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September 17, 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 *St. John's United Church of Christ v. City of Chicago*, ___ F.3d ___, No. 05-4418 (consolidated with Nos. 05-4450 & 05-4451) (7th Cir. September 13, 2007).

St. John's involved IRFRA (Illinois' version of RFRA) and RLUIPA (which the Seventh Circuit noted was "[l]ess sweeping' than RFRA," slip op. at 41). Its analysis began "as *Lukumi* instructs, with the text," slip op. at 27, and looked to whether or not there was anything "inherently religious," *id.* at 28, in the statute's verbiage. In the case at bar, of course, the text is purely religious. AOB at 10.

With purely religious text endorsing Monotheism, strict scrutiny is mandated. "[A] law that burdens the free exercise of religion and that is not facially neutral and of general applicability will be subject to strict scrutiny." Slip op. at 50 (citation omitted). But even if facially neutrality is denied, strict scrutiny must be applied if the law "imposes a substantial burden on religion." *Id.*

(citation omitted). In the instant case, Plaintiff has unquestionably demonstrated that his religion has been substantially burdened. AOB at 15-27.

St. John's also advises that a court must “look at available evidence that sheds light on the law’s object,” slip op. at 28, specifically mentioning “the ‘historical background ... [and] the specific series of events leading to the enactment ... in question.’” Slip op. at 28-29 (citation omitted). Using this methodology, Plaintiff here has unequivocally shown that the choice of “In God We Trust” as the motto and the use of that phrase on the money were both due to the Monotheistic message those four words send. EOR 131-47.

Finally, *St. John's* confirms that “[u]nder strict scrutiny review, the Government bears the burden of proving both that the act in question advances a compelling state interest and that the means chosen to pursue that interest are narrowly tailored to that end. *See Johnson v. California*, 543 U.S. 499, 505 (2005).” In the case at bar, the Defendants have come nowhere near meeting that burden. *See* 42 U.S.C. § 2000bb-1(b)(1) and (b)(2) (as provided in EOR at 183).

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 17th day of September, 2007, true and correct copies of Plaintiff's letter of Supplemental Authority regarding *St. John's United Church of Christ v. City of Chicago*, ___ F.3d ___, No. 05-4418 (consolidated with Nos. 05-4450 & 05-4451) (7th Cir. September 13, 2007), were delivered by e-mail to the following individuals:

Lowell Sturgill (lowell.sturgill@usdoj.gov)
Theodore Charles Hirt (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.

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