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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

Civil Action No. 2:05-CV-2339-FCD-PAN

THE REV. DR. MICHAEL A. NEWDOW, IN PRO PER;

Plaintiff,

v.

THE CONGRESS OF THE UNITED STATES OF AMERICA;  
PETER LEFEVRE, LAW REVISION COUNSEL;  
THE UNITED STATES OF AMERICA;  
JOHN WILLIAM SNOW, SECRETARY OF THE TREASURY;  
HENRIETTA HOLSMAN FORE, DIRECTOR, UNITED STATES MINT;  
THOMAS A. FERGUSON, DIRECTOR, BUREAU OF ENGRAVING AND PRINTING;

Defendants, and

PACIFIC JUSTICE INSTITUTE;

Intervenor-Defendant.

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FIRST AMENDED COMPLAINT

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Date: May 19, 2006  
Time: 10:00 a.m.  
Judge: Hon. Frank C. Damrell, Jr.  
Court: Courtroom 2

Plaintiff alleges as follows:

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## **JURISDICTION AND VENUE**

1. This is a civil action claiming violations of the First and Fifth Amendments of the Constitution of the United States of America. As such, this Court has jurisdiction under 28 U.S.C. § 1331.
2. This is a civil action claiming violations of 42 U.S.C. § 2000bb et seq. (Religious Freedom Restoration Act (RFRA)). As such, this Court has jurisdiction under 42 U.S.C. § 2000bb-1(c) and 28 U.S.C. § 1331.
3. This action is founded in part upon the Constitution of the United States of America. As such, this Court has jurisdiction over Defendant United States of America under 28 U.S.C. § 1346(a)(2).
4. This action is in the nature of mandamus, and seeks to compel the Congress of the United States of America, the United States of America, its agents and its officers to perform their duties owed Plaintiff under the terms of the First and Fifth Amendments of the Constitution of the United States and under 42 U.S.C. § 2000bb et seq. As such, this Court has jurisdiction under 28 U.S.C. § 1361.
5. Defendants are each an officer or employee of the United States, an agency of the United States, or the United States. Plaintiff resides in this judicial district. Venue is therefore proper under 28 U.S.C. § 1391(e)(3).
6. A substantial part of the events or omissions giving rise to this claim occurred, occur or will occur in the Eastern District of California. Venue is therefore proper under 28 U.S.C. § 1391(b)(2) and § 1391(e)(2).

## **PARTIES**

7. Plaintiff Michael A. Newdow is a resident and citizen of the United States, of the State of California, and of Sacramento County. He pays federal income taxes that are used to fund the activities of the Defendants. He is an ordained minister, and the founder of the Atheistic church, the First Amendmism Church of True Science (FACTS). He owns real

1 estate in Elk Grove, California, on which he has attempted to raise funds for FACTS.

2 Lastly, he is a numismatist, who has been collecting coins since his early childhood.

3 8. Defendant the Congress of the United States of America is the branch of government in  
4 which all legislative powers are granted under Article I, Section 1 of the United States  
5 Constitution.

6 9. Defendant Peter LeFevre is the Law Revision Counsel. As such – pursuant to 2 U.S.C. §  
7 285b – he is responsible for the preparation and publication of the United States Code,  
8 wherein Defendants United States Congress and the United States of America make the  
9 purely religious assertion that “In God We Trust.”

10 10. Defendant the United States of America is the constitutionally established government of  
11 the United States of America.

12 11. Defendant John William Snow is Secretary of the Treasury of the United States. Pursuant  
13 to 31 U.S.C. § 301(b), Defendant Snow is “head of the Department [of the Treasury].”  
14 Pursuant to 31 U.S.C. § 321(a)(4), Defendant Snow “shall ... mint coins, [and] engrave  
15 and print currency.”

16 12. Defendant Henrietta Holsman Fore is the Director of the Mint. According to the Mint’s  
17 website, “The primary mission of the United States Mint is to produce an adequate  
18 volume of circulating coinage for the nation to conduct its trade and commerce.”<sup>1</sup>  
19 Defendant Fore – pursuant to 31 U.S.C. § 304(b)(2) – “shall carry out duties and powers  
20 prescribed by the Secretary of the Treasury.”

21 13. Defendant Thomas A. Ferguson is the Director of the Bureau of Engraving and Printing  
22 (BEP). According to the BEP website, the Bureau “prints billions of Federal Reserve  
23 Notes for delivery to the Federal Reserve System each year.”<sup>2</sup> Defendant Ferguson –  
24 pursuant to 31 U.S.C. § 303(b)(1) – “shall carry out duties and powers prescribed by the  
25 Secretary [of the Treasury].”  
26  
27  
28

<sup>1</sup> Accessed at [http://www.usmint.gov/about\\_the\\_mint/](http://www.usmint.gov/about_the_mint/) on May 8, 2005.

<sup>2</sup> Accessed at <http://www.moneyfactory.com/section.cfm/2> on May 8, 2005.

## HISTORICAL BACKGROUND

### A. HISTORY OF AMERICAN RELIGIOUS FREEDOM

14. In striking contrast to the Declaration of Independence,<sup>3</sup> to the state constitutions in existence at the time,<sup>4</sup> to the Articles of Confederation it replaced,<sup>5</sup> to the Treaties of Paris of 1763<sup>6</sup> and of 1783,<sup>7</sup> to the Articles of Association of 1774,<sup>8</sup> to the Declaration of the Causes and Necessity of Taking Up Arms,<sup>9</sup> and even to the Virginia Bill for Religious Freedom,<sup>10</sup> the Constitution of the United States is a completely secular document.

15. Thus, for instance, there is no reference to God in the Preamble to the United States Constitution.<sup>11</sup> This may be contrasted with the preambles that not only were incorporated

<sup>3</sup> The Declaration of Independence has four references to a supernatural power: “Nature’s God,” “their Creator,” “the Supreme Judge of the World,” and “Divine Providence.” Accessed on May 26, 2005, at [http://memory.loc.gov/cgi-bin/query/r?ammem/bdsdcc:@field\(DOCID+@lit\(bdsdcc02101\)\)](http://memory.loc.gov/cgi-bin/query/r?ammem/bdsdcc:@field(DOCID+@lit(bdsdcc02101)))

<sup>4</sup> See at note 15, *infra*.

<sup>5</sup> The Articles of Confederation referenced “the Great Governor of the world.” Accessed on May 26, 2005, at <http://www.yale.edu/lawweb/avalon/artconf.htm>.

<sup>6</sup> The First Sentence of the 1763 Treaty of Paris was, “In the Name of the Most Holy and Undivided Trinity, Father, Son, and Holy Ghost.” “God” was used 8 times, and “Christian” was used 39 times.

<sup>7</sup> Putting a formal end to the Revolutionary War, the 1783 Treaty of Paris begins, “In the name of the most holy and undivided Trinity,” which is then followed by, “It having pleased the Divine Providence.”

<sup>8</sup> Agreed to by the First Continental Congress, the representatives referred to themselves in the Articles of Association as “the free Protestant colonies.”

<sup>9</sup> Written in 1775, the *Declaration of the Causes and Necessity of Taking Up Arms* references “the divine Author of our existence,” “reverance for our Creator,” “Divine favour towards us,” and “the supreme and impartial Judge and Ruler of the Universe.” Additionally, the Declaration was made “most solemnly, before God and the world, ... [and] exerting the utmost energy of those powers, which our beneficent Creator hath graciously bestowed upon us.”

<sup>10</sup> The Bill for Religious Freedom began, “Whereas Almighty God hath created the mind free,” and speaks of “the Holy author of our religion.” *The Founders’ Constitution*, Volume 5, Amendment I (Religion), Document 44, The University of Chicago Press (citing *The Papers of John Marshall*. Edited by Herbert A. Johnson et al. Chapel Hill: University of North Carolina Press, in association with the Institute of Early American History and Culture, Williamsburg, Virginia, 1974--.) Accessed on May 26, 2005, at [http://press-pubs.uchicago.edu/founders/documents/amendI\\_religions44.html](http://press-pubs.uchicago.edu/founders/documents/amendI_religions44.html).

<sup>11</sup> “We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.” Preamble to the United States Constitution, accessed at <http://www.house.gov/Constitution/Constitution.html> on May 26, 2005. This absence was by no means unintentional.

into the constitutions of each of the thirteen original colonies, but that have since been incorporated into the constitutions of every one of the fifty states.<sup>12</sup>

16. Additionally, unlike the specified oaths of office in the state constitutions (see, e.g., the 1777 Constitution of Georgia (Articles XIV, XV, XXIV and XXX) and the 1778 Constitution of South Carolina (Article XXXVI)), there is no “so help me God” in the only oath of office given in the federal Constitution – i.e., that of the President.<sup>13</sup>

17. Among the original thirteen colonies, eleven had constitutions in place when the federal constitution was being created in 1787.<sup>14</sup> Of these, nine had religious tests as qualifications for public office.<sup>15</sup> The Constitution of the United States specifically states that “no religious test shall ever be required as a qualification to any office or public trust under the United States.”<sup>16</sup>

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<sup>12</sup> Seven state constitutional preambles reference “God” (Alaska, Connecticut, Minnesota, Montana, New Hampshire, South Carolina, Wyoming); thirty-three reference “Almighty God” (Alabama, Arizona, Arkansas, California, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Vermont, Wisconsin); three reference something “Divine” (Delaware (“Divine Goodness”), Hawaii (“Divine Guidance”), and West Virginia (“Divine Providence”)); three reference the “Supreme Ruler of the Universe” (Colorado, Missouri, Washington); one (Maine) references the “Sovereign Ruler of the Universe;” one (Massachusetts) references the “great Legislator of the universe;” one (Virginia) references “our Creator;” and one (Iowa) references the “Supreme Being.” Brief of United States as Respondent Supporting Petitioners, Appendix B, Elk Grove Unified Sch. Dist. v. Newdow, 124 S. Ct. 2301 (2004).

<sup>13</sup> “Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:--’I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States.’” United States Constitution, Article II, Section 1, cl. 8.

<sup>14</sup> Connecticut (1662) (<http://www.yale.edu/lawweb/avalon/states/ct03.htm>) and Rhode Island (1663) (<http://www.yale.edu/lawweb/avalon/states/ri04.htm>) were still governed by distinctly Christian charters.

<sup>15</sup> In four states, governmental officials were required to be Protestant (New Jersey, Georgia, North Carolina and South Carolina). Delaware – in Article 22 of its Constitution of 1776 – required its legislators to state, “I ... do profess faith in God the Father, and in Jesus Christ His only Son, and in the Holy Ghost, one God, blessed for evermore; and I do acknowledge the holy scriptures of the Old and New Testament to be given by divine inspiration.” Article 22. Three other states – Massachusetts, New Hampshire and Maryland – required adherence to Christianity, and Pennsylvania mandated, “I do believe in one God, creator and governor of the universe, the rewarder of the good and the punisher of the wicked. And I do acknowledge the Scriptures of the Old and New Testament to be given by Divine inspiration.” 1776 Constitution of Pennsylvania, Section 10. All provisions accessed at <http://www.yale.edu/lawweb/avalon/states/statech.htm> on May 26, 2005.

<sup>16</sup> United States Constitution, Article VI, cl. 3.

18. So intent were the Framers to keep the federal government religion-neutral, that James Madison – the “Father of the Constitution”<sup>17</sup> – reported to the Virginia State Ratifying Committee that “There is not a shadow of right in the general government to intermeddle with religion. Its least interference with it would be a most flagrant usurpation.”<sup>18</sup>
19. Similarly, Alexander Hamilton, explaining the difference between the King of England and the United States President, noted that whereas the former was “the supreme head and governor of the national church,” the President “has no particle of spiritual jurisdiction.”<sup>19</sup>
20. Richard Dobbs Spaight, who would later become Governor of North Carolina (as well as a member of the U.S. House of Representatives) stated, “As to the subject of religion ... No power is given to the general government to interfere with it at all. Any act of Congress on this subject would be a usurpation.”<sup>20</sup>
21. Likewise, James Iredell – who was to be nominated by George Washington and confirmed by the Senate as one of the first justices of the Supreme Court – noted, “If any future Congress should pass an act concerning the religion of the country, it would be an act which they are not authorized to pass, by the Constitution.”<sup>21</sup>
22. This constitutional secularity, of course, did not go unnoticed by those who wished for a (Christian) Monotheism-based government. For instance, published on January 10, 1788, the anti-Federalist, “Samuel,”<sup>22</sup> wrote:
- [A]ll religion is expressly rejected, from the Constitution. Was there ever any State or kingdom, that could subsist, without adopting some system of religion? Not so much as to own the being, and government of a Deity; or any

<sup>17</sup> As reported at the White House website, at <http://www.whitehouse.gov/history/presidents/jm4.html> (accessed on May 26, 2005).

<sup>18</sup> The Founders’ Constitution, Volume 5, Amendment I (Religion), Document 49, The University of Chicago Press (citing *The Papers of James Madison*. Edited by William T. Hutchinson et al. Chicago and London: University of Chicago Press, 1962--77 (vols. 1--10); Charlottesville: University Press of Virginia, 1977--(vols. 11--). Accessed on May 26, 2005 at [http://press-pubs.uchicago.edu/founders/documents/amendI\\_religions49.html](http://press-pubs.uchicago.edu/founders/documents/amendI_religions49.html).

<sup>19</sup> Federalist #69. Accessed at <http://www.yale.edu/lawweb/avalon/federal/fed69.htm> on October 22, 2005.

<sup>20</sup> The Founders’ Constitution, Volume 5, Amendment I (Religion), Document 52, The University of Chicago Press (citing Elliot, Jonathan, ed. *The Debates in the Several State Conventions on the Adoption of the Federal Constitution as Recommended by the General Convention at Philadelphia in 1787*. . . . 5 vols. 2d ed. 1888. Reprint. New York: Burt Franklin, n.d. Accessed on October 23, 2005, at [http://press-pubs.uchicago.edu/founders/documents/amendI\\_religions52.html](http://press-pubs.uchicago.edu/founders/documents/amendI_religions52.html).

<sup>21</sup> *Id.*

<sup>22</sup> As was the case with “Publius” in *The Federalist Papers*, pseudonyms were frequently used in published political discourses at the time of the debates on the Constitution.

acknowledgment of him! or having any revelation from him! Should we adopt such a rejection of religion as this, the words of Samuel to Saul, will literally apply to us, – *Because thou hast rejected the word of the Lord, he hath also rejected thee from being king.* We may justly expect, that God will reject us, from that self government, we have obtained thro’ his divine interposition.<sup>23</sup>

23. Similarly, Luther Martin – who, in addition to being Maryland’s longtime attorney was an active participant in the Constitutional Convention – hoped to have the United States deemed “a Christian country.”<sup>24</sup> As such, he argued, it should have both a religious test oath and an acknowledgement in the Constitution of “[a] belief of the existence of a Deity, and of a state of future rewards and punishments.”<sup>25</sup>

24. In fact, “[r]egret at the omission of any direct recognition of God or of the Christian religion in the Federal Constitution was expressed in at least five of the state conventions called to ratify the document.”<sup>26</sup>

25. In other words, everyone – even those who objected to the lack of acknowledgements of God – agreed that the Constitution, as written and understood, did not include any such acknowledgements. Some objected, but all understood that this document was to create a government free of even a “shadow” or a “particle” of religious dogma.

26. The extent to which this governmental design was meant to apply can be seen by examining the actions of the First Federal Congress. On April 6, 1789, the House of Representatives resolved:

That the form of the oath to be taken by this House, as required by the third clause of the sixth article of the Constitution of the government of the United States, be as followeth, to wit, “I, A.B., a representative of the United States in the Congress thereof, do solemnly swear (or affirm, as the case may be), in the presence of Almighty GOD, that I will support the Constitution of the United States. So help me God.”<sup>27</sup>

<sup>23</sup> *The Complete Anti-Federalist*, Strong HJ, ed. (Chicago: University of Chicago Press, 1981), Vol. 4 (4.14.7), at 195-96.

<sup>24</sup> *Id.*, Vol. 2 (2.4.108), at 75.

<sup>25</sup> *Id.* See, also, Cornell S. *The Other Founders: Anti-Federalism and the Dissenting Tradition in America, 1788-1828* (University of North Carolina Press: Chapel Hill, NC; 1999) at 57.

<sup>26</sup> Stokes AP. *Church and State in the United States*. (Harper & Brothers: New York, 1950), Volume III, at 583 (citation omitted).

<sup>27</sup> 1 *Annals of Cong.* 102 (1789).

27. Despite the foregoing, after numerous exchanges and discussions in both houses of Congress – in which “the third clause of the sixth article of the Constitution” obviously played the central role – that proposed oath was revised, with the affirmative removal of both references to “the Almighty.” Thus, Statute I, “An Act to regulate the Time and Manner of administering certain Oaths” – states:

Sec. 1. Be it enacted by the Senate and [House of] Representatives of the United States of America in Congress assembled, That the oath or affirmation required by the sixth article of the Constitution of the United States, shall be administered in the form following, to wit: “I, A.B., do solemnly swear or affirm (as the case may be) that I will support the Constitution of the United States.”<sup>28</sup>

28. In other words, **the very first statute of the government of the United States involved the specific and affirmative removal of all references to God** in the oath of office to be used by Congress, itself.

29. This secularity is remarkable. Religion was a huge issue when the Constitution was created, and the fact that the Framers opted not to even acknowledge God in any way shows their acute awareness of its tendency to divide rather than unify. If all men are really “created equal” then government cannot – in any manner – show favoritism in terms of religious belief.<sup>29</sup>

30. The importance of this principle is, perhaps, best shown by examining Madison’s famous *Memorial and Remonstrance*, which references equality no less than thirteen times in its few pages. For instance, especially in terms of religion, “**equality** ... ought to be the basis of every law.” The majority “cannot deny an **equal** freedom to those whose minds have not yet yielded to the evidence which has convinced [them].” Any government favoritism in terms of religious belief:

degrades from the **equal** rank of Citizens all those whose opinions in Religion do not bend to those of the Legislative authority. Distant as it may be in its present form from the Inquisition, it differs from it only in degree. The one is the first step, the other the last in the career of intolerance.<sup>30</sup>

<sup>28</sup> 1 Stat. 23.

<sup>29</sup> Thus, of the three major areas of inequality that were ignored when the Declaration of Independence claimed that “all men are created equal” – i.e., race, gender and religion – only the latter was remedied by the Constitutional Convention.

<sup>30</sup> Madison J. *Memorial and Remonstrance*, The Founders’ Constitution, Volume 5, Amendment I (Religion), Document 43, The University of Chicago Press, citing The Papers of James Madison. Edited by William T. Hutchinson et al. Chicago and London: University of Chicago Press, 1962--77 (vols. 1--10); Charlottesville: University Press of Virginia, 1977--(vols. 11--). Accessed on October 5,

31. This was the view of the Framers **before** the Bill of Rights came into being.

32. Thus, when the Bill of Rights was first proposed, those who wanted an acknowledgement of God had another opportunity to alter the secular character of the nation's charter.

33. Benjamin Rush, for instance – perhaps the most eminent physician of the time, and one of the signers of the Declaration of Independence – wrote to John Adams<sup>31</sup> a week after James Madison first proposed the initial constitutional amendments on June 8, 1789. In that letter, he stated:

Many pious people wish the name of the Supreme Being had been introduced somewhere in the new Constitution. Perhaps an acknowledgement may be made of his goodness or of his providence in the proposed amendments.<sup>32</sup>

34. Yet this suggestion was not acted upon, corroborating that it was the intent of the framers to have a society free from the divisiveness caused by governmental partiality to any religious belief system, including “generic” (Christian) monotheism.

35. Accordingly, the First Amendment – with its initial sixteen words: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof” – was ratified on December 15, 1791.<sup>33</sup>

36. In other words, as James Madison later wrote, “Every new & successful example ... of a perfect separation between ecclesiastical and civil matters, is of importance. ... [R]eligion & Govt. will both exist in greater purity, the less they are mixed together.”<sup>34</sup>

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2005 at [http://press-pubs.uchicago.edu/founders/documents/amendI\\_religions43.html](http://press-pubs.uchicago.edu/founders/documents/amendI_religions43.html). Emphases added.

<sup>31</sup> Adams, of course, was Vice President of the United States and, therefore, President of the Senate when Dr. Rush penned this note.

<sup>32</sup> Letter from Dr. Benjamin Rush to John Adams (June 15, 1789), in *Letters of Benjamin Rush* (L.H. Butterfield, editor) (Princeton University Press: Princeton, NJ; 1951), vol. 1, at 517.

<sup>33</sup> Library of Congress, American Memory. accessed on October 23, 2005, at <http://memory.loc.gov/ammem/today/dec15.html>.

<sup>34</sup> The Founders' Constitution, Volume 5, Amendment I (Religion), Document 66, The University of Chicago Press (citing *The Writings of James Madison*. Edited by Gaillard Hunt. 9 vols. New York: G. P. Putnam's Sons, 1900--1910. Accessed at [http://press-pubs.uchicago.edu/founders/documents/amendI\\_religions66.html](http://press-pubs.uchicago.edu/founders/documents/amendI_religions66.html) on May 27, 2005.

37. Thus, with our federal government authorized to act only pursuant to the powers enumerated in the Constitution, there is not only no authority to take any position on religion, but there are specific prohibitions against such activity.

38. This limitation on the federal government was recognized throughout our early history.

39. For instance – in addition to the clear statement by James Madison (§ 18, *supra*) – there is the Treaty of Tripoli, which became the “supreme law of the land”<sup>35</sup> only six years after the ratification of the Bill of Rights. Negotiated under President Washington and signed into law by John Adams (with the **unanimous** consent of the Senate), that treaty stated unequivocally that “the government of the United States is not in any sense founded on the Christian religion.”<sup>36</sup>

40. In the early 1800s, there was a significant controversy over the fact that post offices remained open on Sundays. In 1830, the matter was taken up by Congress. Alluding to the Constitution’s Article VI test oath clause, as well as the Religion Clauses of the First Amendment, the House Report noted that the request to stop mail delivery on Sundays was based on religious belief, and – as such – “does not come within the cognizance of Congress.”<sup>37</sup> As a result, to pass the requested law would have been impermissible because it “would constitute a legislative decision of a religious controversy.”<sup>38</sup>

41. After the history of religious intolerance in the world was discussed, along with the fact that the framers “evinced the greatest possible care in guarding against the same evil,”<sup>39</sup> the Report’s authors wrote:

In our individual character, we all entertain opinions, and pursue corresponding practice upon the subject of religion. However diversified these may be, we all harmonize as citizens, while each is willing that the other shall enjoy the same liberty which he claims for himself. But in a representative character, our individual character is lost. The individual acts for himself; the representative for his constituents. He is chosen to represent their *political*, and not their *religious* views – to guard the rights of man; not to restrict the rights of conscience.

If the measure recommended should be adopted, it would be difficult for human sagacity to foresee how rapid would be the succession, or how numerous the train of

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<sup>35</sup> United States Constitution, Article VI, cl. 2. “This Constitution ... and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land.”

<sup>36</sup> 8 Stat. 154.

<sup>37</sup> H.R. Rep. No. 271, 21<sup>st</sup> Cong., 1<sup>st</sup> Sess. 1 (1830).

<sup>38</sup> *Id.* at 2

<sup>39</sup> *Id.*

measures which might follow, involving the dearest rights of all – the rights of conscience.<sup>40</sup>

42. Those men continued with the recognition that, “Religious zeal enlists the strongest prejudices of the human mind,”<sup>41</sup> as well as the proud declaration that:

With the exception of the United States, the whole human race, consisting, it is supposed, of eight hundred millions of rational beings, is in religious bondage. ... [T]he conclusion is inevitable, that the line cannot be too strongly drawn between Church and State.”<sup>42</sup>

43. Perfectly applicable to the gravamen of the instant action, the Reporters wrote that, “if their motive be to induce Congress to sanction, by law, their *religious opinions* and *observances*, then their efforts are to be resisted,”<sup>43</sup> and went so far as to declare, “So far from stopping the mail on Sunday, the committee would recommend the use of all reasonable meanse [sic] to give it a greater expedition and a greater extension.”<sup>44</sup>

44. In other words, “It is the duty of this Government to afford to *all* – to Jew or Gentile, Pagan or Christians, the protection and the advantages of our benignant institutions, on *Sunday*, as well as every day of the week.”<sup>45</sup>

45. A similar adherence to the Constitution’s demand for religious liberty and equality was seen in the midst of the increased (Christian) religious fervor that followed the Civil War. In tabling a petition calling for “‘an acknowledgment of Almighty God and the Christian religion’ placed into the Constitution of the United States,”<sup>46</sup> the House Judiciary committee concluded that:

[T]he fathers of the Republic in the convention which framed the Constitution ... decided, after grave deliberation, ... that, as this country ... was to be the home of the oppressed of all nations of the earth, whether Christian or Pagan, and in full realization of the dangers which the union between church and state had imposed upon so many nations of the Old World, with great unanimity, [decided] that it was inexpedient to put anything into the Constitution or frame of government which might be construed to be a reference to any religious creed or doctrine.

<sup>40</sup> *Id.* (Emphases in original).

<sup>41</sup> *Id.* at 3.

<sup>42</sup> *Id.*

<sup>43</sup> *Id.* at 4. (emphases in original).

<sup>44</sup> *Id.* at 5.

<sup>45</sup> *Id.* at 5-6.

<sup>46</sup> H.R. Rep No. 143, 43<sup>rd</sup> Cong., 1<sup>st</sup> Sess. 1 (1874).

1  
2 And ... that this decision was accepted by our Christian fathers with such great  
3 unanimity that in the amendments which were afterward proposed, in order to make  
4 the Constitution more acceptable to the nation, none has ever been proposed to the  
5 States by which this wise determination of the fathers has been attempted to be  
6 changed.<sup>47</sup>  
7

8 46. As will herein be demonstrated, that “wise determination” was changed when – upon the  
9 urging of a Christian minister – “recognition of Almighty God” was spatchcocked onto  
10 the nation’s monetary instruments by the unsupervised and unregulated acts of two  
11 executive branch officials.  
12  
13  
14

## 15 **B. HISTORY OF “IN GOD WE TRUST” ON THE COINS AND CURRENCY**

16 47. On September 2, 1789, Defendant Congress of the United States approved “An Act to  
17 establish the Treasury Department.”<sup>48</sup>

18 48. On April 2, 1792, Defendant Congress of the United States passed “An Act establishing a  
19 Mint, and regulating the Coins of the United States” (The Coinage Act of 1792).<sup>49</sup>

20 49. That Coinage Act specified the types of coins to be minted, and further prescribed that:

21 Upon one side of each of the said coins there shall be an impression emblematic of  
22 liberty, with an inscription of the word Liberty, and the year of the coinage ; and upon  
23 the reverse of each of the gold and silver coins there shall be the figure or  
24 representation of an eagle, with this inscription, “United States of America” and upon  
25 the reverse of each of the copper coins, there shall be an inscription which shall  
26 express the denomination of the piece, namely, cent or half cent, as the case may  
27 require.<sup>50</sup>  
28

29 50. On January 18, 1837, Defendant Congress of the United States enacted “An Act  
30 supplemental to the act entitled ‘An Act establishing a mint, and regulating the coins of  
31 the United States.’”<sup>51</sup>

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<sup>47</sup> Id.

<sup>48</sup> 1 Stat. 65.

<sup>49</sup> 1 Stat. 246-51.

<sup>50</sup> 1 Stat. 248.

<sup>51</sup> 5 Stat. 136-42.

1 51. That Act of January 18, 1837 provided that “[t]he engraver shall prepare and engrave,  
2 with the legal devices and inscriptions, all the dies used in the coinage of the mint and its  
3 branches.”<sup>52</sup>

4 52. That Act of January 18, 1837 also provided that:

5 [U]pon one side of each of said coins there shall be an impression emblematic of  
6 liberty, with an inscription of the word Liberty, and the year of the coinage ; and upon  
7 the reverse of each of the gold and silver coins, there shall be the figure or  
8 representation of an eagle, with the inscription United States of America, and a  
9 designation of the value of the coin ; but on the reverse of the dime and half dime, cent  
10 and half cent, the figure of the eagle shall be omitted.<sup>53</sup>

11  
12 53. It is to be noted that – in keeping with the constitutionally-derived notion “that it was  
13 inexpedient to put anything into the ... frame of government which might be construed to  
14 be a reference to any religious creed or doctrine”<sup>54</sup> – there was no religious inscription of  
15 any kind on any United States coin through 1837.

16 54. In fact, it would be another two and a half decades – when increased religious fervor took  
17 hold as the Civil War began – before the idea of violating that constitutional mandate  
18 would arise.

19  
20 55. On November 13, 1861, Rev. M.R. Watkinson – a **“Minister of the Gospel”** – wrote to  
21 Secretary of the Treasury Salmon P. Chase, requesting that “the **recognition of Almighty**  
22 **God**” be placed upon the nation’s coins.<sup>55</sup> Noting to the Secretary that “**You are**  
23 **probably a Christian,**” the minister claimed that such recognition was important to  
24 “relieve us from the ignominy of heathenism.” Additionally, it “would place us under the  
25 Divine protection we have personally claimed. From my heart I have felt our national  
26 shame in disowning God as not the least of our present national disasters.”<sup>56</sup>

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<sup>52</sup> 5 Stat. 136.

<sup>53</sup> 5 Stat. 138.

<sup>54</sup> See ¶ 45, *supra*.

<sup>55</sup> Rev. Watkinson was not alone in believing that a reference to God should be on the nation’s coins. At least one other clergyman – the Reverend Henry Augustus Boardman of Philadelphia – voiced the same opinion one year later. Stokes AP. *Church and State in the United States*, Vol. III (New York: Harper, 1950), at 601.

<sup>56</sup> H.R. Rep. No. 662, 84<sup>th</sup> Cong., 1<sup>st</sup> Sess. 2 (1955). This information is also provided in a “fact sheet” on the Department of the Treasury’s website, at <http://www.treasury.gov/education/fact-sheets/currency/in-god-we-trust.shtml>.

56. In response, on November 20, 1861, Secretary Chase wrote to James Pollock, then the Director of the Mint in Philadelphia. In his short note, Secretary Chase claimed that “**No nation can be strong except in the strength of God**, or safe except in His defense. **The trust of our people in God** should be declared on our national coins.”<sup>57</sup>

57. Secretary Chase then directed Director Pollock to “cause a device to be prepared without unnecessary delay with a motto expressing in the fewest and tersest words possible this national recognition.”<sup>58</sup>

58. Director Pollock, it might be noted, was also a member of the National Reform Association.<sup>59</sup> As early as 1861, the founders of that organization had begun working “to amend the Constitution, which is the basis of the Union, as to acknowledge God, submit to the authority of his Son, [and] embrace Christianity.”<sup>60</sup>

59. Even before 1861, Director Pollock had been active in national Christian religious devotional activities. For instance, he was a keynote speaker at the 1860 National Convention of the friends of Union Prayer Meetings.<sup>61</sup>

60. Ten years later, when the attempt to religiously amend the Constitution was in full swing, “The Pittsburg Convention” was held. The association behind that convention set forth the following among its resolutions:<sup>62</sup>

Resolved, That civil government is ... an ordinance of God.

Resolved, That nations ... are morally accountable to God.

Resolved, That the moral law under which nations are held accountable, include not only the law written on the heart of man but also the fuller revelation of the divine character and will given in the Bible.

<sup>57</sup> H.R. Rep. No. 662, 84<sup>th</sup> Cong., 1<sup>st</sup> Sess. 3 (1955).

