and the outgoing administration.

May they go forth in spiritual grace and civic greatness.

And of course, Lord, let your divine favor be upon President George W. Bush and First Lady Laura Welch Bush and their family. We declare that no weapon formed against them shall prosper.

Let your divine favor be upon the Bush team and all Americans, with the rising of the sun and the going down of the same may we grow in our willingness and ability to bless you and bless one another.

We respectfully submit this humble prayer in the name that's above all other names, Jesus the Christ.

Let all who agree say 'amen.'"

¹⁷ 147 Cong. Rec. 7, S423 (January 22, 2001).

APPENDIX C

CONSTITUTIONALLY, MONOTHEISM IS JUST AS SECTARIAN AS IS ANY OTHER DENOMINATION

No. 79. Self-Described Religious Identification of Adult Population: 1990 and 2001

[In thousands (175,440 represents 175,440,000). The American Religious Identification Survey (ARIS) 2001 was based on a random digit-dialed telephone survey of 50,281 American residential households in the continental U.S.A (48 states). Respondents were asked to describe themselves in terms of religion with an open-ended question. Interviewers did not prompt or offer a suggested list of potential answers. Moreover, the self-description of respondents was not based on whether established religious bodies, institutions, churches, mosques or synagogues considered them to be members. Quite the contrary, the survey sought to determine whether the respondents themselves regarded themselves as adherents of a religious community. Subjective rather than objective standards of religious identification were tapped by the surveys]

Religious group	1990	2001	Religious group	1990	2001
Adult population, total ¹	175,440	207,980	Fundamentalist	27	61
Total Christian	151,496	159,506	Salvation Army	27	25
Catholic	46,004	50,873	Independent Christian Church	25	71
Baptist	33,964	33,830	Total other religions	5,853	7,740
Protestant - no denomination supplied	17,214	4,647	Jewish	3,137	2,831
Methodist/Wesleyan	14,174	14,150	Muslim/Islamic	527	1,104
Lutheran	9,110	9,580	Buddhist	401	1,082
Christian - no denomination supplied	8,073	14,150	Unitarian/Universalist	502	629
Presbyterian	4,985	5,596	Hindu	227	766
Pentecostal/Charismatic	3,191	4,407	Native American	47	103
Episcopalian/Anglican	3,042	3,451	Scientologist	45	55
Mormon/Latter-Day Saints	2,487	2,787	Bahai	28	84
Churches of Christ	1,769	2,593	Taoist	23	40
Jehovah's Witness	1,381	1,331	New Age	20	68
Seventh-Day Adventist	668	724	Eckankar	18	26
Assemblies of God	660	1,106	Rastafarian	14	11
Holiness/Holy	610	569	Sikh	13	57
Congregational/United Church of Christ	599	1,378	Wiccan	8	134
Church of the Nazarene	549	544	Deity	6	49
Church of God	531	944	Druid	(NA)	33
Orthodox (Eastern)	502	645	Santeria	(NA)	22
Evangelical ²	242	1,032	Pagan	(NA)	140
Mennonite	235	346	Spiritualist	(NA)	116
Christian Science	214	194	Ethical Culture	(NA)	4
Church of the Brethren	206	358	Other unclassified	837	386
Born Again ²	204	56	No religion specified, total	14,331	29,481
Nondenominational ²	195	2,489	Atheist	(NA)	902
Disciples of Christ	144	492	Agnostic	1,186	991
Reformed/Dutch Reform	161	289	Humanist	29	49
Apostolic/New Apostolic	117	254	Secular	(NA)	53
Quaker	67	217	No religion	13,116	27,436
Full Gospel	51	168	Refused to reply to question	4,031	11,246
Christian Reform	40	79			
Foursquare Gospel	28	70			

NA Not available. ¹ Refers to the total number of adults in all 50 states. All other figures are based on projections from surveys conducted in the continental United States (48 states). ² Because of the subjective nature of replies to open-ended question, these categories are the most unstable as they do not refer to clearly identifiable denominations as much as underlying feelings about religion. Thus they may be the most subject to fluctuation over time.

Source: 1990, Barry A. Kosmin and Seymour P. Lachman, "One Nation Under God: Religion in Contemporary American Society," 1993; 2001 data, The Graduate Center of the City University of New York, New York, NY; Barry A. Kosmin, Egon Mayer and Ariela Keysar, American Religious Identification Survey, 2001 (copyright).

No. 81. Religious Bodies—Selected Data

[Membership data: 2,500 represents 2,500,000. Includes the self-reported membership of religious bodies with 650,000 or more as reported to the Yearbook of American and Canadian Churches. Groups may be excluded if they do not supply information. The data are not standardized so comparisons between groups are difficult. The definition of "church member" is determined by the religious body.]

