Case No. 12-5910

In the United States Court of Appeals for the Sixth Circuit

Louie E. Johnston Jr.,

Pro-Se

Appellant-Petitioner,

v.

UNITED STATES OF AMERICA, JERRY MARTIN, THOMAS PEREZ, STEVEN ROSENBAUM, ERIC TREENE, SEAN KEVENEY, ERIC HOLDER JR, BARACK OBAMA

Defendants-Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE MIDDLE TENNESSEE DISTRICT OF TENNESSEE JUDGE TRAUGHER, MAGISTRATE JUDGE GRIFFIN Civil Case No. 3-11-CV-1157

PETITION FOR HEARING EN BANC

Dated and Submitted: August 9, 2013

RULE 35 STATEMENT

Pursuant to Federal Rule of Appellate Procedure 35(a,b), Appellant states as follows:

En banc hearing is warranted because the panel decision predicating this *En banc* petition appeal involves numerous Rule 35 issues, both part (a) in conflicts with prior decisions of the United States Supreme Court and part (b) in questions of exceptional importance.

A.The panel decision conflicts with numerous decisions of the United States Supreme Court in Everson v Board of Education – 330 US 1, 1947; Lynch v Donnelly - 465 U.S. 668 (1984); Flast v Cohen – 392 US 83, 1968; Van Orden v Perry 545 US 677 (2005); McCreary County v ACLU of Kentucky 545 US 844 (2005), Bowen v. Kendrick, 487 U.S. 589 (1988), Hein, 551 U.S. at 593–94 (Alito, J., plurality opinion); HOSANNA-TABOR EVANGELICAL LUTHERAN CHURCH AND SCHOOL v. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION ET AL. 565 U. S. ____ (2012) among other decisions, and consideration by the full court is therefore necessary to secure and maintain uniformity of the court's decisions.

1. "Standing" for Plaintiffs granted by this Court in McCreary County v ACLU of Kentucky 545 US 844 (2005) over "Religious offense" yet refusing "standing" for Appellant over "Religious offense" clearly articulated in his Complaint, which includes Exhibits forming his Complaint, such as his documentary video "Caught in the Act", an Exhibit filed as part of the Original Complaint, where Appellant personally appears to emphasize the "Religious offense", "Patriotic offense", "Taxpayer offense", and other **"injuries in fact from his <u>invasion of legally protected interests</u> which is concrete and particularized, actual or imminent"** which Justice Scalia defines in Lujan v Defenders of Wildlife 504 US 555 (1993).

   The Panel decision creates an illegal "Ministerial Exception" precedent that Christian Ministers in general, and this Christian Minister in this instant case,

are inferior citizens that cannot "suffer personal injury in fact from an invasion of their legally protected interests", particularly including the First Amendment Establishment Clause, by my claim of enduring "Religious Offense" or suffer "spiritual affronts" ***as claimed*** by Homeless Pro-Se Thomas Van Orden in Orden v Perry 545 US 677 (2005), every ACLU or other anti-Christian, anti-Religion group's legal action taken in Federal Courts by some party who claims "Religious Offense" or "spiritual affront" to demand removal from public view of some "Religious Offense Item" like the Ten Commandments or Christian Cross or Christmas Nativity Scene, and numerous other cases where "Standing" was granted for simple statements made by an unknown Plaintiff without inquiry into the "sincerety of their Religious beliefs". This Christian Minister expects and deserves at least equal treatment with those who claim "Religious Offense".

2. Does a Christian Minister have "Standing" when judicially questioning government abuse of power that are a ***"Religious Offense"*** by his or her definition? Does such "Religious Offense" or "Spiritual Affront" qualify for "Standing" as "an invasion of his legally protected interests, concrete and particularized, actual or imminent, and connected to the offending actions documented?" Does government action or failure to act that offends and/or endangers, or creates an invasion of legally protected interests, i.e. Muslims convicted by DEFENDANTS in this case as enemies whose mission is "to eliminate America and all its miserable house", not also create a personal threat to this Christian Minister, if I sincerely believe and claim the threat as "injury in fact…", for myself, and also for those who depend on me as a protector of their Religious free exercise rights, to Life, Liberty, and the Pursuit of Happiness, against all "invasions of their legally protected interests"? To say otherwise is to say government inaction to prevent a war enemy "to eliminate America and all its

miserable house" cannot be taken as a personal threat because the entire nation is threatened, not just one person. So, the death of an entire nation does not cause injury to this Christian Minister, in imminent personal danger, and charged to protect souls whose faith and trust is in me to represent them and their families? Such "lack of understanding" of my mission was overruled by