<sup>58</sup> Id.

<sup>59</sup> <http://www.aclj.org/News/Read.aspx?ID=489>, accessed on October 22, 2005.

<sup>60</sup> “[A] meeting [was held] in Allegheny City, Pennsylvania, on January 27, 1864, during which the NRA was formally organized. The NRA’s first name was actually ‘The National Association to Secure the Religious Amendment to the Constitution.’ The name was changed to the National Reform Association in November 1875.” <http://www.natreformassn.org/ecp/chap1.html>, accessed on October 22, 2005.

<sup>61</sup> *Union Prayer Meetings: National Convention at Philadelphia*. New York Times, March 8, 1860, page 5. In his speech, Director Pollock “extolled the Union Prayer Meetings highly.”

<sup>62</sup> *The Pittsburg convention: Resolutions Adopted Urging a Recognition of God in the Constitution – Officers Elected*. The New York Times. March 7, 1870, page 1.

1 Resolved, That it is the right of nations as such ... to worship God according to the  
2 Christian religion in Christ Jesus.

3  
4 Resolved, That in order to maintain and give permanency to the Christian features  
5 which have marked its nation from its origin, it is necessary to give them  
6 authoritative sanction in our organic law.

7  
8 Resolved, That the proposed religious amendment to our national Constitution, so far  
9 from infringing any individual's right of conscience, or tending in the least degree  
10 to a union of Church and State, will afford the fullest security against a corrupt and  
11 corrupting Church establishment, and form the strongest safeguard of both the  
12 civil and religious liberties of all citizens.

13  
14 Resolved, That the present movement is not sectarian, or even ecclesiastic; but that it  
15 is the acknowledgment of the Deity and the assertion of the right of a people who  
16 believe in the truth of Christianity to govern themselves in a Christian manner.  
17

18 61. At that very convention, Director Pollock was named one of the organizations Vice-  
19 Presidents.<sup>63</sup>

20 62. Reflecting these (Christian) monotheistic religious activities, Director Pollock included in  
21 his 1863 Annual Report as Director of the Mint that there should be "a distinct and  
22 unequivocal National **recognition of the Divine Sovereignty**" on the nation's coins. He  
23 continued:

24 **We claim to be a Christian nation** -- why should we not vindicate our character by  
25 **honoring the God of Nations** in the exercise of our political Sovereignty as a Nation?  
26 Our national coinage should do this. Its legends and devices **should declare our trust**  
27 **in God -- in Him who is the "King of Kings and Lord of Lords."** ... Let us  
28 **reverently acknowledge his sovereignty**, and let our coinage **declare our trust in**  
29 **God.**<sup>64</sup>  
30

31 63. Thus, pursuant to Secretary Chase's request, Pollock suggested "Our country; our God,"  
32 and "God our trust" as inscriptions.<sup>65</sup>

33 64. Secretary Chase responded on December 9, 1863:

34 I approve your mottoes, only suggesting that on that with the Washington obverse the  
35 motto should begin with the word "Our," so as to read, "Our God and our country."  
36 And on that with the shield it should be changed so as to read: "In God we trust."<sup>66</sup>

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<sup>63</sup> Id.

<sup>64</sup> 1863 Annual Report of the Director of the Mint, at 10-11 (as provided in Stokes AP. *Church and State in the United States*, Vol. III (New York: Harper, 1950), at 602.

<sup>65</sup> H.R. Rep. No. 662, 84<sup>th</sup> Cong., 1<sup>st</sup> Sess. 3 (1955).

<sup>66</sup> Id. (The capitalization of these words – as the motto and on the money – has been varied.)

65. On April 22, 1864, a new coinage act was passed. This one stated that “there shall be, from time to time, struck and coined at the mint a two-cent piece ... and the shape, mottoes, and devices of said coi[n] shall be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury.”<sup>67</sup>

66. This act, obviously, did not address what specific “mottoes” or “devices” would be permitted. Thus, it was without specific authorization – and obviously inconsistent with the Framers’ and the congressional determinations noted above (see at ¶¶ 14-45, *supra*) – that the first United States coin bearing the religious verbiage, “IN GOD WE TRUST,” was minted. This occurred on the two-cent piece in 1864.

67. With the religious precedent in place, another Act of Congress was passed on March 3, 1865. That act – authorizing the creation of a three-cent piece, and allowing that “the shape, mottoes, and devices of said coin shall be determined by the Director of the Mint, with the approval of the Secretary of the Treasury”<sup>68</sup> – included the first codified reference to religious dogma on the coinage:

And be it further enacted, That, in addition to the devices and legends upon the gold, silver, and other coins of the United States, it shall be lawful for the Director of the Mint, with the approval of the Secretary of the Treasury, to cause the motto ‘In God we trust’ to be placed upon such coins hereafter to be issued as shall admit of such legend thereon.<sup>69</sup>

68. Society immediately recognized that this act was purely religious. According to the New York Times, placement of “In God We Trust” on the coins was a “**new form of national worship.**”<sup>70</sup>

69. This likely was quite satisfying to Director Pollock, who – in his zeal to impose (Christian) Monotheism on the nation – concluded his official June 30, 1866 report (on the previous year’s activity) with the words, “**Happy is the Nation, whose God is the Lord.**”<sup>71</sup>

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<sup>67</sup> 13 Stat. 54-55.

<sup>68</sup> 13 Stat. 517. The identical provision was given for a five-cent coin in an act of May 16, 1866 (14 Stat 47).

<sup>69</sup> 13 Stat. 518.

<sup>70</sup> New York Times, December 18, 1865, p. 4.

<sup>71</sup> 1866 Annual Report of the Director of the Mint, at 9 (as provided in Stokes AP. *Church and State in the United States*, Vol. III (New York: Harper, 1950), at 603.

70. On February 12, 1873, the laws pertaining to coinage were revised, with the following language employed:

[U]pon the coins of the United States there shall be the following devices and legends: Upon one side there shall be an impression emblematic of liberty, with an inscription of the word “Liberty” and the year of the coinage, and upon the reverse shall be the figure or representation of an eagle, with the inscriptions “United States of America” and “E Pluribus Unum,” and a designation of the value of the coin; but on the gold dollar and three-dollar piece, the dime, five, three and one cent piece the figure of the eagle shall be omitted; and on the reverse of the silver trade-dollar the weight and the fineness of the coin shall be inscribed; and the director of the mint, with the approval of the Secretary of the Treasury, may cause the motto “In God we trust” to be inscribed upon such coins as shall admit of such motto: and any one of the foregoing inscriptions may be on the rim of the gold and silver coins. “<sup>72</sup>

71. In 1905, at President Theodore Roosevelt’s urging, the sculptor, Augustus Saint-Gaudens, was commissioned to design new coinage. Considering the motto, “In God we trust,” to be “an inartistic intrusion not required by law,”<sup>73</sup> Saint-Gaudens designed a gold coin without those religious words.

72. President Roosevelt strongly supported the removal of that phrase from the coins “**in the very interest of religion.**”<sup>74</sup> To him, “to put such a motto on coins ... not only does no good but does positive harm, and is in effect irreverence which comes dangerously close to sacrilege.”<sup>75</sup> The use of the motto in this way, claimed the President, was “a constant source of jest and ridicule.”<sup>76</sup>

73. When, in 1907, the coin was released, there was an immediate outcry, with demands made for the restoration of the “In God We Trust” inscription. Nonetheless, President Roosevelt

<sup>72</sup> 17 Stat. 427. Interestingly, the clause pertaining to “In God we trust” was omitted when the statutes were revised. 18 Stat 3517, and – pursuant to a general provision – subsequently repealed. 18 Stat 5596. This legislation is also available for viewing at <http://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=017/llsl017.db&recNum=468>.

<sup>73</sup> Schwarz T. *A History of United States Coinage*. (A.S. Barnes & Co., New York; 1980) at 228 (citing a work by Saint-Gaudens’ son).

<sup>74</sup> *What Makes a Christian State?* The Independent, New York, Vol. LXIII, No. 3077 (November 21, 1907), at 1263 (emphasis added).

<sup>75</sup> November 11, 1907 Letter of Theodore Roosevelt to William Boldly, as reprinted in Schwarz T. *A History of United States Coinage*. (A.S. Barnes & Co., New York; 1980) at 230.

<sup>76</sup> President Roosevelt referenced “the innumerable cartoons and articles based on phrases like ‘In God we trust for the other eight cents’; ‘In God we trust for the short weight’; ‘In God we trust for the thirty-seven cents we do not pay’; and so forth” in making this claim. *Id.*

(referring to the possibility that Congress would order the phrase placed back onto the coin), wrote “I very earnestly trust that **the religious sentiment** of the country ... will prevent any such action being taken.”<sup>77</sup>

74. The President was quite mistaken. Despite his arguments, the absence of what the New York Times referred to as “**one of the holiest religious expressions**”<sup>78</sup> was decried by those wishing to maintain this governmental endorsement of (Christian) Monotheism.

75. Accounts of the controversy were marked by recognition of “protests or expressions of regret **from many clergy** and others,”<sup>79</sup> of “various **religious organizations** and individuals, **especially clergymen**, [having] protested,”<sup>80</sup> of “a great number of **religious people** in this country” considering President Roosevelt’s decision “‘a huge blunder.’”<sup>81</sup>

76. Highlighting the fact that religious sentiment was at the root of the controversy, it was noted to be “strange that he did not foresee that **the great majority of religious people**, Protestant, Catholic, many Jews, would be sensitive at the removal of those words at a time when every vestige of **national recognition of God** is of importance.”<sup>82</sup>

77. After all, “[t]here are a great many people ... who think that to take such an inscription off the coin is to disavow all trust in God and is therefore an act of irreligion. One clergyman is reported to have spoken of ‘the religious sentiment of the American people’ as being ‘effaced.’”<sup>83</sup>

78. That the views of Atheists and others were considered of no consequence is illustrated in the words of another clergyman who stated, “‘The placing of the inscription ‘In God We Trust’ upon the national coinage is a unique recognition of our dependency as a people upon the Father of nations. ... [F]rom my childhood I have heard the blatant protests of infidels and unbelievers against this custom.’”<sup>84</sup>

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<sup>77</sup> *Id.* (emphasis added).

<sup>78</sup> New York Times, November 15, 1907, p. 8 (emphasis added).

<sup>79</sup> The Independent, New York, Vol. LXIII, No. 3077 (November 21, 1907), at 1196 (emphasis added).

<sup>80</sup> The Outlook, New York, Vol. 87, No. 13 (November 30, 1907), at 707 (emphases added).

<sup>81</sup> Current Literature, New York, Vol. XLIV, No. 1 (January, 1908), at 68 (emphasis added).

<sup>82</sup> *Id.*, at 69 (citing “the leading Methodist paper,” and noting that “Similar views are expressed by clergymen of all denominations,” and that religious organizations “have passed resolutions condemning the President’s action.”) (emphases added).

<sup>83</sup> *Id.*, at 708.

<sup>84</sup> Rev. Dr. Charles Edward Locke, of Brooklyn, as quoted in Current Literature, New York, Vol. XLIV, No. 1 (January, 1908), at 69.

79. In response to this religion-based outcry, Congress passed Public Law No. 120, which President Roosevelt signed on May 18, 1908. That law stated, “That the motto ‘In God we trust,’ heretofore inscribed on certain denominations of the gold and silver coins of the United States of America, shall hereafter be inscribed upon all such gold and silver coins of said denominations as heretofore.”<sup>85</sup>

80. This was the first federal law mandating use of the “In God We Trust” phrase on United States monetary instruments. As the history manifestly reveals, this resulted from **religious** objection by **religious** individuals to the removal of **religious** words that were initiated for **religious** purposes.

81. As the House Report on the matter (erroneously) stated, “[‘In God We Trust’] reflects the reverent and **religious** conviction which underlies American citizenship.”<sup>86</sup>

82. Indeed, the first sentence of the Department of the Treasury’s “Fact Sheet” on the “History of ‘In God We Trust’” explains that “The motto IN GOD WE TRUST was placed on United States coins largely **because of ... increased religious sentiment.**”<sup>87</sup>

83. Moreover, “In God We Trust” was not rooted in general Monotheism. On the contrary, it was Christian Monotheism that underlay this sequence of events. After all, the subcommittee that authored that House Report was “unanimous in the belief that **as a Christian nation** we should restore the motto to the coinage ... [since] the best and only reliance for the perpetuation of the republican institution is upon **a Christian patriotism**, which, recogniz[es] the universal fatherhood of God.”<sup>88</sup>

84. In sum, despite the Constitution’s mandate for religious neutrality and the absence of any authority vested in Congress to “pass any act concerning the religion of the country,”<sup>89</sup> Congress made “In God We Trust” our national motto, and mandated its use on our money. As a key figure in the intrusion of (Christian) Monotheistic religious dogma into

<sup>85</sup> Pub. L. 60-120, May 18, 1908, ch. 173, 35 Stat. 164.

<sup>86</sup> H.R. Rep. No. 1106, 60<sup>th</sup> Cong., 1<sup>st</sup> Sess. 1 (1908) (emphasis added).

<sup>87</sup> Accessed at <http://www.treas.gov/education/fact-sheets/currency/in-god-we-trust.html> on October 2, 2005 (emphasis added).

<sup>88</sup> H.R. Rep. No. 1106, 60<sup>th</sup> Cong., 1<sup>st</sup> Sess. 2 (1908) (emphases added).

<sup>89</sup> See at ¶ 21, *supra*.

our government put it, “‘In God We Trust’ [is a] statement of faith [that] has appeared on billions of coins.”<sup>90</sup>

85. Unlike the coins, however, those religious words were not being used on the nation’s currency. This was noted by an Arkansas businessman and numismatist named Matthew H. Rothert “as the collection plate was being passed” in church one Sunday in 1953.<sup>91</sup>

86. Accordingly, Mr. Rothert wrote to the Secretary of the Treasury, George M. Humphrey, to suggest that those religious words be placed on the currency in order to **“affirm our trust in God** in such a manner that it will be heard around the world and give moral and spiritual strength to those who realize **a great nation humbly and reverently places its trust in the Almighty.**”<sup>92</sup>

87. This matter was also brought to the attention of Donald K. Carroll, president of the Florida Bar, who (in turn) informed U.S. Representative Charles E. Bennett (FL).<sup>93</sup>

88. Rep. Bennett contacted the Department of the Treasury and – after learning that “In God We Trust” was not only not required on the currency, but that there were coins that did not require the use of that motto – introduced H.R. 619 (“the inscription ‘In God We Trust’ ... shall appear on all United States currency and coins”), on the first day of the first session of the 84<sup>th</sup> Congress.<sup>94</sup>

89. To Rep. Bennett, “In God We Trust” was appropriate because **“the sentiment of trust in God is universal.**”<sup>95</sup>

90. Then-Senator Lyndon B. Johnson pushed for the Bill in the Senate, stating that the motto **“reflect[s] the spiritual basis** of our way of life.”<sup>96</sup>

<sup>90</sup> S. Rep. No. 1287, 83<sup>rd</sup> Cong., 2<sup>nd</sup> Sess. 2 (1954) (Remarks of Senator Homer Ferguson).

<sup>91</sup> Petrucelli F. *Almighty Dollar Mentions God Because of Arkansan*. Arkansas Gazette, March 4, 1955, page 2F.

<sup>92</sup> *Camden Man Asks Treasury To Put Religious Motto on Bills*, Arkansas Gazette, December 6, 1953, page 10C (emphases added). It might be noted that when this story was related in 1987, the author did not hesitate to describe the use of the motto on the currency as “the affirmation of our nation’s belief in Divine Guidance.” Rochette E. *The Man Who Put God’s Trust In Your Pocket* Antiques & Collecting, July, 1987, at 80.

<sup>93</sup> 101 Cong. Rec. 4384 (April 13, 1955).

<sup>94</sup> *Id.*

<sup>95</sup> 101 Cong. Rec. 7796 (June 7, 1955) (emphasis added).

<sup>96</sup> 101 Cong. Rec. 9448 (June 29, 1955).

1 91. The motto also obviously reflected the political disenfranchisement of Atheists in America  
 2 at the time, inasmuch as the bill was unanimously passed in both the House and the  
 3 Senate.<sup>97</sup>

4 92. The Report of the House Committee on Banking and Currency (which accompanied H.R.  
 5 619) demonstrates that the use of “In God We Trust” was intended to be purely religious.

6 93. The main portion of the Report was entitled, “**Religious Inscriptions** on Coins in the  
 7 United States.” Its prose referenced Rev. Watkinson’s 1861 letter to Treasury Secretary  
 8 Chase, stating, “**You are probably a Christian,**” and decrying the “fact touching our  
 9 currency [that] has been seriously overlooked ... **the recognition of Almighty God** in  
 10 some form in our coins.”<sup>98</sup>

11 94. The hearing before that Committee was also revealing. After stating that “as far as I know  
 12 there is no opposition to this legislation,”<sup>99</sup> Rep. Bennett noted that “this motto ...  
 13 expresses so tersely and with such dignity **the spiritual basis** of our way of life.”<sup>100</sup> He  
 14 then proclaimed that:

15 Most of us agree wholeheartedly with the first advance of this motto, Secretary of the  
 16 Treasury S. P. Chase, when he said: “No nation can be strong except in the strength of  
 17 God, or safe except in His defense. **The trust of our people in God should be**  
 18 **declared** on our national coins,”<sup>101</sup>

19  
 20 concluding with:

21 At the base of our freedom is **our faith in God** and the desire of Americans **to live by**  
 22 **His will and by His guidance**. As long as **this country trusts in God**, it will  
 23 prevail.<sup>102</sup>

24  
 25 95. Rep. Abraham J. Multer (NY) spoke next. After stating, “I don’t want to get **into an**  
 26 **argument on religion,**”<sup>103</sup> he echoed the opinion President Roosevelt voiced a half  
 27 century earlier:

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<sup>97</sup> Id.

<sup>98</sup> H.R. Rep. No. 662, 84th Cong., 1st Sess. 2 (1955).

<sup>99</sup> *United States Currency Inscription: Hearing on H.R. 619 and related bills, before the Committee on Banking and Currency, 84<sup>th</sup> Cong., 1<sup>st</sup> Sess. 47 (Tuesday, May 17, 1955).*

<sup>100</sup> Id. at 48.

<sup>101</sup> Id. (emphasis added)

<sup>102</sup> Id. at 49 (emphases added). Rep. Bennett’s remarks are also available at 101 Cong. Rec. 4384 (April 13, 1955).

<sup>103</sup> Id. (emphasis added)

[W]hile I would not oppose it or take any action in opposition to the bill, I want it made crystal clear on this record that I think **I am as religious as any man** in this House. We may differ in our forms, but I respect every other person's form or ritualistic observance, and I know they do mine, too, but I feel very strongly that it was a mistake to put it on coins in the first place, and this is perpetuating a grievous error. I think it is the base of **all of those who believe in God**; to put anything like that on anything so materialistic as our coins and our currency – I don't think anybody is made more religious by putting it on the coins and currency. ... If we are going to have **religious concepts** – and I am in favor of them – I don't think the place to put them is on our currency or on our coins.”<sup>104</sup>

96. It should be noted that no one at the hearing in any way disputed Rep. Multer's characterization of “In God We Trust” as being a “**religious concep[t]**.”

97. Also demonstrating a complete lack of consideration of non-Monotheistic views, Rep. William E. McVey (IL) maintained, “I can't possibly see any objection to having the inscription “In God We Trust” on all of our currency, and I am very glad to support it.”<sup>105</sup>

98. The Committee chairman, Rep. Brent Spence (KY), joined in:

I think if there ever was a nation that has, by its course, demonstrated that God had a hand in its making and its progress, it is this country. I always believe that God was present in the Convention Hall where our Constitution was formed.<sup>106</sup>

99. The desire to intrude Monotheism into our government was so pervasive that Rep. Gordon L. McDonough (CA) exclaimed, “I don't think we can insert that phrase in too many places in regard to the Government of the United States.”<sup>107</sup>

100. When Rep. Herman P. Eberharter (PA) spoke – after having recently recovered from an illness – Rep. Barratt O'Hara (IL) commended him for coming “at great sacrifice to himself, to testify for this bill, which affirms his faith and **the faith of all others in our country, in God**.”<sup>108</sup>

101. Rep. Eberharter, incidentally, placed in the record a resolution passed by the National Convention of the American Legion. That resolution stated that “the United States of America is **a God-fearing country**.”<sup>109</sup>

<sup>104</sup> Id. at 50 (emphases added).

<sup>105</sup> Id. at 51.

<sup>106</sup> Id.

<sup>107</sup> Id. at 52.

<sup>108</sup> Id. at 54 (emphasis added).

<sup>109</sup> Id. (Emphasis added.)

1 102. Rep. Oren Harris (AR) stated, “It does not take the inscription on our coins for me to  
 2 **proclaim my faith and trust in God.** ... With the inscription on our coins it is another  
 3 expression, not only individually but collectively, in this country, **of our faith.**”<sup>110</sup> He,  
 4 too, could “see no objection whatsoever to this further expression of this quotation on  
 5 the currency that we use in this country.”<sup>111</sup>

6 103. Rep. Harris also placed a Resolution in the record. This one was from the American  
 7 Numismatic Association, and stated that “this legend relating to **the power of Almighty**  
 8 **God** shall be placed upon the currency.”<sup>112</sup>

9 104. Rep. Lawrence H. Fountain (NC) referred to “In God We Trust” as one of the “many  
 10 instances indicat[ing] **our belief in the existence of God.**”<sup>113</sup> He further noted that:

11 **The Bible begins** with the words “In the beginning, God” and I think more and more  
 12 it is essential for us to recognize the fact that we as individuals and as a nation are  
 13 merely the custodians of the things which **God has so graciously granted** to us.”<sup>114</sup>  
 14

15 105. Further evidence that this legislator – like every other legislator on the committee –  
 16 intended and assumed that the motto was unequivocally religious is provided by Rep.  
 17 Fountain’s additional statements:

18 [B]y having this inscription on our coins and on our currency ... we are indicating ...  
 19 because of **the goodness of God** we have become a prosperous and powerful  
 20 nation.<sup>115</sup>  
 21

22 [T]hat inscription indicates that even though this coin is necessary, it is not in this coin  
 23 we trust, but **it is in God that we trust.**<sup>116</sup>  
 24

25 106. In signaling his agreement, Rep. Harris demonstrated that it was not only Monotheism  
 26 that Congress was endorsing, but Christian Monotheism, as he referenced “**our Lord**  
 27 **and Saviour.**”<sup>117</sup>

28 107. Thus, it should be noted that not one person at the key hearing that led to the mandatory  
 29 inscription of “In God We Trust” on all of the nation’s coins and currency ever even

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<sup>110</sup> Id. at 55 (emphases added).

<sup>111</sup> Id.

<sup>112</sup> Id. at 56 (emphasis added).

<sup>113</sup> Id. (Emphasis added.)

<sup>114</sup> Id. (Emphases added.)

<sup>115</sup> Id. (Emphasis added.)

<sup>116</sup> Id. (Emphasis added.)

<sup>117</sup> Id. (Emphasis added.)

suggested that the phrase was anything other than purely religious. Nor did anyone represent the views of Atheists and others among their constituencies who deny the existence of “the Almighty.”

108. This, of course, was merely a reflection of the (Christian) Monotheistic bent that was pervasive in Congress in the 1950s. APPENDIX E.

109. The House Report accompanying H.R. 619 noted that “a mandatory provision of law requiring inscription on all coins and currency of the United States of the motto “In God We Trust” ... expresses so tersely and with such dignity **the spiritual basis** of our way of life.”<sup>118</sup>

110. Similarly, the corresponding Senate Report stated specifically that “for almost a century, there has been no inscription on our currency reflecting **the spiritual basis** of our way of life.”<sup>119</sup>

111. “Spiritual” in this context, of course, synonymous with “religious.” This notion – that government can decree a spiritual or religious “way of life” that reflects “our” nation – clearly violates the Establishment Clause.

112. Even if this were not the case, placing any “spiritual basis of our way of life” on the nation’s coins and currency could never be an interest that is “compelling” enough to justify an infringement upon any citizen’s fundamental constitutional right.

113. That Congress, itself, recognized that this interest was not “compelling” can be appreciated by noting that the printing of “In God We Trust” was to be delayed until “such time as new dies for the printing of currency are adopted in connection with the current program of the Treasury Department to increase the capacity of presses utilized by the Bureau of Engraving and Printing.”<sup>120</sup>

114. Be that as it may, “An Act to provide that all United States currency shall bear the inscription ‘In God We Trust’” – which actually mandated that this religious inscription be placed on all coins as well – became the law of the land on July 11, 1955.<sup>121</sup>

<sup>118</sup> H.R. Rep. No. 662, 84<sup>th</sup> Cong., 1<sup>st</sup> Sess. 4 (1955).

<sup>119</sup> S. Rep. No. 637, 84<sup>th</sup> Cong., 1<sup>st</sup> Sess. 2 (June 27, 1955), reprinted in 1955 U.S. Code Cong. & Ad. News 2417, 2417.

<sup>120</sup> H.R. 619, 84<sup>th</sup> Cong., 1<sup>st</sup> Sess. 1 (July 11, 1955), reprinted in 1955 U.S. Code Cong. & Ad. News 318.

<sup>121</sup> Id. (reprinted in 1955 U.S. Code Cong. & Ad. News 318-19).

115. The codification of this act – which will hereafter be referred to the “Act of 1955” – is now found at 31 U.S.C. § 5112 (d)(1): “United States coins shall have the inscription ‘In God We Trust’ . ;” and at 31 U.S.C. § 5114(b): “United States currency has the inscription ‘In God We Trust’ in a place the Secretary decides is appropriate. ...”

### C. HISTORY OF “IN GOD WE TRUST” AS THE NATIONAL MOTTO

116. (Christian) religious fervor, APPENDIX B, and anti-Atheism, APPENDIX C, characterized the 1950s.

117. As has been demonstrated already in this Complaint, the placement of “In God We Trust” on the coins and currency was clearly done for religious purposes and to have religious effects.

118. Additional similar uses of that religious phrase corroborate this unequivocal fact.

119. For instance, an attempt was made to have “In God We Trust” mandated for all postage in order to acknowledge “the faith of Americans in divine providence.”<sup>122</sup>

120. That use of the religious motto on all postage was never mandated. However, on April 8, 1954 – in the “most impressive and most widely publicized ceremony of its kind in the history of the United States Post Office Department”<sup>123</sup> – Postmaster General Arthur E. Summerfield led a celebration to “[t]he symbolism of God and Country.”<sup>124</sup> The cause of this extraordinary “celebration” was the introduction of a stamp with the words, “In God We Trust.”

121. At this event, “[t]he stamp was introduced to a nationwide audience during a 15-minute program in which President Eisenhower, Secretary of State John Foster Dulles and Postmaster General Summerfield participated **with the leaders of the Nation’s three largest religious groups.**”<sup>125</sup>

<sup>122</sup> 99 Cong. Rec. A2658 (May 15, 1953 Remarks of Senator Homer Ferguson).

<sup>123</sup> “*In God We Trust*” – *New Postage Stamp to Carry Message to World*. The Gideon, May, 1954, p. 24.

<sup>124</sup> *Id.* at 25. These were the Postmaster General’s words.

<sup>125</sup> *Id.*

1 122. With President Eisenhower in attendance, this event marked “the first time that a  
 2 **religious tone** ha[d] been incorporated into a regular or ordinary stamp.”<sup>126</sup> This was  
 3 obviously contrary to the principles so nobly adhered to by Congress earlier in our  
 4 history. See at ¶¶ 40-44, supra.

5 123. According to Postmaster General Summerfield, “This stamp rededicates our faith in the  
 6 spiritual foundations that has always been and is today the bulwark of this Nation – and  
 7 its greatest source of strength.”<sup>127</sup>

8  
 9 124. According to Senator Homer Ferguson, “In God We Trust” over the door of the Senate  
 10 serves not only to remind the senators that “belief in God is a part of our very lives,”<sup>128</sup>  
 11 but “recognizes that we believe there is a Divine Power, and that we, our children, and  
 12 children’s children should always recognize it.”<sup>129</sup>

13 125. Turning Atheists into “political outsiders” at least as much as he was turning (Christian)  
 14 Monotheists into “political insiders,” Rep. Louis C. Rabaut (MI), noted that “[w]e  
 15 cannot afford to capitulate to the atheistic philosophies of godless men.”<sup>130</sup>

16 126. Rep. Rabaut, it must be noted, had previously placed in the Congressional Record the  
 17 incredibly offensive claim that “An atheistic American ... is a contradiction in terms.”<sup>131</sup>

18 127. Referencing “In God We Trust” on United States coins, Rep. Francis E. Dorn (NY)  
 19 declared that, “He is the God, undivided by creed, to whom we look, in the final  
 20 analysis, for the well-being of our Nation.”<sup>132</sup>

21 128. To Rep. Peter Rodino (NJ), the religious motto “expresses the constant attitude of the  
 22 American people ... that we wish now, with no ambiguity or reservation, to place  
 23 ourselves under the rule and care of God.”<sup>133</sup>

24 129. After informing us that “our citizenship is of no real value ... unless we can open our  
 25 souls before God and before Him conscientiously say, “I am an American,” Rep. Hugh

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<sup>126</sup> Id. (Emphasis added.)

<sup>127</sup> Id.

<sup>128</sup> 100 Cong. Rec. 6348 (May 21, 1954 Remarks of Sen. Homer Ferguson).

<sup>129</sup> 100 Cong. Rec. 7833 (June 8, 1954 Remarks of Sen. Homer Ferguson).

<sup>130</sup> 101 Cong. Rec. 8156 (June 14, 1955 Remarks of Rep. Louis C. Rabaut).

<sup>131</sup> 100 Cong. Rec. 2, 1700 (Feb. 12, 1954) (Remarks of Rep. Louis C. Rabaut).

<sup>132</sup> 100 Cong. Rec. 6085 (May 5, 1954 Remarks of Rep. Francis E. Dorn).

<sup>133</sup> 100 Cong. Rec. 7764 (June 7, 1954 Remarks of Rep. Peter Rodino).

1 J. Addonizio (NJ) referenced “In God we trust” as illustrating that “God is the symbol of  
2 liberty to America.”<sup>134</sup>

3 130. His colleague, Rep. Charles A. Wolverton (NJ), told us that “In God we trust” – taken  
4 “in conjunction” with “under God” in the Pledge of Allegiance – “can be taken as  
5 evidence of our faith in that divine source of strength that has meant and always will  
6 mean so much to us as a nation.”<sup>135</sup> He did not hesitate to characterize those who deny  
7 God as purveying “forces of evil.”<sup>136</sup>

8 131. Thus, it was within that milieu that H.R. Res. 396 – seeking to have “In God We Trust”  
9 declared the national motto – was introduced on July 21, 1955.<sup>137</sup>

10 132. On March 28, 1956, the House of Representatives’ Committee on the Judiciary  
11 considered H.J. Res. 396. With an incredibly superficial analysis, the Committee simply  
12 stated: “At present the United States has no national motto. It is most appropriate that  
13 ‘In God We Trust’ be so designated.”<sup>138</sup>

14 133. In its Report, the Committee spent no time at all considering the constitutionality of the  
15 verbiage. It simply noted (1) that the phrase had been used in the past on coins, and (2)  
16 that the Star-Spangled Banner – which has similar words in one of its four stanzas – had  
17 been adopted as the national anthem.<sup>139</sup>

18 134. The Committee concluded – despite the constitutional mandate for strict governmental  
19 neutrality in terms of religious ideology – that “it is clear that ‘In God We Trust’ has a  
20 strong claim as our national motto.”<sup>140</sup>

21 135. It might be noted also that the Committee dismissively cast “E pluribus unum” aside.  
22 Although it acknowledged that this phrase had “also received wide usage in the United  
23 States,” it declared by fiat: “However, the committee considers ‘In God We Trust’ a

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<sup>134</sup> 100 Cong. Rec. 7765 (June 7, 1954 Remarks of Rep. Hugh J. Addonizio).

