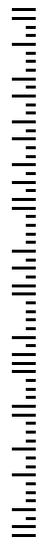


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October 8, 2007

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 *Pocatello Education Ass'n v. Heideman*, ___ F.3d ___, Nos. 06-35004 (9th Cir. October 5, 2007).

Although *Heideman* involved the First Amendment's freedom of speech provision (as opposed to the religion clause provisions involved in the case at bar), it is relevant for its finding that that law in question there, "on its face," slip op. at 13535, demonstrated "content discrimination." *Id.* This is similar to 36 U.S.C. § 302, which states, "'In God we trust' is the national motto." (Opening) Brief of Appellant at 3 (n. 1). Obviously, that Code provision evidences flagrant content discrimination "on its face," with only Monotheism (in direct opposition to Atheism) being advocated on the part of government. (Opening) Brief of Appellant at 12 (noting that "[s]uch disregard for a minority religious viewpoint was precisely what RFRA was intended to address.").

Additionally, it is noteworthy that the *Heideman* Court found no compelling interest to justify this content discrimination. Slip op. at 13530 (stating that the statute in question “violates the First Amendment because it is a content-based law for which the State officials assert no compelling justification.”). No compelling justification has been offered for the advocacy of Monotheism in the instant case, either. See (Opening) Brief for Appellant at 13 and 28-29; Reply Brief 6-8.

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 8th day of October, 2007, true and correct copies of Plaintiff's letter of Supplemental Authority regarding *Pocatello Education Ass'n v. Heideman*, ___ F.3d ___, Nos. 06-35004 (9th Cir. October 5, 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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Kevin Snider (kevinsnider@pacificjustice.org)
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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.

October 8, 2007

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