HOSANNA-TABOR EVANGELICAL LUTHERAN CHURCH AND SCHOOL v. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION ET AL. 565 U. S. ____ (2012)
Chief Justice Roberts, p 18,

" **First, the Sixth Circuit failed to see any relevance in the fact that Perich was a commissioned minister.** Although such a title, by itself, does not automatically ensure coverage, the fact that an employee has been **ordained or commissioned as a minister is surely relevant, as is the fact that significant religious training and a recognized religious mission underlie** the description of the employee's position."

Chief Justice Roberts, p 13, "We agree that there is such a ***ministerial exception***. **The members of a religious group put their faith in the hands of their ministers**. Requiring a church to accept or retain an unwanted minister, or punishing a church for failing to do so, intrudes upon more than a mere employment decision. Such action interferes with the internal governance of the church, depriving the church of control over the selection of those who will personify its beliefs. By imposing an unwanted minister, the state infringes the Free Exercise Clause, which **protects a religious group's right to shape its own faith and mission through its appointments**.

Chief Justice Roberts, p 11, "As we would put it later, our opinion in Watson "radiates . . . a spirit of freedom for religious organizations, an independence from secular control or manipulation—in short, power to decide for themselves, free from state interference, matters of church government as well as those of faith and doctrine."

Justice Thomas, concurring, p2,

("[I]t is a significant burden on a religious organization to require it, **on pain of substantial liability**, to predict **which of its activities a secular court will consider religious**. The line is hardly a bright one, and an organization might understandably be concerned that a judge would not understand its **religious tenets and sense of mission**. **Fear of potential liability might affect the way an organization carried out what it understood to be its religious mission**" (footnote omitted)). "These are certainly dangers that the First Amendment was designed to guard against."

3. Does a Christian Minister have citizen rights to judicial review and correction of public tax dollars paid by Appellant as a Citizen in good faith, to openly and publicly benefit, support, promote, endorse, one alleged religion (Muslims) over a proven

religion (Christians) or force Appellant to abandon *free exercise* to submit and accept the government favored religion as superior or equal, without violating the Religious Freedom Restoration Act, the First and 14th Amendments, other laws of the land, and the FIRST of the Ten Commandments "Thou shalt have no other gods before me" (meaning "in my sight").

Appellant does have standing defined by Flast v Cohen – 392 US 83, 1968; Chief Justice Warren, page 392 US 84… "the **taxpayer appellants here have standing consistent with Article III to invoke federal judicial power**, since they have alleged that tax money is being spent in violation of a specific constitutional protection against the abuse of legislative power, i.e., the Establishment Clause of the First Amendment." The Supreme Court again concluded that taxpayer-plaintiffs had standing to assert an Establishment Clause challenge to a congressional appropriation in Bowen v. Kendrick, 487 U.S. 589 (1988).

4. Does a Christian Minister not suffer "spiritual affront", "injury in fact', personally when his government ordered the taxpayer funded US Military to burn 20,000 Bibles printed in Arabic for Muslims, to be burned as trash "because it may offend Muslims", while issuing Direct orders to not handle "the Holy Quran" unless first putting on clean white gloves?" This is also undisputed video evidence in Appellant's Complaint Exhibit "Caught in the Act" dvd. It is a direct violation of numerous legally protected interests of Appellant, yet Standing was denied by the panel decision.

Everson v Board of Education 330 US 1 (1947)

Page 330 US 15 "The "establishment of religion" clause of the First Amendment means at least this: neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another."

Page 330 US 16 "No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups, and vice versa."

"State Power is no more to be used so as to handicap religions than it is to favor them."

