

IN THE SUPREME COURT OF THE UNITED STATES

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No. 21-1497

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SCOTT LOUIS YOUNGBEAR,

*Petitioner,*

v.

ATTORNEY GENERAL TOM MILLER,

*Respondent.*

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Petition for a Writ of Certiorari  
to the United States Court of Appeals for the  
Eighth Circuit

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AMENDED MOTION FOR EXPEDITED CONSIDERATION OF  
THE PETITION FOR A WRIT OF CERTIORARI

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Pursuant to Supreme Court Rule 21, pro se Petitioner requests expedited consideration of the petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Eighth Circuit and the underlying order of the Northern District Court of Iowa, Cedar Rapids Division, on the issue of government prior restraint related to religious speech contained in the 42 U.S.C. § 1983 complaint.

**STATEMENT**

On November 1, 2021, I filed a complaint concerning faith-based treatment under Iowa Code § 692A (2019) Sex Offender Registry (SOR). At present, Iowa has no alternative treatment, only secular treatment. At one time Iowa did have a faith-based treatment program in one of its prison. See *Americans United for Separation of Church & State v. Prison Fellowship Ministries*, 432 F. Supp. 862, 934 (S.D. Iowa 2006), *aff'd in part and rev'd in part on other grounds*, 509 F.3d 406 (8th Cir. 2007). The district court judge voided the contractual relationship between the state of Iowa and Prison Fellowship on Establishment Clause grounds. Iowa never followed up with another program. In any event, I believe I have a constitutional right to faith-based treatment.

## ARGUMENT

In *Frazee v. Illinois Dept. of Employment Sec.*, the Court recognized that a stand-alone person has protection under the First Amendment, “[W]e reject the notion that to claim the protection of the Free Exercise Clause, one must be responding to the commands of a particular religious organization.” 489 U.S. 829, 834 (1989). I stand alone here because I belong to no church, Protestant, Catholic or otherwise. And any potential alternative program will likely embody that particular sect’s religious doctrines and beliefs, which I need not accept. There is no law stating that I *must* attend a Protestant or Catholic or other treatment program or a law that says I *cannot* use my Bible at my home and seek what form of treatment or rehabilitation or repentance as may be found in scripture. The state cannot compel or coerce an individual to comply by accepting its secular treatment program or even any religious treatment program. *Frost & Frost Trucking Co. v. Railroad Comm’n of Cal.*, 271 U.S. 583, 593-594 (1926), “[T]he state, having power to deny a privilege altogether, may grant it upon such conditions as it sees fit to impose. But the power of the state in that respect is not unlimited; and one of the limitations is that it may not impose conditions which require the relinquishment of constitutional rights.” See also, *Warner v. Orange County Dep’t of Probation*, 115 F.3d 1068 (2d Cir. 1997) (holding compelled attendance at Alcoholics Anonymous as a probation condition violated the Establishment Clause; county was required to make available a secular alternative); *Matter of Griffin v. Coughlin*, 88 N.Y.2d 674, 677 (1996), *cert denied*, 519 U.S. 1054 (1997) (holding that an atheist or agnostic inmate may not be deprived of privileges for refusing to participate in the sole alcohol and drug addiction program which adopts in major part the religious-oriented practices and precepts of Alcoholics Anonymous; to meet the neutrality required by the Establishment Clause, correctional authorities must offer alternative treatment).

## TIER III OFFENDER STATUS

I am on Tier III of Iowa’s SOR, which is for life. § 692A.106(5)(6). But *any* offender may request a modification before a district court judge. § 692A.128; *State v. Iowa District Court*, 843 N.W.2d 76, 81 (Iowa 2014) (“Subsection 6 grants any ‘sex offender’ re-

quired to be on the registry ‘as a result of an adjudication for a sex offense’ an opportunity for modification”). That lifetime status may be amended. *State v. Cox*, No. 16-0102, at 6-8 (Iowa Ct. App. Sept. 27, 2017) (“Depending on a defendant’s compliance with requirements in Iowa Code section 692A.128, the lifetime requirement may be lifted. ‘Lifetime,’ as used in ‘lifetime sex offender registry,’ does not mean lifetime.”). But this depends on my meeting secular standards for secular treatment. As such, I may be left on Tier III if I **resist** § 692A treatment and continue to assert my constitutional rights.

