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

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| **MICHAEL NEWDOW, *et al.*** | ) | |
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| **Plaintiffs,** | ) | |
| | ) | |
| **v.** | ) | **Case No. 1:08-cv-2248-RBW** |
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| **THE HONORABLE JOHN ROBERTS, JR.** | ) | |
| **Chief Justice,** | ) | |
| **The Supreme Court of the United States , *et al.*** | ) | |
| | ) | |
| **Defendants.** | ) | |
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DECLARATION OF THOMAS L. GROPPEL

I, Thomas L. Groppel, make the following declaration in the above-captioned case on the basis of personal knowledge and information available to me in the course of my official duties:

1. This declaration is submitted in response to the Complaint ("Compl.") and Plaintiffs' Motion for Preliminary Injunction ("Prelim. Inj."). I have reviewed both items and the documents attached thereto.

2. I am the Director of Ceremonies for the Armed Forces Inaugural Committee ("AFIC") and I work for the AFIC Commander, Major General Richard Rowe, Jr. In 1986, I became a Department of the Army civil service employee after retiring from the U.S. Army with 20 years of active duty service as a commissioned officer. Beginning in 1973 and continuing throughout my military and civilian careers, I have specialized in directing ceremonial and special events for the U.S. Army and I have worked on the military ceremonial support for nine (9) Presidential Inaugurals. I have accrued more experience in military ceremonial support mission for Presidential Inaugurals than anyone else in the Federal Government.

3. Historically, the U.S. Armed Forces have participated in this important American tradition since the first inauguration ceremony and 220 years later, participation by the Armed Forces continues to honor the Commander-in-Chief, recognizes civilian control of the Armed Forces, and celebrates a peaceful change or continuation of administration. During the 10-day Inaugural period from January 15 - 24, 2009, Armed Forces personnel will again provide significant ceremonial support to the 56th Presidential Inaugural. This support traditionally comprises marching units, marching bands, color guards, salute batteries and honor cordons, which render appropriate ceremonial honors to the Commander-in-Chief.

4. Statutorily, the Secretary of Defense may provide assistance with respect to the ceremonies relating to the inauguration of a president, specifically, planning and carrying out activities relating to security and safety, planning and carrying out ceremonial activities, loans of property, and any other assistance the Secretary considers appropriate pursuant to 10 U.S.C. § 2553. This statute reflects that the Armed Forces of the United States have historically provided significant support to Presidential Inaugurals because of the ceremonial and operational capacities of the Military Departments and because each inauguration is a change or continuation of command of the President as Commander-in-Chief, whereby the President commands the Armed Forces of the United States through the Secretary of Defense. The Department of Defense ("DoD") provides ceremonial and public affairs support to the Joint Congressional Committee on Inaugural Ceremonies ("JCCIC"), which is comprised of key Congressional leaders and is authorized to make logistical arrangements for the inauguration ceremony, and to the Presidential Inaugural Committee ("PIC").

5. To implement the Secretary's responsibilities, an organization similar to AFIC is established every 4 years to serve as the DoD liaison to the JCCIC and the PIC. The AFIC is a

joint service committee which includes members from all branches of the Armed Forces of the United States and is charged with coordinating all military ceremonial support for the Presidential Inauguration. AFIC is formed several months before the presidential election in order to begin coordination of military ceremonial support during the 10-day inaugural period.

6. Organizations similar to AFIC, with differing names but operating under the same principles and guidelines, have provided support services for Presidential Inaugurations since 1953. The sole purpose of AFIC was, and continues to be, to coordinate military ceremonial support to the Presidential Inauguration. AFIC does not control the content of, nor the comments made during, ceremonial presentations. AFIC does not decide which groups or individuals are to be selected for participation in any inaugural events and does not make notifications of selection.

7. DoD has issued guidelines that specifically outline what support the military can provide. (DoD Ceremonial Support Guidelines for the 2009 Presidential Inaugural, July 15, 2008.) Military personnel provide support by performing a variety of military ceremonial duties at inauguration ceremonies, including serving as members of a military band, the military salute battery, the heraldic trumpets, the honor cordon, and as ushers during the swearing-in ceremony. The DoD guidelines and policy do not permit AFIC to provide chaplain or religious support.

8. Plaintiffs do not specifically identify nor challenge any actions by AFIC in the Preliminary Injunction and Plaintiffs request an impermissible relief that AFIC could not enforce. Plaintiffs seek "a preliminary injunction enjoining [AFIC] from having any religious prayer at the official Presidential Inaugural ceremonies." (Prelim. Inj. 2) Plaintiffs' proposed order then expands the requested injunctive relief and would require that AFIC "shall not permit or participate in the clergy-led offering of an invocation, a benediction, or any other religious activity during the official [P]residential [I]naugural ceremony on January 20, 2009." (Prelim.

Inj. 4) However, AFIC does not provide any military chaplains for the inaugural, has no control over whether clergy will be used and, if so, how they are selected, provides no funding or support to the clergy, and cannot and does not endorse any clergy selected for the Presidential Inauguration. Moreover, the requested relief is impermissible because AFIC cannot issue an order to military personnel that would prohibit them from individually participating in any clergy-led offering of an invocation, a benediction, or any other religious activity during the official presidential inaugural ceremony.

9. Neither Major General Rowe nor AFIC have any authority or role in planning the content of the Presidential Inauguration, and neither has any authority or role in paying for any prayer or clergy-related expenditures. Neither Major General Rowe nor AFIC has a role in requesting or providing clergy to offer prayers at the Presidential Inauguration. Neither Major General Rowe nor AFIC provide any additional support in particular for the clergy to deliver prayers during the Presidential Inauguration. The funds expected to be spent by AFIC will be to provide military ceremonial support to the Presidential Inaugural, and will not be used for the prayers nor to compensate or reimburse the clergy members. In other words, the type and amount of support provided by AFIC does not change in any respect whether or not members of the clergy offer prayers.

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10. Regarding the allegations concerning insertion of the words "so help me God" in the oath of office, neither Major General Rowe nor AFIC have authority over the content, wording, or the manner of administration of the oath at the Presidential Inauguration.

Under 28 U.S.C. §1746 and penalty of perjury, I declare the foregoing is true and correct.

Thomas L. Groppel
Director of Ceremonies
Armed Forces Inaugural Committee

Executed in Washington D.C., this __ day of January 2009.