Religious body	Year reported	Churches reported	Membership (1,000)	Pastors serving parishes
African Methodist Episcopal Church	1999	(NA)	2,500	7,741
African Methodist Episcopal Zion Church	2001	3,226	1,448	3,288
American Baptist Churches in the U.S.A.	2001	5,786	1,443	4,563
Baptist Bible Fellowship International	2002	4,500	1,200	(NA)
Christian Church (Disciples of Christ) in the United States and Canada	2001	3,717	805	3,385
Christian Churches and Churches of Christ	1988	5,579	1,072	5,525
Christian Methodist Episcopal Church	2001	3,250	850	2,980
Church of God in Christ, The	1991	15,300	5,500	28,988
Church of God (Cleveland, Tennessee)	2001	6,605	932	4,564
Church of Jesus Christ of Latter-day Saints, The	2001	11,731	5,311	35,193
Churches of Christ	1999	15,000	1,500	14,500
Episcopal Church	2000	7,364	2,333	6,062
Evangelical Lutheran Church in America	2001	10,766	5,100	9,379
Greek Orthodox Archdiocese of America	(NA)	510	1,500	599
Jehovah's Witnesses	2001	11,706	989	(NA)
Lutheran Church—Missouri Synod (LCMS), The	2001	6,187	2,540	5,204
National Baptist Convention of America, Inc.	2000	(NA)	3,500	(NA)
National Baptist Convention, U.S.A., Inc.	(NA)	9,000	5,000	(NA)
National Missionary Baptist Convention of America	1992	(NA)	2,500	(NA)
Orthodox Church in America, The	2000	721	1,000	760
Pentecostal Assemblies of the World, Inc.	1998	1,750	1,500	4,500
Presbyterian Church (U.S.A.)	2001	11,142	3,456	9,115
Progressive National Baptist Convention, Inc.	1995	2,000	2,500	(NA)
Roman Catholic Church, The	2001	19,496	65,270	(NA)
Seventh-Day Adventist Church	2001	4,594	901	2,572
Southern Baptist Convention	2001	42,334	16,053	62,315
United Church of Christ	2001	5,888	1,359	4,304
United Methodist Church, The	2001	35,275	8,298	24,162

NA Not available. ¹ Does not include retired clergy or clergy not working with congregations.

Source: National Council of Churches, New York, NY, 2003 Yearbook of American and Canadian Churches, annual (copyright). (For more info visit <www.nccusa.org> or call 888-870-3325.)

THE HARRIS POLL® #59, OCTOBER 15, 2003

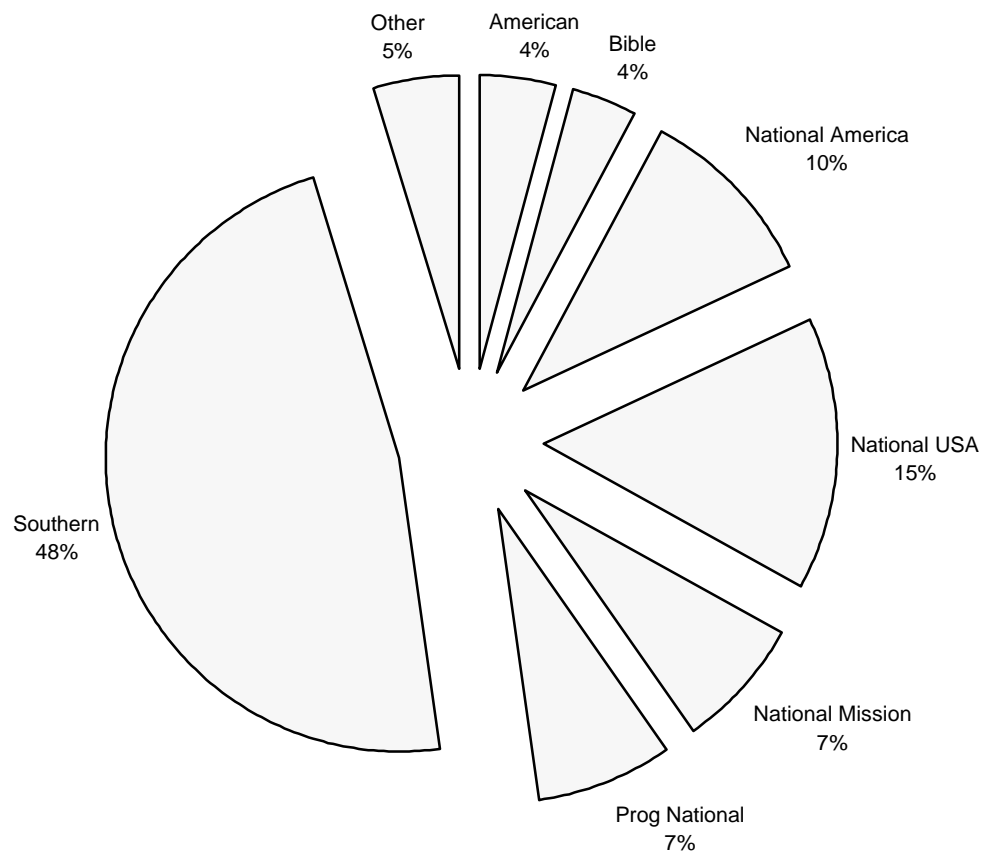
(Accessed http://www.harrisinteractive.com/harris_poll/index.asp?PID=408,
on December 1, 2004.)