B. The proceeding involves multiple questions of exceptional importance, some of which are concisely stated herein, the bulk concisely stated in the Original Complaint, which is composed of the Complaint document AND ALL EXHIBITS, which Appellant is confident have never

been reviewed by District Court or the Panel, due to overwhelming evidence there of standing.

1. Does a Christian Minister in public leadership have "standing" to request and receive clarification by Declaratory Judgments as Justice Thomas Opinion that "only the Dictionary terms used by the Founding Fathers in their day are to be used to determine their intent", or to clarify disputes between the Judicial and Executive Branches, i.e. the President of the United States declaring "America is no longer a Christian Nation" when Supreme Court Decisions such as Reynolds v USA - 98 U.S. 145 (1879) and others openly claim America is a Christian nation, and no Supreme Court decision contradicts or overrides Reynolds or similar cases. Appellant authored Exhibit, "THE Christian Nation Revolution, Regeneration" is 488 pages of proof.

2. Does a "Religion" have Constitutional rights when convicted in Federal Courts to be war enemies of America by aiding and abetting America's enemies, foreign or domestic and their Appeals are exhausted, as in Appellant's case in chief?

3. Does any "Religion" have Constitutional rights when Emerson v Board of Education – 330 1 (1947) states clearly otherwise regarding Religious rights on page 330 US 33…

"It secures all forms of religious expression, creedal, sectarian or nonsectarian, wherever and however taking place, ***except conduct which trenches upon the like freedoms of others or clearly and presently endangers the community's good order and security****. For the protective purposes of this phase of the basic freedom, street preaching, oral or by distribution of literature, has been given "the same high estate under the First Amendment as . . . worship in the churches and preaching from the pulpits."*

STATEMENT OF FACTS

Appellant's Petition of Grievances as an American taxpayer citizen and Christian Minister before the Court was dismissed by the panel for "lack of standing" due to "lack of personal injury", following the same path as the District Court, but also in direct conflict with multiple United States Supreme Court decisions, including Everson v Board of Education – 330 US 1, 1947; Lynch v Donnelly (1984); Flast v Cohen – 392 US 83, 1968; Van Orden v Perry 545 US 677

(2005); McCreary County v ACLU of Kentucky 545 US 844 (2005), and others.

The Panel decision also conflicts with Appellate Court decisions historical and instant such as Hobby Lobby v Sebellius, case No. 12-6294 granted ***en Banc*** hearing now pending in 10th Circuit Court of Appeals on the same ***Religious offense*** grounds and circumstances as Appellant, with differing financial injuries but identical injuries to our personal "treasure" as fellow Christians who openly demonstrate Matthew 6:21 *"Where your treasure is, there will your heart be also."*

The Panel decision also conflicts with the originating Middle Tennessee District Court, whose decision granting Plaintiff standing as a Christian Minister to win a precedent setting case for the same Layman Lessons Christian Church he founded, serves and leads today in this cause. Middle Tennessee District Court Case 3:06-cv-00588 Document 103 Filed 04/29/08 Page 13 Judge Wiseman's opinion...

"The Court nonetheless finds that the litigation achieved "some public goal other than occupying the time and energy of counsel, court, and client," Farrar, 506 U.S. at 578 (O'Connor, J., concurring), in the sense that it required the construction and application of the RLUIPA in a slightly different context from that presented in other RLUIPA cases, and ***permitted the vindication of important rights*** *even though large sums of money were not at stake. This factor also weighs in favor of an attorney's fee award.*

On the basis of the criteria referenced above, the Court concludes that this case is not the "usual" civil rights case in which a nominal fee award is indicative of a merely nominal or Pyrrhic victory. Layman Lessons ***' success was not de minimis in light of the primary objectives of this litigation; it prevailed on significant legal issues; and its success accomplished some public goal*** *beyond simply "occupying the time and energy of counsel, court, and client."* (Layman Lessons Inc, was created, founded as a Tennessee non profit 501c3, funded and directed by Louie E. Johnston Jr. from inception in 2001, became a multi-state Church in 2002 and has remained a functioning Church to date.)

Appellant's case in chief ***facts are undisputed***, all filed in the Original Complaint ***which includes*** the Complaint *Document* AND all the 29 Exhibits filed, and subsequent filings. Only together do they form the entire Complaint, with Pleadings and Proof, including overwhelming proof of Appellant "standing".

