

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

MICHAEL NEWDOW, et al.,)	
Plaintiffs,)	
)	
v.)	Civil No. 1:08-cv-02248-RBW
)	
HON. JOHN ROBERTS, JR., et al.,)	
Defendants.)	

**MOTION OF HISTORIANS AND SCHOLARS
Peter R. Henriques, Professor of History, Emeritus, George Mason University
Fred Anderson, Professor of History, University of Colorado
John E. Ferling, Professor of History, West Georgia College
Martha Saxton, Professor of History, Amherst College
FOR LEAVE TO FILE BRIEF AS AMICI CURIAE**

Historians and Scholars, Peter R. Henriques, Fred Anderson, John E. Ferling, and Martha Saxton (collectively “Amici”), through counsel, Vincent T. Lyon, Esq. respectfully request leave to file the attached Brief as Amici Curiae. Plaintiff’s counsel has consented to the filing. Despite diligent efforts, Amici have not been able to reach Defense counsel to request consent in the short time in which they have been involved.

The Amici are not parties to the suit and do not take a position on the final outcome of the suit. See *Brown v. Wright*, 137 F.2d 484, 487 (4th Cir.1943); see also *Klein v. Liss*, 43 A.2d 757 at 758 (D.C.App. 1945); see also 4 Am.Jur.2d *Amicus Curiae* § 3 (1962). They have no direct interest in the outcome beyond that of every United States Citizen to be vigilant of the actions of our government. Their interest is in preserving historical truth and quashing misinformation and rumor. This case will require the Court to consider the history and traditions of the Office of the President and the actions of our first President, George Washington. The Brief will be helpful to the

Court in providing the most accurate scholarship on the facts surrounding the first Presidential oath ceremony.

The function of Amici Curiae is to advise the court and provide information. See *Briggs v. U.S.*, 597 A.2d 370 (D.C., 1991); citing, *Givens v. Goldstein*, 52 A.2d 725 (D.C.App. 1947). The District Court has great discretion in deciding whether or not to accept an amicus brief. See *Hoptowit v. Ray*, 682 F.2d 1237, 1260 (9th Cir.1982). Amici's Brief would be very useful in providing the Court with the most accurate information possible for deciding the case, whatever the outcome may be.

For the above reasons, the Amici respectfully pray that this Court exercise its discretion and accept the attached Brief for consideration in deciding the above captioned case.

Respectfully submitted by,



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