TABLE 1
BELIEF IN GOD AND CERTAINTY OF BELIEF
"Are you . . . ?"

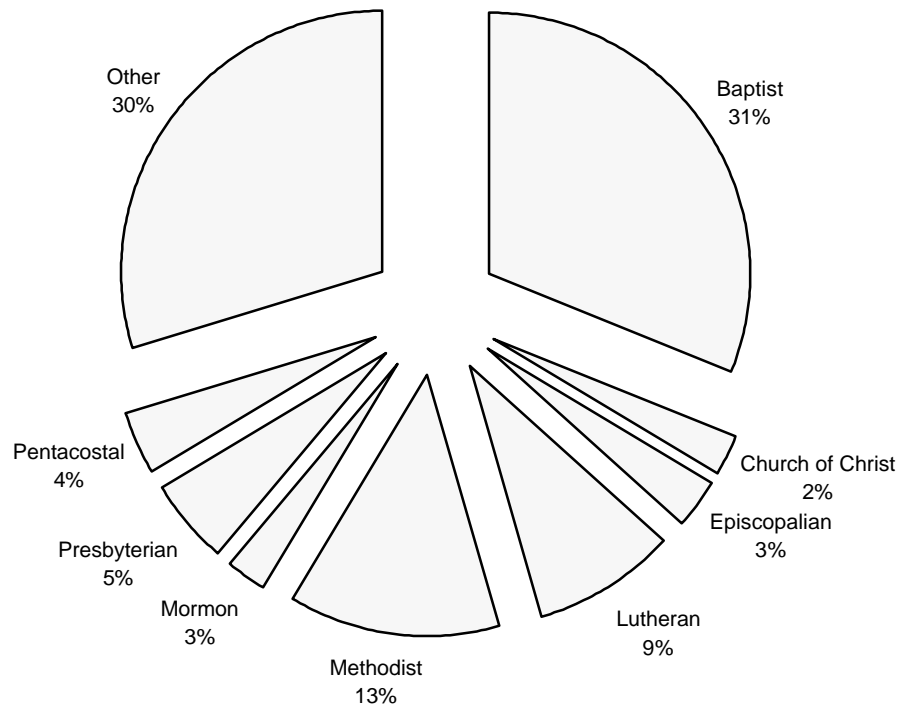
Base: All Adults

	Total	RELIGIOUS AFFILIATION			
		Catholic	Protestant	Jewish	Atheist/ Agnostic
		%	%	%	%
Believe in God (NET)	79	79	90	48	15
Absolutely certain that there is a God	66	63	81	24	4
Somewhat certain that there is a God	12	16	9	24	11
Believe there is no God (NET)	9	8	4	19	52
Somewhat certain that there is no God	5	4	2	13	28
Absolutely certain that there is no God	4	4	2	5	23
Not sure whether or not there is a God	12	13	6	33	33