Appellant Pleadings and Proof reviewed in any part only, is not the sum required to understand these detailed Pleadings and Proof in these controversies vital to our

nation. The peril documented by Appellant is a real and present danger well documented and articulated that this Court has allowed to advance for 20 months now since Appellant submitted it for Judicial Review and Relief, an "injury in fact" to this Christian Minister that this Court can never make right, but can only correct.

Appellant ***proof is undisputed***, as it is ***Defendant's seven years of trial evidence they used*** to prosecute and convict American Muslims on all 108 Counts of using their American network of mosques, imams, and 302 identified Muslim Charity fronts as co-conspirators to collect and launder money to terrorists to wage war on America, and to do it all under cover of "religion" and tax exempt status.

Despite ***DEFENDANTS*** winning convictions ***on all 108 counts charged*** in a 7 year trial ending November 2008 in a Texas Federal Court, ***DEFENDANTS*** willfully allow, since 2008, the very same American Muslim network of mosques and 302 American Muslim Charity Fronts to operate their money laundering war machine, and all "contributions" are still "tax deductible". These facts are not in dispute. For the past 20+ months Terrorist funding flows with Judicial blessing.

DEFENDANTS 2008 trial evidence proves American Muslims are at war with America, with a military mission ***"to eliminate America and its miserable house"*** yet Appellant is denied standing to help stop this "actual or imminent" danger.

Appellant raises numerous new Constitutional issues in his new historical discoveries and expert analysis submitted in Complaint EXHIBITS, in new books and dvd documentaries authored or produced by Appellant, along with books from contemporary peers confirming the immediate dangers of exposing truth regarding Muslims that cause Appellant and peers to protect ourselves at considerable personal expense and inconvenience. The Complaint Exhibits have been ignored.

Appellant was denied standing to seek judicial relief to these new Constitutional issues.

ARGUMENT

Appellant is a Christian Minister whose call of God Jehovah upon his life requires him to *freely exercise* his Religion as instructed in The Holy Bible, in personal Worship and Service due my Creator, serve "The Church" *body* as Servant Minister and Leader, to engage all mankind in obedience in Five Primary actions commanded, and not optional:

Feed the Hungry, Clothe the Naked, Shelter the Homeless, Preach the Gospel, Make Disciples.

Appellant's call to Ministry from a successful business career included liquidation of all accumulated personal assets to fund his Ministries to the Homeless, Hopeless, Poor and Needy, personally living with the Homeless while training them in Christian Faith and Life Skills.

Appellant's Homeless Street Ministries in domestic "War Zones" over the past 13 years yielded a documented 8,770 Homeless souls regenerated in response to his Street Ministries, after his Preaching and personal invitation to join the Christian Faith, with less than 100 of the 8,770 still seen on the streets today indicative of the Appellant personal investment and Church success.

Appellant has proven unique skills, education, life experience, and success in serving areas where Christians just do not go, experiencing Muslim recruiters preying upon poor uneducated who feel unloved, disenfranchised as citizens, so it is the Appellant who uniquely suffers personal pain in proportion to his personal and Church investment in the lives of others to see the destruction of deceived lives.

Appellant does not measure "injury in fact" that is "concrete and particularized" solely or even primarily by the amount of personal money involved, or by any quantitative value, including souls rescued, fed, clothed, sheltered, considering such to be better suited for determining "damages" in a Court of law, which are always selfishly subjective and pro forma based rather than on actual facts that rarely, if ever, occur.

Appellant invested decades in educating himself to become an expert Christian Patriots Historian who has authored many books and produced several documentaries regarding Christian Patriots God and Country Heritage for posterity, and as Exhibits proving Standing in this Case.

Appellant's advanced Religious education pursuits created unique expertise to become an expert in the Judeo-Christian Religion and an expert in the Muslim Nation Government that has a religious component based on the Koran, a book of religion components documented by Mohammed. Muslims without dispute claim and believe the Koran is superior to the Torah and The Holy Bible. It is the "actual root controversy" since 650 AD at the root of Appellant's Exhibits filed, one documenting over 10,000 Muslim murders of Christians and Jews since 2001, including many innocent Americans. Appellant is a known "higher than normal" valued target.

