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May 10, 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 *Villegas v. City of Gilroy*, \_\_\_ F.3d \_\_\_, No. 05-15725, slip op. at 4773 (9<sup>th</sup> Cir. April 30, 2007).

Attention is drawn to the *Villegas* Court's discussion of "the rights to freedom of intimate association and expressive association," which are "within the ambit of First Amendment protection." Slip op. at 4782. Those rights are surely embraced by RFRA and the Free Exercise Clause. "An individual's freedom ... to worship ... could not be vigorously protected from interference by the State unless a correlative freedom to engage in group effort toward th[is] en[d] were not also guaranteed." *Roberts v. United States Jaycees*, 468 U.S. 609, 622 (1984).

In discussing these rights, *Boy Scouts of America v. Dale*, 530 U.S. 640, 654 (2000), where just ““the presence of [a homosexual] as an assistant scoutmaster would ... surely interfere with the Boy Scouts’ choice not to propound a point of view contrary to its beliefs,”” was referenced, *Villegas*, slip. op. at 4783-84, since “[a]n association must merely engage in expressive activity that could be impaired in order to be entitled to protection.”” *Id.* at 4784 (citing *Dale* at 655).

Plaintiff Newdow’s view that God does not exist is far more central to his mission than the Boy Scouts’ view on homosexuality is to theirs. Thus, especially with the First Amendment and RFRA granting religion special protection, the government’s placement of the Monotheistic motto on the money that Newdow needs to use is an impermissible impairment of his religious rights.

According to *Villegas*, “whether the plaintiff[f] advocate[s] any ... religious ... viewpoint” is key. Slip op. at 4784. The viewpoint Newdow advocates is religious: God does not exist. *See, e.g.*, Opening Brief at 7. Additionally, the challenged activities of the *Villegas* defendants “had no relation to the purposes underlying [plaintiffs’] association.” Slip op. at 4785. The Federal Defendants’ contention that this nation trusts in God is 100% related (in opposition) to the purposes underlying Newdow’s church association. *See, e.g.*, Opening Brief at 4, 7, 9-10, and 15-18.

Thank you very much for your time and consideration.

Respectfully submitted,

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

## CERTIFICATE OF SERVICE

CASE NO. 06-16344

I HEREBY CERTIFY that on this 10<sup>th</sup> day of May, 2007, true and correct copies of Plaintiff's letter of Supplemental Authority regarding *Villegas v. City of Gilroy*, \_\_\_ F.3d \_\_\_, No. 05-15725, slip op. at 4773 (9<sup>th</sup> Cir. April 30, 2007) were delivered by e-mail to the following individuals:

Lowell Sturgill ([lowell.sturgill@usdoj.gov](mailto:lowell.sturgill@usdoj.gov))  
Theodore Charles Hirt ([theodore.hirt@usdoj.gov](mailto:theodore.hirt@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.

May 10, 2007

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