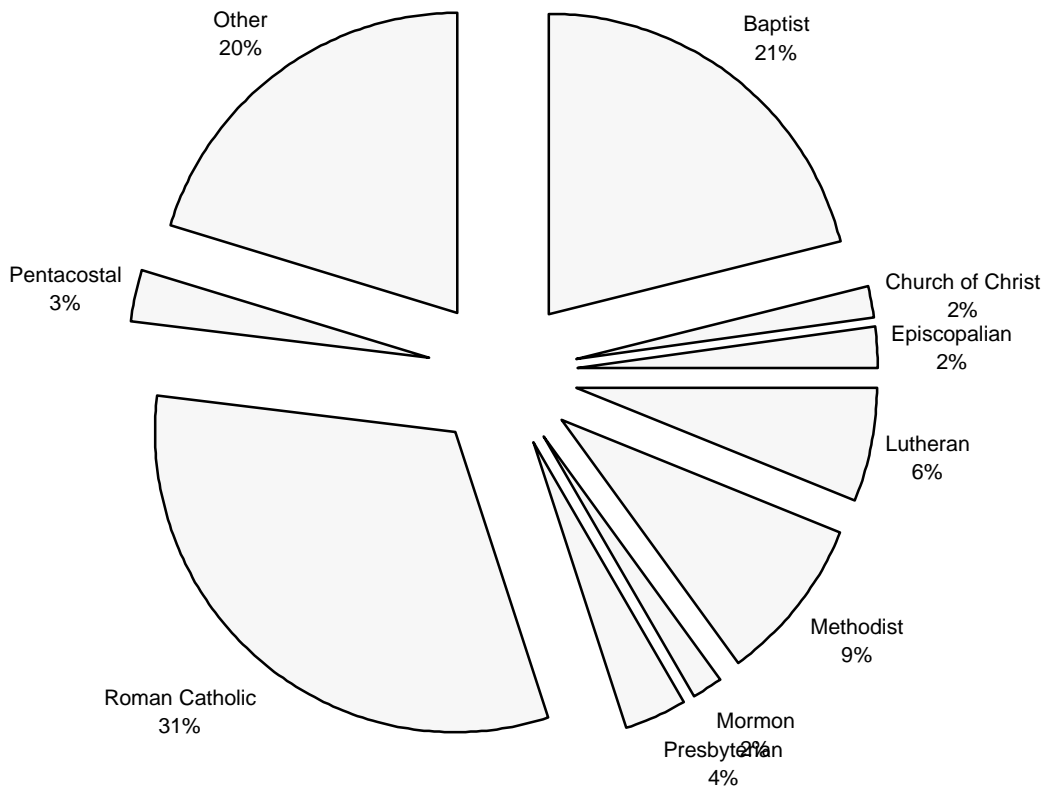
ALL BAPTISTS



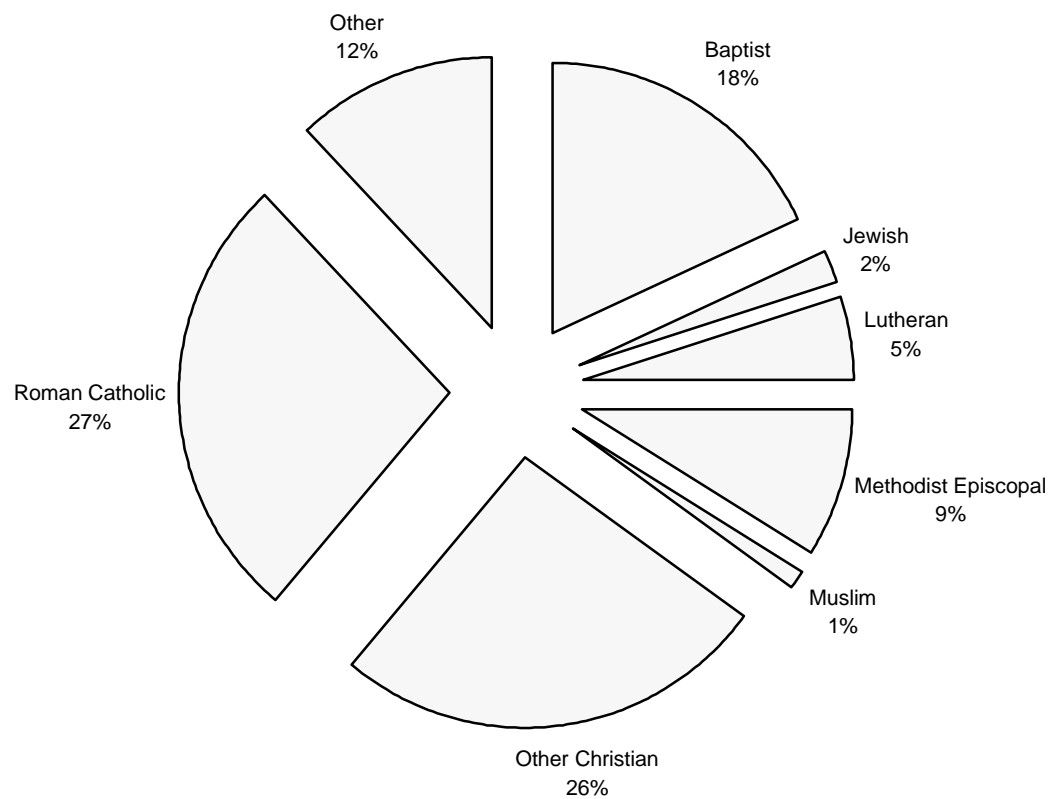
ALL PROTESTANTS



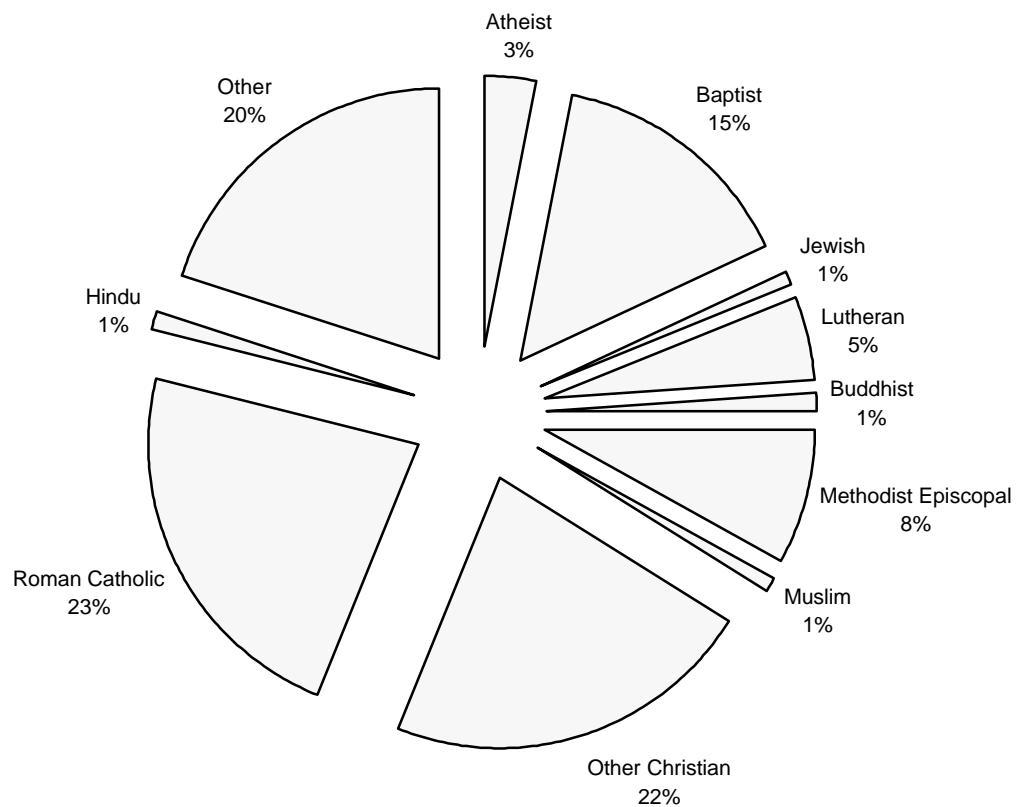
ALL CHRISTIANS



ALL MONOTHEISTS



ALL AMERICANS



APPENDIX D
INAUGURAL CLERGY

January 20, 1937 inaugural of Franklin D. Roosevelt¹⁸

Invocation by:	Chaplain ZeBarney Phillips
Benediction by:	Father John A. Ryan

January 20, 1941 inaugural of Franklin D. Roosevelt¹⁹

Invocation by:	Chaplain ZeBarney Phillips
Benediction by:	Father Michael J. Ready

January 20, 1945 inaugural of Franklin D. Roosevelt²⁰

Invocation by:	Bishop Angus Dun
Benediction by:	Monsignor John A. Ryan

January 20, 1949 inaugural of Harry S. Truman²¹

Invocation by:	Rev. Edward Hughes Pruden
Prayer by:	Rabbi Samuel Thurman
Benediction by:	Father Patick A. O'Boyle

¹⁸ Medhurst MJ. *“God Bless the President: The Rhetoric of Inaugural Prayer.”* (The Pennsylvania State University, 1980). (Available on microfilm from University Microfilms International, Ann Arbor, MI (800-521-0600). At 97 *et seq.* Father Ryan prayed, ““through Christ our Lord.”

¹⁹ *Id.* at 115 *et seq.* Chaplain Phillips prayed, “In the name of Him who is the Prince of Peace, Jesus Christ, Thy Son, Our Lord. Amen.” Father Ready prayed, “In the name of the Father, and of the Son, and of the Holy Ghost ... Through Jesus Christ our Lord.”

²⁰ *Id.* at 133 *et seq.* Monsignor Ryan prayed, “In the name of the Father, and of the Son, and of the Holy Ghost ... Through Jesus Christ our Lord.”

