

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

MICHAEL NEWDOW, *et al.*,

Plaintiffs,

v.

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

Defendants.

Civil Action No. 1:08-cv-02248-RBW

AMENDED DECLARATION OF MICHAEL NEWDOW

Pursuant to the Court's ORDER of January 12, 2009, Michael Newdow submits the following Amended Declaration.

I, Michael Newdow, declare as follows:

- (1) I am one of the individual plaintiffs as well as lead counsel in this case.
- (2) I am acquainted with DoeChild, who has provided the attached Declaration #1 of DoeChild (hereafter "DC Decl #1").
- (3) I am also acquainted with DoeParent, who has provided the attached Declaration #1 of DoeParent (hereafter "DP Decl #1").
- (4) DoeChild is the child of DoeParent. DP Decl #1, ¶ 1.
- (5) DoeParent is a member of AHA and FFRF. DP Decl #1, ¶ 4.

(6) On January 5, 2009, I received an unsolicited email from DoeChild, which read:

Hello Mike this is [DoeChild] :)
My mother just told me of your participation in Obama's inaugural speech, and I just want to let you know that i would sacrifice both of my legs to attend. Have any ideas? Please email me back at [DoeChild email address].
Thank you, [DoeChild]¹

(7) DoeChild has written that she² believes attending the inauguration “would be the most significant event in my life.” DC Decl #1, ¶ 10.

(8) I have worked with DoeParent so that DoeChild's desire to attend the inauguration will come to fruition. See also DC Decl #1, ¶ 9; DP Decl #1, ¶¶ 10-11.

(9) With DoeParent's permission, I have arranged for DoeChild to fly unaccompanied from California to Washington, DC, on January 19, 2009. See also DP Decl #1, ¶¶ 11 & 13.

(10) The airline industry standard is for children as young as eight years old to fly unaccompanied with airline supervision. Children as young as twelve may travel unaccompanied without airline supervision. Declaration of Marilyn Pessin, ¶ 3.

(11) A ticket for DoeChild to attend the actual swearing-in ceremony has been secured.³ Declaration of Kirk Hornbeck, ¶¶ 2-3.

(12) I plan to escort DoeChild to the entrance of the swearing-in ceremony, and ensure that she is admitted with the ticket that has been secured for her.

¹ The email printout is being provided among the sealed documents. I, Michael Newdow, hereby attest that this printout is a true and accurate copy of the email I received on January 5, 2009.

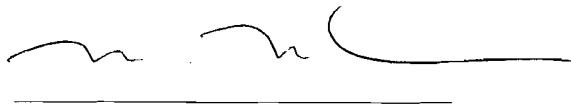
² The female voice is used in reference to DoeChild throughout this Amended Declaration.

³ Apparently, as of the date of this Amended Declaration, the members of Congress and others who have the tickets have not yet distributed them. Thus, “secured” does not mean actually has in hand as yet.

(13) Unless there is some alteration in plans, DoeChild will then enter the premises for the swearing-in ceremony, and view the ceremony alone (amongst the many thousands of other attendees).

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

Executed on January 14, 2009,

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke at the end.

Michael Newdow

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**REDACTED
(Original filed
under seal.)**

DECLARATION #1 OF DOECHILD

I, [REDACTED], declare as follows:

- (1) I am 15 years old. My birthday is [REDACTED].
- (2) My residence address is [REDACTED] I live with my mother essentially full-time.
- (3) I have known Michael Newdow for approximately five years.
- (4) During the last week of December, 2008, I learned that Michael Newdow was challenging the religious aspects of the upcoming presidential inaugural.
- (5) At about that time, my mother also told me that Michael Newdow had volunteered to work at the inauguration.
- (6) When I heard this, I thought it was incredible and I wanted to go, too.
- (7) On my own, I sent an email to Michael Newdow, stating “i would sacrifice both of my legs to attend.”

(8) Michael Newdow later contacted my mother about me going to the inauguration.

(9) He and she have made arrangements for me to attend.

(10) I am very interested in politics, and feel that to witness such a historical event as the first black president being welcomed into office would be the most significant event in my life.

(11) I think attending the inauguration would also be a fantastic learning experience.

(12) I have been waiting for a time when race, gender, sexual preference or religious beliefs become obsolete in the voting system. Thanks to Barack Obama, we have one down, and three to go.

