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January 27, 2007

Office of the Clerk
U.S. Court of Appeals
Post Office Box 193939
San Francisco CA 94119-3939

Re: *Newdow v. Congress*, Case No. 06-16344

Dear Sir or Madam:

Pursuant to Fed. R. App. P. 28(j) and Circuit Rule 28-6, Plaintiff-Appellant submits this supplemental authority regarding *Arizona State Board v. U.S. Dep't of Educ.*, 464 F.3d 1003 (9th Cir. 2006).

Citing *United States v. Maria-Gonzalez*, 268 F.3d 664, 668 (9th Cir. 2001), the *Arizona State Board* panel noted that “[t]he language of a statute is controlling when the meaning is plain and unambiguous.” 464 F.3d at 1006. Similarly, it was pointed out that:

[W]e are not vested with the power to rewrite the statutes, but rather must “construe what Congress has written. . . . It is for us to ascertain — neither to add nor to subtract, neither to delete nor to distort.”

Id. at 1007 (citation omitted), as well as:

When a natural reading of the statutes leads to a rational, common-sense result, an alteration of meaning is not only unnecessary, but also extrajudicial.

Id. at 1008. These quotations relate directly to 36 U.S.C. § 302, which plainly and unambiguously states that, “‘In God we trust’ is the national motto.” As Appellant has repeatedly highlighted, the only “natural reading” of that motto is to accept its purely religious message. Opening Brief at 37; Reply Brief at 11.

After noting that “courts avoid natural readings that would lead to irrational results,” 464 F.3d at 1008, the Court spoke with disfavor about “replac[ing] a rational interpretation with one that is plainly counterintuitive.” *Id.* Accordingly, it rejected the argument that “the term ‘nonprofit’ school somehow includes for-profit institutions.” *Id.* at 1009. This would appear to be on point in regard to the argument that “In God we trust” is not religious.

Finally, the Court might note the strong similarity between the review of the pertinent legislative history in *Arizona State Board’s*, *Id.* at 1009-10, and Plaintiff’s review of the legislative history of the national motto, EOR at 131-147.

Thank you very much for your time and consideration.

Respectfully submitted,

Michael Newdow, *in pro per*
CA State Bar No. 220444

CERTIFICATE OF SERVICE

CASE NO. 06-16344

I HEREBY CERTIFY that on this 27th day of January, 2007, true and correct copies of Plaintiff's letter of Supplemental Authority regarding *Arizona State Board v. U.S. Dep't of Educ.*, 464 F.3d 1003 (9th Cir. 2006) were delivered by e-mail to the following individuals:

Lowell Sturgill (lowell.sturgill@usdoj.gov)
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Pursuant to Ninth Circuit Rule 25-3.3, the undersigned has received a completed and signed Form 13 (Consent to Electronic Service) from counsel for each of the parties.

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