### **PRIOR RESTRAINT**

I believe prior restraint has been applied to the complaint which carries my religious views on faith-based treatment. I quoted extensively from the King James Bible of 1611, the first publication date.<sup>1</sup> I believe the book falls under the Free Speech Clause of the First Amendment. *Capitol Square Review & Advisory Bd. v. Pinette*, 515 U.S. 753, 760 (1995), “Our precedent establishes that private religious speech, far from being a First Amendment orphan, is as fully protected under the Free Speech Clause as secular private expression.” *Westside Community Board of Education v. Mergens*, 496 U.S. 226, 250 (1990) (“private speech endorsing religion [is protected by] the Free Speech and Free Exercise Clauses”). Disentangling the Bible from my religious speech is impossible.

It is my understanding that the Court does not allow judicial tribunals to examine religious speech or writing, only extraneous factors not involving directly religious doctrine. My complaint is built upon religious doctrine and to deny relief because of that fact is I believe unconstitutional. The Court has said, “Any system of prior restraints of expression comes to this Court bearing a heavy presumption against its constitutional validity.” *New York Times Co. v. United States*, 403 U.S. 713, 714 (1971). I believe the Bible itself carries a burden of its own the Court cannot suppress through judicial fiat.

Government censorship per *Presbyterian Church v. Hull Church*, 393 U.S. 440 (1969), and *United States v. Ballard*, 322 U.S. 78 (1944), has been occurring as a matter of law, but that position is not bulletproof. Some scholars are opposed to such a position.

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<sup>1</sup> Britannica, The Editors of Encyclopaedia. “King James Version”. *Encyclopedia Britannica*, Invalid Date, <https://www.britannica.com/topic/King-James-Version>. Accessed 11 June 2022.

As several commentators have noted, the Constitution cannot plausibly be construed simultaneously to require protection for religion while forbidding courts from making assessments of whether a doctrine or practice is religious. Gregory Magarian has stated: 'Forbidding such judgments out of concern about judicial encroachment on religion would amount to killing free exercise protection with kindness. By the same token, if courts could not discern which practices are 'religious,' then they could not credibly assess governmental actions under the Establishment Clause.' Factual inquiry into the meaning and content of religious doctrines and practices thus cannot plausibly be prohibited as long as courts are called upon to construe and apply the Religion Clauses and myriads of statutes giving special treatment to religion.

Jared A. Goldstein, *Is There a 'Religious Question' Doctrine? Judicial Authority to Examine Religious Practices and Beliefs*, 54 Cath. U. L. Rev. 497, 528 (2005) (footnotes omitted).<sup>2</sup>

### THE DEFINITION OR CONCEPT OF RELIGION

The Supreme Court has defined religion as: "The free exercise of religion means, first and foremost, the right to believe and profess whatever religious doctrine one desires." *Employment Division v. Smith*, 494 U.S. 872, 877 (1990).

But recently the definition of religion has been watered down, pointedly in *Kaufman v. McCaughtry*, 419 F.3d 678, 682 (7th Cir. 2005). The Circuit Court said, "Atheism is, among other things, a school of thought that takes a position on religion, the existence and importance of a supreme being, and a code of ethics. As such, we are satisfied that it qualifies as Kaufman's religion for purposes of the First Amendment claims he is attempting to raise."

In the online *Stanford Encyclopedia of Philosophy* (Summer 2022 edition), the entry author explains that the concept of religion in the scholarly field has been watered down as well.

It is common today to take the concept religion as a taxon for sets of social practices, a category-concept whose paradigmatic examples are the so-called 'world' religions of Judaism, Christianity, Islam, Hinduism, Buddhism, Confucianism, and Daoism. Perhaps equally paradigmatic, though somewhat trickier to label, are

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<sup>2</sup> <https://scholarship.law.edu/cgi/viewcontent.cgi?article=1220&context=lawreview>

forms of life that have not been given a name, either by practitioners or by observers, but are common to a geographical area or a group of people—for example, the religion of China or that of ancient Rome, the religion of the Yoruba or that of the Cherokee. In short, the concept is today used for a genus of social formations that includes several members, a type of which there are many tokens.