<sup>135</sup> 100 Cong. Rec. 14919 (August 17, 1954 Remarks of Rep. Charles A. Wolverton).

<sup>136</sup> *Id.*

<sup>137</sup> 101 Cong. Rec. 11193. A copy of H. J. Res. 396 (84<sup>th</sup> Cong., 1<sup>st</sup> Sess.) – also noting this date – was inserted into the record during a meeting of Subcommittee No. 4 of the Committee of the Judiciary, held on Friday, February 24, 1956. (84) H.J. Res. 396, (84) HJ-T.114 (Feb. 24, 1956), House Committee on Judiciary, House Subcommittee No. 4 (“To Establish a National Motto of the United States”).

<sup>138</sup> H.R. Rep. No. 1959, 84th Cong., 2nd Sess. 1 (March 28, 1956).

<sup>139</sup> *Id.* at 1-2.

<sup>140</sup> *Id.* at 2.

superior and more acceptable motto for the United States.”<sup>141</sup> (“E pluribus unum,” of course, has an extraordinary historical pedigree. See at ¶ 285, page 50, *infra*.)

136. Apparently, this is because of its “great **spiritual** and psychological value to our country.”<sup>142</sup>

137. Thus, H.J. Res. 396 was quickly approved and signed into law<sup>143</sup> by President Eisenhower on July 30, 1956.<sup>144</sup>

138. The codification of this act – which will hereafter be referred to the “Act of 1956” – is now found at 36 U.S.C. § 302: “‘In God we trust’ is the national motto.”

#### **D. THE POLITICAL CLIMATE WAS PRO-MONOTHEISTIC AND ANTI-ATHEISTIC WHEN THE CHALLENGED ACTS WERE IMPLEMENTED**

139. The foregoing demonstrates unequivocally that the government’s use of the patently religious words “In God We Trust” (on the coins and currency and as the nation’s motto) occurred as a result of officials acting with patently religious purposes.

140. Such patently unconstitutional activity, *Lemon v. Kurtzman*, 403 U.S. 602, 612-613 (1971), can only occur in a political climate that empowers those advocating (Christian) Monotheism while disenfranchising Atheists. Such a climate existed in the 1950s.

141. For instance, there was marked support for (Christian) Monotheism at that time.

#### **APPENDIX B.**

142. Simultaneously, there was pervasive anti-Atheistic sentiment. **APPENDIX C.**

143. In fact – referencing “In God We Trust” on the nation’s money as justification for his outlandish decision – at least one Federal District Court judge refused to grant citizenship to a very deserving applicant solely on the basis of his Atheistic beliefs.

#### **APPENDIX O.**

<sup>141</sup> *Id.*

<sup>142</sup> *Id.* (emphasis added).

<sup>143</sup> Pub. L. 84-851 is now codified at 36 U.S.C. Section 186.

<sup>144</sup> Act of July 30, 1956, ch. 795, 70 Stat. 732.

1 144. Clearly, then, that era in our nation's history was filled with governmental activities  
 2 devoted towards fostering "dedication of our Nation and our people to the Almighty."<sup>145</sup>

3 145. In adding the words "under God" to the Pledge of Allegiance, for example, it's clear that  
 4 Congress was intent upon endorsing (Christian) Monotheism and disapproving of  
 5 Atheism. APPENDIX D.

6 146. The Pledge's implementation also demonstrates that – like the acts mandating "In God  
 7 We Trust" on the money and turning that religious phrase into our national motto – the  
 8 government's purpose was religious in nature. APPENDIX F.

9  
 10  
 11  
 12 **E. THE POLITICAL CLIMATE HAS REMAINED PRO-MONOTHEISTIC AND**  
 13 **ANTI-ATHEISTIC SINCE THE CHALLENGED ACTS WERE IMPLEMENTED**  
 14

15 147. It should be noted that the history just provided is not a reflection of a predilection for  
 16 religion that ended in the 1950s. Rather, governmental endorsement of (Christian)  
 17 Monotheism has persisted since that time. Furthermore – with remarkable hypocrisy –  
 18 our government has engaged in the very same behaviors it alleged were violating  
 19 religious freedoms when occasioned by officially Atheistic regimes.

20 148. In 1965, for example, Congress reported on "Antireligious Activities in the Soviet  
 21 Union and in Eastern Europe."<sup>146</sup> Among the activities deemed to be demonstrating  
 22 religious persecution in the Soviet Union was "active propagation of the concepts of  
 23 atheism."<sup>147</sup> Certainly, governmental "active propagation of (Christian) Monotheism" is  
 24 no less offensive to the ideals of religious liberty.

25 149. Similarly, that House Report denounced the fact that, in communist countries, "jobs and  
 26 promotion opportunities are lost"<sup>148</sup> due to governmental acts disfavoring  
 27 (Monotheistic) religious beliefs. Yet jobs and promotion opportunities have been (and

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<sup>145</sup> 100 Cong. Rec. 7, 8618 (June 22, 1954) (Statement by President Dwight D. Eisenhower, as reported by Sen. Homer Ferguson.)

<sup>146</sup> H. Rep. 532, 89<sup>th</sup> Cong., 1<sup>st</sup> Sess. (June 21, 1965) (as reported in House Miscellaneous Reports on Public Bills IV, 12665-4).

<sup>147</sup> *Id.*, at 2.

<sup>148</sup> *Id.*, at 3.

continue to be) lost in the United States due to governmental acts disfavoring Atheistic religious beliefs. (In fact, Plaintiff Newdow has personally suffered this very harm. See at ¶ 188, at page 35, *infra*.)

150. The Report also decried the fact that under Soviet rule, “Islam was declared to be a ‘hostile ideology.’”<sup>149</sup> Yet – while self-righteously engaging in this disapprobation – Congress had been maligning “atheistic communism” and “atheistic materialism” in numerous ways over and over and over again.<sup>150</sup>

151. Similarly, while the anti-Atheistic sentiment officially espoused by Congress was fueling anti-Atheistic views in the media here, the Report berated the Soviets over the fact that “[v]irulent anti-Islamic propaganda is prevalent in newspapers and magazines.”<sup>151</sup>

152. In view of the foregoing, one could well imagine how Congress would have responded had the Soviet government given their citizens no choice but to utilize monetary instruments stating that “God does not exist,” or espousing that claim as its national motto.

153. Without question, such an act on the part of our rivals would have resulted in severe castigation and rebuke by our Congress. Yet there is no legal, moral or rational difference between that motto – which the Soviets did NOT use – and “In God We Trust” – which Congress DID use.

154. Had the Soviet Union utilized its national currency to export its Atheistic beliefs, Congress would also undoubtedly have registered the highest of protestations. Yet doing just that is one of the expressed goals of our government. In the United States Mint Annual Report for the year 2003, for example, it was written that:

Wherever United States coins travel, they serve as reminders of the values that all Americans share. The words and symbols that define us as Americans have a permanent place in our coins: “Liberty” ... “In God

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<sup>149</sup> *Id.*, at 4.

<sup>150</sup> These terms were repeatedly employed by congressmen and other governmental actors, always in a reproachful manner. As but a small representative sample, *see, e.g.*, 99 Cong. Rec. A1428 (March 23, 1953 Remarks of Senator John M. Butler (MD)); 99 Cong. Rec. A4130 (July 7, 1953 Remarks of Rep. Donald L. Jackson (CA)); 100 Cong. Rec. A2515 (April 1, 1954 Remarks of Louis C. Rabaut (MI)); 100 Cong. Rec. 5915 (May 4, 1954 Remarks of Senator Alexander Wiley (WI)); 100 Cong. Rec. 8618 (June 22, 1954 Remarks of Senator Homer Ferguson (MI)); 100 Cong. Rec. 7758 (June 7, 1954 Remarks of Rep. Overton Brooks (LA)).

<sup>151</sup> *Id.*, at 5.

1           We Trust” ... E Pluribus Unum” ... Our coins are small declarations  
2           of our beliefs. They showcase how we see ourselves and our sense of  
3           sovereign identity. And they serve as ambassadors of American values  
4           and ideals.<sup>152</sup>

5  
6       155. Although obviously aware that many citizens find the motto offensive (e.g., “This use of  
7           the national motto has been challenged in court many times over the years that it has  
8           been in use<sup>153</sup>), Defendant Snow’s Treasury Department is almost defiant as it snubs  
9           those who seek to have their fundamental liberties upheld:

10           The Department of the Treasury and the Department of Justice intend to actively  
11           defend against challenges to the use of the national motto.”<sup>154</sup>

12  
13       156. The favoritism for (Christian) Monotheism which “In God We Trust” has helped spawn  
14           is demonstrated over and over by governmental officials. Appendix Q.

15  

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<sup>152</sup> Accessed at [http:// www.usmint.gov/downloads/about/annual\\_report/2003AnnualReport.pdf](http://www.usmint.gov/downloads/about/annual_report/2003AnnualReport.pdf) on May 8, 2005.

<sup>153</sup> Accessed at <http://www.moneyfactory.com/document.cfm/18/107> on May 8, 2005.

<sup>154</sup> Id.

**CLAIM FOR RELIEF**

**A. PLAINTIFF NEWDOW DOES NOT TRUST IN GOD**

157. Plaintiff Newdow is an Atheist whose religious beliefs are specifically and explicitly based on the idea that there is no god. Appendix I, ¶¶ 3-6. He finds belief in such an entity to be a significantly distasteful notion. He has no desire to impose his Atheistic beliefs upon others or to use the government to proselytize regarding Atheism. Nor does he need assistance dealing with the significant amounts of (Christian) Monotheism that pervades American society. However, he finds it deeply offensive to have his government and its agents advocating for a religious view he specifically decries.

158. More importantly, Newdow is personally injured when his government and its agents – including Defendants here – engage in such advocacy.

159. Plaintiff Newdow is a minister, having been ordained in 1977. Appendix I, footnote 2. His ministry espouses the religious philosophy that the true and eternal bonds of righteousness and virtue stem from reason rather than mythology. It recognizes that it is never possible to prove that something does not exist, but finds that fact to be an absurd justification to accept the unproved. The bizarre, the incredible and the miraculous deserve not blind faith, but rigorous challenge.

160. To Plaintiff Newdow and his religious brethren, belief in a deity represents the repudiation of rational thought processes, and offends all precepts of science and natural law. His religion incorporates the same values of goodness, hope, advancement of civilization and elevation of the human spirit common to most others. However, it presumes that all these virtues must ultimately be based on truth, and that they are only hindered by reliance upon a falsehood, which its adherents believe any God to be.

161. Accordingly, his church – the First Amendmist Church of True Science (FACTS) – holds as a fundamental truth that there is no god or other supernatural being. The notion of “supernatural” is an oxymoron.

162. Believing that “commandments” are the antithesis of any true religion, FACTS has three “suggestions” for its members. Those suggestions are (1) Question, (2) Be honest, and (3) Do what’s right. Appendix I, ¶ 7.

1 163. Plaintiff Newdow is a Grand Pwevacki in FACTS. Appendix I, ¶ 3. A Grand Pwevacki  
2 is one who has chosen to live his or her life devoted to the three suggestions.

3 164. The specific denial of any god follows from Newdow's (and his fellow FACTS  
4 members') adherence to the three FACTS suggestions.

5  
6  
7  
8 **B. THE DEFENDANTS IN THIS CASE, INDIVIDUALLY AND COLLECTIVELY,**  
9 **HAVE ACTED AND CONTINUE TO ACT TO FURTHER THE PRO-**  
10 **MONOTHEISTIC AND ANTI-ATHEISTIC BIAS THAT STEMS FROM THE USE**  
11 **OF THE MOTTO**  
12

13 165. 31 U.S.C. § 5103 states that "United States coins and currency ... are legal tender for all  
14 debts ...."

15 166. Pursuant to 31 U.S.C. § 5111(a)(1), "The Secretary of the Treasury – shall mint and  
16 issue coins described in section 5112 of this title in amounts the Secretary decides are  
17 necessary to meet the needs of the United States."

18 167. Pursuant to 31 U.S.C. § 5112(a), Defendant Snow – as Secretary of the Treasury – is  
19 authorized to mint and issue dollar, half dollar, quarter dollar, dime, 5-cent and one-cent  
20 coins.

21 168. Pursuant to 31 U.S.C. § 5112(d)(1), "United States coins shall have the inscription "In  
22 God We Trust."

23 169. Pursuant to 31 U.S.C. § 5112(e)(4), "the Secretary shall mint and issue, in quantities  
24 sufficient to meet public demand, coins which ... have inscriptions of ... the words ...  
25 "In God We Trust."

26 170. Defendant Snow does mint coins with this inscription.

27 171. Pursuant to 31 U.S.C. § 304(b)(2), Defendant Fore – as Director of the Mint – shares in  
28 minting and issuing the coins bearing that religious motto.

29  
30 172. Pursuant to 31 U.S.C. 5114(b), "United States currency has the inscription 'In God We  
31 Trust' in a place the Secretary decides is appropriate."

1 173. Pursuant to 31 U.S.C. § 5115, “The Secretary of the Treasury may issue United States  
2 currency notes.”

3 174. Defendant Snow does issue United States currency notes with the inscription “In God  
4 We Trust” in a place he has decided is appropriate.

5 175. Pursuant to 31 U.S.C. § 303(b)(1), Defendant Ferguson – as Director of the Bureau of  
6 Engraving and Printing (BEP) – shares in engraving, printing and issuing United States  
7 currency and currency notes.

8  
9 176. 2 U.S.C. § 285b (3) states that the Law Revision Counsel “shall ... prepare and publish  
10 periodically a new edition of the United States Code ... with annual cumulative  
11 supplements reflecting newly enacted laws.”

12 177. Defendant Peter LeFevre – as the Law Revision Counsel – has been responsible for the  
13 preparation and publication of 36 U.S.C. § 302, in which it is stated that “In God we  
14 trust” is the national motto.

15 178. His activity in this regard “degrades [Newdow and other Atheists] from the equal rank  
16 of citizens,” turning them into “political outsiders, not full members of the political  
17 community.”

18 179. He also has been responsible for the preparation and publication of 31 U.S.C. §  
19 5112(d)(1), which states, “United States coins shall have the inscription ‘In God We  
20 Trust.’” Similarly, he has been responsible for the preparation and publication of 31  
21 U.S.C. § 5114(b), which states, “United States currency has the inscription ‘In God We  
22 Trust.’”

23  
24 180. Newdow will prove at trial that these Code sections have real effects, degrading Atheists  
25 such as Newdow from the equal rank of citizens. As the Supreme Court has noted:

26 When the power, prestige and financial support of government is placed behind a  
27 particular religious belief, the indirect coercive pressure upon religious minorities to  
28 conform to the prevailing officially approved religion is plain. But the purposes  
29 underlying the Establishment Clause go much further than that.<sup>155</sup>

30  
31 181. One of those “much further” purposes is to not turn citizens into “political outsiders.”  
32 As the polls consistently show, Atheists are the epitome of “political outsiders” in this

1 nation. Plaintiff will demonstrate at trial that the Defendants – more than any others –  
 2 are responsible for perpetuating (if not initiating) this “outsider” status.

3 182. In addition to their Establishment Clause effects – these Code sections also infringe on  
 4 Free Exercise rights, as individuals such as Newdow are forced to further a religious  
 5 message with which they may disagree.

6  
 7  
 8  
 9 **C. “IN GOD WE TRUST” – ON THE COINS AND CURRENCY AND AS THE**  
 10 **NATION’S MOTTO – TURNS NEWDOW INTO A “POLITICAL OUTSIDER,”**  
 11 **THUS VIOLATING THE ESTABLISHMENT CLAUSE**

12  
 13 183. Anticipating that Defendants will raise issues of standing, it might be noted that  
 14 Newdow’s confrontations of an offensive religious ideology are far more pervasive,  
 15 offensive and personalized than those which occurred in such cases as Lynch v.  
 16 Donnelly, 465 U.S. 668 (1984), Allegheny County v. Greater Pittsburgh ACLU, 492  
 17 U.S. 573 (1989) and Van Orden v. Perry, 125 S. Ct. 2854, 2864 (2005) (“Texas’  
 18 placement of the Commandments monument on its capitol grounds is a far more passive  
 19 use of those texts than was the case in Stone, where the text confronted elementary  
 20 school students every day.”)

21 184. In fact, the very incident that precipitated Newdow’s activism on the part of religious  
 22 equality occurred during Thanksgiving, 1997, when he again noticed “In God We Trust”  
 23 on all of his coins and currency. APPENDIX I, ¶ 17. That phrase – which he had always  
 24 considered offensive – struck an especially disharmonious chord that day, and triggered  
 25 the efforts that will likely, to a large extent, define this man’s life.

26  
 27 185. In his *Memorial and Remonstrance* – which the Supreme Court has repeatedly  
 28 referenced to explain the Religion Clauses of the First Amendment<sup>156</sup> – James Madison  
 29 spoke of equality no less than thirteen times.

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<sup>155</sup> Engel v. Vitale, 370 U.S. 421, 431 (1962).

<sup>156</sup> See, e.g., Van Orden v. Perry, 125 S. Ct. 2854, 2892 (2005) (Souter, J., dissenting); McCreary County v. ACLU, 125 S. Ct. 2722, 2754 (Scalia, J., dissenting); McCreary County v. ACLU, 125 S. Ct. 2722, 2746, 2747, (O’Connor, J., concurring); Elk Grove Unified Sch. Dist. v. Newdow, 124 S. Ct. 2301, 2332 (2004) (Thomas, J., concurring); Locke v. Davey, 540 U.S. 712, 722 (2004); Zelman v.

1 186. Perhaps the clearest statement in this regard – highlighting the key injury that  
 2 individuals suffer from religious establishments of any sort – is that any such  
 3 constitutional transgression “degrades from the equal rank of Citizens all those whose  
 4 opinions in Religion do not bend to those of the Legislative authority.”<sup>157</sup>

5 187. Newdow – who specifically denies that there exists a god and who finds it offensive to  
 6 be included among those who would trust in what he believes is a pure fiction – has  
 7 been personally “degrade[d] from the equal rank of citizens” by Defendants’ activities.

8 188. Evidence of this – and the severe effects of this as it applies to Plaintiff here – can be  
 9 appreciated by noting that Newdow (who acquired some notoriety due to his challenges  
 10 to the phrase “under God” in the Pledge of Allegiance<sup>158</sup>) was just recently refused a job  
 11 because of the (mis-)perception of his activism.<sup>159</sup> APPENDIX I, ¶¶ 51-53.<sup>160</sup>

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Simmons-Harris, 536 U.S. 639, 711 (2002) (Souter, J., dissenting); Mitchell v. Helms, 530 U.S. 793, 871 (2000) (Souter, J., dissenting); City of Boerne v. Flores, 521 U.S. 507, 560-61 (1997) (O’Connor, J., dissenting); Agostini v. Felton, 521 U.S. 203, 243 (1997) (Souter, J., dissenting); Rosenberger v. Rector & Visitors of the Univ. of Va., 515 U.S. 819, 853 (1995) (Thomas, J., concurring); Lee v. Weisman, 505 U.S. 577, 590 (1992); Corporation of Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints v. Amos, 483 U.S. 327, 341 n.2 (1987) (Brennan, J., concurring); Edwards v. Aguillard, 482 U.S. 578, 605-606 (1987) (Powell, J., concurring); Wallace v. Jaffree, 472 U.S. 38, 55 n.38 (1985); Marsh v. Chambers, 463 U.S. 783, 804 (1983) (Brennan, J., dissenting); Valley Forge Christian College v. Americans United for Separation of Church & State, 454 U.S. 464, 502 (1982) (Brennan, J., dissenting); Meek v. Pittenger, 421 U.S. 349, 383 (1975) (Brennan, J., dissenting); Committee for Public Education & Religious Liberty v. Nyquist, 413 U.S. 756, 760, 772, 783, 798 (1973); Lemon v. Kurtzman, 411 U.S. 192, 209 (1973) (Douglas, J., dissenting); Wisconsin v. Yoder, 406 U.S. 205, 218 (1972); Lemon v. Kurtzman, 403 U.S. 602, 633 (1971) (Douglas, J., concurring); Tilton v. Richardson, 403 U.S. 672, 696 (1971) (Douglas, J., dissenting); Walz v. Tax Com. of New York, 397 U.S. 664, 675 n.3 (1970); Flast v. Cohen, 392 U.S. 83, 103 (1968); Board of Education v. Allen, 392 U.S. 236, 266 (1968) (Douglas, J., dissenting); School Dist. v. Schempp, 374 U.S. 203, 213, 225 (1963); Engel v. Vitale, 370 U.S. 421, 433 n.13, n.15, 436 n.22 (1962); Torcaso v. Watkins, 367 U.S. 488, 491 (1961); McGowan v. Maryland, 366 U.S. 420, 431 n.7 (1961); Illinois ex rel. McCollum v. Bd. of Educ., 333 U.S. 203, 214, 216 (1948); Everson v. Board of Education, 330 U.S. 1, 12, 13 n.12 (1947) (plus extensive discussion in Justice Rutledge’s dissent); Reynolds v. United States, 98 U.S. 145, 163 (1878).

<sup>157</sup> *The Founders’ Constitution*, Volume 5, Amendment I (Religion), Document 43 (citing The Papers of James Madison. Edited by William T. Hutchinson et al. Chicago and London: University of Chicago Press, 1962--77 (vols. 1--10); Charlottesville: University Press of Virginia, 1977--(vols. 11--)). Accessed at [http://press-pubs.uchicago.edu/founders/documents/amendI\\_religions43.html](http://press-pubs.uchicago.edu/founders/documents/amendI_religions43.html) on May 29, 2005.

<sup>158</sup> Elk Grove Unified Sch. Dist. v. Newdow, 124 S. Ct. 2301 (2004).

<sup>159</sup> Many have interpreted Newdow’s advocacy as being in favor of Atheism. It is nothing of the sort. It is in favor only of (religious) equality.

<sup>160</sup> It cannot be reasonably contended that Newdow would ever have been refused those jobs had his notoriety resulted from attempts to further (rather than end) government-sponsored (Christian) monotheism. In other words, violating the Constitution would not have resulted in this significant

189. Thus, Newdow is similar to the plaintiff in Sherbert v. Verner, having suffered a severe, personalized injury, which occurred largely because of the Defendants' activities.

190. This denial of employment was in no small part due to the Defendants' constant reinforcement of the twin notions that belief in God is "good," and disbelief in God is "bad." "In God We Trust" on the money and as the nation's motto plays a significant role in that reinforcement.

191. Similar losses of employment have apparently recurred since, and are likely to recur in the future as long as the current motto remains.

192. As repeatedly phrased by the Supreme Court, government may not act to turn individuals into political "outsiders" on the basis of their religious beliefs:

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<sup>161</sup>

193. Yet Defendants have done just that. As but one more example, Newdow recently accepted an invitation to attend a Baptist church service. On the cover of the program for that purely Christian ceremony were printed the words, "In God We Trust," lying beneath an open Bible, which – in turn – was lying on an American flag. Appendix I, ¶¶ 12-14.

194. This use of the nation's motto – which the Baptists can point to as supporting their religious viewpoint, but which is completely contrary to the religious view held by Newdow and his church – reinforced to Newdow (as well as to the (Christian) Monotheists) that Newdow, personally, is among those in this nation who "are outsiders, not full members of the political community."

195. This injury would never have occurred "but for" the Defendants' use of the purely religious phrase, "In God We Trust."

196. Similarly, Newdow has been a guest on numerous nationally broadcast radio and television shows. Repeatedly, the fact that "In God We Trust" is on the coins and

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harm. Only upholding that document's principles has yielded this interference with Newdow's ability to earn a living.

<sup>161</sup> Lynch v. Donnelly, 465 U.S. 668, 688 (1984) (O'Connor, J., concurring).

1 currency has been raised ... specifically to highlight how “real Americans believe in  
2 God.”

3 197. On multiple occasions – in regard to this governmental endorsement of (Christian)  
4 Monotheistic religious dogma – Newdow has heard statements such as, “If you don’t  
5 like it here, leave!” Appendix I, ¶ 34.

6 198. On December 8, 2004, Newdow was on Fox Television’s Hannity and Colmes show.  
7 Another guest was Lt. Col. Oliver North, a well known conservative commentator.  
8 During the show, Colonel North pulled out a dollar bill, and used the “In God We Trust”  
9 phrase to “prove” that the United States is a (Christian) Monotheistic country. Appendix  
10 I, ¶ 11. This nationally-televised incident again demonstrates how the Defendants’  
11 maintenance of “In God We Trust” personally injures Plaintiff Newdow, turning him  
12 into a “political outsider” in his own country.

13  
14 199. That the Defendants have turned Newdow into a “political outsider” in and of itself  
15 reveals the Establishment Clause violation. That their activities have also failed each of  
16 the many other Supreme Court Establishment Clause tests gives further evidence of their  
17 constitutional transgressions.

18 200. For instance, the history provided above demonstrates that “In God We Trust” was  
19 chosen and utilized to serve a religious purpose. Thus it violates the “purpose prong” of  
20 the test enunciated by the Supreme Court in Lemon v. Kurtzman, 403 U.S. 602, 612-613  
21 (1971). See, also, Van Orden v. Perry, 125 S. Ct. 2854 (2005).

22 201. The foregoing also demonstrates that there was no secular purpose in choosing “In God  
23 We Trust” for use on the coins or as the national motto. Any alleged secular purpose is  
24 clearly pretextual.

25 202. Lemon’s “effects prong” has also been violated. By serving its intended religious  
26 purposes, “In God We Trust” has the religious effects its promoters have sought.

27 203. “In God We Trust” implies there is a God, which is disputed by millions of American  
28 citizens, including Newdow. Thus it violates the religious neutrality required by the  
29 Establishment Clause.

1 204. “In God We Trust” places government’s imprimatur on the religious ideas that (a) there  
 2 exists a God, and (b) the United States’ citizens believe in God. Thus, “In God We  
 3 Trust” violates the Establishment Clause.

4 205. “In God We Trust” endorses the religious idea that there exists a God. Thus, “In God  
 5 We Trust” violates the Establishment Clause.

6 206. In addition to turning Newdow and his religious brethren into political outsiders, “In  
 7 God We Trust” sends “an accompanying message to adherents that they are insiders,  
 8 favored members of the political community.” Lynch v. Donnelly, 465 U.S. 668 (1984).  
 9 Thus, for this reason as well, “In God We Trust” violates the Establishment Clause.

10 207. Again, when “the power, prestige and financial support of government is placed behind  
 11 a particular religious belief,”<sup>162</sup> there are adverse effects upon those who hold different  
 12 beliefs.<sup>163</sup>

13 208. “In God We Trust” on the coins and currency (and as our national motto) lends that  
 14 “power, prestige and financial support” to the sectarian view that there exists a God.

15 209. In significant part as a result of this governmental decree, nearly half of Americans  
 16 maintain that belief in God is necessary to be moral.<sup>164</sup>

17 210. Similarly, this endorsement of (the Christian) God has led to a situation where two-  
 18 thirds of Americans believe that the United States is a Christian Nation,<sup>165</sup> further  
 19 turning Newdow into a “political outsider.”

20 211. When government ends official policies that send messages that politically  
 21 disenfranchised groups are second-class citizens, that second-class citizenship ends.  
 22 Thus, when government stopped sending messages (with its segregation policies) that  
 23 blacks are second-class citizens, the percentage of those refusing to vote for a black  
 24 candidate decreased from 53% in 1958 to 4% in 1999. Similarly, as policies for equality  
 25 towards women replaced policies of repression, those refusing to vote for a woman  
 26 candidate decreased from 41% to 7%. The diminution of anti-Catholic bias took a great

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<sup>162</sup> Engel v. Vitale, 370 U.S. 421, 431 (1962).

<sup>163</sup> In fact, that is largely the reason our nation has its Establishment Clause.

<sup>164</sup> Poll conducted by the Pew Research Center, March 20, 2002, entitled, *Americans Struggle with Religion’s Role at Home and Abroad*. Accessed on October 23, 2005 at <http://people-press.org/reports/display.php3?ReportID=150>.

<sup>165</sup> Id.

1 leap forward when John Kennedy took office as president. Accordingly, those refusing  
 2 to vote for a Catholic went from 22% to 4% during that interval. Yet for Atheists –  
 3 where government continues to send messages (especially with its use of “In God We  
 4 Trust”) that “real Americans believe in God” – the percentage of those refusing to vote  
 5 for such an individual has remained extraordinarily high, with the last Gallup poll  
 6 showing the figure to be 48%!<sup>166</sup>

7 212. This statistic has been replicated by other organizations. For instance, the results of a  
 8 poll performed by Zogby International (in 2000) led to the following summary:

9 In picking a candidate for vice president of the United States, it would be acceptable to  
 10 choose a woman, a black or a Jew, somewhat acceptable to pick an Arab American,  
 11 somewhat less acceptable to nominate a homosexual -- but do not on any account  
 12 choose an atheist.<sup>167</sup>

13  
 14 213. A study published just last month corroborated this conclusion.<sup>168</sup> “[T]he gap between  
 15 acceptance of atheists and acceptance of other racial and religious minorities is large and  
 16 persistent.”<sup>169</sup>

17 214. Accordingly, the government-perpetuated (if not created) anti-Atheistic bias that  
 18 Defendants have maintained has caused Plaintiff Newdow to give up hope of obtaining  
 19 elected office. APPENDIX I, ¶ 54.

20  
 21  
 22  
 23 **D. NEWDOW IS FORCED TO PAY TAX DOLLARS TO SUPPORT THE PURELY**  
 24 **RELIGIOUS NOTION THAT “WE” TRUST IN GOD, TURNING HIMSELF,**  
 25 **PERSONALLY, INTO A “POLITICAL OUTSIDER”**  
 26

27 215. Plaintiff is a federal taxpayer, APPENDIX I, ¶ 38, and some of his federal tax dollars  
 28 are used to propagate a religious opinion that he expressly denies – i.e., that “In God We

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<sup>166</sup> Polls given July 30-August 4, 1958 and February 19-21, 1999. Copyright: The Gallup Organization, Princeton, NJ. A.I.P.O. See, [www.gallup.com](http://www.gallup.com) and [www.gallupjournal.com](http://www.gallupjournal.com).

<sup>167</sup> Accessed at <http://www.zogby.com/search/ReadClips.dbm?ID=2192> on November 6, 2005.

<sup>168</sup> Edgell P, Gerteis J, and Hartmann D. *Atheists as “Other”: Moral Boundaries and Cultural Membership in American Society*. American Sociological Review (April, 2006) Vol. 71, pages 211-34.

<sup>169</sup> *Id.*, at 230.

Trust.” As Thomas Jefferson wrote, “to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical.”<sup>170</sup>

216. In addition to the government’s general propagation of that opinion, Newdow’s tax dollars are also used to propagate the opinion in a manner that directly impinges upon Newdow himself. For example, Newdow’s tax dollars are used to manufacture the coins and currency that Newdow, himself, must utilize.

217. Some of the federal tax dollars paid by Plaintiff Newdow are used to pay for the salaries of Defendants LeFevre, Snow, Fore and Ferguson, who – while employed – serve to perpetrate the injuries described herein.