²¹ *Id.* at 171 *et seq.* Rev. Pruden prayed, “Through Jesus Christ, Our Redeemer, we pray.”

January 20, 1953 inaugural of Dwight D. Eisenhower²²

Invocation by:	Father Patrick A. O'Boyle
Prayer by:	Rabbi Abba Hillel Silver
Prayer by:	President Eisenhower ²³
Benediction by:	Rev. Henry Know Sherrill ²⁴

January 21, 1957 inaugural of Dwight D. Eisenhower²⁵

Invocation by:	Rev. Edward L. R. Elson
Prayer by:	His Eminence Michael
Prayer by:	Rabbi Louis Finkelstein
Benediction by:	Edward Cardinal Mooney

January 20, 1961 inaugural of John F. Kennedy²⁶

Invocation by:	Richard Cardinal Cushing
Prayer by:	His Eminence Iakovos
Prayer by:	John Barclay
Benediction by:	Rabbi Nelson Glueck

January 20, 1965 inaugural of Lyndon B. Johnson²⁷

Invocation by:	Archbishop Robert E. Lucey
Prayer by:	Rabbi Hyman Judah Schachtel
Prayer by:	Rev. Dr. George R. Davis
Benediction by:	His Eminence Iakovos

²² *Id.* at 210 *et seq.* Father O'Boyle prayed, "In the name of the Father, and of the Son, and of the Holy Ghost"

²³ At his 1953 inauguration, President Eisenhower became "the first president in history to utter a public prayer at his own inauguration." *Id.* at 201. His atheistic constituency was obviously invisible to the President, who claimed "our common faith in God is a common bond among us." *Public Papers of the Presidents of the United States: Dwight D. Eisenhower, 1954*, p. 244.