Appellant personally and as an ordained Christian Minister for "The Church" who choose him to communicate and defend our beliefs and mission effectively to ***freely exercise*** our Biblical Mission, are united just as "Non Profit business owners" being a Church in good standing with the State of Tennessee, required to *freely exercise* our Religion and corporate Biblical missions locally, regionally, nationally, and internationally to every nation, i.e. Matthew 26:18... **18** *Then Jesus came to them and said, "All authority in heaven and on earth has been given to me.* **19** *Therefore go and make disciples of all nations, baptizing them in the name of the Father and of the Son and of the Holy Spirit,* **20** *and teaching them to obey everything I have commanded you*. Acts 1:8 also requires we *freely exercise* our religion "*to the uttermost parts of the earth*". Appellant suffers injury when government chooses sides to favor Muslims over Christians by preferential treatment and support, including tax dollars.

Appellant creates, produces, and broadcasts a weekly syndicated radio program titled "Christian Patriots" which is a National "Call to Prayer for America" that is also available online at www.AmericanConstitutionCenter.org and therefore can be accessed world wide over the world wide web. Public donations and volunteers are the lifeblood of Appellant's purpose and Religious mission, such donations dependent on the products created by Appellant as incentives and free exercise without fear of government intervention disorder or even chaos it causes.

Appellant's ***free exercise depend on his investments*** placed at risk by Defendants illegal actions and failure to act appropriately, actions which are not in dispute, such investments which

are vital to his life purpose as long as he lives, and beyond, to include to a great extent his personal inheritance left to his posterity in perpetuity, such high value items being the accumulation of decades of time and money, and in "lost opportunity costs" by choosing to create Religious Educational Material for the Public Good, to Author books, Producing Documentaries, Broadcasting Radio and Television programs, Speaking engagements, Creating Religious Education Programs like www.ChristianPatriots.us and others, all in direct compliance with freely exercising his Christian Religion which "The Church" and His God deserve.

This appeal presents several questions of Constitution issues. Proof presented by Appellant in his original complaint with 29 Exhibits is not in dispute. **Seven years of taxpayer funded investigation and successful prosecution by DEFENDANTS, of American Muslims, their network of mosques, and a documented 302 Charity fronts** proven co-conspirators by DEFENDANTS is not in dispute.

Appellant's case simply asked the obvious "why are these 302 Muslim Charity fronts and mosques still functioning in the same way over 5 years later?"

The ***obvious injuries*** of an enemy seeking to "eliminate America and all its miserable house" would apply to all Americans, but is also an actual or imminent, concrete and particularized personal threat to Appellant's physical life, his Civil rights to Life, Liberty, and the pursuit of happiness that are ***"invasions of his legally protected interests"*** even a lowly Christian Minister is afforded by prior Supreme Court rulings such as Everson v Board of Education – 330 US 1, 1947 Page 330 US 32… "*"It secures all forms of religious expression, creedal, sectarian or nonsectarian, wherever and however taking place,* ***except conduct which trenches upon the like freedoms of others or clearly and presently endangers the community's good order and security***.

Appellants Complaint with 29 Exhibits collectively prove beyond any rational doubt that the conduct of American Muslims is ***"conduct which trenches upon the like freedoms of others or clearly and presently endangers the community's good order and security."***

Therefore Appellant is entitled to relief sought, standing to seek it, and timely consideration.

CORE ISSUES

A. Why does the Court find only a Christian Minister is unable to be injured personally by the actions and actors of Government caught in video interviews openly and actively endorsing and advocating for Muslims, particularly burning as trash 20,000 Holy Bibles because they "may offend Muslims and cause a riot", when the Supreme Court ruled a Homeless man in Texas was injured by his claim of "spiritual affront" in viewing The Ten Commandments when he passed by the State Capitol (Van Orden v Perry 545 US 677, 2005), also similar questions of "spiritual affronts/offense" determined sufficient injury for "standing" as alleged in Stone v Graham 449 US 39, 1980, and McCreary County v ACLU of Kentucky 545 US 844, 2005.