218. The aforementioned tax moneys are also used to pay for (i) the salaries of the employees under Defendants’ authority, (ii) the manufacture of the coins and currency that bears the religious motto, (iii) the physical plants wherein the perpetuation and promotion of the religious motto occurs (including construction, maintenance and utilities), and (iv) the printing of the United States Code, which – by way of the various code sections previously mentioned – codifies and officially establishes the (Christian) Monotheism in which Newdow “disbelieves.”

219. Some (if not all) of the federal dollars spent in the aforementioned activities are apportioned under the taxing and spending power of Article I, Section 8 of the Constitution of the United States. (“[F]ederal taxpayers have standing to raise Establishment Clause claims against exercises of congressional power under the taxing and spending power of Article I, § 8, of the Constitution.” Bowen v. Kendrick, 487 U.S. 589, 618 (1988).)

220. Although even a minimal expenditure of funds that serves religious ends violates the Constitution,<sup>171</sup> these funds are not minimal.

221. The preceding examples show that Plaintiff’s tax monies are used for governmental functions designed to bolster the use and status of the religious motto. The taking by the government of Plaintiff’s (and the rest of the citizenry’s) personal wealth to be used to

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<sup>170</sup> Thomas Jefferson, *Bill for Establishing Religious Freedom* (1799), in *Basic Writings of Thomas Jefferson*, Foner PS (ed.) (Wiley Book Company: New York, 1944), p. 48.

<sup>171</sup> “Who does not see ... that the same authority which can force a citizen to contribute three pence only of his property for the support of any one establishment, may force him to conform to any other establishment in all cases whatsoever?” James Madison, *Memorial and Remonstrance against Religious Assessments*, II Writings of Madison 183, at 185-186.

1 advocate for a statement that places the government's imprimatur on religious beliefs to  
 2 which Plaintiff does not adhere is a violation of both the Establishment and Free  
 3 Exercise clauses.

4  
 5 **E. "IN GOD WE TRUST" – ON THE COINS AND CURRENCY AND AS THE**  
 6 **NATION'S MOTTO – SUBSTANTIALLY BURDENS NEWDOW'S RIGHT TO**  
 7 **THE FREE EXERCISE OF HIS RELIGION<sup>172</sup>**

8  
 9 222. In addition to the Establishment Clause violations caused by the Defendants' challenged  
 10 practices, Plaintiff has had his fundamental constitutional right of Free Exercise violated  
 11 as well.

12  
 13 223. Because there is no other practical way to pay for (or receive payment for) the small  
 14 incidentals in life, Defendants' use of "In God We Trust" on the money repeatedly  
 15 forces Newdow to confront a religious belief he finds offensive. This, in and of itself,  
 16 substantially burdens Newdow's right to exercise his Atheistic beliefs.

17 224. This confrontation is especially burdensome upon Newdow, inasmuch as he has been  
 18 collecting coins since his early childhood, and has continuously maintained a significant  
 19 collection for well over forty years. Pendix I, ¶¶ 15-16. He routinely checks the coins he  
 20 obtains during his normal purchasing activities, and he not infrequently pulls out  
 21 portions of his collection to admire the uniqueness and beauty<sup>173</sup> of many of his  
 22 specimens.

23 225. When he does this, Newdow is forced to confront government-endorsed, purely  
 24 religious dogma that is directly contrary to his faith and to the tenets of his church.

25 226. The combination of general spending and numismatics forces Newdow to receive these  
 26 messages, on average, far more often than most people spend in worship. APPENDIX I,  
 27 ¶¶ 16-17.

28  


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<sup>172</sup> The burdens noted here give rise to a statutory claim (under RFRA) as well as a constitutional claim (under the Free Exercise Clause). To the extent that there was a question as to RFRA's validity against the federal government, the question has now been unequivocally answered by the Supreme Court. Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal, 126 S. Ct. 1211 (2006).

<sup>173</sup> He considers that beauty to be marred by the offensive words, "In God We Trust."

1 227. Newdow is not only forced to countenance this offensive, purely religious dogma. He is  
 2 also effectively compelled by the Defendants to carry that dogma on his person as the  
 3 price to pay for merely being able to engage in normal societal commerce (since all  
 4 coins and currency claim that “In God We Trust”).

5 228. This is no different than compelling a Jew to carry a cross, a Muslim to carry a Jewish  
 6 star, a Christian to carry an Islamic Star and Crescent, and so on.

7 229. The government has no business in this religious realm, and – because it has entered into  
 8 it – Newdow has suffered. For instance, derogatory remarks have repeatedly been hurled  
 9 at Newdow since his Atheism became known. Appendix I, ¶¶ 9-11, 33-41. Time and  
 10 again, those who wish to castigate him have argued that he is a hypocrite for using  
 11 money that has the “In God We Trust” verbiage. APPENDIX I, ¶ 9.

12  
 13 230. It doesn’t end there. Not only must Newdow confront the offensive religious verbiage  
 14 and carry it on his person, but he must proselytize for the purely religious claim which  
 15 that phrase makes.

16 231. In fact, proselytizing for God-belief was one of the expressed purposes of placing the  
 17 purely religious phrase, “In God We Trust,” on the coins and currency.

18 232. As Matthew H. Rothert first wrote to the Secretary of the Treasury, placing “In God We  
 19 Trust” on the currency “affirm[s] our trust in God in such a manner that it [is] heard  
 20 around the world.”<sup>174</sup>

21 233. Similarly, at the hearing before the House Banking and Currency Committee, Rep.  
 22 Herman P. Eberharter (PA) noted that:

23 the American dollar travels all over the world, into every country of the world, and  
 24 frequently gets behind the Iron Curtain, and if it carries this message in that way I  
 25 think it would be very good. I think that is one of the most compelling reasons why we  
 26 should put it on our currency.<sup>175</sup>

27  
 28 234. The American Legion – advocating for the use of the religious motto on the money –  
 29 felt the same. In a resolution placed into the Congressional Record, that organization

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<sup>174</sup> See at ¶ 19, *supra*.

<sup>175</sup> *United States Currency Inscription: Hearing on H.R. 619 and related bills, before the Committee on Banking and Currency, 84<sup>th</sup> Cong., 1<sup>st</sup> Sess. 53 (Tuesday, May 17, 1955).*

wrote that “the principles laid down by God and the teachings of our way of life should be kept alive in the hearts and minds of our friends enslaved behind the Iron Curtain.”<sup>176</sup>

235. Rep. Lawrence H. Fountain also reiterated this idea:

[T]hat inscription ... indicates to the world that ... the material is not the thing upon which we should rely, but it is God.”<sup>177</sup>

236. In fact, as previously noted, the position of the United States Mint is that America’s coins – with the words “In God We Trust” – “are small declarations of our beliefs [which] showcase how we see ourselves and our sense of sovereign identity. And they serve as ambassadors of American values and ideals.”<sup>178</sup>

237. In other words, “In God We Trust” on the coins and currency serves as a form of religious evangelism, in which all who pass those monetary instruments – whether willingly or unwillingly – participate. Newdow is forbidden by his religion from participating in such evangelism for (Christian) Monotheism, spreading the word that there is a (Christian) God, and that, as a United States citizen, he trusts in that (Christian) God. Newdow trusts in nothing of the sort.

238. By being thus forced to evangelize for a religious belief that he explicitly denies, to “showcase” that this nation holds this offensive religious belief, and to make “small declarations” that he (as a citizen of the United States) trusts in God, Newdow’s Free Exercise rights are further substantially burdened.

239. This injury is compounded to an even greater degree when that proselytizing and evangelism occurs while – as a member and minister of FACTS – he needs to use coins or currency in relation to church activities.

240. FACTS meets every new moon. Appendix I, ¶ 18. Like ministers of other religions, Newdow wishes to raise money during his church meetings. That endeavor is futile, however, because Newdow often cannot raise money – and his fellow parishioners often cannot contribute – without violating FACTS’ basic tenets. Thus, for this reason, too, the Defendants’ acts in placing offensive religious dogma on the nation’s monetary instruments burden Newdow’s free exercise rights.

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<sup>176</sup> Id. at 54.

<sup>177</sup> Id. at 56.

1 241. In fact, FACTS meetings include “the passing of the collection plate in church,”  
 2 APPENDIX I, ¶ 29, which the Supreme Court has recognized as being a standard part of  
 3 religion practice. Murdock v. Pennsylvania, 319 U.S. 105, 111 (1943). Yet – unlike the  
 4 adherents of Monotheistic religions – Newdow and his Atheistic brethren cannot,  
 5 consistent with their religious beliefs, reap the benefits of that practice. This is true  
 6 solely because the Defendants have chosen to place purely ((Christian) monotheistic)  
 7 religious dogma on the coins and currency, as is forbidden under the Constitution of the  
 8 United States.

9 242. Newdow has attempted to raise money for his church in other ways, as well.

10 243. For instance, he owns undeveloped real estate in a commercial area in Elk Grove,  
 11 California. He has used that property for religious purposes, including worshipping and  
 12 discussing the FACTS religious philosophy.

13 244. Additionally, Newdow has used the property for attempts at church fund-raising.  
 14 However, because those fund-raising activities have been based on obtaining cash  
 15 donations, they have been futile. Appendix I, ¶ 31.

16 245. This, again, is because the Defendants – by placing “In God We Trust” on the nation’s  
 17 monetary supply – have effectively precluded Newdow from acquiring money by one of  
 18 the most common channels.

19  
 20 246. Worship at FACTS meetings is, itself, substantially burdened by the acts of the  
 21 Defendants.

22 247. FACTS garb – worn during FACTS church services – at times cannot be purchased.  
 23 Appendix I, ¶¶ 19-23.

24 248. The FACTS libation – known as “The Freethink Drink” – at times cannot be formulated  
 25 in its recommended manner. Appendix I, ¶ 24.

26 249. Purchases of books and other items for the FACTS church library, etc., have been  
 27 substantially burdened. This has occurred when – at times – the only means of paying  
 28 for those materials is with United States coins and currency, bearing the claim that “In  
 29 God We Trust.” Newdow cannot – in keeping with his religious principles – make  
 30 purchases for such items with such monetary instruments. APPENDIX I, ¶ 56.

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<sup>178</sup> See at paragraph 154, supra.

1  
2 250. Newdow has also attended numerous events where he has attempted to sell items (such  
3 as FACTS pens) to raise money for the church. Appendix I, ¶ 29.

4 251. In none of these situations was Newdow able to take any donations, since all that were  
5 offered were in the form of currency or coin, engraved or inscribed with the phrase, “In  
6 God We Trust.” Accepting and/or using money with that phrase for church activities –  
7 when the fundamental religious belief of the church is that there is no god in which trust  
8 can be placed – would violate the second and third FACTS suggestions.

9  
10 252. Newdow’s ability to educate himself in regard to matters affecting his religion have also  
11 been substantially burdened.

12 253. For instance, Newdow planned a visit to the Harvard Divinity School. That visit was  
13 scrapped due to the need to use money that proclaims “In God We Trust.” Appendix I, ¶  
14 60.

15 254. This problem has occurred locally as well. Trips to engage in FACTS-related research at  
16 the State Library as well as at the Central library in downtown Sacramento have also  
17 been foregone because of the need to use “In God We Trust” imprinted coins or  
18 currency. Appendix I, ¶ 61.

19  
20 255. Defendants’ use of the purely religious, (Christian) monotheistic motto has also  
21 substantially burdened Newdow’s ability to meet and assemble with others for the  
22 purpose of furthering his ministry. “[T]he ‘exercise of religion’ often involves not only  
23 belief and profession but the performance of (or abstention from) physical acts:  
24 assembling with others for a worship service.” Employment Div. v. Smith, 494 U.S.  
25 872, 877 (1990).

26 256. For instance, travel frequently requires that the nation’s monetary instruments be used  
27 (at toll booths, for instance, or to pay porters and others who take neither checks nor  
28 credit cards).

29 257. One of the results of this has been that Newdow has not been able to take trips to the  
30 Bay area for FACTS-related purposes. Appendix I, ¶ 62. He would otherwise travel

1           there in order to expand his church among the numerous Atheist contacts he has in that  
2           region.

3   258. As the founder and a Grand Pwevacki of FACTS, Plaintiff Newdow also desires to have  
4           one or more large gatherings – perhaps with a national (or international) attendance –  
5           where adherents of the religious ideals espoused by the Church will assemble and  
6           worship. To facilely plan and run such gatherings requires the use of and the ability to  
7           readily collect cash and currency.

8   259. Plaintiff cannot freely exercise his religious rights to engage in such assembly and  
9           worship by utilizing such monetary instruments when they contain religious dogma that  
10          specifically contradicts the tenets of his religion.

11  
12   260. Newdow has traveled to numerous foreign lands, including Andorra, Aruba, Ascension  
13          Island, Australia, the Bahamas, Bali, Barbados, Belgium, Canada, Chile, Cuba,  
14          Denmark, Dominican Republic, Ecuador, Egypt, England, France, Germany, Gibraltar,  
15          Greece, Haiti, Holland, Honduras, Hong Kong, Indonesia, Israel, Italy, Japan, Malaysia,  
16          Mexico, New Zealand, Norway, Palau, Panama, Puerto Rico, St. Thomas, South Korea,  
17          Spain, Sri Lanka, Sweden, Switzerland, Taiwan, Thailand, Tobago, and Trinidad.

18   APPENDIX I, ¶ 57.

19   261. Although he often has taken travelers' cheques on these trips, he frequently has needed  
20          to exchange small quantities of American currency in order to avoid financial losses  
21          (due to exchanges of large denomination cheques). *Id.*, ¶ 58. In so doing, he was forced  
22          to evangelize for (Christian) Monotheism precisely as Congress and others envisioned.

23   262. Newdow plans to continue his foreign travels – including as a minister of FACTS. *Id.*, ¶  
24          59. Defendants' acts, requiring him to evangelize for a religious view he explicitly  
25          denies, substantially burden the free exercise of his Atheism. *Id.*

26   263. In fact, over the past year or so, this burden has repeatedly materialized during  
27          Newdow's numerous trips to Mexico. Appendix I, ¶ 27-28. Refusing to use money with  
28          "In God We Trust" upon it to further his religious goals, he has been forced to forego  
29          opportunities to proselytize during those trips.

264. To force Newdow to confront, carry and proselytize for “In God We Trust” while exercising his Atheistic faith is certainly a violation of – and a “substantial burden” upon – his Free Exercise rights.

265. That Newdow is forced to pay taxes to further (Christian) monotheism is also a substantial burden upon the Free Exercise of his Atheistic religion. See at ¶¶ 215-221, supra.

266. Thus, it is abundantly clear that Defendants – through their unconstitutional activities – have unequivocally “substantially burdened” Newdow’s Free Exercise rights in numerous ways.

#### **F. “IN GOD WE TRUST” – ON THE COINS AND CURRENCY, AND AS THE NATION’S MOTTO – VIOLATES NEWDOW’S FREE SPEECH AND EQUAL PROTECTION RIGHTS**

267. It should be noted that, in addition to the Establishment Clause and Free Exercise Clause violations, the coercion previously noted results in a Free Speech violation as well. Wooley v. Maynard, 430 U.S. 705 (1977).<sup>179</sup>

268. Because the official governmental endorsement of the religious notion that God exists perpetuates prejudice against Atheists – and, thus, against Plaintiff here – the Defendants’ use and advocacy of “In God We Trust” also violates the requirements of Equal Protection as found in the Fifth Amendment to the United States Constitution.<sup>180</sup>

#### **G. DEFENDANTS HAVE NO COMPELLING INTEREST**

269. The first right listed in the Bill of Rights is that relating to the fact that “Congress shall make no law respecting an establishment of religion.” As James Madison wrote, this

<sup>179</sup> It should be noted that the phrase at issue in Wooley had no religious overtones. “In God We Trust” is purely religious.

<sup>180</sup> Although there is no explicit Equal Protection Clause in the Fifth Amendment, the Supreme Court has read the requirement of Equal Protection into that amendment’s Due Process Clause. Adarand Constructors, Inc. v. Mineta, 534 U.S. 103, 105 (2001).

right exists to prevent any governmental act that “degrades from the equal rank of Citizens all those whose opinions in Religion do not bend to those of the Legislative authority.”<sup>181</sup> As the Supreme Court has phrased it, this right prevents government from “send[ing] a message to nonadherents that they are outsiders, not full members of the political community.”<sup>182</sup>

270. The second right listed in the Bill of Rights is that “Congress shall make no law ... prohibiting the free exercise [of religion].”

271. These rights, therefore, are fundamental constitutional rights. As such, the demands of strict scrutiny are called into play.<sup>183</sup>

272. Even were this not the case constitutionally, there is a statutory requirement for government to meet those strict scrutiny demands. This is found in RFRA, which applies to any governmental act that “substantially burdens” an individual’s free exercise of his or her religion.<sup>184</sup>

273. The requirements of strict scrutiny have not been met.

274. There is no compelling interest in having “In God We Trust” on the nation’s coins and currency or as the national motto.

275. On the contrary, even the bogus contention that the phrase serves to remind us of our “religious heritage” (while serving to ignore our heritage of standing up for religious equality) is anything but “compelling.”

276. Furthermore, especially as it pertains to the coinage, the motto is a hindrance to the beauty and design of the products:

Artistic rendering and a superabundance of lettering do not go hand in hand towards the best results. Our artists at the start are handicapped by having to place on the coin

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<sup>181</sup> Madison J. *Memorial and Remonstrance*, The Founders’ Constitution, Volume 5, Amendment I (Religion), Document 43, The University of Chicago Press, citing The Papers of James Madison. Edited by William T. Hutchinson et al. Chicago and London: University of Chicago Press, 1962--77 (vols. 1--10); Charlottesville: University Press of Virginia, 1977--(vols. 11--). Accessed on October 5, 2005 at [http://press-pubs.uchicago.edu/founders/documents/amendI\\_religions43.html](http://press-pubs.uchicago.edu/founders/documents/amendI_religions43.html). Emphases added.

<sup>182</sup> *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O’Connor, J., concurring).

<sup>183</sup> “[C]lassifications affecting fundamental rights are given the most exacting scrutiny.” *Clark v. Jeter*, 486 U.S. 456, 461 (1988) (citations omitted).

<sup>184</sup> 42 U.S.C. § 2000bb-1(b)(1) and (b)(2) state, “Government may substantially burden a person’s exercise of religion only if it demonstrates that application of the burden to the person is in furtherance of a compelling governmental interest; and is the least restrictive means of furthering that compelling governmental interest.”

1 “United States of America, “E Pluribus Unum,” “Liberty,” “In God We Trust,” the  
 2 date and the denomination. In other words, six separate mottoes or legends.  
 3 Consequently, the artist cannot strive for simplicity, and, despite his best endeavors,  
 4 one or both sides of the coin are bound to be chopped up with a lot of discordant  
 5 elements.<sup>185</sup>  
 6

7  
 8  
 9 **H. “IN GOD WE TRUST” IS – AND WAS INTENDED TO BE – RELIGIOUS, AND**  
 10 **ANY CLAIM TO THE CONTRARY IS PRETEXTUAL**  
 11

12 277. “In God We Trust” is clearly and unequivocally religious, and – as has been  
 13 demonstrated – was intended to be clearly and unequivocally religious.

14 278. As Plaintiff Newdow has declared under oath, APPENDIX I at ¶ 9, he has received  
 15 myriad contacts from strangers who have pointed to “In God We Trust” on the coins,  
 16 currency and as our motto as evidence that “we” are a nation that believes in God.

17 279. This view has been confirmed scientifically. In 1994, a poll commissioned by the  
 18 Freedom from Religion Foundation was performed by an independent research firm.  
 19 The results of that poll revealed that Americans – by a two to one margin – believed that  
 20 “In God We Trust” is religious, and – by a three to one margin – they opined that the  
 21 phrase endorsed a belief in God. APPENDIX N.

22 280. In fact, it is only in court briefs and legal arguments that “In God We Trust” is stripped  
 23 of its religious meaning. In our daily lives, its purely religious nature is  
 24 unquestionable.<sup>186</sup>

25 281. The claim that “In God We Trust” is “ceremonial” is nothing but a further bogus excuse  
 26 to justify the majority’s desire to do what the Constitution forbids. APPENDIX G. The  
 27 same is true for the claim that “In God We Trust” causes a “*de minimis*” injury. *Id.*

28 282. The Claim that “In God We Trust” is an “acknowledgement” of religion and not an  
 29 “endorsement” of religion is nonsensical as well. APPENDICES H and N.

30 283. “In God We Trust” is also not excusable because of any “historical” significance. There  
 31 are all sorts of historical violations of the equality that underlies our constitutional

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<sup>185</sup> Schwarz T. *A History of United States Coinage*. (A.S. Barnes & Co., New York; 1980) at 281.

framework. For instance, it is “historical” that our nation was founded by people who felt that it was acceptable to enslave the Negro race, and to forbid basic liberties to women. Yet no one would permit those past historical truths to be placed on our money, or used as our national motto. Thus, it is not the “history” that underlies the use of “In God We Trust.” Rather, it is the message being provided by that history. And that message – being purely religious – is one which government may not espouse. To quote Justice Scalia, “The government may not ... lend its power to one or the other side in controversies over religious ... dogma.” Employment Div. v. Smith, 494 U.S. 872, 877 (1990).

284. In anticipation of the claim that “In God We Trust” is patriotic, it should be noted that there is nothing patriotic about trusting in God. Patriotism is demonstrated by trusting in the Constitution, which forbids governmental advocacy for any religious view.

285. It should also be noted that the *de facto* motto of the United States was “E pluribus unum” for the 180 years from 1776 until 1956. This motto was chosen by a committee formed on July 4, 1776, whose members were none other than Benjamin Franklin, Thomas Jefferson and John Adams.<sup>187</sup>

286. Now that’s historic! Yet that motto – in place since its creation by a committee that had its birth on the day we declared our independence, and that was comprised of three of the most renowned and important architects of our constitutional democracy – was discarded by Congress.

287. This was done even though “an unbroken practice . . . is not something to be lightly cast aside.” Marsh v. Chambers, 463 U.S. 783, 790 (1983) (citing Walz v. Tax Comm’n, 397 U.S. 664, 678 (1970)).

288. That no concern for “history” was heard from Congress when “E Pluribus Unum” was replaced by “In God We Trust” shows clearly that the “history” justification is a mere pretext.

289. It should be noted that while the United States (which holds itself out as the beacon of religious liberty) has deemed it necessary to choose a purely religious motto, the

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<sup>186</sup> A typical example was seen on a popular television show. That show revolved around the idea of a living, personal God. In one episode, the protagonist stated, “Look at that penny. Does it say ‘In Luck We Trust?’” *Touched by an Angel*. Broadcast on March 13, 2000.

<sup>187</sup> July 30, 1956, ch. 795, 70 Stat. 732.

overwhelming majority of nations (including those where religion has historically been wedded to the state) have seen no need for this at all.

290. With the United States – which has been enriched more than any other nation by the diversity of its citizens – choosing to have a pure statement of religious ideology as its motto (in violation of its Constitution), it deserves mention that the European Union – comprised of distinctly religious nations – has chosen “Unity in diversity” for its motto.<sup>188</sup>

291. The history is clear that “In God We Trust” was chosen purely for its religious message. The virtually infinite number of alternative mottoes is further evidence of the truth of this assertion. Even limiting the motto to the current format, myriad other nonreligious choices have always existed. “In Equality We Trust,” “In Liberty We Trust,” “In Diversity We Trust,” “In Justice We Trust,” “In the Constitution We Trust,” “In Principles We Trust,” “In Fairness We Trust,” “In Honesty We Trust,” “In Humanity We Trust,” “In Truth We Trust,” “In Wisdom We Trust,” “In Trust We Trust,” and on and on, are all inclusive candidates that embrace the noble principles underlying our governmental structure without compromising (or even implicating) constitutional mandates. The fact that – as among all of these many alternatives – Congress opted for a purely religious phrase is strong evidence of the fact that it was nothing but the advocacy of a (Christian) Monotheistic ideology that was the driving force of those involved.

292. A “motto” is defined as:

**1** : a sentence, phrase, or word inscribed on something as appropriate to or indicative of its character or use

**2** : a short expression of a guiding principle<sup>189</sup>

293. Thus, the national motto should be the distillation, in one concise phrase, of that which is “indicative of” our nation, or evincing our nation’s “guiding principle.” For a nation that has a guarantee of governmental neutrality in matters of religion – **as the first clause in its Bill of Rights**, no less – to contend that a disputed religious precept serves as its guiding principle (and is indicative of its character) is absurd.

<sup>188</sup> [http://en.wikipedia.org/wiki/European\\_symbols#Motto](http://en.wikipedia.org/wiki/European_symbols#Motto). Accessed on October 21, 2005.

<sup>189</sup> Merriam-Webster Online Dictionary, accessed <http://www.m-w.com/dictionary/motto> on November 12, 2005.

1 **I. “IN GOD WE TRUST,” CONSTITUTIONALLY, IS SECTARIAN**

2  
3 294. Plaintiff readily acknowledges that the majority of Americans – certain of their belief in  
4 the existence of a God – are completely blind to the offensiveness the words “In God  
5 We Trust” as the nation’s motto and on the coins and currency hold for Plaintiff and his  
6 religious brethren. That is precisely what one would expect to see as a result of religious  
7 bias, and the Framers’ recognition of this sort of ecclesiastically-based myopia is largely  
8 why the Religion Clauses were created.

9 295. The rights of religious freedom are fundamental constitutional rights, and, as such, they  
10 must be examined from the perspective of those individuals whose rights are abridged.  
11 “The proper focus of constitutional inquiry is the group for whom the law is a  
12 restriction, not the group for whom the law is irrelevant.” Planned Parenthood of  
13 Southeastern Pa. v. Casey, 505 U.S. 833, 894 (1992).

14 296. Accordingly, with respect to the Religion Clauses, this “focus” is measured in terms of  
15 sectarianism, which – in constitutional terms – refers not only to beliefs held by any one  
16 religious sect, but to all religious beliefs that are not universal. In other words, any belief  
17 that is not adhered to by all is – from the point of view of the Constitution as well as the  
18 nonadherent – a sectarian belief. This is graphically illustrated in APPENDIX K.

19 297. Sectarianism – on the part of government – is forbidden by the First Amendment.  
20 (“[T]he *government’s* use of religious symbols is unconstitutional if it effectively  
21 endorses sectarian religious belief.” Capitol Square Review and Advisory Bd. v. Pinette,  
22 515 U.S. 753, 765 (1995) (emphasis in original).)

23 298. The phrase “In God We Trust” expresses a religious belief to which a significant  
24 segment of the population does not adhere.<sup>190</sup> Again, this phrase is constitutionally  
25 sectarian, especially in the current American society that has become increasingly  
26 religiously diverse. “This Nation is heir to a history and tradition of religious diversity  
27 that dates from the settlement of the North American Continent. Sectarian differences  
28 among various Christian denominations were central to the origins of our Republic.

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<sup>190</sup> A recent poll found that approximately 10% of Americans are atheists or agnostics. This is more than five times the percentage of the population that is Jewish, Muslim, and a multitude of other non-Christian religions. Nonetheless, because those other theistic sects can join with the majority in claiming that “In God We Trust,” they are not politically disenfranchised. It is only the Atheists – who

1 Since then, adherents of religions too numerous to name have made the United States  
 2 their home, as have those whose beliefs expressly exclude religion.” Allegheny County  
 3 v. Greater Pittsburgh ACLU, 492 U.S. 573, 589 (1989). See, also, Elk Grove Unified  
 4 Sch. Dist. v. Newdow, 124 S. Ct. 2301, 2326 (2004) (O’Connor, J., concurring) (noting  
 5 that the 1950s was “a time when our national religious diversity was neither as robust  
 6 nor as well recognized as it is now.”).

7 299. Sectarianism is often denied as such by legislators, scholars, “experts” and courts.

8 Viewing themselves as broadminded because they have embraced religions and sects  
 9 beyond their own, some such individuals fail to see that they still are taking a limited  
 10 view when they don’t embrace all religions and sects. In colonial New Jersey, for  
 11 instance, those who set forth:

12 That there shall be no establishment of any one religious sect in this Province, in  
 13 preference to another; and that no Protestant inhabitant of this Colony shall be denied  
 14 the enjoyment of any civil right, merely on account of his religious principles; but that  
 15 all persons, professing a belief in the faith of any Protestant sect, who shall demean  
 16 themselves peaceably under the government, as hereby established, shall be capable of  
 17 being elected into any office of profit or trust, or being a member of either branch of  
 18 the Legislature, and shall fully and freely enjoy every privilege and immunity, enjoyed  
 19 by others their fellow subjects.<sup>191</sup>

20  
 21 apparently felt themselves to be advocating nonsectarianism. New Jersey’s Catholics  
 22 likely felt otherwise.

23 300. In Abington School District v. Schempp, 374 U.S. 203 (1963), it was noted that “Dr.  
 24 Weigle stated that the Bible was non-sectarian.” Id. at 210. Perhaps it was in response to  
 25 Jewish objections that “[h]e later stated that the phrase ‘non-sectarian’ meant to him  
 26 non-sectarian within the Christian faiths.” Id. (quoting the trial court’s summary).

27 301. Similarly, when Representative Overton Brooks sponsored the introduction of a  
 28 National Day of Prayer, he must have felt himself to be quite the liberal by  
 29 encompassing “Catholics, Jewish and Protestants” in his definition of “all  
 30 denominations.” 98 Cong. Rec. 771 (1952). Would Muslim, Hindu and other Americans  
 31 not take issue with that proclamation?

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cannot join with the majority in matters of religious belief – who are “left out.” (For references on percentages of religious adherents in the United States, please see at footnotes 195 and Appendix N.)

<sup>191</sup> Constitution of the State of New Jersey (1776), Section XIX.

302. For Atheists, of course, exclusion such as that just noted is the norm.<sup>192</sup> The endorsement of theism, as a religious belief system in opposition to Atheism, involves sectarianism exactly as occurs when Catholics are excluded from other Christians, Jews are excluded from other Judeo-Christians, and non-Judeo-Christians are excluded from other Monotheists.

303. Justice Blackmun, in Allegheny County v. Greater Pittsburgh ACLU, 492 U.S. 573, 615 (1989), addressed this exact idea when he wrote that “The simultaneous endorsement of Judaism and Christianity is no less constitutionally infirm than the endorsement of Christianity alone.” And, similarly, the simultaneous endorsement of all Monotheistic religions is no less constitutionally infirm than the endorsement of any one of those Monotheistic religions alone.

304. “In God We Trust” places the government on one side in the quintessential theological debate: Does God exist? This is forbidden under the Federal Constitution. “[T]he First Amendment [requires] ... on the part of all organs of government a strict neutrality toward theological questions” Abington School District v. Schempp, 374 U.S. 203, 243 (1963) (Brennan, J., concurring).<sup>193</sup>

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<sup>192</sup> As was written in 1955, “Americans are proud of their tolerance in matters of religion: one is expected to ‘believe in God,’ but otherwise religion is not supposed to be a ground of ‘discrimination.’” Herberg, Will. *Protestant – Catholic – Jew: An Essay in American Religious Sociology*. (Garden City, NY: Doubleday & Co., 1955), p. 88.