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

Executed on January 13, 2009,



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**REDACTED
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DECLARATION #1 OF DOEPARENT

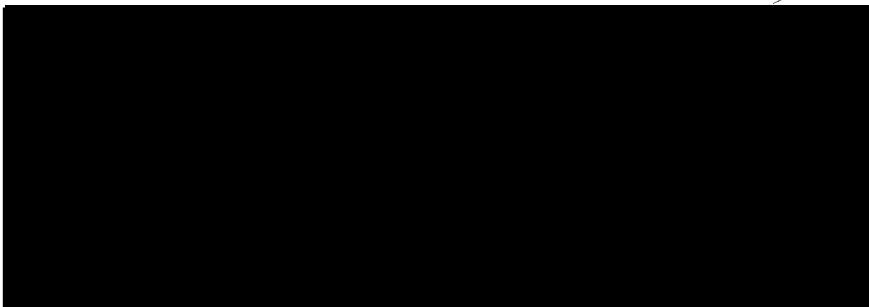
I [REDACTED], declare as follows:

- (1) I am the mother of [REDACTED], whose birthday is [REDACTED].
- (2) My residence address is [REDACTED]. [REDACTED] lives with me essentially full-time.
- (3) I have full shared legal custody of [REDACTED] father has no objections to any of the planned activities related to this matter.
- (4) I am a member of AHA and FFRF.
- (5) I have known Michael Newdow for approximately six years.
- (6) On or about December 2, 2008, I learned that Michael Newdow was volunteering to work at the Barack Obama inauguration.
- (7) Later – during the last month of December – I learned that Michael Newdow was filing a lawsuit challenging the religious aspects of that presidential inaugural.

- (8) During discussions with [REDACTED] I mentioned that Michael Newdow had volunteered to work at the inauguration.
- (9) When [REDACTED] heard this, [REDACTED] became very excited and expressed an intense desire to attend. On [REDACTED] own – without my knowledge – [REDACTED] sent an email to Michael Newdow expressing this desire.
- (10) Michael Newdow subsequently contacted me about the possibility of fulfilling [REDACTED] wishes.
- (11) Considering this to be a once in a lifetime opportunity for [REDACTED], I completely supported [REDACTED] desire to attend the inauguration.
- (12) I would like to join [REDACTED], but financial considerations prevent me from doing so.
- (13) [REDACTED] is scheduled to fly – alone – from [REDACTED] to Washington, DC on January 19, 2009.
- (14) In conjunction with Michael Newdow, I have made arrangements for [REDACTED] care and supervision during [REDACTED] stay in Washington, DC.
- (15) [REDACTED] is planning to attend the inauguration alone on January 20, 2009.
- (16) [REDACTED] will be returning home on the following day.

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

Executed on January 13, 2009,



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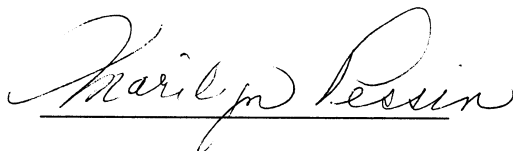
DECLARATION OF MARILYN PESSIN

I, Marilyn Pessin, declare as follows:

- (1) I am employed at World Travel, Inc., 1 Thomas Circle, NW, in Washington, DC.
- (2) I am a travel agent, certified by the Airline Reporting Corporation, who has been in the travel business for more than twenty five years.
- (3) It is the industry standard to allow children as young as eight years old to fly unaccompanied with airline supervision. Children as young as twelve may travel unaccompanied without airline supervision. Declaration of Marilyn Pessin,

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

Executed on January 14, 2009,



Marilyn Pessin

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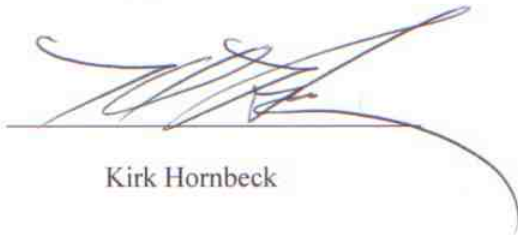
DECLARATION OF KIRK HORNBECK

I, Kirk Hornbeck, declare as follows:

- (1) I am one of the individual plaintiffs in this case.
- (2) I have arranged to acquire a ticket to the swearing-in ceremony of Barack Obama,
scheduled for January 20, 2009.
- (3) I will be giving that ticket to DoeChild, so that she can attend the swearing-in
ceremony on January 20, 2009.

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

Executed on January 14, 2009,



Kirk Hornbeck