The concept religion did not originally refer to a social genus, however. Its earliest references were not to social kinds and, over time, the extension of the concept has evolved in different directions, *to the point that it threatens incoherence*. As Paul Griffiths notes, listening to the discussions about the concept religion

rapidly suggests the conclusion that hardly anyone has any idea what they are talking about—or, perhaps more accurately, that there are so many different ideas in play about what religion is that conversations in which the term figures significantly make the difficulties in communication at the Tower of Babel seem minor and easily dealt with. These difficulties are apparent, too, in the academic study of religion, and they go far toward an explanation of why the discipline has no coherent or widely shared understanding of its central topic. (2000: 30).

Kevin Schilbrack, “The Concept of Religion,” *The Stanford Encyclopedia of Philosophy, Stanford University* (March 28, 2022) (accessed June 17, 2022) (footnote omitted; emphasis added).<sup>3</sup>

The definition or concept of religion, as I understand it, is different from the above quoted texts.

The Bible is considered an English text of the Old and New Testament documents aggregated over time, from Hebrew and Greek languages, the “Originall sacred tongues,” as referenced in the A.D. 1611 King James Bible Preface or Epistle Dedicatory.<sup>4</sup>

As I read the translation efforts, the words *Old Testament* and *New Testament* seem to have a different connotation. To wit: *Testament* in Greek is, “διαθήκη diathékē, *deeth-ay'-kay*; from 1303; prop. a *disposition*, i.e. (spec.) a *contract* (espec. a *devisory will*):—covenant, testament.” James Strong, *The Exhaustive Concordance of the Bible*, Greek

<sup>3</sup> <https://plato.stanford.edu/entries/concept-religion/>

<sup>4</sup> “Preface,” *Cambridge University Press* (June 5, 2012) (accessed July 17, 2022), “This heading is homage to William Tyndale, who used the same form for his prologue to his 1534 New Testament. It was Tyndale who began the writing in English of what became the King James Bible and did most to make it what it is.”  
<https://www.cambridge.org/core/books/abs/king-james-bible/preface/ECD43B1AA307BA56113E608C9858F62C>

Dict. 22 (Peabody, MA: Hendrickson Publishers, 1980) (emphasis in original). For me, “covenant” is a better fit. Jesus said,

And as they were eating, Jesus took bread, and blessed it, and brake it, and gave it to the disciples, and said, Take, eat; this is my body.

And he took the cup, and gave thanks, and gave it to them, saying, Drink ye all of it;

For this is my blood of the *new testament*, which is shed for many for the remission of sins.

Matt. 26:26–28 (emphasis added). Rather than say “testament,” it may be better read as “covenant.” A testament is “an expression of conviction.” “Testament,” Merriam-Webster.com Dictionary, *Merriam-Webster* (accessed July 17, 2022).<sup>5</sup> A covenant is binding, “a usually formal, solemn, and binding agreement.” “Covenant,” Merriam-Webster.com Dictionary, *Merriam-Webster* (accessed July 17, 2022).<sup>6</sup> Paul the Apostle said, “But now hath he obtained a more excellent ministry, by how much also he is the mediator of a *better covenant*, which was established upon better promises.” Heb. 8:6 (emphasis added). Referencing Jesus to a “better covenant,” we may see that a better footing is obtained before divine Law. Paul also said, “For where a testament is, there must also of necessity be the death of the testator. For a testament is of force after men are dead: otherwise it is of no strength at all while the testator liveth.” Heb. 9:16-17. Blood here acts as a seal upon the Earth. God said to Moses plainly, “For the life of the flesh is in the blood: and I have given it to you upon the altar to make an atonement for your souls: for it is the blood that maketh an atonement for the soul.” Lev. 17:11. Jesus shed his blood we are told and that by an earthly government.

And it was the preparation of the passover, and about the sixth hour: and he saith unto the Jews, Behold your King!

But they cried out, Away with him, away with him, crucify him. Pilate saith unto them, Shall I crucify your King? The chief priests answered, We have no king but Caesar.

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5 <https://www.merriam-webster.com/dictionary/testament>

6 <https://www.merriam-webster.com/dictionary/covenant>

Then delivered he him therefore unto them to be crucified. And they took Jesus, and led him away.