<sup>193</sup> Neutrality has been deemed essential by every current member of the Supreme Court who has written or joined in an opinion involving the Establishment Clause: Mitchell v. Helms, 530 U.S. 793, 809 (2000) (Justice Thomas wrote, “In distinguishing between indoctrination that is attributable to the State and indoctrination that is not, we have consistently turned to the principle of neutrality.”); Rosenberger v. University of Virginia, 515 U.S. 819, 839 (1995) (Justice Kennedy referenced “the guarantee of neutrality”); Board of Education of Kiryas Joel v. Grumet, 512 U.S. 687, 704 (1994) (Justice Souter wrote that “civil power must be exercised in a manner neutral to religion.”); Employment Div. v. Smith, 494 U.S. 872, 886 (1990) (Justice Scalia focused on “generally applicable, religion-neutral laws”); Wallace, 472 U.S. at 60 (Justice Stevens explained that “government must pursue a course of complete neutrality toward religion”). Justices Ginsburg and Breyer joined Justice Souter’s dissent in Rosenberger, 515 U.S. at 879 (noting that it is key for a law to be “truly neutral with respect to religion”) and Justice Stevens’ majority opinion in Santa Fe, 530 U.S. at 304 (“The whole theory of viewpoint neutrality is that minority views are treated with the same respect as are majority views” (quoting Board of Regents v. Southworth, 529 U.S. 217, 235 (2000))).

1 305. To tell Plaintiff there is a God is no less an affront than it is to tell Buddhists there is no  
 2 Buddha, Christians there is no Jesus, Muslims there is no Allah,<sup>194</sup> and so on for every  
 3 other faith.

4 306. Atheists are a disenfranchised minority in this nation. National polls have revealed that  
 5 93-96% of Americans believe in God – only 3% to 4% do not.<sup>195</sup> APPENDIX J.

6 307. The history, purpose and effect of the Acts of 1955 and 1956 was to endorse the ideas  
 7 that (a) there is a God, and (b) that “we” trust in that God. Such an endorsement violates  
 8 the Federal Constitution. “Government promotes religion as effectively when it fosters a  
 9 close identification of its powers and responsibilities with those of any – or all –  
 10 religious denominations as when it attempts to inculcate specific religious doctrines. If  
 11 this identification conveys a message of government endorsement or disapproval of  
 12 religion, a core purpose of the Establishment Clause is violated.” Grand Rapids School  
 13 District v. Ball, 473 U.S. 373, 389 (1985).

14 308. There is an overwhelming amount of principled dicta that supports Plaintiff’s position in  
 15 this case. APPENDIX L (revealing principled quotes from twenty-eight separate  
 16 justices, inconsistent with government claiming that “In God We Trust”), and  
 17 APPENDIX M (providing – as just a sample – two hundred dicta incompatible with  
 18 government claiming that “In God We Trust”).

19 309. There are no principled dicta supporting the governmental advocacy of the phrase “In  
 20 God We Trust.” All one finds is attempts to manufacture excuses for what is an obvious  
 21 constitutional violation.

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<sup>194</sup> “Allah,” of course, is simply the Arab word for God. However, in the context of a predominantly Christian country, its limited meaning would undoubtedly be understood by all.

<sup>195</sup> Polls have actually shown a fairly wide divergence. These figures represent what Plaintiffs believe are a best integration of the various data, including such sources as Harris Interactive® (Harris Poll #59, October 15, 2003; American Religious Identification Survey, 2001 (“ARIS 2001”), from The Graduate Center of the City University of New York; Louis Harris and Associates, August 12, 1998; Opinion Dynamics, December 5, 1997; the Pew Research Center for the People and the Press, May 31 through June 9, 1996. Of course, constitutional principles do not change based on the percentages, whatever they may actually be.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for relief and judgment as follows:

- I. To declare that Congress, in passing the Acts of 1955 and 1956, violated the Establishment and Free Exercise Clauses of the United States Constitution.
- II. To declare that by having (much less mandating) “In God We Trust” on our coins and currency, 31 U.S.C. § 5112(d)(1) and 31 U.S.C. § 5114(d)(1) violate the Establishment and Free Exercise Clauses of the United States Constitution, and that they violate RFRA;
- III. To declare that by having “In God We Trust” as our national motto, 36 U.S.C. § 302 violates the Establishment and Free Exercise Clauses of the United States Constitution, and that it violates RFRA;
- IV. To enjoin Defendants from continuing to mint coins and print currency on which is engraved “In God We Trust;”
- V. To enjoin Defendants from including in the United States Code any act or law that claims that “In God We Trust;”
- VI. To allow Plaintiff to recover costs, expert witness fees, attorney fees, etc. as may be allowed by law; and
- VII. To provide such other and further relief as the Court may deem proper.

Respectfully submitted,

/s/ - Michael Newdow

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**APPENDIX A**

**PERTINENT CONSTITUTIONAL PROVISIONS AND CODE SECTIONS**

THE CONSTITUTION OF THE UNITED STATES OF AMERICA

ARTICLE I. SECTION 1.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

AMENDMENT I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

AMENDMENT V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

UNITED STATES CODE

28 U.S.C. § 1331

TITLE 28 – JUDICIARY AND JUDICIAL PROCEDURE  
PART IV – JURISDICTION AND VENUE  
CHAPTER 85 –DISTRICT COURTS; JURISDICTION  
SECTION 1331 – Federal question

The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

28 U.S.C. § 1346 (a) (2)

TITLE 28 – JUDICIARY AND JUDICIAL PROCEDURE  
PART IV – JURISDICTION AND VENUE  
CHAPTER 85 – DISTRICT COURTS; JURISDICTION  
SECTION 1346 – United States as defendant

(a) The district courts shall have original jurisdiction, concurrent with the United States Court of Federal Claims, of:

(2) Any other civil action or claim against the United States, not exceeding \$10,000 in amount, founded either upon the Constitution, or any Act of Congress, or any regulation of an executive department, or upon any express or implied contract with the United States, or ...

28 U.S.C. § 1361

TITLE 28 – JUDICIARY AND JUDICIAL PROCEDURE  
PART IV – JURISDICTION AND VENUE  
CHAPTER 85 – DISTRICT COURTS; JURISDICTION  
SECTION 1361 – Action to compel an officer of the United States to perform his duty

The district courts shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff.

28 U.S.C. § 1391(b) and (e)

TITLE 28 – JUDICIARY AND JUDICIAL PROCEDURE  
PART IV – JURISDICTION AND VENUE  
CHAPTER 87 – DISTRICT COURTS; VENUE  
SECTION 1391 – Venue generally

(b) A civil action wherein jurisdiction is not founded solely on diversity of citizenship may, except as otherwise provided by law, be brought only in ... (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated ...

(e) A civil action in which a defendant is an officer or employee of the United States or any agency thereof acting in his official capacity or under color of legal authority, or an agency of the United States, or the United States, may, except as otherwise provided by law, be brought in any judicial district in which ... (2) a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) the plaintiff resides if no real property is involved in the action.

31 U.S.C. § 301(a) and (b)

TITLE 31 – MONEY AND FINANCE  
SUBTITLE I – GENERAL  
CHAPTER 3 – DEPARTMENT OF THE TREASURY  
SECTION 301 – DEPARTMENT OF THE TREASURY

- (a) The Department of the Treasury is an executive department of the United States Government at the seat of the Government.
- (b) The head of the Department is the Secretary of the Treasury. The Secretary is appointed by the President, by and with the advice and consent of the Senate.

31 U.S.C. § 321(a)(4)

TITLE 31 – MONEY AND FINANCE  
SUBTITLE I – GENERAL  
CHAPTER 3 – DEPARTMENT OF THE TREASURY  
SECTION 321 – General authority of the Secretary

The Secretary of the Treasury shall – ... mint coins, engrave and print currency and security documents, and refine and assay bullion, and may strike medals;

31 U.S.C. § 304(b)(2)

TITLE 31 – MONEY AND FINANCE  
SUBTITLE I – GENERAL  
CHAPTER 3 – DEPARTMENT OF THE TREASURY  
SECTION 304 – United States Mint

The Director shall carry out duties and powers prescribed by the Secretary of the Treasury.

31 U.S.C. § 303(b)(1)

TITLE 31 – MONEY AND FINANCE  
SUBTITLE I – GENERAL  
CHAPTER 3 – DEPARTMENT OF THE TREASURY  
SECTION 304 – Bureau of Engraving and Printing

The Director - shall carry out duties and powers prescribed by the Secretary.

31 U.S.C. § 5112(d)(1)

TITLE 31 – MONEY AND FINANCE  
SUBTITLE IV – MONEY  
CHAPTER 51 – COINS AND CURRENCY  
SECTION 5112 – Denominations, specifications, and design of coins

(d)(1) United States coins shall have the inscription “In God We Trust”. ...

31 U.S.C. § 5114(b)

TITLE 31 – MONEY AND FINANCE  
SUBTITLE IV – MONEY  
CHAPTER 51 – COINS AND CURRENCY  
SECTION 5114 – Engraving and printing currency and security documents

(b) United States currency has the inscription “In God We Trust” in a place the Secretary decides is appropriate. ...

36 U.S.C. § 302

TITLE 36 – PATRIOTIC AND NATIONAL OBSERVANCES, CEREMONIES AND  
ORGANIZATIONS  
SUBTITLE I – Patriotic and National Observances and Ceremonies  
CHAPTER 3 – NATIONAL ANTHEM, MOTTO, FLORAL EMBLEM AND MARCH  
SECTION 302 – National motto

“In God we trust” is the national motto.

42 U.S.C. § 2000bb et seq.

TITLE 42 – THE PUBLIC HEALTH AND WELFARE  
CHAPTER 21B – RELIGIOUS FREEDOM RESTORATION

(Religious Freedom Restoration Act (RFRA)) states, in pertinent parts:

§ 2000bb(a)(3): “The Congress finds that governments should not substantially burden religious exercise without compelling justification.”

§ 2000bb(b)(1) and (b)(2): “The purposes of this chapter are to restore the compelling interest test ... and to guarantee its application in all cases where free exercise of religion is substantially burdened; and to provide a claim or defense to persons whose religious exercise is substantially burdened by government.”

§ 2000bb-1(b)(1) and (b)(2): “Government may substantially burden a person’s exercise of religion only if it demonstrates that application of the burden to the person is in furtherance of a compelling governmental interest; and is the least restrictive means of furthering that compelling governmental interest.”

§ 2000bb-1(c): A person whose religious exercise has been burdened in violation of this section may assert that violation as a claim or defense in a judicial proceeding and obtain appropriate relief against a government. Standing to assert a claim or defense under this section shall be governed by the general rules of standing under article III of the Constitution.

§ 2000bb-2(4): “[T]he term “exercise of religion” means religious exercise, as defined in section 2000cc–5 of this title.” [§ 2000cc–5(7)(A) “The term ‘religious exercise’ includes any exercise of religion, whether or not compelled by, or central to, a system of religious belief.”]

§ 2000bb-3(a): “This chapter applies to all Federal law, and the implementation of that law, whether statutory or otherwise, and whether adopted before or after November 16, 1993.”

§ 2000bb-3(c): “Nothing in this chapter shall be construed to authorize any government to burden any religious belief.”

§ 2000cc–5(7)(A): “The term ‘religious exercise’ includes any exercise of religion, whether or not compelled by, or central to, a system of religious belief.”

§ 2000cc–5(7)(B): “The use, building, or conversion of real property for the purpose of religious exercise shall be considered to be religious exercise of the person or entity that uses or intends to use the property for that purpose.”

## **APPENDIX B**

### **AMERICAN SOCIETY WAS OVERTLY PARTIAL TO (CHRISTIAN) MONOTHEISM AT THE TIME OF THE PASSAGE OF THE ACTS OF 1955 AND 1956, WHICH WERE INTENDED TO ENDORSE (CHRISTIAN) MONOTHEISM**

After the Second World War and into the 1960s, the United States was in the grips of the “Cold War.” This was the period of time in which Senator Joseph McCarthy rose to power with his wanton accusations of communist affiliations, and “an admission of membership in the Communist Party ... [could] be used to prosecute the registrant under ... federal criminal statutes.” Albertson v. Subversive Activities Control Board, 382 U.S. 70, 77 (1965) (Brennan, J., majority).<sup>1</sup> Within this milieu were serious infringements upon American civil liberties.<sup>2</sup> Even suspected affiliation with the Communist Party could lead to the loss of job and friends.<sup>3</sup> “In 1947 [President Truman] sought to root out subversion through the Federal Employee Loyalty Program. The program included a loyalty review board to investigate government workers and fire those found to be disloyal. The government dismissed hundreds of employees, and thousands more felt compelled to resign. By the end of Truman’s term, 39 states had enacted antisubversion laws and loyalty programs. In 1949 the Justice Department prosecuted 11 leaders of the Communist Party, who were convicted and jailed under the Smith Act of 1940.”<sup>4</sup> President Eisenhower – who followed President Truman – had a loyalty program of his own. “Under [Eisenhower’s] loyalty program, some 10,000 federal employees resigned or were dismissed.”<sup>5</sup>

The world’s main communist stronghold was the Union of Soviet Socialist Republics (USSR), which had instituted a repressive, totalitarian form of government. As a result, Soviet citizens were deprived of many of the freedoms that Americans cherish. One of those lost

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<sup>1</sup> The Communist Control Act of 1954 contained the following: “The Congress hereby finds and declares that the Communist Party of the United States, although purportedly a political party, is in fact an instrumentality of a conspiracy to overthrow the Government of the United States.” Under the Act, “any” participation – including preparing documents, mailing material, or imparting information of any kind – was to be considered by the jury. U.S. Statutes at Large (1954), Public Law 637, Chap. 886, p. 775-780 (Sec. 2, “Findings of Fact”).

<sup>2</sup> “When Senator Joseph McCarthy was at his prime ... there were scarcely a dozen papers in this Nation that stood firm for the citizen’s right to due process and to First Amendment protection.” Columbia Broadcasting System, Inc. v. Democratic Nat’l Committee, 412 U.S. 94, 154-155 (1973) (Douglas, J., concurring).

<sup>3</sup> The blacklisting of the “Hollywood Ten” is but one example of the vile consequences of that era’s mindset.

<sup>4</sup> [http://encarta.msn.com/encyclopedia\\_1741500823\\_16/United\\_States\\_\(History\).html](http://encarta.msn.com/encyclopedia_1741500823_16/United_States_(History).html)

freedoms was the right to worship freely, because the USSR – lacking the protections found in our First Amendment’s religion clauses – officially espoused Atheism. Wishing to differentiate our nation from that evil regime (but failing to recognize that the difference was America’s guarantee of religious liberty, not our de facto majoritarian (Christian) monotheism<sup>6</sup>), our politicians took to touting the superiority of a belief in God and in Jesus Christ. Vermont Senator Ralph Flanders, for instance, attempted to put through a Constitutional Amendment stating that “this nation devoutly recognizes the authority and law of Jesus Christ, Saviour and Ruler of Nations, through whom are bestowed the blessings of Almighty God.”<sup>7</sup> Adlai Stevenson, the Democratic candidate for President in both 1952 and 1956, claimed that, “We are all children of the same Judaic-Christian civilization, with very much the same religious background,”<sup>8</sup> and that “God has set for us an awesome mission: nothing less than the leadership of the free world.”<sup>9</sup> Earl Warren, then the newly-appointed Chief Justice of the United States Supreme Court, stated in 1954 that the United States is “a Christian land governed by Christian principles.”<sup>10</sup> While serving as Secretary of State from 1953-1959, John Foster Dulles stated that, “there is no way to solve the great perplexing international problems except by bringing to bear on them the force of Christianity.”<sup>11</sup> In fact, President Eisenhower’s staff was so monotheistically religious that one writer, in referring to the Secretary of Defense, stated he was “the only man in the Administration who doesn’t talk about God.”<sup>12</sup>

The Congressional Record clearly reflected this religious zeal. As shown in the bar graph in Appendix E, the number of entries pertaining to religion increased **fifty-fold** between the five years prior to 1954 and the five years after. A review of the Index volumes starting in 1954 shows such extraordinary titles as “Meditation, Christ, our hope,” “Christians in Politics,” “Duty of Christian Politician,” “Free Government Based on Faith,” “God’s Answer to Communism,” “Strengthening America Under God,” “We Pray or We Perish,” “Drive to Erect World’s Largest

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<sup>5</sup> Oakley, J. Ronald. *God’s Country: America in the Fifties*. (New York: Dembner, 1986) p. 177.

<sup>6</sup> “Faith in God and Father of our Lord Jesus Christ and the recognition of His moral law are the only effective antidotes for the godlessness of present-day Communism.” Crawford CC. *The American Faith*, (Ann Arbor, Michigan: Edwards Brothers, 1955) p. 3.

<sup>7</sup> Miller, William Lee. *Piety Along the Potomac*. The Reporter (11 August 1954) p. 25.

<sup>8</sup> Stevenson, Adlai. *Major Campaign Speeches of Adlai E. Stevenson*, 1952 (New York, 1953), p. 282.

<sup>9</sup> Marty, Martin. *Modern American Religion*, vol. 3, “A Civic Religion of the American Way of Life,” (Chicago: University of Chicago Press, 1986) p. 307.

<sup>10</sup> “Eisenhower Joins in a Breakfast Prayer Meeting.” New York Times, February 5, 1954, A-10.

<sup>11</sup> “Miller, William Lee. *Piety Along the Potomac*. The Reporter (11 August 1954), pp. 41-42.

Cross,” “God Meant Us To Find Atom,” “God and U.N.,” “Great Christian,” “President Honored for Religious Aim,” “What Did Jesus Believe About Wealth?,” “Who Are Disciples of Christ?,” “I Speak for Christian Citizenship,” “Communists versus God,” “Seeking God’s Way for World Peace,” “Eisenhower Should Lead Godly Against Reds,” “Our Home and God,” “Religious Illiteracy Is Problem for Home,” “Thanks Be to Providence,” “The Christian Leader and Politics,” “Bible ABC Verses,” “Christ Did Not Wear Crown of Thorns To Teach Appeasement,” “Christianity, Patriotism, and Myth of National Communism,” “Unfair Trial of Jesus,” “Christian Survival at Stake,” “Convert Russia Through Prayer,” “God’s Time,” “Prayer Is Power,” “Why Not Teach Religion?,” “Errors in trial of Jesus,” “Atheistic Character of Communism,” “Antichrists on Prowl,” “Moses, Prophets, Jesus Fought To Erase Inequality,” “Speak for Christian citizenship,” “Subsidy for ministers,” “Protestantism speaks on justice and integration,” “Reaffirm Christian faith in Middle East crisis,” “Aggressive Secularism Undermining Nation,” “Can-Do Christians,” “Christianity or Communism?,” “Christian Philosophy of Civil Government,” “We Believe in Prayer,” “Lecture: Existence of God,” “Christ and Politics,” “Power of Prayer,” “Union of Church and State,” “Jesus, the Perfect Man,” “Washington’s Lady Ambassador for Christ,” “Make yourself a rubberstamp for God,” “Bible: eternal source of strength,” It is odd, to say the least, to see this in the Congressional Record of the nation that holds itself out to the world as the beacon of religious freedom.

Perhaps most important than the foregoing were the words and acts of President Eisenhower, himself. Starting with his 1953 inauguration, where “[t]he lead float ... was ‘God’s Float,’ exhibiting pictures of churches and other religious places and the slogans ‘In God We Trust’ and ‘Freedom of Worship’ written in Gothic script,”<sup>13</sup> faith in God permeated his presidency. The new President was actually baptized two weeks after taking office.<sup>14</sup> He worked “to get legislative support for a national day of prayer, attend[ed] annual presidential prayer breakfasts, and appoint[ed] a minister to a new special presidential post for religious matters.”<sup>15</sup> “On April

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<sup>12</sup> Brogan, D.W. *Unnoticed Changes in America*. Harper’s Magazine (February, 1957) p. 33.

<sup>13</sup> Oakley, J. Ronald. *God’s Country: America in the Fifties*. (New York: Dembner, 1986) p. 320.

<sup>14</sup> Marty, Martin. *Modern American Religion*, vol. 3, “A Civic Religion of the American Way of Life,” (Chicago: University of Chicago Press, 1986) p. 303..

<sup>15</sup> Marty, Martin. *Modern American Religion*, vol. 3, “A Civic Religion of the American Way of Life,” (Chicago: University of Chicago Press, 1986) p. 303.

8, 1954, Eisenhower issued the first stamp bearing the motto “In God We Trust,”<sup>16</sup> after an attempt in Congress to have – as with the coins and currency – that motto mandated for all postage.<sup>17</sup> The President participated in the American Legion’s *Back to God* crusade,<sup>18</sup> proclaiming that “Recognition of the Supreme Being is the first, the most basic, expression of Americanism. Without God, there could be no American form of government, nor an American way of life.”<sup>19</sup> As Chief Executive, he was “determined to use his influence and his office to help make this period a spiritual turning point in America.”<sup>20</sup> In fact, the Republican National Committee declared that “in every sense of the word, [President Eisenhower] is not only the political leader, but the spiritual leader of our times,”<sup>21</sup> an assessment that was widely shared.<sup>22</sup> In short, “Eisenhower often used religious phrases and talked about the need for religious faith and spiritual values. He frequently called on divine aid for himself and his country in speeches, held prayer breakfasts, received church delegations in his office, and had Billy Graham and Norman Vincent Peale as overnight guests at the White House. He also began cabinet meetings with a prayer.”<sup>23</sup> As another author wrote of the President:

His priesthood was part of his role as leader of a “crusade,” as he called it, against “godless Communism” ... “The things that make us proud to be Americans are of the soul and of the spirit,” Eisenhower declared. And being American, for a president who was baptized and who joined a church for the first time after having been elected, meant being a theist.<sup>24</sup>

<sup>16</sup> Medhurst MJ. “*God Bless the President: The Rhetoric of Inaugural Prayer.*” (The Pennsylvania State University, 1980). (Available on microfilm from University Microfilms International, Ann Arbor, MI (800-521-0600). At 231-232.

<sup>17</sup> 99 Cong. Rec. A2659 (May 15, 1953).

<sup>18</sup> It might be noted that the American Legion – through both its leadership and its members – had been largely responsible for the brutalization of Jehovah’s Witnesses in the aftermath of the Supreme Court’s ruling in *Minersville v. Gobitas*, 310 U.S. 586 (1940). See, Ellis R. *To the Flag* (Lawrence, Kansas: University Press of Kansas, 2005) pp 106-07.

<sup>19</sup> [Life Magazine, April 11, 1955, page 138; New York Herald Tribune, February 22, 1955.](#)

<sup>20</sup> [High, Stanley. What the President Wants. Reader’s Digest \(April, 1953\) pp 2-4.](#)

<sup>21</sup> Resolution of the Republican National Committee, February 17, 1955, as reported Marty, Martin. *Modern American Religion*, vol. 3, “A Civic Religion of the American Way of Life,” (Chicago: University of Chicago Press, 1986) p. 295.

<sup>22</sup> “The central symbol of the nation’s political piety was the President himself.” Miller, Douglas T. & Nowak, Marion. *The Fifties: The Way We Really Were* (Garden City, NY, Doubleday & Co. 1977) p. 89-90.

<sup>23</sup> Oakley, J. Ronald. *God’s Country: America in the Fifties.*(New York: Dembner, 1986) p. 153.

<sup>24</sup> Marty, Martin. *Modern American Religion*, vol. 3, “A Civic Religion of the American Way of Life,” (Chicago: University of Chicago Press, 1986) p. 296.

This entanglement of religiosity and politics led to the precise circumstances the Establishment Clause was meant to address. In the 1950s it was noted that “hardly an official, statesman, politician or leader in general, however complaisant he may be in such matters in private, takes a public step or makes a speech without some genuflection to the Deity.”<sup>25</sup> Thus, governmental officials not only routinely spoke of “godless communism,” but they filled their speeches with references to Americans as “freedom-loving, God-fearing people.”<sup>26</sup> In fact, at the nation’s military academies, the “one clear purpose [was] to build good, strong, God-fearing character in men like ourselves – men who, before long, will have the job of running this great country of ours.”<sup>27</sup> In 1955, President Eisenhower implemented the *Code of Conduct for Members of the Armed Forces*. Under that Code, “all members of the armed forces of the United States” were required to “trust in my God and in the United States of America.”<sup>28</sup> Thus, “[a]mong a growing number of Americans, belief in God became intertwined with patriotism.”<sup>29</sup> In other words, it became “un-American to be unreligious.”<sup>30</sup> In fact, as was reflected in the words and deeds of their governmental officials, it wasn’t simply belief in a Supreme Being that was involved. Belief in the Christian God was often specifically implicated. Thus, “th[e] nationalization of Christianity in the fifties” was “pervasive.”<sup>31</sup> As written in Time Magazine in 1954, “today in the U.S., the Christian faith is back in the center of things.”<sup>32</sup>

<sup>25</sup> Weissman David L. *Gott Mit Uns*. The Nation, January 19, 1957 at 32.

<sup>26</sup> 1956 year-end statement of John Foster Dulles, President Eisenhower’s Secretary of State, as noted in Weissman David L. *Gott Mit Uns*. The Nation, January 19, 1957 at 32.

<sup>27</sup> Wilton B. Persons, Deputy Assistant to the President of the United States, Commencement Speech delivered to the Staunton Military Academy, Staunton, Virginia, May 30, 1954, as provided in Vital Speeches of the Day. Vol. XX, No. 22, September 1, 1954, at 688.

<sup>28</sup> Eisenhower Presidential Library. Official File Series; Box 108 OF 3-R-9 - *Code of Conduct for Members of the Armed Forces*. See, also, Code of Federal Regulations, Title 3, 1954-1958 Compilation (Government Printing Office (1961)) at 266.

<sup>29</sup> Reader’s Digest Association, *Our glorious century*. Harvey, Edmund H. Jr., ed. (Pleasantville, N.Y.: Reader’s Digest Association, 1994), p. 266.

<sup>30</sup> Eckardt, A. Roy. *The New Look in American Piety*. The Christian Century 71 (17 November 1954), p. 1396. See, also, Miller, Douglas T. & Nowak, Marion. *The Fifties: The Way We Really Were* (Garden City, NY, Doubleday & Co. 1977) p. 92. (“Patriotism and religion seemed synonymous. Atheists or agnostics were not tolerated.”); Herberg, Will. *Protestant-Catholic-Jew* (Garden City, 1960) p. 53 (“[B]eing a Protestant, a Catholic, or a Jew is understood as the specific way, and increasingly perhaps the only way, of being an American and locating oneself in American society.”); Wittner, Lawrence S., *Cold War America: From Hiroshima to Watergate* (New York: Praeger, 1974), p. 123. (“Recognition of the Supreme Being is the first, most basic expression of Americanism.”); Oakley, J. Ronald. *God’s Country: America in the Fifties*. (New York: Dembner, 1986) p. 324 (“[I]n the fifties ... atheists were automatically considered to be unpatriotic, un-American, and perhaps even treasonous.”)

<sup>31</sup> Oakley, J. Ronald. *God’s Country: America in the Fifties*. (New York: Dembner, 1986) p. 324.

<sup>32</sup> Time Magazine, April 19, 1954, p. 62

Americans flocked to their churches in droves: “the conservative fifties saw a major revival of religion. Year after year the statistics pointed to unprecedented increases in church membership.”<sup>33</sup> In 1955, “of adult Americans ... 96.9 per cent were found to identify themselves religiously (70.8 per cent Protestants, 22.9 per cent Catholics, 3.1 per cent Jews).”<sup>34</sup> From 1949-1953, alone, “the distribution of Scripture in the United States increased 140 per cent.”<sup>35</sup> Clergymen – with remarkably successful books, radio shows, television shows, crusades and the like – became increasingly popular and influential.<sup>36</sup> In 1942, when Americans were questioned about which groups did the most “good” for the country, religious leaders came in third. By the mid-fifties, “[n]o other group – whether government, congressional, business, or labor – came anywhere near matching the prestige and pulling power of the men who are the ministers of God.”<sup>37</sup> Billy Graham,<sup>38</sup> Fulton Sheen<sup>39</sup> and Norman Vincent Peale,<sup>40</sup> for example, became household names.

As might be expected, popular culture and mercantilism reflected this religious growth. Thus, when the Chairman of the Board of the Chamber of Commerce of the United States spoke, he

<sup>33</sup> Oakley, J. Ronald. *God's Country: America in the Fifties*. (New York: Dembner, 1986) p. 185.

<sup>34</sup> Herberg, Will. *Protestant – Catholic – Jew: An Essay in American Religious Sociology*. (Garden City, NY: Doubleday & Co., 1955), p. 78 (note 2) (citing Public Opinion News Service, March 20, 1955).

<sup>35</sup> Herberg, Will. *Protestant – Catholic – Jew: An Essay in American Religious Sociology*. (Garden City, NY: Doubleday & Co., 1955), p. 14 (citing Report of the American Bible Society at its 138<sup>th</sup> annual meeting, *Time*, May 24, 1954).

<sup>36</sup> Oakley, J. Ronald. *God's Country: America in the Fifties*. (New York: Dembner, 1986) pp. 321-327.

<sup>37</sup> Polls conducted by Elmo Roper, as reported in Miller, Douglas T. & Nowak, Marion. *The Fifties: The Way We Really Were* (Garden City, NY, Doubleday & Co. 1977) p. 85-86.

<sup>38</sup> Billy Graham's masterful crusades are legendary. See, e.g., *The New Evangelist* Time Magazine 64 (25 October 1954), at 54. “Like many other evangelists of the day, [Rev. Graham] also often equated Christianity with Americanism and with anticommunism.” Oakley, J. Ronald. *God's Country: America in the Fifties*. (New York: Dembner, 1986) p. 322. As Graham characterized it, “a great sinister and anti-Christian movement masterminded by Satan has declared war upon the Christian God.” Lewis, Peter *The fifties* (New York: Lippincott, 1978) p. 73-74.

<sup>39</sup> *Life Is Worth Living*, a TV show with Rev. Fulton J. Sheen, aired from 1952-1957. Rev. Sheen “warned that no peace was possible with Russia, the leader of international godless communism.” Oakley, J. Ronald. *God's Country: America in the Fifties*. (New York: Dembner, 1986) p. 322-3.

<sup>40</sup> Norman Vincent Peale's *The Power of Positive Thinking* “quickly went to the top of the nonfiction best-seller list and stayed there for 112 consecutive weeks. In 1954 it sold more copies than any other book except the Bible.” *Id.*, at 323. That book, according to Dr. Peale, “teaches applied Christianity,” [Peale, Norman Vincent *The Power of Positive Thinking* (New York: Prentice-Hall, 1952) at ix], noting that “there is no problem, difficulty, or defeat that you cannot solve or overcome by faith, positive thinking, and prayer to God.” *Id.*, at 275. The concluding line of the work is: “God will help you – so believe and live successfully.” *Id.*, at 276.

felt no need to hesitate in stating that “our Christian religion and our competitive business system are in themselves the two most revolutionary forces in the world today.”<sup>41</sup> Reflecting this view – and “the resurgence of religious feeling and practice in America today” – the Ideal Toy Company manufactured “praying dolls” with flexible knees for kneeling.<sup>42</sup> Religious songs were noted to be obtaining a stronghold in the nation’s juke boxes.<sup>43</sup> In the February 1955 “Little Leaguer Magazine, the new *Little League Pledge*, beginning with “I trust in God,” was published.<sup>44</sup> The Boy Scouts of America – which had previously maintained a relatively tepid religious emphasis – increased its ecclesiastical fervor “in the fifth edition (1948) [when] the authors of the [Boy Scout] *Handbook* began to expand their explanation of ‘duty to God.’”<sup>45</sup> And Norman Rockwell – arguably the most popular and influential artist of America of the 1950’s – ably “combined “duty to God” and “duty to country” in a single picture.”<sup>46</sup>

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<sup>41</sup> Johnston Clement D. *The Spiritual Responsibility of American Business and Industry*. Vital Speeches of the Day. Vol. XXII, No. 5, December 15, 1955, at 151.

