

**Michael Newdow, JD
PO Box 233345
Sacramento, CA 95823**

Phone: (916) 427-6669

Fax: (916) 392-7382

e-mail: FirstAmendmist@cs.com

May 23, 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 *Vasquez v. Los Angeles County*, ___ F.3d ___, No. 04-56973, slip op. at 5681 (5684?) (9th Cir. May 15, 2007).

Vasquez reaffirms that this Circuit continues to employ the *Lemon* test “to set forth the applicable constitutional standard for assessing the validity of governmental actions challenged under the Establishment Clause.” Slip op. at 5697-98. *Vasquez* strongly supports Plaintiff-Appellant’s argument, AOB at 34-40, that the challenged governmental uses of “In God We Trust” (under *Lemon*’s “purpose” and “effects” prongs) violate that Clause. Slip op. at 5699-5703.

Vasquez also noted that “Defendants’ removal of the cross is more reasonably viewed as an effort to restore their neutrality and to ensure their continued compliance with the Establishment Clause.” Implicit in this statement is

that the cross on the Los Angeles County seal was not neutral and not in compliance with the Establishment Clause. This is obviously at least as true for the federal government's use of "In God We Trust." AOB at 32-34.

Finally, Defendants in the case at bar have challenged Plaintiff-Appellant's standing. Brief for Federal Government Appellees, pp. 14-24. In *Vasquez*, the Ninth Circuit found that the plaintiff there had standing to challenge (the removal of) a religious symbol on a County seal, since "the injury that gives standing to plaintiffs in the Establishment Clause context is the injury 'caused by unwelcome direct contact with a religious display that appears to be endorsed by the state.'" Slip op. at 5691 (citation omitted). Plaintiff-Appellee here undoubtedly has more "unwelcome direct contact" with the nation's money than the *Vasquez* plaintiff had with the County seal. Phrased alternatively, "in the Establishment Clause context, spiritual harm resulting from unwelcome direct contact with an allegedly offensive religious ... symbol is a legally cognizable injury and suffices to confer Article III standing." Slip op. at 5695.

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 23rd day of May, 2007, true and correct copies of Plaintiff's letter of Supplemental Authority regarding *Vasquez v. Los Angeles County*, ___ F.3d ___, No. 04-56973, slip op. at 5681 (5684?) (9th Cir. May 15, 2007), were delivered by e-mail to the following individuals:

Lowell Sturgill (lowell.sturgill@usdoj.gov)
Theodore Charles Hirt (theodore.hirt@usdoj.gov)
Robert Katerberg (Robert.katerberg@usdoj.gov)

Kevin Snider (kevinsnider@pacificjustice.org)
Brad Dacus (braddacus@pacificjustice.org)

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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CA SBN: 220444
PO Box 233345
Sacramento, CA 95823

Phone: (916) 427-6669
Fax: (916) 392-7382

E-mail: NewdowLaw@cs.com