John 19:14-16. The shedding of blood is no small matter, even that today's secular law may draw blood from a murderer as it were upon the table or chair so the law may be satisfied. e.g. 18 U.S.C. § 1111, Murder.<sup>7</sup> Under the Law of Moses, murder by lying in wait is a capital offense.

But if any man hate his neighbour, and *lie in wait* for him, and rise up against him, and smite him mortally that he die, and fleeth into one of these cities [refuge for manslaughter cases]:

Then the elders of his city shall send and fetch him thence, and deliver him into the hand of the avenger of blood, that he may die.

Deut. 19:11-12 (emphasis added). Premeditated murder is a *permanent capital crime* under divine Law. "Jesus said, Thou shalt do no murder." Matt. 19:18. In no instance did Jesus reject *the Law and the prophets*, the Old Testament.<sup>8</sup> "Think not that I am come to destroy the law, or the prophets: I am not come to destroy, but to fulfil." Matt. 5:17. Paul said that "murders \*\*\* of the which I tell you before, as I have also told you in time past, that they which do such things shall not inherit the kingdom of God." Gal. 5:21. A perpetual law it is, as with all things holy. "Wherefore the children of Israel shall keep the sabbath, to observe the sabbath throughout their generations, for a perpetual covenant." Ex. 31:16.

The law of restitution accompanies divine Law, where recompense must be made to the victim, e.g. Ex. 22. But if a life is taken, with what shall the slayer make recompense? His life. Apparently divine Law can obtain a proper justice in its place of punishment: Hell.

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7 18 U.S.C. § 1111(b), "Whoever is guilty of murder in the first degree shall be punished by death or by imprisonment for life;..." <https://uscode.house.gov/view.xhtml?path=/prelim@title18/part1/chapter51&edition=prelim>

8 "Law and the Prophets ." World Encyclopedia. . *Encyclopedia.com*. 2 Aug. 2022 <<https://www.encyclopedia.com>>. "Law and the Prophets Two major divisions of the Old Testament. The Law, or Law of Moses, consists of the first five books of the Old Testament, known as the Torah in Hebrew and the Pentateuch in Greek. The Prophets consists of several books grouped into different arrangements according to Jewish or Christian tradition. The groupings include: (a) Joshua, Judges, I and II Samuel, and I and II Kings; (b) Isaiah, Jeremiah, and Ezekiel; and (c) Hosea, Joel, Amos, Obadiah, Jonah, Micah, Nahum, Habakkuk, Zephaniah, Haggai, Zechariah, and Malachi."

A covenant between God and a disciple will survive into the next life, as long as the adherent keeps that law. We would have to wonder what that covenant was and what form it took. Ceremonies were a part of the Old and New Testament religions, so a performance would be predicated upon a form demanded by God. In the Old Testament, God commanded Moses to build edifices and ceremonies based on the blueprints provided by Him. So we may surmise that no contract will hold unless based upon a valid or bona fide ceremony. In our mortal life, no one may travel to another country without the leave of that receiving government. No more so can we enter the *highest Kingdom*<sup>9</sup> without the leave of that divine government. Jesus himself said, "Verily, verily, I say unto you, He that entereth not by the door into the sheepfold, but climbeth up some other way, the same is a thief and a robber." John 10:1. Paul stated, "Our fathers had the tabernacle of witness in the wilderness, as he had appointed, speaking unto Moses, that he should make it according to the fashion that he had seen." Acts 7:44; cf. Ex. 25:40, "And look that thou make them after their pattern, which was shewed thee in the mount." Cf. Heb. 8:1-5. We may say God is meticulous and will not brook deviation. Acts 5:1-11,

But a certain man named Ananias, with Sapphira his wife, sold a possession,  
And kept back part of the price, his wife also being privy to it, and brought a certain part, and laid it at the apostles' feet.

But Peter said, Ananias, why hath Satan filled thine heart to lie to the Holy Ghost, and to keep back part of the price of the land?

Whiles it remained, was it not thine own? and after it was sold, was it not in thine own power? why hast thou conceived this thing in thine heart? thou hast not lied unto men, but unto God.