<sup>42</sup> Time Magazine, 20 September 1954, *Words and works*, p. 65.

<sup>43</sup> *Life Magazine*, April 11, 1955, pp. 138-40.

<sup>44</sup> Little League online, <http://www.littleleague.org/about/pledge.asp>, accessed on July 26, 2005.

<sup>45</sup> That edition contained the admonition that, “Above all you are faithful to Almighty God’s Commandments.” Mechling, Jay. *On my honor : Boy Scouts and the making of American youth* (University of Chicago Press: Chicago, 2001), p. 41. Mechling notes that the 1948 *Handbook* incorporated a “wedding of religion and democratic ideology, of religion and patriotism.” *Id.*, at 42. Even in this book – on the Boy Scouts – can one find acknowledgement of the entanglement of religion, government and politics:

Religion had become an important marker distinguishing between the Communists and the Western democracies. “They” were “godless communists,” while we were religious. ... [I]t was living in Eisenhower’s America of the 1950s that made so clear to everyone the ways Protestant Christianity and Cold War ideology became tangled in the definitions of America ... A boy had to have a faith, for atheism—and probably agnosticism—was the characteristic of Communists, our sworn enemies. *Id.*, at 43-44.

<sup>46</sup> Mechling, Jay. *On my honor : Boy Scouts and the making of American youth* (University of Chicago Press: Chicago, 2001), p. 46 (quoting Hillcourt W. *Norman Rockwell’s World of Scouting* (Abrams: New York, 1977), p. 144).

## APPENDIX C

### **AMERICAN SOCIETY WAS OVERTLY ANTAGONISTIC TO ATHEISM AT THE TIME OF THE PASSAGE OF THE ACTS OF 1955 AND 1956**

As is the case with discrimination against blacks and women, discrimination against atheists predates the founding of our nation. However, whereas conscientious efforts have been made to end racial and gender prejudice, government – to this day – has continued to foster anti-atheistic sentiment. Thus, antagonism to atheism was still extant when the Acts of 1955 and 1956 were passed.

In tracing the history of this bigotry, one can start with the Bible, in which it is stated that Atheists are “corrupt ... there is none that doeth good”<sup>1</sup> and disbelief in God is equated with “unrighteousness.”<sup>2</sup> Under the common law of England, from which our legal system arose, denying God’s existence was punishable “by fine and imprisonment, or other infamous corporal punishment.”<sup>3</sup> Additionally, of the eleven state constitutions in existence during the framing of our secular federal Constitution, nine required professions of belief in God to obtain full benefits of citizenship.<sup>4</sup>

With this background, the secular nature of our federal Constitution – with no reference to God or Jesus – is remarkable. Yet, although objection was heard from the

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<sup>1</sup> Psalms 14:1.

<sup>2</sup> 2 Corinthians 6:14.

<sup>3</sup> 4 Blackstone Commentaries 59.

<sup>4</sup> Delaware (1776) Article 22: “I ...do profess faith in God the Father, and in Jesus Christ His only Son, and in the Holy Ghost;” Pennsylvania (1776) Article 2, Section 10: “I do believe in one God, the creator and governor of the universe;” New Jersey (1776) Article 19: “[A]ll persons, professing a belief in the faith of any Protestant sect. ... shall be capable of being elected into any office;” Georgia (1777) Article VI: “The representatives ... shall be of the Protestant religion;” Massachusetts (1780) Article 2: “It is ... the duty of all men in society, publicly, and at stated seasons, to worship the SUPREME BEING.” Article 3 : “[E]very denomination of christians ...shall be equally under the protection of the law;” Maryland (1776) Section 33: “[A]ll persons, professing the Christian religion, are equally entitled to protection in their religious liberty;” South Carolina (1778) Article 38: “[A]ll persons ... who acknowledge that there is one God ... shall be freely tolerated. The Christian Protestant religion ... is ... the established religion of this State;” New Hampshire (1784) Article VI: “[E]very denomination of christians ... shall be equally under the protection of the law;” North Carolina (1776) Article 32: “[N]o person, who

outset,<sup>5</sup> criticism was quite rare as the nation took root.<sup>6</sup> Only as an increasing number of citizens more fervently embraced (Christian) monotheistic belief – thus leading to the very circumstances that the principles underlying the Religion Clauses seek to address – did cries for a reversion to the melding of religion and government become prominent.<sup>7</sup>

Hopes for governmental godliness increased during the Civil War era, too, as Christian Americans claimed that the nation's conflict was a sign of His wrath. In fact, that theory was used in an attempt to Christianize the nation with a Constitutional amendment. The movement was led by the newly formed National Reform Association, whose goal was to alter the Preamble so that it would begin with the following verbiage:

We, the people of the United States, humbly acknowledging Almighty God as the source of all authority and power in civil government, the Lord Jesus Christ as the

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shall deny the being of God or the truth of the Protestant religion, ...shall be capable of holding any office.”

<sup>5</sup> For instance, the First Presbytery Eastward in Massachusetts and New Hampshire complained about the absence of “some explicit acknowledgment of the only true God and Jesus Christ whom He has sent, inserted somewhere in the Magna Carta of our country” in a letter written to George Washington on October 27, 1789. McAllister D. *Testimonies to the religious defect of the Constitution of the United States*. Christian Statesman Tract No. 7, Philadelphia (1874) at 2-3. Similarly, Luther Martin of Maryland decried the fact that there was no acknowledgement of “[a] belief of the existence of a Deity, and of a state of future rewards and punishments.”<sup>5</sup> The Complete Anti-Federalist, Strong HJ, ed. (Chicago: University of Chicago Press, 1981), Vol. 2 (2.4.108), at 75. See, also, Cornell S. *The Other Founders: Anti-Federalism and the Dissenting Tradition in America, 1788-1828* (University of North Carolina Press: Chapel Hill, NC; 1999) at 57.

<sup>6</sup> McAllister's tract was an attempt to demonstrate that “[t]his defect ... never passed altogether unnoticed” by placing all “testimony” into “one complete summary.” *Tract No. 7* at 1. Yet, for the 22 years between 1790 and 1812, McAllister apparently could find only three protestations within all of the colonial literature. *Tract No. 7* at 3-4.

<sup>7</sup> Perhaps the most renowned example was Timothy Dwight's 1812 oratory:

We formed our Constitution without any acknowledgement of GOD; without any recognition of his mercies to us, as a people, of his government, or even of his existence. The Convention, by which it was formed, never asked, even once, his direction, or his blessing upon their labours. Thus we commenced our national existence under the present system, without GOD.

A discourse in two parts: delivered July 23, 1812, on the public fast, in the chapel of Yale College by Timothy Dwight, D.D.L.L.D., President of that Seminary; Published at the request of the students, and others; New Haven, Published by Howe and Deforest; Sold also by A.T. Goodrich and Co. No. 124, Broadway, New-York; Printed by J. Seymour, 49, John Street, New York, p. 40.

Ruler among the nations, his revealed will as the supreme law of the land, in order to constitute a Christian government, ...<sup>8</sup>

As might be expected, anti-Atheistic sentiment was blatant during that campaign. For instance, at the National Reform Association convention held on February 26–27, 1873 in New York, Jonathan Edwards, D. D. uttered the following:

Tolerate atheism, sir? There is nothing out of hell that I would not tolerate as soon! The atheist may live, as I have said; but, God helping us, the taint of his destructive creed shall not defile any of the civil institutions of all this fair land! Let us repeat, atheism and Christianity are contradictory terms. They are incompatible systems. They cannot dwell together on the same continent!<sup>9</sup>

With such a legacy of antipathy towards Atheism, the official espousal of that creed by the nation's chief political rival was seized upon by the (Christian) monotheistic majority as the Cold War took shape. "Believing that 'atheistic Communism' threatened America both without and within, Americans saw the world in terms of good and evil, godly and godless."<sup>10</sup> In fact, "[i]n th[e] confused times of the fifties, socialists and Atheists were often thought to be communists."<sup>11</sup> Accordingly, it was believed that "Communists were our mortal enemies and they were atheists. Religion, therefore, came to seem essential in the fight against communism,"<sup>12</sup> which the monotheistic majority readily joined.<sup>13</sup>

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<sup>8</sup> *American State Papers Bearing on Sunday Legislation*. [1st Edition] Compiled and Annotated by Blakely WA (1890). Revised and Enlarged Edition, [2nd Edition] Edited by Colcord W (The Religious Liberty Association: Washington, DC; 1911) pp 341-343.

<sup>9</sup> Jones AT. *Civil Government and Religion, or Christianity and the American Constitution*, American Sentinel, 26 & 28 College Place, Chicago, Ill. 1059 Castro St. Oakland, Cal.; 43 Bond St. N Y Atlanta, Georgia. 1889. Facsimile Reproduction Printed 1973 by Atlantic Printers & Publishers Sherrington, P. Q. pp. 53-56

<sup>10</sup> Miller, Douglas T. & Nowak, Marion. *The Fifties: The Way We Really Were* (Garden City, NY: Doubleday & Co. 1977) p.82.

<sup>11</sup> Oakley, J. Ronald. *God's Country: America in the Fifties*. (New York: Dembner, 1986) p. 185.

<sup>12</sup> Miller, Douglas T. & Nowak, Marion. *The Fifties: The Way We Really Were* (Garden City, NY, Doubleday & Co. 1977) p. 91.

<sup>13</sup> For example, a National Conference on the Spiritual Foundations of Our Democracy was held shortly after the Act of 1954 was passed. There, "[t]he interfaith leaders [sought] a statement of common faith on which to fight Communism." *The New York Times*, November 11, 1954.

“Godless communism” became a catch-phrase, permeating that era’s American society. Even dictionary definitions of “godless” standardly included “wicked” as one of the synonyms,<sup>14</sup> and that word’s relative, “ungodly,” was defined to include “sinful.”<sup>15</sup> Thus, the stage was set for governmental agents to parlay this manifest prejudice against adherents of a minority religious belief system to their advantage in terms of popular support. For instance, the Director of the Federal Bureau of Investigation, J. Edgar Hoover, stated:

I think that the criminal flood is an inescapable result of our earlier failure to teach God convincingly to the youthful unfortunates who are our juvenile delinquents of today and who will be our adult criminals of tomorrow.<sup>16</sup>

Former President Herbert Hoover wrote that, “[w]hat the world needs today is a definitive, spiritual mobilization of the nations who believe in God against this tide of Red agnosticism,” and actually suggested reorganizing or replacing the United Nations with a “moral and spiritual co-operation of God-fearing free nations.” He concluded that, “in rejecting an Atheistic other world, I am confident that the Almighty God will be with us.”<sup>17</sup>

The phrase “godless communists” filled the pages of the Congressional Record as the movement to intrude “under God” into the Pledge took hold. Rep. Louis Charles Rabaut – the chief House sponsor of the Act of 1954 – went so far as to place in that setting the

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<sup>14</sup> “Godless” was defined in *Webster’s New Twentieth Century Dictionary of the English Language – Unabridged*. (Standard Reference Works Publishing Co., Inc.: New York, 1956) as “Having no reverence for God; impious; ungodly; irreligious; wicked.” Page 749. In *Funk & Wagnalls New Practical Standard Dictionary of the English Language*, Volume One: A-P (Funk & Wagnalls Co.: New York, 1956) the definition was “Ungodly; atheistical; wicked.” Page 569.

<sup>15</sup> *The New Century Dictionary of the English Language*, Volume 2 (D. Appleton-Century Co.: New York, 1948), p. 2095. Reinforced by “under God” in the Pledge, that unabashedly deprecating definition exists to this day: “ungodly: 1 a : denying or disobeying God : IMPIOUS, IRRELIGIOUS b : contrary to moral law : SINFUL, WICKED.” Merriam-Webster Online Dictionary, accessed at <http://www.m-w.com/cgi-bin/dictionary?book=Dictionary&va=ungodly> on August 24, 2005.

<sup>16</sup> 99 Cong. Rec. 12 (Appendix), A4155 (May 22, 1953) (Attributed to J. Edgar Hoover in article inserted into the record by Rep. Louis C. Rabaut, sponsor of the House resolution to insert the words “under God” into the previously secular Pledge of Allegiance)

<sup>17</sup> Hoover, Herbert. *Addresses upon the American Road 1948-1950* (Stanford, California: Stanford University Press, 1951) pp. 66-67.

incredible assertion that “[a]n atheistic American ... is a contradiction in terms.”<sup>18</sup> On Flag Day in 1955 – commemorating the one-year anniversary of the religious alteration of the Pledge – Rep. Rabaut stated, “We cannot afford to capitulate to the atheistic philosophies of godless men.”<sup>19</sup> Rep. George H. Fallon felt the Congressional Record was a proper locale to claim that “when Francis Bellamy wrote this stirring pledge, the pall of atheism had not yet spread its hateful shadow over the world.”<sup>20</sup> Also placed into the Congressional Record (with the unanimous consent of the Senate) was an editorial from the Milwaukee Sentinel that stated, “[I]n times like these when Godless communism is the greatest peril this Nation faces, it becomes more necessary than ever to avow our faith in God and to affirm the recognition that the core of our strength comes from Him.”<sup>21</sup> As Congress changed our national motto from “e pluribus unum” – which had been chosen by a committee formed on July 4, 1776 (and comprised of Benjamin Franklin, Thomas Jefferson and John Adams) – to “In God We Trust,”<sup>22</sup> Rep. Louis C. Rabaut sponsored another bill; this one to have “Pray for Peace” as the cancellation stamp of all first- and second-class mail. This, he contended, would help counter “the ever increasing attacks upon us by forces of godlessness and atheism.”<sup>23</sup>

The other branches of government joined in the fray. The Supreme Court equated Atheism with subversion: “[T]he Court of Appeals felt that the Legislature’s reasonable belief in such conditions justified the State in enacting a law to free the American group from infiltration of such atheistic or subversive influences.”<sup>24</sup> And the nation’s “spiritual leader” – President Eisenhower – succinctly stated that, “Recognition of the Supreme Being is the first, the most basic, expression of Americanism.”<sup>25</sup>

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<sup>18</sup> 100 Cong. Rec. 2, 1700 (Feb. 12, 1954).

<sup>19</sup> 101 Cong. Rec. 6, 8156 (June 14, 1955) (Rep. Louis C. Rabaut’s statement during the 1955 Flag Day ceremonies.)

<sup>20</sup> 100 Cong. Rec. 18 (Appendix), A3448 (May 11, 1954).

<sup>21</sup> 100 Cong. Rec. 5, 5915 (May 4, 1954).

<sup>22</sup> July 30, 1956, ch. 795, 70 Stat. 732.

<sup>23</sup> Silk M. *Spiritual Politics: Religion and America since World War II*. (New York; Simon and Schuster, 1988) p. 100.

<sup>24</sup> Kedroff v. St. Nicholas Cathedral of Russian Orthodox Church, 344 U.S. 94, 109 (1952).

<sup>25</sup> Herberg, Will. *Protestant – Catholic – Jew: An Essay in American Religious Sociology*. (Garden City, NY: Doubleday & Co., 1955), p. 274 (citing the President’s “address launching the American Legion’s ‘Back to God’ campaign” for 1955.)

The media, also, fanned the flames of this bigotry. For instance, William Randolph Hearst – who was eventually to use his vast newspaper empire to advocate for interlarding the Pledge with “under God” – wrote a 1940 opinion column denigrating “atheism, anarchism and Godless despotism.”<sup>26</sup> Thus, socially and politically, Atheists were set up to be disenfranchised, as it was accepted by the majority that “[n]ot to be ... either a Protestant, a Catholic, or a Jew is somehow not to be an American.”<sup>27</sup> Worse yet, Atheism “may imply being obscurely ‘un-American.’”<sup>28</sup>

At the time of the Acts of 1955 and 1956, therefore, “a professed ‘unbeliever’ ... would have no chance whatever in political life.”<sup>29</sup> The statistics bore this out, demonstrating that any complaints about this barrage of societal monotheistic indoctrination<sup>30</sup> were to no avail. In 1946, for instance, 57% of Americans felt that Atheists should be denied the opportunity to even broadcast their religious views on radio.<sup>31</sup> A poll taken eight years later showed that 60% of the population would not grant Atheists the right to do the same in a speech, 60% favored removing any of their books on the topic from the public libraries, and an amazing 84% believed that Atheists should not be permitted to teach in college or universities.<sup>32</sup> In 1958, more than three-quarters of the population stated they would not vote for an otherwise qualified candidate for

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<sup>26</sup> Coblenz Edmond D. William Randolph Hearst: A Portrait in his Own Words (Simon and Schuster: New York, 1952) Pp 302-303.

<sup>27</sup> Herberg, Will. *Protestant – Catholic – Jew: An Essay in American Religious Sociology*. (Garden City, NY: Doubleday & Co., 1955), p. 274.

<sup>28</sup> Herberg, Will. *Protestant – Catholic – Jew: An Essay in American Religious Sociology*. (Garden City, NY: Doubleday & Co., 1955), p. 274.

<sup>29</sup> Herberg, Will. *Protestant – Catholic – Jew: An Essay in American Religious Sociology*. (Garden City, NY: Doubleday & Co., 1955), p. 65. As Herberg also noted, “every candidate for public office is virtually required to testify to his high esteem for religion.” *Id.*

<sup>30</sup> “From every corner and on every level, high, low, and middle brow, we have for years been bombarded with theological propaganda.” Russell, B. *Why I am not a Christian* (Touchstone / Simon & Schuster, Inc.: New York; 1957) (Editor’s Introduction by P. Edwards, at xii.)

<sup>31</sup> Gallup Poll – A.I.P.O. (December 18, 1946).

<sup>32</sup> Joint survey conducted in 1954 by the Gallup Poll and the National Opinion Research Center of the University of Chicago, as reported in Stouffer, Samuel. *Communism, Conformity, and Civil Liberties: A Cross Section of the Nation Speaks Its Mind* (Garden City, NY: Doubleday & Co. 1955), pp. 32-33.

president if that person were an Atheist.<sup>33</sup> Perhaps most incredible of all, 27% of the population stated in 1965 that they didn't think Atheists should even be allowed to vote! In contrast, when asked if "people who have quit school and never completed high school" should be have that right, only 6% of the population felt that group should be excluded.<sup>34</sup> As the author of a treatise on the Supreme Court and the Religion Clauses noted in 1962, "Atheism is fair game for the sniper, and overtones of 'blasphemy' and 'sacrilege' still linger."<sup>35</sup>

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<sup>33</sup> The poll looked into other religions and race as well. The results are revealing: Would not vote for a: Baptist (4%), Catholic (27%), Jew (29%), Negro (54%), Atheist (77%). Id.

<sup>34</sup> Gallup Poll – A.I.P.O. (July 21, 1965).

<sup>35</sup> *The Supreme Court on Church and State*. Tussman J. (ed.). (Oxford University Press: New York; 1962), at xxi.

## APPENDIX D

### **THE CONTEMPORANEOUS INTERLARDING OF THE PLEDGE OF ALLEGIANCE WITH “UNDER GOD” CONFIRMS CONGRESS’S INTENT TO ENDORSE (CHRISTIAN) MONOTHEISM AND DISAPPROVE OF ATHEISM**

It was in the previously described markedly pro-monotheistic (APPENDIX B) and anti-Atheistic (APPENDIX C) environment that the formerly secular Pledge of Allegiance was interlarded with the words, “under God.” This contemporaneous act of Congress – along with the other contemporaneous acts about to be mentioned here – further reveals the degree to which this religious favoritism pervaded American society at the time of the passage of the Act of 1955 and the Act of 1956.

The specific movement to have the Pledge infused with (Christian) monotheism began in 1951, when the Knights of Columbus – “the largest Catholic laymen’s organization”<sup>1</sup> – inserted those two words after “one Nation” for their members to recite when uttering the Pledge. The Knights recommended the change to our federal leaders in 1952,<sup>2</sup> the same year Congress requested that the president “set aside and proclaim ... a National Day of Prayer, on which the people of the United States may turn to God in prayer and meditation at churches, in groups, and as individuals.”<sup>3</sup>

In 1953, the proposal to add “under God” to the Pledge was made at the annual dinner of the obviously religiously-oriented Washington Pilgrimage of American Churchmen.<sup>4</sup> The initial legislative backing for the idea came on April 20, 1953, two months after the introduction of H. Con. Res. 60 to create a “Prayer Room” in the Capitol “to seek Divine strength and guidance.”<sup>5</sup> On that date, the first of eighteen separate bills to place “under God” into the Pledge was proposed.<sup>6</sup> Authored by Michigan’s Rep. Louis Charles Rabaut, the bill

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<sup>1</sup> *Elk Grove Unified Sch. Dist. v. Newdow*, 159 L. Ed. 2d 98, 124 S. Ct. 2301 (2004), *Brief for amicus curiae Knights of Columbus* at 1.

<sup>2</sup> *Id.* at 1-2.

<sup>3</sup> 66 Stat. 64 (1952); 36 U.S.C. § 169h.

<sup>4</sup> 100 Cong. Rec. 2, 2008-09 (Feb. 18, 1954) (Remarks of Rep. Oliver P. Bolton).

<sup>5</sup> *The Prayer Room in the United States Capitol*, Document No. 234, 84<sup>th</sup> Cong., 1<sup>st</sup> Sess. (1954); US GPO, Washington: 1956, at 1.

<sup>6</sup> *Big Issue in D.C.: The Oath of Allegiance*. New York Times, May 23, 1954, E-7. The eighteen separate resolutions of the 83<sup>rd</sup> Congress which were introduced to place the words, “under God,” into the Pledge of Allegiance were: S.J. Res. 126, H.J. Res. 243, H.J. Res. 334, H.J. Res. 371, H.J. Res. 383, H.J. Res. 479, H.J. Res. 497, H.J. Res. 502, H.J. Res. 506, H.J. Res. 513, H.J. Res. 514, H.J. Res. 518, H.J. Res. 519, H.J. Res. 521, H.J. Res. 523, H.J. Res. 529, H.J. Res. 531, and H.J. Res. 543.

gathered its main support on February 7, 1954, when the Rev. George M. Docherty spoke before his congregation at Washington, DC's New York Avenue Presbyterian Church. Thus, the chief catalyst for placing purely religious words into our perfectly functioning secular pledge was a Sunday sermon – a sermon in which Rev. Docherty made the incredibly offensive and discriminatory assertion that “[a]n atheistic American is a contradiction in terms.”<sup>7</sup>

Voicing no objection whatsoever to those words of patent bigotry while attending that sermon was President Eisenhower. Three days earlier, the President and other of the nation's leaders publicly joined in attending a prayer breakfast sponsored by the International Council for Christian Leadership.<sup>8</sup> On the afternoon of Rev. Docherty's sermon, the President took part in a radio and television broadcast of the American Legion's “Back to God” program. The program was “an appeal to the people of America and elsewhere to seek Divine guidance in their everyday activities, with regular church attendance, daily family prayer and the religious training of youth.”<sup>9</sup> From the White House, the President stated he was “delighted that our veterans are sponsoring a movement to increase our awareness of God in our daily lives.”<sup>10</sup> He also claimed, “In battle, they learned a great truth – that there are no atheists in the foxholes.”<sup>11</sup>

Over the next months, the House and Senate worked together on the legislation, with numerous congressmen openly expressing pro-Monotheistic and anti-Atheistic biases. APPENDIX E (providing nine pages of citations). As noted in the New York Times, the Act was religious: “All of the various sponsors, as well as the Rev. Mr. Docherty, agree on one thing: the widespread support the bill is receiving must bear testimony to a religious revival of significance.”<sup>12</sup> An article in the same edition spoke of a lecture delivered the day before by Agnes E. Meyer, a Washington author and civic leader:

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<sup>7</sup> Marty, Martin. *Modern American Religion*, vol. 3, “A Civic Religion of the American Way of Life,” (Chicago: University of Chicago Press, 1986) p. 301.

<sup>8</sup> *Eisenhower Joins in a Breakfast Prayer Meeting*. New York Times, February 5, 1954, A-10.

<sup>9</sup> *Nation Needs Positive Acts of Faith, Eisenhower Says*. New York Times, February 8, 1954, A-1, 11.

<sup>10</sup> “Text of President's Talk on Faith.” New York Times, February 8, 1954, A-11.

<sup>11</sup> *The Public Papers of the Presidents, Dwight D. Eisenhower, 1954* (Office of the Federal Register, National Archives and Records Service, General Services Administration, U.S. Government Printing Office, 1960) pp 243-244. For those not struck by the egregious offensiveness of this oft-repeated statement, the analogous claims that, “There are no Jews in foxholes,” or “There are no Catholics in foxholes,” might be considered.

<sup>12</sup> Knowles, Clayton. *Big Issue in D.C.: The Oath of Allegiance* NY Times May 23, 1954, pg E7.

Mrs. Meyer said that among some people religion had simply become the latest fad.

“If you don’t bring God into every cabinet meeting, political convention or other assembly it is bad public relations,” she asserted.

She cited as being contrary to the principle of separation of church and state Senator Homer Ferguson’s resolution to insert “under God” in the pledge of allegiance. She also was critical of Senator Ralph E. Flanders’ proposed amendment to the Constitution which reads:

“This nation devoutly recognizes the authority and law of Jesus Christ, Saviour and Ruler of Nations, through whom are bestowed the blessings of Almighty God.”<sup>13</sup>

With Rep. Rabaut stating that the new Pledge would remind children that “democratic... institutions presuppose a Supreme Being,”<sup>14</sup> the final bill passed without objection in either house.<sup>15</sup> The result was the Act of 1954. As noted, this Act did nothing but add the two purely religious words, “under God,” to the Nation’s Pledge of Allegiance, which – up until that time – had never included any religious dogma. As one commentator noted, the Act resulted from “the pressure of sanctimonious zeal unrestrained by constitutional principle.”<sup>16</sup>

Perhaps the most unequivocal evidence that the act of 1954 was passed as a result of the desire to endorse (Christian) monotheism and to disapprove of Atheism can be found in the Summary of the Act delivered to the Senate by the Senate’s chief sponsor of the legislation, Senator Homer Ferguson.<sup>17</sup> The fifteen most glaring excerpts are provided here:

- (1) Recognizing that the pledge did not specifically acknowledge that we are a people who do believe in and want our Government to operate under divine guidance, I introduced in the Senate a resolution to add the words which forever, I hope, will be on the lips of Americans.
- (2) To put the words “under God” on millions of lips is like running up the believer’s flag as the witness of a great nation’s faith. It is also displayed to the gaze of those who deny the sacred sanctities which it symbolizes.

<sup>13</sup> *Surpass Orthodoxy, Christianity Urged*. NY Times May 23, 1954 pg 30

<sup>14</sup> “Under God,” *Newsweek*, May 17, 1954

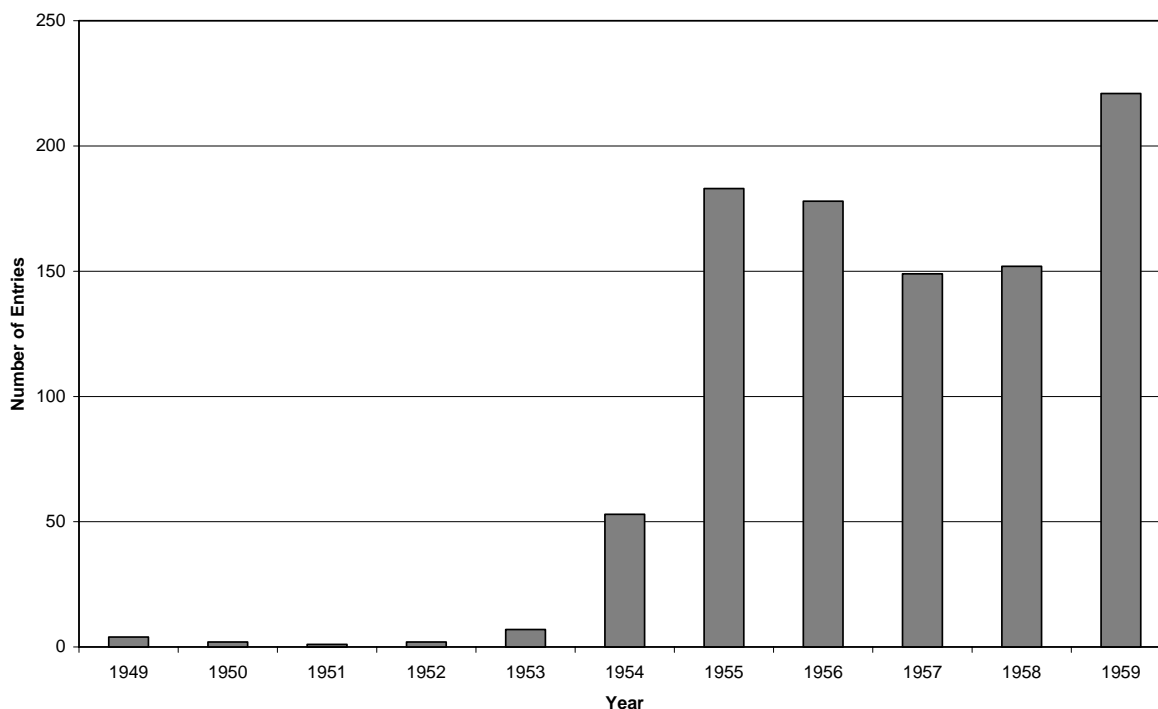
<sup>15</sup> 100 Cong. Rec. H7757-66 (June 7, 1954); 100 Cong. Rec. S7833-34 (June 8, 1954).

<sup>16</sup> *The Supreme Court on Church and State*. Tussman J. (ed.). (Oxford University Press: New York; 1962), at xvii.

<sup>17</sup> 100 Cong. Rec. S8617-18 (June 22, 1954).

- (3) Then, appropriately, as the flag was raised a bugle rang out with the familiar strains of “Onward, Christian Soldiers!”
- (4) Thus at the White House and at the Capital was “under God” written across the Stars and Stripes, in its homage to deity taking its place with the “In God We Trust” on our coinage and “the power that hath made and preserved us a Nation” in our national anthem. Concerning this meaningful event the White House made this thrilling pronouncement, to which is the sound of a great “Amen” in a mighty host of God-fearing hearts:
- (5) “From this day forward the millions of our schoolchildren will daily proclaim in every city and town, every village and rural schoolhouse the dedication of our Nation and our people to the Almighty.
- (6) To be “under God” is to be under an intelligible explanation of the mysterious universe in which we find ourselves. To believe in nothing higher than the flag of one’s nation is to thwart the soul’s highest instincts, as well as to insult the intellect.
- (7) The results of blasphemous denials of God on a tremendous scale already are being shudderingly shown by the baneful social pattern of atheistic materialism.
- (8) Suspicion begins to grow that it is not the believer who is irrational, but the cynical denier.
- (9) Certainly, one who accepts the beliefs of unbelief, with its assumption of a universe that is dead and godless, is called before the bar of reason to explain such undeniable facts as self-sacrifice, nobility, and heroism, which have made the earthen vessels of humanity blaze with a shining glory.
- (10) The unbeliever has to assert that the grandeur and splendor of life at its best are but the product of blind chance. To deny the implications of “under God” and to point to dust to explain destiny is about as sensible as declaring that you could take a bag containing the letters of the alphabet and, throwing a few handfuls of them into the air, expect them to fall to the ground in the form of a Shakespeare’s sonnet or of a Tennyson’s In Memoriam. The thing is absurd.
- (11) There is no liberty anywhere except under God.
- (12) The promising streams of freedom disappeared in the sands of futility when there is nothing higher than the state. With a deified state in a godless realm iron curtains but hide broken strands of rainbows which once arched the sky of those who imagined themselves pioneers of a new freedom. Without God, unkept promises became the fetters of a worse thralldom at the hands of alleged emancipators.
- (13) We are suddenly aghast at the dire possibilities of stupendous power in the hands of men who have no God in their hearts.

