

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

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

e-mail: NewdowLaw@gmail.com

August 28, 2007

Office of the Clerk  
U.S. Court of Appeals  
Post Office Box 193939  
San Francisco, CA 94119-3939

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

Dear Sir or Madam:

Pursuant to Fed. R. App. P. 28(j) and Circuit Rule 28-6, Plaintiff-Appellant submits this supplemental authority regarding *Doe v. South Iron R-1 School District*, \_\_\_ F.3d \_\_\_, No. 06-3373 (8<sup>th</sup> Cir. August 21, 2007).

*Doe* concerned the grant of a preliminary injunction against a school district's "practice of allowing the Gideons to distribute Gideons Bibles to fifth graders in classrooms during the school day." Slip op. at 5. Apparently because the practice involved "impermissible government religious expression, endorsement, or coercion," *id.* at 6, the Eighth Circuit upheld the grant of the injunction.

That practice, it must be emphasized, was passive on the part of the school children. In other words, they simply received the religious books, with which they could do whatever they desired. In the instant case, the children are encouraged to stand, face the American flag, place their hands over their hearts, and actively voice that the United States is "one Nation under God." Answering Brief at 34, 39, 40-41, 72.

In addition, the individuals who instigated and led the Bible distribution in *Doe* were the Gideons – i.e., private individuals. In the instant case, the practice of having children recite that we are “one Nation under God” stems from a statute passed by the United States Congress, Answering Brief at 9, and signed into law by the President. *Id.* at 1. Furthermore, it occurs under the auspices of public school teachers, *Id.* at 1, 4, 32, 34, 36, 39, 40, 42, 51. Thus, at every step along the way, it is governmental agents – not private individuals – who are acting to promote religion.

One last point in *Doe* regards the Defendants’ repeated claims that reciting that we are “one Nation under God” is not a prayer or a religious exercise. *See, e.g.,* Defendant/Appellant Rio Linda Union School District’s Opening Brief at 48-51; Brief for Appellant The United States at 6; Brief of Defendant-Intervenor-Appellants John Carey *et al.* at 48. The distribution of Bibles – which can be deposited directly into the garbage – is certainly no more a prayer or religious exercise than reciting that we are “one Nation under God.”

Respectfully submitted,

---

Michael Newdow, *in pro per*  
CA State Bar No. 220444

## CERTIFICATE OF SERVICE

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

I HEREBY CERTIFY that on this 29th day of August, 2007, true and correct copies of Plaintiff's letters of Supplemental Authority regarding *Doe v. South Iron R-1 School District*, \_\_\_ F.3d \_\_\_, No. 06-3373 (8<sup>th</sup> Cir. August 21, 2007) were delivered by e-mail to the following individuals:

Terence John Cassidy ([tcassidy@pswdlaw.com](mailto:tcassidy@pswdlaw.com))

Michael William Pott ([mpott@pswdlaw.com](mailto:mpott@pswdlaw.com))

Lowell Sturgill ([lowell.sturgill@usdoj.gov](mailto:lowell.sturgill@usdoj.gov))

Theodore Charles Hirt ([theodore.hirt@usdoj.gov](mailto:theodore.hirt@usdoj.gov))

Anthony R. Picarello ([apicarello@becketfund.org](mailto:apicarello@becketfund.org))

Eric C. Rassbach ([erassbach@becketfund.org](mailto:erassbach@becketfund.org))

Autumn Owens ([autumn.owens@doj.ca.gov](mailto:autumn.owens@doj.ca.gov))

Jill Bowers ([jill.bowers@doj.ca.gov](mailto:jill.bowers@doj.ca.gov))

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.

August 29, 2007

---

Michael Newdow, *in pro per*

CA SBN: 220444

PO Box 233345

Sacramento, CA 95823

Phone: (916) 427-6669

(916) 273-3798

E-mail: [NewdowLaw@gmail.com](mailto:NewdowLaw@gmail.com)