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February 22, 2007

Cathy Catterson, Clerk of the Court
U.S. Court of Appeals for the 9th Circuit
95 Seventh Street
San Francisco, CA 94103-1526

Re: *Newdow v. Carey*, Nos. 05-17257, 05-17344, 06-15093

Dear Ms. Catterson:

Pursuant to Fed. R. App. P. 28(j) and Circuit Rule 28-6, Plaintiffs-Appellees submit this supplemental authority regarding the Department of Justice's *First Freedom Project*.

Announced on Tuesday, February 20, 2007,¹ the *First Freedom Project* exists "to strengthen and preserve religious liberty throughout the nation." According to the Attorney General, "nothing has defined us as a Nation more than our respect for religious freedom," which "is not confined to ... the followers of one set of beliefs." The *Project* exists to increase "enforcement of religious rights for **all** Americans." (Emphasis added.) These notions are precisely the ones argued throughout Plaintiffs-Appellees' Briefs.

¹ Please see the attached press release. All quotations provided in this Notice are from that release.

The Department of Justice also announced that the *Project* would seek “to enforce protections against religious discrimination.” Plaintiffs-Appellees have repeatedly referenced the religious discrimination that has stemmed from governmental endorsements of Monotheism and disapprovals of Atheism. *See, e.g., Excerpts of Record*, pp. 85-89; *Answering Brief*, at 3 (“The result has been as planned: Monotheism has been endorsed, and a disenfranchised religious minority (i.e., Atheists) has been relegated to second-class status.”); *Id.*, at 25 (citing *Newdow v. United States Congress*, 328 F.3d 466, 491 (9th Cir. 2002) (Fernandez, J, concurring and dissenting), *rev’d on standing grounds, Elk Grove Unified Sch. Dist. v. Newdow*, 542 U.S. 1, 6 (2004), for the proposition that “the religion clauses of the First Amendment ... are, in effect, an early kind of equal protection provision and assure that government will neither discriminate for nor discriminate against a religion or religions.”).

It might also be noted that the website created for this *First Freedom Project* is headed with a quotation from the Attorney General: “Preserving religious liberty requires an ongoing commitment to protecting this most basic freedom **for people of all faiths.**” (Emphasis added.)

Thank you very much for your time and consideration.

Sincerely,

CA State Bar No. 220444

CERTIFICATE OF SERVICE

CASE NOS. 05-17257, 05-17344, 06-15093

I HEREBY CERTIFY that on this 22nd day of February, 2007, true and correct copies of Plaintiffs-Appellees' letter of supplemental authority (USDOJ's *First Freedom Project*) were delivered by e-mail to the following individuals:

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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.

February 22, 2007

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Department of Justice

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Attorney General Alberto R. Gonzales Highlights Justice Department's Efforts to Protect Religious Liberty

WASHINGTON - Attorney General Alberto R. Gonzales announced today the launch of the First Freedom Project, a program spear-headed by the Justice Department's Civil Rights Division that builds on the Department's extensive efforts to strengthen and preserve religious liberty throughout the nation.

"Throughout our history, nothing has defined us as a Nation more than our respect for religious freedom," said Attorney General Alberto R. Gonzales. "It is not confined to the members of one church or the followers of one set of beliefs. Through this initiative, the Justice Department continues its vigorous efforts to enforce protections against religious discrimination."

The First Freedom Project also builds on the Department's extensive record of achievement and commits to even greater enforcement of religious rights for all Americans. Under the First Freedom Project, the Justice Department will:

- *Create a Department-wide Religious Freedom Task Force, chaired by Wan J. Kim, Assistant Attorney General for the Civil Rights Division, which will review policies and cases to ensure that religious freedom is being protected.

- *Initiate a program of public education to make certain that people know their rights, and to build relationships with religious, civil rights, and community leaders to ensure that religious liberty concerns are brought to our attention.

- *Hold a series of regional training seminars for these and other leaders interested in religious liberty. The first will be in Kansas City, Mo., on Mar. 29, 2007, followed by seminars in Tampa, Fla., on April 25, 2007 and Seattle, Wash., on May 10, 2007. Other dates and locations will be announced in the coming months.

- *Launch a new Web site, <http://www.firstfreedom.gov>, with information on the laws we enforce and how to file a complaint.

- *Distribute informational literature to religious organizations, civil rights groups, and community leaders on how to file a complaint.

The Justice Department today also released its Report on Enforcement of Laws Protecting Religious Freedom: Fiscal Years 2001- 2006, which illustrates how the Justice Department has increased enforcement of protections against religious discrimination and other laws protecting religious freedom. The report details the Department's efforts in stepping up enforcement of laws against discrimination in education, housing, lending and employment, and other laws protecting religious freedom including bias crime laws and laws protecting houses of worship from abusive zoning practices. A copy of the report is available on the new First Freedom Web site.

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