

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO**

CASE NO. 5:16-cv-59 (BYP)

NEW DOE CHILD #1 *et al.*,

Plaintiffs,

v.

THE CONGRESS OF THE UNITED STATES,
et al.,

Defendants.

PLAINTIFFS' OPPOSITION TO
THE BRIEF OF *AMICUS CURIAE*
AMERICAN CENTER FOR LAW
AND JUSTICE

ADDENDUM A

**U.S. District Court for the District of Columbia
American Council of the Blind v. Lew, Case #1:02-cv-00864 BAH**

DEFENDANTS' SUPPLEMENTAL STATUS REPORT (FEB. 22, 2016)

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

AMERICAN COUNCIL OF THE BLIND, et al.,)
)
 Plaintiffs,)
)
 v.)
)
 JACOB J. LEW, Secretary of the Treasury,)
)
 Defendant.)

Case No. 1:02-cv-00864-BAH

DEFENDANT’S SUPPLEMENTAL STATUS REPORT

Defendant, by his undersigned counsel, hereby submits this supplemental status report to inform the Court and the plaintiffs regarding certain developments in relation to the next redesign of United States currency.

1. The Order and Judgment in this action requires the Secretary of the Treasury (“Secretary”) to “provide meaningful access to United States currency for blind and other visually impaired persons . . . in connection with each denomination of currency, not later than the date when a redesign of that denomination is next approved by the Secretary” (Doc 96). In 2011, the Secretary approved a plan through which the Bureau of Engraving and Printing (“BEP” or “Bureau”) is pursuing meaningful access in three distinct ways: (1) adding a raised tactile feature to each Federal Reserve note that the BEP may lawfully redesign, (2) continuing the Bureau’s program of adding large, high-contrast numerals and different colors to each such denomination, and (3) developing and distributing a free electronic currency reader for blind and other visually impaired U.S. citizens and legal residents (Doc. 108).

2. This Supplemental Status Report is intended to inform the Court of developments that have recently occurred in the timing of the next redesign of U.S. currency, pursuant to the Secretary’s responsibility to produce currency “in the best manner” to guard against

counterfeiting. 12 U.S.C. § 418. These developments will necessarily affect when BEP begins producing currency with a tactile feature, for reasons unrelated to the development of such feature. However, these developments have had no effect on the BEP's free electronic currency reader program, which has been very well received, and, along with mobile applications, is currently providing improved access to the currency for an increasing number of users.

3. The Federal Reserve Act requires the Secretary to design and produce currency "in the best manner to guard against counterfeits and fraudulent alterations." 12 U.S.C. § 418. As stated in prior declarations filed by the defendant, efforts both in the United States and abroad to counterfeit U.S. currency are common and increasingly sophisticated (Doc. 43 ¶ 3). From time to time, the Bureau must undertake a redesign of the currency to incorporate technological advances in light of the advance of counterfeiting technology (Docs. 8-1 ¶¶ 8, 9; 115-1 ¶ 28). The timing of these redesigns depends, in large measure, on changes in counterfeiting technology (Doc. 115-1 ¶ 28) and emerging counterfeiting threats identified as part of periodic threat assessments.

4. In considering future redesigns of the currency, BEP works with the Advanced Counterfeit Deterrence Committee ("ACD") and its working-level committee, the Interagency Currency Design Technical Group ("ICD"), which are composed of representatives from BEP, the Department of the Treasury headquarters, the Federal Reserve Board of Governors, the Currency Technology Office of the Federal Reserve System, and the United States Secret Service (Doc. 127 ¶ 3; Doc. 115-1 ¶ 1 & nn.1, 2; 80-2 ¶¶ 5, 19-22). Final recommendations on redesigning the currency, including the timing of redesigns, are made by the ACD and ICD.

5. The BEP and ACD have recently learned of significant developments in counterfeiting technology that bear upon the long-term effectiveness of the security features which were anticipated for the new \$10 note. In response, the ACD has determined that new, additional

security features must be created for the next redesign of the currency. The research and development necessary to create these new features will require a significant amount of time, thus delaying the development and production of the next redesign beyond the year 2020 heretofore anticipated.

6. The ACD is currently developing a target date for the design and production of currency incorporating the new anti-counterfeiting features. The ACD is expected to settle on that target date within the next couple of months. Once the target date is known, defendant will inform the Court and the plaintiffs in another report. However, because this effort will require innovation and invention, the target date will reflect significant assumptions. (As the Department of the Treasury has announced publicly, it intends to include, in the next generation of currency, various design features that celebrate democracy.)

7. BEP continues to work diligently to develop a tactile feature for the currency, and continues to expect that it will be ready for incorporation into the next redesign. Defendant will continue to inform the Court regarding the development of the tactile feature.

8. In addition to this work, defendant has continued to provide improved access to currency through other means. As noted in defendant's recent status reports, the BEP and the Library of Congress's National Library Service for the Blind and Physically Handicapped have been distributing free electronic currency readers to eligible blind and visually impaired persons for over a year. The currency reader program, which was established by BEP, has received very positive feedback. Over 36,000 readers have now been distributed. In addition, the BEP has taken advantage of more recent technological developments by fostering the development of a free currency reader application for personal electronic devices such as iPhones and cell phones using the Android operating system. The EyeNote application has been downloaded over 26,000 times, and the Ideal Currency Identifier application has been downloaded more than 6,000 times.

These programs will continue to be offered as the BEP develops the new anti-counterfeiting features that have become necessary to keep the nation's currency secure.

Dated: February 22, 2016

Respectfully submitted,

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