B. Appellant undisputed facts raise questions of tax dollar abuse and overt Religious discrimination, such as DEFENDANTS endorsing and openly advocating for Muslims in Middle Tennessee District Court to illegally bypass a Tennessee State Chancery Court during the trial process to resolve legitimate local Zoning issues, one full year after unilaterally intervening by a very public filing of an Amicus brief demanding the Chancery Court rule in favor of the Muslims or face certain legal action in Federal Court, citing RLUIPA facts that this Appellant knew from his prior RLUIPA litigation to be deliberate and willful dishonest distortions attempting to bully and intimidate the Chancellor into ruling in favor of Muslims. The US Attorney Jerry Martin failed to intimidate and was humiliated by the Chancellors ruling that "RLUIPA does not apply in any way in this case", taken directly from **Appellant's** Amicus brief filed in opposition to the US Attorney Amicus Brief. Appellant Amicus Brief and Standing was honored in Chancery Court, denied by the Panel.

Dr. Ossama Bahloul, the Imam of the Islamic Center of Murfreesboro in Murfreesboro, Tennessee, filed for a temporary restraining order in federal district court in Nashville, requesting that the Islamic Center bypass the State Court zoning proceedings, and

be permitted to use its newly built mosque, completed without Codes and Zoning approvals, in time for the religious holiday of Ramadan. **Imam Ossama Bahloul** received **same day service from US Attorneys and US District Court in Nashville** to illegally neuter the State Court's ongoing due process proceedings, all undisputed facts presented by Appellant's case in chief, yet Appellant as a Christian Minister was dismissed by this Court and is still not yet now worthy of the same "standing" as his Muslim Imam "religious counterpart". This is a Religious Offense to Appellant, denied standing after 20 months, while Imams received same day service from District Court, US Attorney endorsement while opposing Appellant.

"The Islamic Center of Murfreesboro looks forward to continuing to worship alongside our neighbors in peace, as we have done for over thirty years," said **Dr. Ossama Bahloul, the imam of the Islamic Center**. "We have avoided litigation as long as we possibly could. But this lawsuit appeared to be the only way we could use our new mosque by the start of Ramadan. We hope the court will uphold the right of religious liberty for all, which is part of what makes this country so great." While Imams receive same day service and "standing" by the same Court that ruled this Christian Minister and his Church had no standing to oppose Muslims in the same issue, and related issues, after 20 months of delaying this Christian Minister, to date. The question of standing to Muslim Imams denied Appellant counterpart Christian Minister is one of obvious Religious discrimination that cannot be allowed in our legal system. It is specifically banned by Lynch v Donnelly, 1984, Opinion by Justice O"Connor; Everson v Board of Education 330 US 1, 1947, and others listed.

The Imam's Complaint submitted was styled "Islamic Center of Murfreesboro and Dr. Osamma Bahloul as Plaintiffs, but the same day service ORDER signed by Judge Sharp for the case NO. 3:12-0737 was styled "USA v Rutherford County, TN", again, undisputed.

APPELLANT PERSONAL "INJURIES IN FACT" SUMMARY

*"An invasion of a legally protected interest, concrete and particularized, actual or imminent." Appellant's "*injuries" listed and many more are in the Complaint and EXHIBITS never reviewed.