²⁴ Rev. Sherrill – who gave the shortest inaugural prayer ever – later stated, "I think it's absurd to have all those prayers and I think it's a bore. I think it's bad for religion." Medhurst, at 230.

²⁵ *Id.* 235 *et seq.* Rev. Elson prayed, "through Jesus Christ, our Lord." His Eminence Michael prayed, "Thy dear Son, Jesus Christ, our Lord." Cardinal Mooney prayed, "through Christ, our Lord."

²⁶ *Id.* at 288 *et seq.* Cardinal Cushing – who invoked the Father, Son and Holy Spirit – spoke for twelve minutes. Combined, all the prayers lasted twenty-eight minutes ... more than twice the length of President Kennedy's address! His Eminence Iakovos prayed, "In the name of the Father, and of the Son, and of the Holy Ghost."

²⁷ *Id.* at 357 *et seq.* Rev. Dr. Daviss' prayer referenced "the Prince of Peace." His Eminence Iakovos – prayed, "in the name of the Father, and of the Son, and of the Holy Ghost, the life-giving Trinity."

January 20, 1969 inaugural of Richard M. Nixon²⁸

Invocation by:	Rev. Charles Ewbank Tucker
Prayer by:	Rabbi Edgar F. Magnin
Prayer by	His Eminence Iakovos
Prayer by	Rev. Billy Graham
Benediction by:	Archbishop Terence J. Cooke

January 20, 1973 inaugural of Richard M. Nixon²⁹

Invocation by:	Rev. E.V. Hill
Prayer by:	Rabbi Seymour Siegel
Prayer by	His Eminence Iakovos
Benediction by:	Archbishop Terence J. Cooke

January 20, 1977 inaugural of James E. Carter³⁰

Invocation by:	Rev. William Cannon
Benediction by:	Rev. John R. Roach

January 20, 1981 inaugural of Ronald W. Reagan³¹

Invocation by:	Rev. Donn. Moomaw
Benediction by:	Rev. Donn. Moomaw

²⁸ *Id.* at 407 *et seq.* Rev. Tucker prayed, “in the name of the Father, and of the Son, and of the Holy Ghost.” His Eminence Iakovos prayed, “to the Father, to the Son, and to the Holy Spirit.” Rev. Billy Graham referenced the “Prince of Peace.”

²⁹ *Id.* at 443 *et seq.* Rev. Hill prayed, “in the name of our Lord and Saviour Jesus Christ.” His Eminence Iakovos prayed, “Oh Triune God, Father, Son and Holy Spirit.”

³⁰ *Id.* at 496 *et seq.* “Instead of the traditional four clerics representing four religious groups, Carter opted for only two pray-ers. The reason for this change was personal and religious, yet it had political ramifications. Excluded groups felt as though they had been cheated, mistreated, and discriminated against. By violating one traditional restraint of the rhetoric of inaugural prayer, Carter alienated two large religious groups.” *Id.* at 518. Rev. Cannon prayed, “In the name of Jesus Christ, Thy Son and our Savior.”

³¹ 127 Cong. Rec. 540-543 (97th Cong., 1st Sess). Rev. Moomaw prayed, “in the name of the Lord of lords and King of kings, even Jesus Christ.” Additionally, the U.S. Marine Band played *God of Our Father*. President Reagan, himself, included in his inaugural address: “We are a nation under God, and I believe God intended for us to be free. It would be fitting and good, I think, if on each Inauguration Day in future years it should be declared a day of prayer.” *Id.* at 542.

January 21, 1985 inaugural of Ronald W. Reagan³²

Invocation by:	Rev. Timothy S. Healy
Prayer by:	Rabbi Alfred Gottschalk
Prayer by:	Rev. Donn. Moomaw
Benediction by:	Rev. Peter Gomes

January 20, 1989 inaugural of George H. W. Bush³³

Invocation by:	Rev. Billy Graham
Benediction by:	Rev. Billy Graham

January 20, 1993 inaugural of William J. Clinton³⁴

Invocation by:	Rev. Billy Graham
Benediction by:	Rev. Billy Graham

January 20, 1997 inaugural of William J. Clinton³⁵

Invocation by:	Rev. Billy Graham
Benediction by:	Rev. Gardner C. Taylor

January 20, 2001 inaugural of George W. Bush³⁶

Invocation by:	Rev. Franklin Graham
Benediction by:	Pastor Kirbyjon H. Caldwell

³² 131 Cong. Rec. 630-633 (99th Cong., 1st Sess.). The U.S. Marine Band played *The God Who Gave Us Life*. Rev. Moomaw prayed, “in the name of the King, even Jesus Christ our Lord.” President Reagan – commemorating the passing of Rep. Gillis Long of Louisiana – asked the audience to engage in a moment of silent prayer: “... let us stand as one today: One people under God.”