And Ananias hearing these words fell down, and gave up the ghost: and great fear came on all them that heard these things.

And the young men arose, wound him up, and carried him out, and buried him.

And it was about the space of three hours after, when his wife, not knowing what was done, came in.

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9 "I knew a man in Christ above fourteen years ago, (whether in the body, I [Paul] cannot tell; or whether out of the body, I cannot tell: God knoweth;) such an one caught up to the *third heaven*." 2 Cor. 12:2. A tripartite Kingdom.



And Peter answered unto her, Tell me whether ye sold the land for so much? And she said, Yea, for so much.

Then Peter said unto her, How is it that ye have agreed together to tempt the Spirit of the Lord? behold, the feet of them which have buried thy husband are at the door, and shall carry thee out.

Then fell she down straightway at his feet, and yielded up the ghost: and the young men came in, and found her dead, and, carrying her forth, buried her by her husband.

And great fear came upon all the church, and upon as many as heard these things.”

### **COROLLARIES BETWEEN HEAVEN AND EARTH**

What we see here on this world is in the likeness of things in Heaven. Jesus labored to impress his hearers on that point. If you want to understand Heaven, understand this life. Jesus said to Nicodemus, a Pharisee and ruler of the Jews, “If I have told you earthly things, and ye believe not, how shall ye believe, if I tell you of heavenly things?” John 3:12. Again, he said particularly according to the record,

And he said, Whereunto shall we liken the kingdom of God? or with what comparison shall we compare it?

It is like a grain of mustard seed, which, when it is sown in the earth, is less than all the seeds that be in the earth:

But when it is sown, it groweth up, and becometh greater than all herbs, and shooteth out great branches; so that the fowls of the air may lodge under the shadow of it.

And with many such parables spake he the word unto them, as they were able to hear it.

But without a parable spake he not unto them: and when they were alone, he expounded all things to his disciples.

Mark 4:30-34. He spoke in parables to the uninitiated in order to protect them (because failure to adhere to clearly stated messages is punishable), but spoke plainly to his disciples. If someone in the crowd understood the import of his words, he or she likely became a disciple while others drifted away after being entertained by a clever story. Life is the definition of religion. No piece of it is unnecessary or unimportant. “But the very hairs of

your head are all numbered.” Matt. 10:30. The Gods are very meticulous. Omnipotent, Omnipresent, Omniscient.

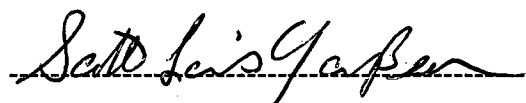
### **WHAT IS HEAVEN?**

Heaven is like our life, except it is not trapped by the vicissitudes of this life. Heavenly cities are filled with people, animals, trees and buildings upon a thriving planet, all glorious in their appearance and expectation, that is, exceeds our mortal dreams. We may surmise our relatives await us at the end of our mortal sojourns. What could be grander? “And I saw a new heaven and a new earth: for the first heaven and the first earth were passed away; and there was no more sea.” Rev. 21:1.

### **CONCLUSION**

For the reasons stated, Petitioner respectfully requests that the Court expedite consideration of the petition for certiorari.

Respectfully submitted,

A handwritten signature in cursive script, reading "Scott Louis YoungBear", written over a horizontal dashed line.

Scott Louis YoungBear  
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August 4, 2022

No. 21-1497

**PROOF OF SERVICE**

**SCOTT LOUIS YOUNGBEAR,**

*Petitioner,*

*v.*

**ATTORNEY GENERAL TOM MILLER,**

*Respondent.*

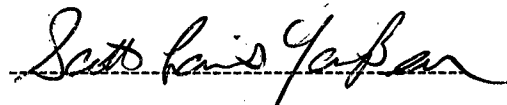
I, Scott Louis YoungBear, do swear or declare that on this date, August 4, 2022, as required by Supreme Court Rule 29 I have served the enclosed Amended Motion for Expedited Consideration of the Petition for a Writ of Certiorari on the party required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

Office of the Attorney General of Iowa  
Hoover State Office Building  
1305 E. Walnut Street  
Des Moines IA 50319

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 4, 2022

A handwritten signature in cursive script, reading "Scott Louis YoungBear", written over a horizontal dashed line.