APPELLANT AS TAXPAYER, CITIZEN, CHRISTIAN CHRISTIAN MINISTER, HISTORIAN

a. Religious Offense, Spiritual Affronts by government discrimination in favoring Muslims at taxpayer expense, advocating for Muslims against Christians.
b. Taxpayer funded US Military ordered to burn as trash 20,000 Bibles, and issue Military orders to handle the Koran only with clean gloves "as a delicate piece of art".
c. USDOJ, Secretary of Defense, Secretary of State, President Obama, Military Leader General David Petraeus, Exhibit "Caught in the Act" quoting "The Holy Koran", yet deliberately refer to "The Bible" omitting "Holy" giving "The Holy Koran" not only equal status with "The Holy Bible", which would be offensive enough, but a more favored status by the State, while The Holy Bible is publicly treated as inferior.
d. *Allow 302 illegal Muslim Charity fronts* the USDOJ successfully exposed in Federal Court as "Co Conspirators" against the USA, *to continue illegal operations* FUNDING terrorists and training Muslims to destroy America, forbid Christian Religion practice, and force Muslim Religion on all non- Muslims, murdering those who will not comply, yet ***continuing to enjoy Tax Exempt status*** in doing so, all using Appellant tax dollars.
e. USDOJ unilaterally intervenes in State Courts on behalf of Muslims, against Judeo Christians pursuing their legal rights, as in Murfreesboro, TN Chancery Court.
f. USDOJ employees are under direct, written, publicly documented order from Eric Holder and Barack Obama to support, endorse and openly advocate on behalf of Muslims, publicly in community events nationwide designed to advocate for Muslims with dishonest intent to rewrite American History to create a false Muslim history.
g. ***Forced to subsidize*** a USDOJ endorsed Muslim Religious Government, whose mission is in the Muslim Quran, a public document Appellant has mastered, to
    i. Destroy myself personally as a non-Muslim infidel, "kaffir".
    ii. Destroy my Religion entirely and force me to submit to the Muslim Caliphate.
    iii. Destroy my US Constitution and replace it with the Koran, and to submit to any number of the 12 Muslim sect's various interpretations of Sharia Law, depending on which Muslim sect of 12 that gains power first.
    iv. "Eliminate America and all its miserable House" is a direct threat to Appellant who publicly exposes Muslims through Religious Education programs.

LYNCH v. DONNELLY, 465 U.S. 668 (1984) JUSTICE O'CONNOR, concurring.

I

" The second and more direct infringement is government endorsement or disapproval of religion. Endorsement sends a message to nonadherents that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members of the political community. Disapproval sends the opposite message. Focusing on institutional entanglement and on endorsement or disapproval of religion clarifies the Lemon test as an analytical device."

B

What is crucial is that a government practice not have the effect of communicating a message of government endorsement or disapproval of religion… setting no more an endorsement of religion than such governmental "acknowledgements" [465 U.S. 668, 693] of religion as legislative prayers of the type approved in Marsh v. Chambers, 463 U.S. 783(1983), government declaration of Thanksgiving as a public holiday, printing of "In God We Trust" on coins, and opening court sessions with "God save the United States and this honorable court." Those government acknowledgments of religion serve, in the only ways reasonably possible in our culture, the legitimate secular purposes of

solemnizing public occasions, expressing confidence in the future, and encouraging the recognition of what is worthy of appreciation in society.

CONCLUSION

En banc hearing on all questions will (1) conserve judicial resources, (2) secure uniformity of this Court's decisions, (3) ensure that the parties and other courts receive the benefit of this Court's plenary consideration of these exceedingly important issues.

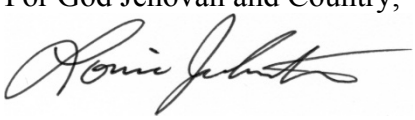
See, e.g., United States v. Sturm, Nos. 09-1386, 09-5022, 2011 WL 6261657, at *1 (10th Cir. Apr. 4, 2011) (ordering *en banc* rehearing, *sua sponte*, "for purposes of consistency" where simultaneous panel decisions addressed "a common and important issue"); FED. R. APP. P. 35(b), advisory committee's note ("an *en banc* proceeding provides a safeguard against unnecessary intercircuit conflicts").

Consequently, *en banc* hearing of this appeal without further oral argument required or requested is the most efficient way of ensuring that this Court speaks with one voice on these questions of exceptional importance on which federal courts have disagreed with the panel decision and will likely continue to do so, plainly by Chief Justice Roberts in HOSANNA-TABOR ruling.

More fundamentally, the Supreme Court has long rejected any distinction between "direct" and "indirect" burdens in evaluating whether laws substantially burden religious exercise. *See Sherbert v. Verner*, 374 U.S. 398, 403 (1963) ; *Thomas v. Review Bd.*, 450 U.S. 707, 718 (1981) (explaining that, "[**w]hile the compulsion may be indirect, the infringement upon free exercise is nonetheless substantial**"). The panel's decision would thus create a direct conflict with decades of Supreme Court precedent.

Respectfully submitted by Appellant Louie E. Johnston Jr., Pro-Se August 9, 2013

For God Jehovah and Country,



Louie E. Johnston Jr.