³³ 135 Cong. Rec. 303-306 (101st Cong., 1st Sess.). Rev. Graham prayed, “in the name of the Father, the Son, and the Holy Spirit” in the Invocation. The U.S. Army Band played *God Bless America*. President Bush stated, “My first act as President is a prayer. I ask you to bow your heads: Heavenly Father, we bow our heads and thank You for Your love ...”

³⁴ 139 Cong. Rec. 383-85 (103rd Cong., 1st Sess.). The Philander Smith Collegiate Choir sang *City on the Hill*. Rev. Graham prayed to “the Prince of Peace” in the Invocation, and “[i]n the name of the Father and of the Son and of the Holy Spirit” in the Benediction.

³⁵ 143 Cong. Rec. 4, S119-22 (January 21, 1997). Additionally, the Immanuel Baptist Church Sanctuary Choir sang “The Battle Hymn of the Republic.” Rev. Graham prayed, “in the name of the Father, the Son, and the Holy Spirit.”

³⁶ 147 Cong. Rec. 7, S423-23. (January 22, 2001). Rev. Graham prayed, “in the name of the Father, and of the Son, the Lord Jesus Christ, and of the Holy Spirit.” Pastor Caldwell prayed, “in the name that’s above all other names, Jesus the Christ.”

APPENDIX E

Subj: Presidential Inauguration
Date: 11/22/04 7:45:15 AM Pacific Standard Time
From: senator@boxer.senate.gov
To: firstamendmist@cs.com
File: Inaugural.pdf (505596 bytes) DL Time (TCP/IP): < 1 minute
Received from Internet: [click here for more information](#)

November 22, 2004

Mr. Michael Newdow
7660 El Douro Drive
Sacramento, California 95831-5429

Dear Mr. Newdow:

Thank you for contacting the office of Senator Boxer to request tickets for the January 20, 2005 Presidential Inauguration. I am pleased to inform you that 1 tickets have been reserved for your party. Due to the overwhelming demand, a maximum of 2 tickets per family were issued. Please be aware that the tickets are for specified standing room only. A map is enclosed to assist you in locating the standing area that will be indicated on your ticket.

In order to obtain your tickets, you must pick them up in person at our office located in Suite 112 of the Hart Senate Office Building. Tickets may be picked up between 9:30 a.m. - 4:00 p.m. beginning Monday, January 17, 2004. For security reasons, we are unable to send the tickets by mail. A photo ID is required when collecting your tickets from our office. Tickets not collected by 4:00 p.m. on January 19th will be considered forfeited.

On Inauguration Day, the Capitol gates will open at 9:00 a.m. Due to large crowds, you are encouraged to arrive early to assure that you are in your assigned area by the time the ceremony begins at 11:30 a.m. Please note that you will be required to pass through security screening. Also, be sure to examine the enclosed sheet titled, "Inaugural Accessibility Information" for the list of prohibited items and other important information. Due to increased security and street closings we strongly encourage you to use Metro rail. There will be no public parking near the Capitol grounds.

Again, thank you for contacting our office and I hope you enjoy your visit to our nation's capitol and the inauguration ceremony.

Sincerely,

Chad Wallace
Tour Coordinator

=====

Please do not reply to this e-mail. This is not an active e-mail address.

If you wish to comment further on this issue or an any other issue and want to ensure an answer--please complete the form at <http://boxer.senate.gov/contact/webform.cfm>

APPENDIX F

Bush Starts Off by Defying the Constitution

By Alan M. Dershowitz

Los Angeles Times, Wednesday, January 24, 2001
Home Edition, Metro section, Part B; Op Ed Desk; Pg. 9

The very first act of the new Bush administration was to have a Protestant Evangelist minister officially dedicate the inauguration to Jesus Christ, who he declared to be "our savior." Invoking "the Father, the Son, the Lord Jesus Christ" and "the Holy Spirit," Billy Graham's son, the man selected by President George W. Bush to bless his presidency, excluded the tens of millions of Americans who are Muslims, Jews, Buddhists, Shintoistic, Unitarians, agnostics and atheists from his blessing by his particularistic and parochial language.