- (14) Any so-called freedom, if it is not under God, is under sentence of death.
- (15) I hope, and respectfully suggest, that every newspaper in the country, at least once before the Fourth of July, print on its front page the new Pledge of Allegiance with the words “under God” in bold-face type, so that all the people may know the new pledge of allegiance.

**APPENDIX E****THE CONGRESSIONAL RECORD: 1949-1959****Congressional Record "Religion" Entries by Year, 1949-1959**

This bar graph was created by counting the number of entries under the heading “Religion” (and associated terms) in each Index volume of the Congressional Record for the years 1949 through 1959. For the five years from 1949-1953, there was an average of 3.2 entries. For the five years from 1955-1959, the average shot up to 176.6 ... a greater than fifty-fold increase!

These data clearly reveal the increased influence and involvement of religion in government (and of government in religion) that occurred contemporaneously with Congress mandating “In God We Trust” on the money and as the national motto. Two hundred sample titles (from 1954-1960) follow, after which are provided ten pages of Congressional Record excerpts. This evidence demonstrates that Congress’s activities did not stem from “history” or “patriotism.” Rather, the challenged legislation was unquestionably driven by a desire to use the machinery of the state to infuse government and society with the majority’s (Christian) monotheistic religious belief.

**SELECTED CONGRESSIONAL RECORD INDEX ENTRIES**  
**1954-1960**

- |   |  |
|---|--|
| (1) Transcript of Back to God Program <sup>1</sup>            | (37) Our Prayers Could Change World <sup>37</sup>                    |
| (2) Celebration, 300 years of Protestantism <sup>2</sup>      | (38) President Honored for Religious Aim <sup>38</sup>               |
| (3) Thank God for Freedom <sup>3</sup>                        | (39) What Did Jesus Believe About Wealth? <sup>39</sup>              |
| (4) City Under God <sup>4</sup>                               | (40) Who Are Disciples of Christ? <sup>40</sup>                      |
| (5) Religion Versus Communism <sup>5</sup>                    | (41) Effect of Spiritual Guidance <sup>41</sup>                      |
| (6) Threats to Christianity and Democracy <sup>6</sup>        | (42) I Speak for Christian Citizenship <sup>42</sup>                 |
| (7) Faith Versus Fear <sup>7</sup>                            | (43) One Nation Under God <sup>43</sup>                              |
| (8) "Under God" this Nation lives <sup>8</sup>                | (44) Communists versus God <sup>44</sup>                             |
| (9) For God and Country <sup>9</sup>                          | (45) Atheists misquote George Washington <sup>45</sup>               |
| (10) Meditation, Christ, our hope <sup>10</sup>               | (46) God: acknowledge in the Constitution <sup>46</sup>              |
| (11) Ninety-first Psalm <sup>11</sup>                         | (47) Erection of Giant Cross <sup>47</sup>                           |
| (12) Proceedings of Dedictory Prayer Breakfast <sup>12</sup>  | (48) Religion in American Life <sup>48</sup>                         |
| (13) Dedication of Crucifix in Gary, Ind. <sup>13</sup>       | (49) This I Believe <sup>49</sup>                                    |
| (14) Christian in Politics <sup>14</sup>                      | (50) Christian Impact <sup>50</sup>                                  |
| (15) Christians in Politics <sup>15</sup>                     | (51) Christian Life <sup>51</sup>                                    |
| (16) Duty of Christian Politician <sup>16</sup>               | (52) Love of Neighbor Is God's Guided Missile to Peace <sup>52</sup> |
| (17) Faith in Our Time <sup>17</sup>                          | (53) Need for Spiritual Values in These Times <sup>53</sup>          |
| (18) Faiths of Our Presidents <sup>18</sup>                   | (54) Our Holy Father <sup>54</sup>                                   |
| (19) Free Government Based on Faith <sup>19</sup>             | (55) Place of God In Education <sup>55</sup>                         |
| (20) God's Answer to Communism <sup>20</sup>                  | (56) Religion Should Accompany Student <sup>56</sup>                 |
| (21) No Coexistence of Religion and Communism <sup>21</sup>   | (57) Seeking God's Way for World Peace <sup>57</sup>                 |
| (22) One Hundred Years of Spiritual Blessing <sup>22</sup>    | (58) Spiritual Statesmanship <sup>58</sup>                           |
| (23) Strengthening America Under God <sup>23</sup>            | (59) Spiritual Strength in Cold War <sup>59</sup>                    |
| (24) This Nation Under God <sup>24</sup>                      | (60) Supplying Education with Religious Spirit <sup>60</sup>         |
| (25) We Pray or We Perish <sup>25</sup>                       | (61) This Nation Under God <sup>61</sup>                             |
| (26) With Faith and Flag They Called It America <sup>26</sup> | (62) World Must Choose Between Religion and Ruin <sup>62</sup>       |
| (27) Beloved Man of God <sup>27</sup>                         | (63) Christian and Jew <sup>63</sup>                                 |
| (28) Christian and Debt <sup>28</sup>                         | (64) Eisenhower Should Lead Godly Against Reds <sup>64</sup>         |
| (29) Congressmen Get Prayer Room <sup>29</sup>                | (65) Man Who Sees Inside Heaven <sup>65</sup>                        |
| (30) Drive to Erect World's Largest Cross <sup>30</sup>       | (66) Our Home and God <sup>66</sup>                                  |
| (31) God Meant Us To Find Atom <sup>31</sup>                  | (67) Prayer - Exposure to God <sup>67</sup>                          |
| (32) God and U.N. <sup>32</sup>                               |  |
| (33) Great Christian <sup>33</sup>                            |  |
| (34) Harvesting Lord's Acre <sup>34</sup>                     |  |
| (35) Has Your Home a Prayer Room? <sup>35</sup>               |  |
| (36) Our Father's God to Thee <sup>36</sup>                   |  |

- (68) Religious Illiteracy Is Problem for Home<sup>68</sup>
- (69) Supping With Devil<sup>69</sup>
- (70) Thanks Be to Providence<sup>70</sup>
- (71) The Christian Leader and Politics<sup>71</sup>
- (72) Worship and Work<sup>72</sup>
- (73) World Day of Prayer<sup>73</sup>
- (74) "I Met God There"<sup>74</sup>
- (75) Christian amendment flier<sup>75</sup>
- (76) Bible ABC Verses<sup>76</sup>
- (77) Christ Did Not Wear Crown of Thorns To Teach Appeasement<sup>77</sup>
- (78) Christianity, Patriotism, and Myth of National Communism<sup>78</sup>
- (79) Faith That Built America<sup>79</sup>
- (80) Role of Church in American Politics<sup>80</sup>
- (81) Unfair Trial of Jesus<sup>81</sup>
- (82) Appeal to Churches<sup>82</sup>
- (83) Apostolic Blessing<sup>83</sup>
- (84) Christian in Politics<sup>84</sup>
- (85) Christian Survival at Stake<sup>85</sup>
- (86) Church Versus Dictatorships<sup>86</sup>
- (87) Convert Russia Through Prayer<sup>87</sup>
- (88) Cross Against Sky<sup>88</sup>
- (89) Direction of Our Gratitude<sup>89</sup>
- (90) Faith Is Target<sup>90</sup>
- (91) God's Time<sup>91</sup>
- (92) Ideas Are God's Weapons for New World<sup>92</sup>
- (93) Prayer Is Power<sup>93</sup>
- (94) Why Not Teach Religion?<sup>94</sup>
- (95) Church of Christ<sup>95</sup>
- (96) Mobilizing religious influence<sup>96</sup>
- (97) Prayer breakfast: proceedings<sup>97</sup>
- (98) Amendment to Constitution recognizing God<sup>98</sup>
- (99) Christian Reformed Church in America<sup>99</sup>
- (100) Errors in trial of Jesus<sup>100</sup>
- (101) Power of prayer<sup>101</sup>
- (102) Proceedings of sixth annual presidential prayer breakfast<sup>102</sup>
- (103) Atheistic Character of Communism<sup>103</sup>
- (104) Church-Related Colleges<sup>104</sup>
- (105) Importance of Easter and Good Friday<sup>105</sup>
- (106) Modern Delusions and God's Design<sup>106</sup>
- (107) Politics and Christian Service<sup>107</sup>
- (108) Antichrists on Prowl<sup>108</sup>
- (109) Christ in Marketplace<sup>109</sup>
- (110) Churches Under Open Skies<sup>110</sup>
- (111) Contemporary Church Heraldry in America<sup>111</sup>
- (112) Has My Church Left Me?<sup>112</sup>
- (113) Holy Week Holds the Answer<sup>113</sup>
- (114) Moses, Prophets, Jesus Fought To Erase Inequality<sup>114</sup>
- (115) Opposes Asking God's Aid for United States<sup>115</sup>
- (116) 139 Joined Church During Crusade<sup>116</sup>
- (117) Presidential Prayer Breakfast<sup>117</sup>
- (118) Religious Imperatives and Foreign Aid<sup>118</sup>
- (119) Religious Overseas Aid<sup>119</sup>
- (120) Uriel, Flame of God<sup>120</sup>
- (121) World Day of Prayer<sup>121</sup>
- (122) Yes; My Church Has Left Me - Thank God<sup>122</sup>
- (123) Faith of our forefathers<sup>123</sup>
- (124) Speak for Christian citizenship<sup>124</sup>
- (125) Subsidy for ministers<sup>125</sup>
- (126) Voting according to religious precepts<sup>126</sup>
- (127) Spiritual faith of our fathers<sup>127</sup>
- (128) Catholicism and politics<sup>128</sup>
- (129) God, peace, and you<sup>129</sup>
- (130) Protestantism speaks on justice and integration<sup>130</sup>
- (131) Reaffirm Christian faith in Middle East crisis<sup>131</sup>
- (132) Essay: Christian Principles and Citizenship<sup>132</sup>
- (133) Proceedings at presidential prayer breakfast<sup>133</sup>
- (134) Aggressive Secularism Undermining Nation<sup>134</sup>
- (135) Can-Do Christians<sup>135</sup>
- (136) Catholic President?<sup>136</sup>
- (137) Christian Amendment Resolution<sup>137</sup>
- (138) Faith<sup>138</sup>
- (139) Faith and Learning<sup>139</sup>

- (140) For God and Country<sup>140</sup>
- (141) In Remembrance of Him<sup>141</sup>
- (142) Our Religious Heritage<sup>142</sup>
- (143) Religion Today<sup>143</sup>
- (144) Religious Acknowledgements in Political Documents<sup>144</sup>
- (145) Religious Education and Democracy<sup>145</sup>
- (146) Spirituality and Prayer: Weapons Against Communism<sup>146</sup>
- (147) Ten Commandments<sup>147</sup>
- (148) Catholic Can Become President<sup>148</sup>
- (149) Catholic in Politics<sup>149</sup>
- (150) Christianity or Communism?<sup>150</sup>
- (151) Christ United Church of Christ<sup>151</sup>
- (152) Christian Philosophy of Civil Government<sup>152</sup>
- (153) Everybody Prays at Sholl's<sup>153</sup>
- (154) Ex-Coach Blaik Believes in Prayer<sup>154</sup>
- (155) Foreign Policy and Christian Conscience<sup>155</sup>
- (156) Jesuit Denounces Racism as Pagan<sup>156</sup>
- (157) Let's Not Forget Power of Faith<sup>157</sup>
- (158) Man Sent From God<sup>158</sup>
- (159) Our Religious Heritage<sup>159</sup>
- (160) Sunday Change Shocks God Fearing<sup>160</sup>
- (161) Will Science Ever Replace God?<sup>161</sup>
- (162) God and Mr. Dulles<sup>162</sup>
- (163) Khrushchev, Nikita: minute of silent prayer to greet<sup>163</sup>
- (164) American spiritual values versus Lenin and Marx<sup>164</sup>
- (165) Lord's Day Observance<sup>165</sup>
- (166) Vaughn Bible Class<sup>166</sup>
- (167) We Believe in Prayer<sup>167</sup>
- (168) We Pay Taxes for Sin<sup>168</sup>
- (169) Lecture: Existence of God<sup>169</sup>
- (170) Proceedings at Presidential Prayer breakfast<sup>170</sup>
- (171) Text on broadcast on Christian amendment<sup>171</sup>
- (172) Christian amendment<sup>172</sup>
- (173) Christ and Politics<sup>173</sup>
- (174) Dedication of "In God We Trust" Plaque in Post Offices<sup>174</sup>
- (175) Power of Prayer<sup>175</sup>
- (176) Union of Church and State<sup>176</sup>
- (177) Apostate Clergymen Battle for God-Hating Communist China<sup>177</sup>
- (178) Christianity and Capital Punishment<sup>178</sup>
- (179) Did God Attend the Summit?<sup>179</sup>
- (180) Guide to Atheism<sup>180</sup>
- (181) How Much God Is There in Government<sup>181</sup>
- (182) Jesus, the Perfect Man<sup>182</sup>
- (183) Millennium of Christianization<sup>183</sup>
- (184) Washington's Lady Ambassador for Christ<sup>184</sup>
- (185) What Faith in God Has Meant to Me<sup>185</sup>
- (186) Christian Citizenship<sup>186</sup>
- (187) Faith by William Jennings Bryan<sup>187</sup>
- (188) Shrine of the Immaculate Conception<sup>188</sup>
- (189) Make yourself a rubberstamp for God<sup>189</sup>
- (190) Religious qualifications for the Presidency<sup>190</sup>
- (191) Spiritual values are our basic need<sup>191</sup>
- (192) Revised Standard Version of the Holy Bible: adoption of<sup>192</sup>
- (193) World Day of Prayer<sup>193</sup>
- (194) Bible: eternal source of strength<sup>194</sup>
- (195) Bible: light that illumines the pathway<sup>195</sup>
- (196) Good Shepherd and the abundant life<sup>196</sup>
- (197) Holy Week<sup>197</sup>
- (198) In the beginning God<sup>198</sup>
- (199) Prayer rooms, U.S. Capitol<sup>199</sup>
- (200) Psalm 23<sup>200</sup>

<sup>1</sup> 100-a Cong. Rec. A1204 (1954).  
<sup>2</sup> 100-a Cong. Rec. A5288 (1954).  
<sup>3</sup> 100-a Cong. Rec. A5674 (1954).  
<sup>4</sup> 100-a Cong. Rec. A5519 (1954).  
<sup>5</sup> 100-a Cong. Rec. A5569 (1954).  
<sup>6</sup> 100-a Cong. Rec. A3187 (1954).  
<sup>7</sup> 100-a Cong. Rec. 13977 (1954).  
<sup>8</sup> 100-a Cong. Rec. 15828 (1954).  
<sup>9</sup> 100-a Cong. Rec. A5879 (1954).  
<sup>10</sup> 101-a Cong. Rec. 11120 (1955).  
<sup>11</sup> 101-a Cong. Rec. 4767 (1955).  
<sup>12</sup> 101-a Cong. Rec. 1212 (1955).  
<sup>13</sup> 101-a Cong. Rec. 6264 (1955).  
<sup>14</sup> 101-a Cong. Rec. 1698 (1955).  
<sup>15</sup> 101-a Cong. Rec. A129 (1955).  
<sup>16</sup> 101-a Cong. Rec. 8792 (1955).  
<sup>17</sup> 101-a Cong. Rec. A4822 (1955).  
<sup>18</sup> 101-a Cong. Rec. A4625 (1955).  
<sup>19</sup> 101-a Cong. Rec. A2167 (1955).  
<sup>20</sup> 101-a Cong. Rec. A2057 (1955).  
<sup>21</sup> 101-a Cong. Rec. 275 (1955).  
<sup>22</sup> 101-a Cong. Rec. A505 (1955).  
<sup>23</sup> 101-a Cong. Rec. 11111 (1955).  
<sup>24</sup> 101-a Cong. Rec. A2982 (1955).  
<sup>25</sup> 101-a Cong. Rec. A3247 (1955).  
<sup>26</sup> 101-a Cong. Rec. A145 (1955).  
<sup>27</sup> 101-a Cong. Rec. A150 (1955).  
<sup>28</sup> 101-a Cong. Rec. A2262 (1955).  
<sup>29</sup> 101-a Cong. Rec. A836 and A1211 (1955).  
<sup>30</sup> 101-a Cong. Rec. 2872 (1955).  
<sup>31</sup> 101-a Cong. Rec. 2853 (1955).  
<sup>32</sup> 101-a Cong. Rec. A4664 (1955).  
<sup>33</sup> 101-a Cong. Rec. A742 (1955).  
<sup>34</sup> 101-a Cong. Rec. A1972 (1955).  
<sup>35</sup> 101-a Cong. Rec. A5881 (1955).  
<sup>36</sup> 101-a Cong. Rec. A2149 (1955).  
<sup>37</sup> 101-a Cong. Rec. A786 (1955).  
<sup>38</sup> 101-a Cong. Rec. A3368 (1955).  
<sup>39</sup> 101-a Cong. Rec. A4210 (1955).  
<sup>40</sup> 101-a Cong. Rec. A1953 (1955).  
<sup>41</sup> 101-a Cong. Rec. 4942, A2945, A2946, A2987, A2990, A2991, A2996, and A5468 (1955).  
<sup>42</sup> 101-a Cong. Rec. A3151 (1955).  
<sup>43</sup> 101-a Cong. Rec. A3154 (1955).  
<sup>44</sup> 101-a Cong. Rec. 6265 (1955).  
<sup>45</sup> 101-a Cong. Rec. 13135 (1955).  
<sup>46</sup> 101-a Cong. Rec. 6848 (1955).  
<sup>47</sup> 101-a Cong. Rec. 4400 (1955).  
<sup>48</sup> 101-a Cong. Rec. 3217 (1955).

<sup>49</sup> 101-a Cong. Rec. 6603 (1955).  
<sup>50</sup> 102-a Cong. Rec. A1957 (1956).  
<sup>51</sup> 102-a Cong. Rec. A6037 (1956).  
<sup>52</sup> 102-a Cong. Rec. A1589 (1956).  
<sup>53</sup> 102-a Cong. Rec. A542 (1956).  
<sup>54</sup> 102-a Cong. Rec. A4893 (1956).  
<sup>55</sup> 102-a Cong. Rec. A2131 (1956).  
<sup>56</sup> 102-a Cong. Rec. A2659 (1956).  
<sup>57</sup> 102-a Cong. Rec. 2272 (1956).  
<sup>58</sup> 102-a Cong. Rec. 4547 (1956).  
<sup>59</sup> 102-a Cong. Rec. 9454 (1956).  
<sup>60</sup> 102-a Cong. Rec. A4122 (1956).  
<sup>61</sup> 102-a Cong. Rec. A3533 and 9277 (1956).  
<sup>62</sup> 102-a Cong. Rec. A429 (1956).  
<sup>63</sup> 102-a Cong. Rec. A2803 (1956).  
<sup>64</sup> 102-a Cong. Rec. A452 (1956).  
<sup>65</sup> 102-a Cong. Rec. A5129 (1956).  
<sup>66</sup> 102-a Cong. Rec. 6895 (1956).  
<sup>67</sup> 102-a Cong. Rec. A1493 (1956).  
<sup>68</sup> 102-a Cong. Rec. A1650 (1956).  
<sup>69</sup> 102-a Cong. Rec. A5842 and A6209 (1956).  
<sup>70</sup> 102-a Cong. Rec. A3960 (1956).  
<sup>71</sup> 102-a Cong. Rec. 8031 (1956).  
<sup>72</sup> 102-a Cong. Rec. A5366 (1956).  
<sup>73</sup> 102-a Cong. Rec. 2751 (1956).  
<sup>74</sup> 102-a Cong. Rec. 1519 (1956).  
<sup>75</sup> 102-a Cong. Rec. A700 (1956).  
<sup>76</sup> 103-a Cong. Rec. A4891 (1957).  
<sup>77</sup> 103-a Cong. Rec. A2221 (1957).  
<sup>78</sup> 103-a Cong. Rec. A291 (1957).  
<sup>79</sup> 103-a Cong. Rec. A4008 (1957).  
<sup>80</sup> 103-a Cong. Rec. A4184 (1957).  
<sup>81</sup> 103-a Cong. Rec. 8121 (1957).  
<sup>82</sup> 103-a Cong. Rec. A4124 (1957).  
<sup>83</sup> 103-a Cong. Rec. A45 (1957).  
<sup>84</sup> 103-a Cong. Rec. A4236 (1957).  
<sup>85</sup> 103-a Cong. Rec. A532 (1957).  
<sup>86</sup> 103-a Cong. Rec. A5220 (1957).  
<sup>87</sup> 103-a Cong. Rec. A1008 (1957).  
<sup>88</sup> 103-a Cong. Rec. A3083 (1957).  
<sup>89</sup> 103-a Cong. Rec. A1512 (1957).  
<sup>90</sup> 103-a Cong. Rec. A2671 (1957).  
<sup>91</sup> 103-a Cong. Rec. A1357 (1957).  
<sup>92</sup> 103-a Cong. Rec. A4515 (1957).  
<sup>93</sup> 103-a Cong. Rec. A3467 (1957).  
<sup>94</sup> 103-a Cong. Rec. A7212 (1957).  
<sup>95</sup> 103-a Cong. Rec. A154 (1957).  
<sup>96</sup> 103-a Cong. Rec. 8249 (1957).  
<sup>97</sup> 103-a Cong. Rec. 2085 (1957).  
<sup>98</sup> 103-a Cong. Rec. 234 (1957).  
<sup>99</sup> 103-a Cong. Rec. 6128 (1957).

100 103-a Cong. Rec. 5848 (1957).  
 101 103-a Cong. Rec. 2452 (1957).  
 102 104-a Cong. Rec. 2192 (1958).  
 103 104-a Cong. Rec. A32 (1958).  
 104 104-a Cong. Rec. A3246 (1958).  
 105 104-a Cong. Rec. A3578 (1958).  
 106 104-a Cong. Rec. A2159 (1958).  
 107 104-a Cong. Rec. 10790 (1958).  
 108 104-a Cong. Rec. A2214 (1958).  
 109 104-a Cong. Rec. A5975 (1958).  
 110 104-a Cong. Rec. A6724 (1958).  
 111 104-a Cong. Rec. A1257 (1958).  
 112 104-a Cong. Rec. A3993 (1958).  
 113 104-a Cong. Rec. A3199 (1958).  
 114 104-a Cong. Rec. A883 (1958).  
 115 104-a Cong. Rec. A2494 (1958).  
 116 104-a Cong. Rec. A690 (1958).  
 117 104-a Cong. Rec. A1119 (1958).  
 118 104-a Cong. Rec. 6283 (1958).  
 119 104-a Cong. Rec. A927 (1958).  
 120 104-a Cong. Rec. A3253 (1958).  
 121 104-a Cong. Rec. A1606 (1958).  
 122 104-a Cong. Rec. A4976 (1958).  
 123 104-a Cong. Rec. A4646 (1958).  
 124 104-a Cong. Rec. A5262 (1958).  
 125 104-a Cong. Rec. A869 (1958).  
 126 104-a Cong. Rec. A7215 (1958).  
 127 104-a Cong. Rec. 18591 (1958).  
 128 104-a Cong. Rec. A7518 (1958).  
 129 104-a Cong. Rec. A3088 (1958).  
 130 104-a Cong. Rec. 1918 (1958).  
 131 104-a Cong. Rec. A7264 (1958).  
 132 105-a Cong. Rec. A4622 (1959).  
 133 105-a Cong. Rec. 4418 (1959).  
 134 105-a Cong. Rec. A8440 (1959).  
 135 105-a Cong. Rec. A1524 (1959).  
 136 105-a Cong. Rec. A5345 (1959).  
 137 105-a Cong. Rec. 6158 (1959).  
 138 105-a Cong. Rec. A174 (1959).  
 139 105-a Cong. Rec. A4918 (1959).  
 140 105-a Cong. Rec. A1966 (1959).  
 141 105-a Cong. Rec. A3369 (1959).  
 142 105-a Cong. Rec. 9499 (1959).  
 143 105-a Cong. Rec. A7022 (1959).  
 144 105-a Cong. Rec. A1125 (1959).  
 145 105-a Cong. Rec. A7057 (1959).  
 146 105-a Cong. Rec. A8446 (1959).  
 147 105-a Cong. Rec. A7354 (1959).  
 148 105-a Cong. Rec. 3482 (1959).  
 149 105-a Cong. Rec. 12008 (1959).  
 150 105-a Cong. Rec. A4465 (1959).

151 105-a Cong. Rec. A5375 (1959).  
 152 105-a Cong. Rec. A4536 (1959).  
 153 105-a Cong. Rec. A4718 (1959).  
 154 105-a Cong. Rec. A1529 (1959).  
 155 105-a Cong. Rec. A4653 (1959).  
 156 105-a Cong. Rec. A4950 (1959).  
 157 105-a Cong. Rec. A1278 (1959).  
 158 105-a Cong. Rec. A5186 (1959).  
 159 105-a Cong. Rec. A5838 (1959).  
 160 105-a Cong. Rec. A6542 (1959).  
 161 105-a Cong. Rec. A3542 (1959).  
 162 105-a Cong. Rec. A648 (1959).  
 163 105-a Cong. Rec. 17448 (1959).  
 164 105-a Cong. Rec. 5346 (1959).  
 165 105-a Cong. Rec. A6540 (1959).  
 166 105-a Cong. Rec. A1568 (1959).  
 167 105-a Cong. Rec. A1573 (1959).  
 168 105-a Cong. Rec. A4315 (1959).  
 169 106-a Cong. Rec. 13735 (1960).  
 170 106-a Cong. Rec. 3591 (1960).  
 171 106-a Cong. Rec. A478 and A410 (1960).  
 172 106-a Cong. Rec. A1538 (1960).  
 173 106-a Cong. Rec. A6547 (1960).  
 174 106-a Cong. Rec. A5504 (1960).  
 175 106-a Cong. Rec. 15044 (1960).  
 176 106-a Cong. Rec. A1578 (1960).  
 177 106-a Cong. Rec. A1476 (1960).  
 178 106-a Cong. Rec. A6053 (1960).  
 179 106-a Cong. Rec. A5421 (1960).  
 180 106-a Cong. Rec. A5601 (1960).  
 181 106-a Cong. Rec. 3903 and 9337 (1960).  
 182 106-a Cong. Rec. A3291 (1960).  
 183 106-a Cong. Rec. A2563 (1960).  
 184 106-a Cong. Rec. A404 (1960).  
 185 106-a Cong. Rec. 17414 (1960).  
 186 106-a Cong. Rec. A3910 (1960).  
 187 106-a Cong. Rec. 6744 (1960).  
 188 106-a Cong. Rec. A170 (1960).  
 189 106-a Cong. Rec. A5895 (1960).  
 190 106-a Cong. Rec. A5673 (1960).  
 191 106-a Cong. Rec. A6441 (1960).  
 192 106-a Cong. Rec. 8272 (1960).  
 193 106-a Cong. Rec. 6009 (1960).  
 194 106-a Cong. Rec. 8708 (1960).  
 195 106-a Cong. Rec. 8849 (1960).  
 196 106-a Cong. Rec. 12072 (1960).  
 197 106-a Cong. Rec. 8070 (1960).  
 198 106-a Cong. Rec. 10519 (1960).  
 199 106-a Cong. Rec. 3403 (1960).  
 200 106-a Cong. Rec. 8850 (1960).

**SELECTED EXCERPTS FROM THE CONGRESSIONAL RECORD**  
**Circa 1954**<sup>1</sup>

“I think that the criminal flood is an inescapable result of our earlier failure to teach God convincingly to the youthful unfortunates who are our juvenile delinquents of today and who will be our adult criminals of tomorrow.”<sup>2</sup>

“Without these words, ... the pledge ignores a definitive factor in the American way of life and that factor is belief in God.”<sup>3</sup>

“[T]he fundamental issue which is the unbridgeable gap between America and Communist Russia is a belief in Almighty God.”<sup>3</sup>

“From the root of atheism stems the evil weed of communism.”<sup>3</sup>

“An atheistic American ... is a contradiction in terms.”<sup>3</sup>

“[T]he American way of life is ... ‘a way of life that sees man as a sentient being created by God and seeking to know His will, whose soul is restless till he rests in God.’”<sup>3</sup>

“From their earliest childhood our children must know the real meaning of America. Children and Americans of all ages must know that this is one Nation which ‘under God’ means ‘liberty and justice for all.’”<sup>3</sup>

“[T]he fundamental basis of our Government is the recognition that all lawful authority stems from Almighty God.”<sup>4</sup>

“[W]e recognize the spiritual origins and traditions of our country as our real bulwark against atheistic communism.”<sup>4</sup>

“[O]nly under God will our beloved country continue to be a citadel of freedom.”<sup>4</sup>

“The pledge of allegiance should be proclaimed in the spirit ... recogni[zing] God as the Creator of mankind, and the ultimate source both of the rights of man and of the powers of government.”<sup>5</sup>

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<sup>1</sup> These quotations were originally used in Plaintiff’s prior challenge to “under God” in the Pledge of Allegiance. *Elk Grove Unified Sch. Dist. v. Newdow*, 124 S. Ct. 2301 (2004). They are just as pertinent in revealing how the political climate of the 1950s was permeated with (Christian) monotheism, which Congress was intent on infusing into society.

