

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

**Phone: (916) 427-6669; 916-273-3798**

**e-mail: NewdowLaw@gmail.com**

September 13, 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 *Buono v. Kempthorne*, \_\_\_ F.3d \_\_\_, No. 05-55852 (9<sup>th</sup> Cir. September 6, 2007).

*Buono* – an ongoing case involving the government’s involvement in displaying a Latin cross – highlighted a number of issues relevant to the case at bar. First, it repeatedly referenced “[a] reasonably informed observer aware of the history.” Slip op. at 11805. *See, also, id.* at 11823. It not only strains, but it decimates, credulity to contend that any such observer considering the case at bar would not find that “In God We Trust” was chosen as the national motto and placed on the money to endorse Monotheism. AOB 40-42. *See also, id.* at 34-40.

Along these lines, the need to “rejec[t] ... implausible explanations for [the government’s] conduct, based on the history and context of the [government’s] actions” was underscored in *Buono*. Slip op. at 11814. Citing *Santa Fe Indep. Sch.*

*Dist. v. Doe*, 530 U.S. 290, 315 (2000), the unanimous panel added its own emphasis to the quote, “*We refuse to turn a blind eye to the context in which this policy arose.*” Slip op. at 11814. Plaintiff has shown clearly that the motto arose amidst a purely religious context, in which Monotheism was being espoused. AOB at 35-36.

Also noted in *Buono* was “the government’s significant *ongoing control* of and involvement with” the challenged activity. Slip op. at 11810 (emphasis in original). In the instant case, there is nothing but governmental control and involvement with the use of “In God We Trust.” AOB at 4.

Finally, there is the basic holding of the *Buono* litigation. As the opinion succinctly stated, “the presence of the cross in the Preserve violates the Establishment Clause.” Slip op. at 11823. If this is the case for a five foot tall symbol sitting a football field away from a road in the middle of the desert, then it surely is also the case for the phrase, “In God We Trust,” set out as the nation’s sole official motto, and permanently engraved every year on every one of the tens of billions of coins and currency bills the government, itself, manufactures.

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 13<sup>th</sup> day of September, 2007, true and correct copies of Plaintiff's letter of Supplemental Authority regarding *Buono v. Kempthorne*, \_\_\_ F.3d \_\_\_, No. 05-55852 (9<sup>th</sup> Cir. September 6, 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))  
Robert Katerberg ([Robert.katerberg@usdoj.gov](mailto:Robert.katerberg@usdoj.gov))

Kevin Snider ([kevinsnider@pacificjustice.org](mailto:kevinsnider@pacificjustice.org))  
Brad Dacus ([braddacus@pacificjustice.org](mailto: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.

September 13, 2007

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CA SBN: 220444  
PO Box 233345  
Sacramento, CA 95823

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