The plain message conveyed by the new administration is that George W. Bush's America is a Christian nation, and that non-Christians are welcome into the tent so long as they agree to accept their status as a tolerated minority rather than as fully equal citizens. In effect, Bush is saying: "This is our home, and in our home we pray to Jesus as our savior. If you want to be a guest in our home, you must accept the way we pray." But the United States is neither a Christian nation nor the exclusive home of any particular religious group. Non-Christians are not guests. We are as much hosts as any Mayflower-descendant Protestant. It is our home as well as theirs. And in a home with so many owners, there can be no official sectarian prayer. That is what the 1st Amendment is all about, and the first act by the new administration was in defiance of our Constitution. This was surely not the first time in our long history that Jesus has been invoked at an official governmental assembly. But we are a different and more religiously diverse nation than we were in years past. There are now many more Muslims, Jews, Buddhists and others who do not accept Jesus as their savior. It is permissible in the US to reject any particular theology. Indeed, that is part of our glorious diversity. What is not acceptable is for a presidential inauguration to exclude millions of citizens from its opening ceremony by dedicating it to a particular religious "savior."

Our first president, George Washington, wrote to the tiny Jewish community in Rhode Island that in this new nation, we will no longer speak of mere "toleration," because toleration implies that minorities enjoy their inherent rights "by the indulgence" of the majority. President Bush should read that letter and show it to the Rev. Franklin Graham, who told the media on the day before the inauguration that his prayer "will be for unity"; instead, it was for the Trinity. Uniting for Jesus may be Graham's definition of unity, but it is as un-American as if a rabbi giving the official prayer had prayed for the arrival of the "true Messiah," thus insulting the millions of Christians who believe Jesus is the true Messiah. Inaugurations are not the appropriate setting for theological proclamations of who is, and who is not, the true Messiah. Perhaps at Bob Jones University it is appropriate for an honorary degree recipient to declare Jesus to be the only king of the United States, but the steps of the Capitol should not be confused with the lectern of a denominational church.

The inauguration ended with another Protestant minister inviting all who agree that Jesus is "the Christ" to say, "Amen" (ironically, a word that originated in Jewish prayer or, alternatively, originally a Jewish acronym for "God, the King, forever.") Sen. Joseph Lieberman (D-Conn.), along with many others who do not believe that Jesus is the Messiah, was put in the position of either denying his own faith or remaining silent while others around him all said, "Amen." This is precisely the position in which young public school students are placed when "voluntary" prayer is conducted at school events. If they join in prayer that is inconsistent with their religious beliefs, they have been coerced into violating their conscience. If they leave or refuse to join, they stand out as different among their peers. No student should be put in that position by their public schools at an assembly, just as no public official should be placed in that situation by their government at an inauguration.

If George W. Bush wants all Americans to accept him as their president, he made an inauspicious beginning by sandwiching his unity speech between two divisive, sectarian and inappropriate prayers.

APPENDIX G

DAWN Fridayfax 2001 #5

News from Kenya, India, USA



In this issue:

[USA: Bush's term begins with evangelism](#)

[Over 5,000 house churches planted in northern India](#)

[USA: Baptism in a trough - revival in Albany](#)

[Kenya: Can Jesus help when the man of your dreams becomes a nightmare?](#)



USA

Bush's term begins with evangelism

On George W. Bush's first day as President of the USA, 3,000 people attended a prayer service held in Washington's National Cathedral. Franklin Graham, son of evangelist Billy Graham, gave an evangelistic address to the political elite, declaring "only a personal relationship with the living God can fill the world's moral vacuum. Only God, and God alone, can lead us out of the crisis in which we find ourselves." Bush's inauguration began with public prayer in Jesus' name; pastor Kirbyjohn Caldwell asked God for forgiveness for the sin of materialism. In his inaugural address, Bush called on the population to put trust ahead of cynicism, and society ahead of chaos. He also referred to the New Testament parable of the good Samaritan. "I set our nation a goal: when we see that wounded traveler on the road to Jericho, we will not pass to the other side." Richard Land, speaking for the Southern Baptists, called the speech "the most religious inaugural speech in living memory." "I believe it is a fearless signal to the media, who pretend that we are a secular nation. We are not. We are one of the most religious nations on earth," he said.

Source: Associated Press and others

Obtained online on May 23, 2001 at <http://www.jesus.org.uk/dawn/2001/dawn05.html>

CASE NO. _____

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Verified Complaint was/will be mailed on this _____ day of December, 2004, to:

THE ATTORNEY GENERAL
DEPARTMENT OF JUSTICE
950 PENNSYLVANIA AVENUE, NW
WASHINGTON DC 20530-0001

GREG JENKINS, EXEC DIRECTOR
PRESIDENTIAL INAUGURAL COMM
330 C STREET, SW
WASHINGTON, DC 20599

GEORGE W. BUSH
PRESIDENT OF THE UNITED STATES
THE WHITE HOUSE
WASHINGTON DC 20500

KENNETH WAINSTEIN
UNITED STATES ATTORNEY
555 4TH STREET, NW
WASHINGTON, DC 20530

SENATOR TRENT LOTT
CHAIRMAN, JCCIC
SRC-5, RUSSELL SENATE OFF BLDG
WASHINGTON, DC 20510

MAJ. GEN. GALEN B. JACKMAN
COMMANDER, JTF-AFIC
330 C STREET, SW
WASHINGTON, DC 20599