<sup>2</sup> 99 Cong. Rec. 12 (Appendix), A4155 (May 22, 1953) (Attributed to J. Edgar Hoover in article inserted into the record by Rep. Louis C. Rabaut, sponsor of the House resolution to insert the words “under God” into the previously secular Pledge of Allegiance)

<sup>3</sup> 100 Cong. Rec. 2, 1700 (Feb. 12, 1954) (Statement of Rep. Louis C. Rabaut, sponsor of the House resolution to insert the words “under God” into the previously secular Pledge of Allegiance)

<sup>4</sup> 100 Cong. Rec. 17 (Appendix), A2515-A2516 (Apr. 1, 1954) (Statement of Rep. Louis C. Rabaut, sponsor of the House resolution to insert the words “under God” into the previously secular Pledge of Allegiance)

“Certainly, in these days of great challenge to America, one can hardly think of a more inspiring symbolic deed than for America to reaffirm its faith in divine providence.”<sup>6</sup>

“What better training for our youngsters could there be than to have them, each time they pledge allegiance to Old Glory, reassert their belief, like that of their fathers and their fathers before them, in the all-present, all-knowing, all-seeing, all-powerful Creator.”<sup>6</sup>

“[I]n times like these when Godless communism is the greatest peril this Nation faces, it becomes more necessary than ever to avow our faith in God and to affirm the recognition that the core of our strength comes from Him.”<sup>7</sup>

“Hence it is fitting that those two profoundly meaningful words “under God” should be included in the pledge of allegiance so that we and our children, who recite the pledge far more often than adults, may be reminded that spiritual strength derived from God is the source of all human liberty.”<sup>7</sup>

“[The] principles of the worthwhileness of the individual human being are meaningless unless there exists a Supreme Being.”<sup>8</sup>

“It is the Nation itself which was born and lives ‘under God.’”<sup>8</sup>

“[T]he one fundamental issue which is the unbridgeable gap between America and Communist Russia is belief in Almighty God.”<sup>8</sup>

“More importantly, the children of our land, in the daily recitation of the pledge in school, will be daily impressed with a true understanding of our way of life and its origins. ... Fortify our youth in their allegiance to the flag by their dedication to ‘one Nation, under God.’”<sup>8</sup>

“He is the God, undivided by creed, to whom we look, in the final analysis, for the well-being of our Nation. Therefore, when we make our pledge to the flag I believe it fitting that we recognize by words what our faith has always been.”<sup>9</sup>

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<sup>5</sup> 100 Cong. Rec. 4, 5069 (Apr. 13, 1954) (Statement of Rep. Peter W. Rodino, Jr. in support of the resolution to insert the words “under God” into the previously secular Pledge of Allegiance)

<sup>6</sup> 100 Cong. Rec. 5, 5915 (May 4, 1954) (Statement of Sen. Alexander Wiley in support of Sen. Ferguson’s resolution to insert the words “under God” into the previously secular Pledge of Allegiance)

<sup>7</sup> 100 Cong. Rec. 5, 5915 (May 4, 1954) (Milwaukee Sentinel editorial printed in the Congressional Record – with the unanimous consent of the Senate – as requested by Sen. Alexander Wiley in support of Sen. Ferguson’s resolution to insert the words “under God” into the previously secular Pledge of Allegiance)

<sup>8</sup> 100 Cong. Rec. 5, 6077-6078 (May 5, 1954) (Statement of Rep. Louis C. Rabaut, sponsor of the House resolution to insert the words “under God” into the previously secular Pledge of Allegiance)

<sup>9</sup> 100 Cong. Rec. 5, 6085 (May 5, 1954) (Statement of Rep. Francis E. Dorn, supporting passage of House Joint Resolution 502 which sought to insert the words “under God” into the previously secular Pledge of Allegiance)

It is a “fundamental truth ... that a government deriving its powers from the consent of the governed must look to God for divine leadership.”<sup>10</sup>

“We are asking that only two words be added to the Pledge of Allegiance, but they are very significant words.”<sup>11</sup>

“[T]he Pledge of Allegiance to the Flag which stands for the United States of America should recognize the Creator who we really believe is in control of the destinies of this great Republic.”<sup>11</sup>

“It is true that under the Constitution no power is lodged anywhere to establish a religion. This is not an attempt to establish a religion; it has nothing to do with anything of that kind. It relates to belief in God, in whom we sincerely repose our trust.”<sup>11</sup>

“Appropriations and expenditures for defense will be of value only if the God under whom we live believes that we are in the right. We should at all times recognize God’s province over the lives of our people and over this great Nation.”<sup>11</sup>

“[The Pledge] is not only a pledge of words but also of belief.”<sup>11</sup>

“[B]elief in God is part of our very lives.”<sup>11</sup>

“The United States is one of the outstanding nations of the world standing foursquare on the principle that God governs the affairs of men.”<sup>12</sup>

“Billy Graham [said,] ‘We have dropped our pilot, the Lord Jesus Christ, and are sailing blindly on without divine chart or compass.’”<sup>12</sup>

“[I]t is well that when the pledge of allegiance to the flag is made by every loyal citizen and by the schoolchildren of America, there should be embodied in the pledge our allegiance and faith in Almighty God. The addition of the words ‘under God’ will accomplish this purpose.”<sup>12</sup>

“[W]hen Francis Bellamy wrote this stirring pledge, the pall of atheism had not yet spread its hateful shadow over the world, and almost everyone acknowledged the dominion of Almighty God.”<sup>13</sup>

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<sup>10</sup> S. Rep. No. 1287, 83<sup>rd</sup> Cong., 2d Sess. 2, reprinted in 100 Cong. Rec. 5, 6231 (May 10, 1954) (Letter of Sen. Homer Ferguson, sponsor of the Senate resolution to insert the words “under God” into the previously secular Pledge of Allegiance, to Sen. William Langer, Chairman of the Senate Judiciary Committee, March 10, 1954)

<sup>11</sup> 100 Cong. Rec. 5, 6348 (May 11, 1954) (Sen. Homer Ferguson’s explanation of the joint resolution to insert the words “under God” into the previously secular Pledge of Allegiance, to Sen. William Langer, Chairman of the Senate Judiciary Committee, March 10, 1954)

<sup>12</sup> 100 Cong. Rec. 5, 6919 (May 20, 1954) (Rep. Homer D. Angell’s remarks on the joint resolution to insert the words “under God” into the previously secular Pledge of Allegiance)

<sup>13</sup> 100 Cong. Rec. 18 (Appendix), A3448 (May 11, 1954) (Letter entered into the record by Rep. George H. Fallon. This was “[p]assed without a single dissenting vote, and later adopted by the DAR,

“[N]ow that the militant atheistic Red menace is abroad in our land, it behooves us to remind the free people of these United States that they are utterly at the mercy of God.”<sup>13</sup>

“Now that pagan philosophies have been introduced by the Soviet Union, there is a necessity for reaffirming belief in God.”<sup>14</sup>

“I appear here today in support of any and all bills that would serve to recognize the power and universality of God in our pledge of allegiance.”<sup>15</sup>

“The inclusion of God in our pledge would acknowledge the dependence of our people, and our Government upon the moral direction and the restraints of religion.”<sup>15</sup>

“The significant import of our action today ... is that we are officially recognizing once again this Nation’s adherence to our belief in a divine spirit, and that henceforth millions of our citizens will be acknowledging this belief every time they pledge allegiance to our flag.”<sup>16</sup>

“How fitting that we here today should take action to once more affirm our belief in ... the guidance of a divine spirit.”<sup>16</sup>

“Once again we are proclaiming to the world that ... the flag which flies over our land is a symbol of a nation and of a people under God.”<sup>16</sup>

“[T]his measure is more than one of passing importance. It goes to the very fundamentals of life and creation. It recognizes that all things which we have in the way of life, liberty, constitutional government, and rights of man are held by us under the divine benediction of the Almighty. There is a hope and a hereafter in these two words and they, of course, should be included in the pledge of allegiance to Old Glory.”<sup>17</sup>

“One thing separates free peoples of the Western World from the rabid Communist, and this one thing is a belief in God. In adding this one phrase to our pledge of allegiance to our flag, we in effect declare openly that we denounce the pagan doctrine of communism and declare ‘under God’ in favor of free government and a free world.”<sup>17</sup>

“Fortify our youth in their allegiance to the flag by their dedication to ‘one nation under God.’”<sup>18</sup>

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the Flag House Association, the VFW, the DAV, sections of the American Legion ..., incorporated in the pledge at the ‘I Am An American Day’ ... etc., etc.”)

<sup>14</sup> 100 Cong. Rec. 18 (Appendix), A4066 (May 24, 1954) (Newspaper article from the Malden (Mass.) Press of May 13, 1954, entered into the record by Rep. Angier L. Goodwin.)

<sup>15</sup> 100 Cong. Rec. 6, 7590-7591 (June 2, 1954) (Rep. John R. Pillion’s statement provided on May 5, 1954 to Subcommittee No. 5 of the House Committee on the Judiciary.)

<sup>16</sup> 100 Cong. Rec. 6, 7757 (June 7, 1954) (Statement of Rep. Oliver P. Bolton in support of the joint resolution to amend the previously secular Pledge.)

<sup>17</sup> 100 Cong. Rec. 6, 7758 (June 7, 1954) (Statement of Rep. Brooks in support of the joint resolution to amend the previously secular Pledge.)

<sup>18</sup> 100 Cong. Rec. 6, 7759 (June 7, 1954) (Statement of Rep. Louis C. Rabaut in support of the joint resolution to amend the previously secular Pledge.)

“Regaining our reverence for God we in America in this 20<sup>th</sup> century can rediscover our own value and the solid basis on which it rests.”<sup>19</sup>

“The first sentence of section 7 of the joint resolution (36 U.S.C. sec. 172), as amended, ‘one Nation indivisible under God,’ is a realistic recognition of the theological and philosophical truth – the existence of a Supreme Being.”<sup>20</sup>

“When the forces of anti-God and antireligion so persistently spread their dangerous and insidious propaganda, it is wholesome for us to have constantly brought to our minds the fact that, mighty and essential as armed strength may be, it is the strength of the spirit and the moral force generated by the righteousness of our cause and the purity of our motives to which we must ultimately look for salvation from destruction and for triumph over the evil forces that best us.”<sup>21</sup>

“Faith in God ... has never been misplaced. House Joint Resolution 243 is a proclamation to all the world and to ourselves, ever to keep us mindful and prayerful, that the United States of America is in truth and in the acknowledged fact, a ‘Nation under God.’”<sup>22</sup>

“This [is a] victory for God and country.”<sup>22</sup>

“[The joint resolution] seems to have struck a note of universal approval, indicating an underlying acknowledgement of our indebtedness to God and our dependence upon Him.”<sup>23</sup>

“At this moment of our history the principles underlying our American Government and the American way of life are under attack by a system that does not believe in God. A system that denies the existence of God.”<sup>23</sup>

“Thus, the inclusion of God in our pledge of allegiance rightly and most appropriately acknowledges the dependence of our people and our Government upon that divinity that rules over the destinies of nations as well as individuals.”<sup>23</sup>

“The God of nations who helped in bringing to a successful conclusion the war of independence, has never ceased to control the destiny of this great Nations, and I trust He never will.”<sup>23</sup>

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<sup>19</sup> 100 Cong. Rec. 6, 7759 (June 7, 1954) (Statement of Rep. Charles G. Oakman in support of the joint resolution to amend the previously secular Pledge.)

<sup>20</sup> 100 Cong. Rec. 6, 7760 (June 7, 1954) (Letter written by the Chairman of the Department of Political Science at the University of Detroit, placed into the record by Rep. Brooks in support of the joint resolution to amend the previously secular Pledge.)

<sup>21</sup> 100 Cong. Rec. 6, 7760 (June 7, 1954) (Statement of Rep. Keating in support of the joint resolution to amend the previously secular Pledge.)

<sup>22</sup> 100 Cong. Rec. 6, 7761-7762 (June 7, 1954) (Statement of Rep. Barratt O’Hara in support of the joint resolution to amend the previously secular Pledge.)

<sup>23</sup> 100 Cong. Rec. 6, 7762-7763 (June 7, 1954) (Statement of Rep. Wolverton in support of the joint resolution to amend the previously secular Pledge.)

“[O]ne of the greatest differences between the free world and the Communists [is] a belief in God. The spiritual bankruptcy of the Communists is one of our strongest weapons in the struggle for men’s minds and this resolution gives us a new means of using that weapon.”<sup>23</sup>

“The use of the phrase ‘under God’ in the pledge of allegiance to the flag sets forth in a mere two words, but, very strong and meaningful words, the fundamental faith and belief of America in the overruling providence of God and our dependence at all times upon Him.”<sup>23</sup>

“The recitation of this acknowledgement that God is the foundation of our Nation will be of incalculable value, all through the years, of ever keeping vividly before our people, including our children who from earliest childhood, pledge their allegiance to the flag, that the real source of our strength in the future, as in the past, is God.”<sup>23</sup>

“[T]he Government and people of America have recognized the necessity of doing the will of God as we see it, and of relying for our strength and welfare on the protection of His divine providence.”<sup>24</sup>

“To insert these two words in the pledge ... would be the most forceful possible defiance of the militant atheism and ‘dialectical materialism’ that are identified with Russian and international communism.”<sup>24</sup>

“[W]e wish now, with no ambiguity or reservation, to place ourselves under the rule and care of God.”<sup>24</sup>

“We Members of Congress ... felt and acted on the popular urge to give expression to the conviction that our deliberations should be publicly and tangibly submitted to the guidance of God.”<sup>24</sup>

“[W]e do well to once more publicly and officially affirm our faith.”<sup>25</sup>

“[O]ur citizenship is of no real value to us unless our hearts speak in accord with our lips; and unless we can open our souls before God and before Him conscientiously say, ‘I am an American.’”<sup>26</sup>

“God is the symbol of liberty to America.”<sup>26</sup>

“The amendment to the pledge of allegiance to the flag, by inserting the words ‘under God,’ is a simple device by which we can verbally proclaim our intense desire to continue this land as ‘one Nation, under God, indivisible.’”<sup>26</sup>

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<sup>24</sup> 100 Cong. Rec. 6, 7763-7764 (June 7, 1954) (Statement of Rep. Peter W. Rodino, Jr. in support of the joint resolution to amend the previously secular Pledge. Amazingly, included in this statement were the words “I am firmly of the opinion that our Founding Fathers ... meant to prevent ... any provision of law that could raise one form of religion to a position of preference over others.” )

<sup>25</sup> 100 Cong. Rec. 6, 7764 (June 7, 1954) (Statement of Rep. Oliver P. Bolton in support of the joint resolution to amend the previously secular Pledge.)

<sup>26</sup> 100 Cong. Rec. 6, 7765-7766 (June 7, 1954) (Statement of Rep. Hugh J. Addonizio in support of the joint resolution to amend the previously secular Pledge.)

“[L]iberty, justice, and human equality ... are man’s own heritage from God.”<sup>26</sup>

“Never before in our national history have so many diverse groups enjoyed such a complete measure of religious freedom as exists in the United States today. But it is even more inspiring to realize that these religious groups are all working ‘under God’ in their own ways, to help solve the problems which characterize our troubled era.”<sup>26</sup>

“A child’s belief in spiritual values is beautiful to behold.”<sup>26</sup>

“I believe it to be of great importance that we as a Nation recognize a higher power than ourselves in the guidance of our existence. This joint resolution recognizes that we believe there is a Divine Power, and that we, our children, and our children’s children should always recognize it.”<sup>27</sup>

“I believe we should trust in God and we should recognize that God is guiding our destiny and the hopes and aspirations of this Nation.”<sup>27</sup>

“It is so fitting that we declare to the world, in our position as leader among the sister nations of the earth, our dependence upon Almighty God.”<sup>28</sup>

“In my experience as a public servant and as a Member of Congress I have never seen a bill which was so noncontroversial in nature or so inspiring in purpose.”<sup>29</sup>

“I am proud to have been associated with this effort that produced this legislation which recognizes the importance of divine guidance in our national affairs.”<sup>29</sup>

“We see the pledge, as it now stands, as a formal declaration of our duty to serve God and our firm reliance, now as in 1776, on the protection of divine providence.”<sup>30</sup>

“To put the words ‘under God’ on millions of lips is like running up the believer’s flag as the witness of a great nation’s faith.”<sup>31</sup>

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<sup>27</sup> 100 Cong. Rec. 6, 7833-7834 (June 8, 1954) (Statement of Sen. Homer Ferguson in support of the joint resolution to amend the previously secular Pledge.)

<sup>28</sup> 100 Cong. Rec. 6, 7935 (June 9, 1954) (Letter from Rep. Louis C. Rabaut to President Eisenhower, informing him of the passage in Congress of the joint resolution to amend the previously secular Pledge.)

<sup>29</sup> 100 Cong. Rec. 6, 7989 (June 10, 1954) (Statement of Rep. Charles G. Oakman recounting the passage of the joint resolution to amend the previously secular Pledge.)

<sup>30</sup> 100 Cong. Rec. 7, 8563 (June 22, 1954) (Statement of Sen. Burke, submitting a resolution to provide for printing of the now sectarian Pledge as a Senate document. Sen. Burke also noted that the resolution adding “under God” to the previously secular Pledge “had been passed by House and Senate with no opposition.”)

<sup>31</sup> 100 Cong. Rec. 7, 8617-8618 (June 22, 1954) (Statement of Sen. Homer Ferguson, reviewing the meaning of the new law that added “under God” to the previously secular Pledge, and recapping the events of that first Flag Day celebration with the new Pledge.)

“[A]s the flag was raised a bugle rang out with the familiar strains of ‘Onward, Christian Soldiers!’”<sup>31</sup>

“From this day forward, the millions of our school children will daily proclaim in every city and town, every village and rural schoolhouse, the dedication of our Nation and our people to the Almighty.”<sup>32</sup>

“It is my belief that an extensive circulation of these printed copies of the Pledge of Allegiance to the Flag will imprint, indelibly, upon the minds of those who read them, whether they be young or old, that their great Nation, these United States, exists and endures purposefully ‘Under God.’”<sup>33</sup>

“Freedom in a world faced with this interminable conflict between communism and Christianity will survive only so long as freemen are willing to fight for that precious principle.”<sup>34</sup>

“You have learned that you live in a free nation composed of free men and women who are willing to sacrifice all they possess, as did their forefathers, to preserve the Christian principles of a free nation under God.”<sup>34</sup>

“Today we express ... our national dependence upon almighty God by pledging, as a nation, our allegiance to the Stars and Stripes.”<sup>35</sup>

“Wherever this banner is unfurled there is hope in the hearts of men who believe that God created man and destined him to be free.”<sup>35</sup>

“[T]he need now is for the Christian ideas to neutralize the preponderance of material know-how. ... We cannot afford to capitulate to the atheistic philosophies of godless men – we must strive to ever remind the world that this great Nation has been endowed by a creator.”<sup>35</sup>

“The sordid records of the divorce courts, of the juvenile delinquency case histories, the tragedy of broken homes, wandering families, of the cheap price put on human life, the old heads on young children, the disrespect for authority, the contempt for law, the chiseling among those in authority, the lack of honor among the citizenry – all of this is the shame of America, the open sores of her secularist spirit.”<sup>36</sup>

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<sup>32</sup> 100 Cong. Rec. 7, 8618 (June 22, 1954) (Statement by President Dwight D. Eisenhower, as reported by Sen. Ferguson.)

<sup>33</sup> 100 Cong. Rec. 7, 8893 (June 24, 1954) (Statement of Rep. Louis C. Rabaut submitting a resolution to provide for printing of the now sectarian Pledge as a House document.)

<sup>34</sup> 101 Cong. Rec. 6, 8073 (June 13, 1955) (From text of address given by Rep. Martin at the joint commissioning ceremonies for Army, Navy and Air Force ROTC graduates at Dartmouth College, June 11, 1955.)

<sup>35</sup> 101 Cong. Rec. 6, 8156 (June 14, 1955) (Rep. Louis C. Rabaut’s statement during the 1955 Flag Day ceremonies.)

<sup>36</sup> 101 Cong. Rec. 18 (Appendix), A5920-A5921 (Aug. 2, 1955) (Article submitted by Rep. Louis C. Rabaut, sponsor of the House resolution to insert the words “under God” into the previously secular Pledge.)

“If we have no rights under God, then America has no purpose of existence. For America is all that she is simply because she recognizes our rights under God.”<sup>36</sup>

“The further men move from God and His principles, the worse it will be for America.”<sup>36</sup>

“Our people without God would be a people reading the death warrant to real American freedom.”<sup>36</sup>

“[The] right to profess God-given principles, to practice God-given commandments, and to live God-ordered lives ... is America and will always be America. There is no other pattern of life that can bear this trademark.”<sup>36</sup>

“It is time that we really be neighbors in the Christian sense, that we live as neighbors, and have trust one for the other. This is the American way; this is God’s way.”<sup>36</sup>

“Only God-fearing men can guarantee to America her greatness, her survival, and her continued blessings.”<sup>36</sup>

“As these words are repeated, ‘one Nation, under God, indivisible, with liberty and justice for all,’ we are reminded not only of our dependence upon God but likewise the assurance of security that can be ours through reliance upon God.”<sup>37</sup>

“These words, ‘under God,’ ... can be taken as evidence of our faith in that divine source of strength that has meant and always will mean so much to us as a nation.”<sup>37</sup>

“Let us never forget that recognition of God by this and the other nations of the free world will mean victory and security against the forces of evil that deny God. May we, as a nation under God, ever recognize Him as the source of our refuge and strength.”<sup>37</sup>

“These principles of the worthwhileness of the individual human being are meaningless unless there exists a Supreme Being.”<sup>38</sup>

“‘Under God’ in the pledge of allegiance to the flag expresses, aptly and forcefully, a grateful nation’s attitude of dependence upon Almighty God.”<sup>38</sup>

“For under God this Nation lives.”<sup>38</sup>

“Our political institutions reflect the traditional American conviction of the worthwhileness of the individual human being. That conviction, in turn, is based on our belief that the human person is important because he has been created in the image and likeness of God and that he has been endowed by God with certain inalienable rights.”<sup>38</sup>

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<sup>37</sup> 100 Cong. Rec. 11, 14918-14919 (Aug. 17, 1954) (Remarks of Rep. Wolverton entitled “One Nation – Under God.”)

<sup>38</sup> 100 Cong. Rec. 12, 15828-15829 (Aug. 20, 1954) (Remarks of Rep. Louis C. Rabaut, sponsor of the House resolution placing the words “under God” into the previously secular Pledge.)

**APPENDIX F****THE CURRENT SECTARIAN MOTTO CONTINUES TO FOSTER AND  
ACCENTUATE THE GOVERNMENTAL ENDORSEMENT OF MONOTHEISM  
AND DISAPPROVAL OF ATHEISM**

Since the passage of the Acts of 1955 and 1956, the official view that monotheism is superior to atheism (and that atheism is actually bad) has been perpetuated among the citizenry. This can be seen in myriad ways. For instance, there recently was a controversy in Cupertino, California regarding a teacher's emphasis on God-belief and Christianity in the public schools. In a *Los Angeles Times* story, "Web-fueled attacks labeling the school godless, unpatriotic and communist" were noted.<sup>1</sup> Additionally, the superintendent apparently never thought twice as he assembled together the three descriptors, "communists, stupid, nonbelieving."<sup>2</sup> Governmental claims that we, as a nation, trust in God most assuredly contribute to this mindset, and to the manifestly erroneous notion that "[r]ecognition of the Supreme Being is the first, most basic expression of Americanism."<sup>3</sup> Would our governmental officials simply accept that "the first, most basic expression of Americanism" is "recognition that Jesus Christ is Lord?" How about "recognition of white racial superiority,"<sup>4</sup> or "recognition that women belong at home?"<sup>5</sup> Those expressions, of course, are just as "historic" as the former, and would become just as "patriotic" were the citizenry to carry coins and adhere to a motto that claimed "In Jesus We Trust," "In White Supremacy We Trust," or "In Male Dominion We Trust."

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<sup>1</sup> Pringle P. Fire, *Brimstone Over Faith*. December 26, 2004. LATimes.com. Accessed on December 27, 2004 at <http://www.latimes.com/features/religion/la-me-teacher26dec26,0,7224317,print.story?coll=la-news-religion>.

<sup>2</sup> Id.

<sup>3</sup> Wittner, Lawrence S., *Cold War America: From Hiroshima to Watergate* (New York: Praeger, 1974), p. 123.

<sup>4</sup> Judicial notice can be taken that three of the first four Presidents were slave-owners, and that the Constitution had its infamous "three-fifths" clause. United States Constitution, Article I, Section 2.

<sup>5</sup> "The paramount destiny and mission of woman are to fulfill the noble and benign offices of wife and mother. This is the law of the Creator." *Bradwell v. State*, 83 U.S. 130, 141 (1872) (Bradley, J., concurring). Judicial notice can also be taken that women could not vote or own property under the Framers' worldview.

The perpetuation of anti-atheistic bias is perhaps best seen in the political arena, since politicians generally take pains not to offend minority sensitivities. Yet, when it comes to atheists, they feel confident in making the most egregious and derogatory statements. For instance, when then Vice-President George H. W. Bush first announced his plans to become the Republican Party's nominee for President, he was asked how he intended to gather the support of patriotic atheistic citizens. His response was "I don't know that atheists should be regarded as citizens, nor should they be regarded as patriotic."<sup>6</sup> Similarly, when Miami Mayor Joe Carollo wished to express his displeasure over the Bureau of Immigration and Naturalization Service's raid to free Elian Gonzales – an incident that had nothing whatsoever to do with anything religious – his insult of choice was, "These are atheists. They don't believe in God."<sup>7</sup> And Congressman John J. LaFalce of New York issued a press release a month later, equating "secular atheism" with "greed, abject poverty [and] selfishness."<sup>8</sup>

As if to amplify the offensiveness of these insulting and imprudent remarks, no media protest is ever heard when they are uttered.<sup>9</sup> One can imagine the response were a politician to equate Catholicism with "greed, abject poverty [and] selfishness," to insult the INS by stating, "They're Jews. They don't believe in Jesus," or to comment at a press briefing that "I don't know that Muslims should be regarded as citizens, nor should they be regarded as patriotic." But make those statements about Atheists, and not a whimper is heard. Nor is it noticed when our leaders completely disregard the very existence of Atheists.<sup>10</sup> No wonder such an incredibly offensive statement as "An atheistic American

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<sup>6</sup> As detailed at <http://www.robsherman.com/information/liberalnews/2002/0303.htm>, accessed on December 26, 2004.

<sup>7</sup> Salazar C and Garcia M. *Elian Seized Crying Boy Carried Off Amid Guns, Tear Gas*. The Miami Herald, April 23, 2000, page 1A.

<sup>8</sup> Press release of Congressman John J. LaFalce, 29<sup>th</sup> District, New York, May 22, 2000.

<sup>9</sup> This might be contrasted with the media uproar – and subsequent loss of his Senate Majority leader position – over Senator Trent Lott's somewhat diluted approval of Senator Strom Thurmond's racial segregationist political past. See, e.g., CNN.com, December 13, 2002, *Lott: Segregation and racism are immoral*, accessed at <http://archives.cnn.com/2002/ALLPOLITICS/12/13/lott.transcript/> on December 27, 2004.

<sup>10</sup> See, e.g., President Bush's proclamation for Thanksgiving Day 2001 ("**Americans of every belief and heritage** give thanks to God") or for the National Day of Prayer 2003 ("America welcomes individuals of all backgrounds and religions, and our citizens hold diverse beliefs. In prayer, we share **the universal desire** to speak and listen to our Maker.") (emphases added). Accessed on February 26, 2006 at <http://www.whitehouse.gov/news/proclamations/>.

... is a contradiction in terms” could be proudly placed into the Congressional Record by one of our elected representatives.<sup>11</sup>

That this anti-Atheism retains its consequential nature is readily appreciated by considering how political capital has been sought from its perpetuation, and how monotheistic religion, itself, has become a key issue in the nation’s elections.<sup>12</sup> In fact, so significant has the issue of belief in God become that the term “the God gap” was frequently referenced during the last presidential election.<sup>13</sup> As one commentator summarized the topic, “[t]he wall between church and state is falling fast.”<sup>14</sup>

The Republican Party of Texas – only two years ago – perpetuated in its platform the arrogant<sup>15</sup> claim “that the United States of America is a Christian nation,”<sup>16</sup> and now has “African Americans, Hispanics and Republicans All Believe: IN GOD” listed on its website.<sup>17</sup> It seems highly unlikely that the same acceptance would occur with “African Americans, Hispanics and Republicans All Believe: IN ALLAH,” “African Americans, Hispanics and Republicans All Believe: IN JESUS,” or “African Americans, Hispanics and Republicans All Believe: THERE IS NO GOD.” Again, the political disenfranchisement of Atheists – preserved by a national government that persistently proclaims that “In God We Trust” – is obvious.

Other present-day examples of manifest anti-Atheistic sentiment interspersed within government and politics abound. Former Attorney General John Ashcroft –

<sup>11</sup> 100 Cong. Rec. 2, 1700 (Feb. 12, 1954) (Statement of Rep. Louis C. Rabaut).

<sup>12</sup> See, e.g., Kropf S. *Senate GOP race has divine element*. Post and Courier Charleston.net. Accessed on May 7, 2004, at [http://www.charleston.net/stories/050704/sta\\_07pledge.shtml](http://www.charleston.net/stories/050704/sta_07pledge.shtml).

<sup>13</sup> See, e.g., Fortt J. “God gap” blocks understanding of “moral values” phenomenon. Mercury News, November 14, 2004, accessed at <http://www.mercurynews.com/mld/mercurynews/news/editorial/10179393.htm>; Polman D *Kerry invoked God to appeal to the faithful*. Philadelphia Inquirer, October 17, 2004, accessed at <http://www.philly.com/mld/inquirer/news/nation/9937390.htm?1c>.

<sup>14</sup> Gibson D. *Confession Time: The wall between church and state is falling fast*. November 7, 2004, accessed at <http://nj.com/opinion/ledger/perspective/index.ssf?/base/news-0/109981008744860.xml>.

<sup>15</sup> “[T]he Court takes a long step backwards to the days when Justice Brewer could arrogantly declare for the Court that ‘this is a Christian nation.’ Church of Holy Trinity v. United States, 143 U.S. 457, 471 (1892). Those days, I had thought, were forever put behind us.” Lynch v. Donnelly, 465 U.S. 668, 717-718 (1984) (Brennan, J., dissenting).

<sup>16</sup> 2004 Republican Party of Texas Platform, accessed on December 26, 2004 at <http://www.texasgop.org/library/platform.php>.

<sup>17</sup> Accessed at [http://www.texasgop.org/site/PageServer?pagename=library\\_sharedvalues](http://www.texasgop.org/site/PageServer?pagename=library_sharedvalues) on October 5, 2005.

patently ignoring Atheists – announced that, “Civilized individuals, Christians, Jews, and Muslims, all understand that the source of freedom and human dignity is the Creator.”<sup>18</sup> A Colorado town trustee “who refused to stand during the Pledge of Allegiance because he object[ed] to the words “under God”<sup>19</sup> was recalled.<sup>20</sup> In April, 2004, the Atheist Alliance International requested letters of welcome for their annual convention being held in Colorado Springs. Those letters were denied by both Colorado’s governor and the local mayor, who acknowledged this was the only time he’d ever denied such a request.<sup>21</sup> That same month, Christian monotheists were granted access to the Alabama State Capitol building for a National Day of Prayer rally. When Atheists requested the very same access for the very same day, they were rebuffed.<sup>22</sup> When an Atheist was invited to give an invocation at the Charleston, South Carolina City Council meeting a few years ago, members of the council walked out before he uttered his first sentence. In the words of one, “He can worship a chicken if he wants to, but I’m not going to be around when he does it.”<sup>23</sup> The same thing occurred a year later in Tampa, Florida.<sup>24</sup> There, not only was disrespect shown to the Atheist, but the City Council member who invited him “made a host of new enemies” because of that invitation.<sup>25</sup> In Biscayne Park, the vice mayor showed little respect for the constitutional rights of Atheists when an attempt was made

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<sup>18</sup> Remarks of Attorney General John Ashcroft to the National Religious Broadcasters convention, Nashville, Tennessee, February 19, 2002, accessed at <http://www.usdoj.gov/archive/ag/speeches/2002/021902religiousbroadcasters.htm> on April 28, 2006.

<sup>19</sup> *Recall for Colorado Official Who Protests Pledge*. Reuters, December 16, 2004. Accessed on December 26, 2004, at <http://olympics.reuters.com/newsArticle.jhtml?type=domesticNews&storyID=7119645>.

<sup>20</sup> *Voters recall Pledge objector*. Washington Times, March 24, 2005 Accessed on October 5, 2005 at <http://www.washtimes.com/national/20050323-110303-1711r.htm>.

<sup>21</sup> *Atheist Conference Shunned by Colorado Governor, Mayor*. April 9, 2004. Secular Coalition for America. Accessed on December 27, 2004, at <http://www.secular.org/silverman.html>.

<sup>22</sup> *Alabama Atheists Allege Unfair Treatment*. FoxNews.com, April 23, 2004. Accessed on December 27, 2004 at <http://www.foxnews.com/story/0,2933,118046,00.html>.

<sup>23</sup> Harden J. *Some on city council snub atheist’s invocation*. Charleston Post and Courier, March 27, 2003, accessed at [http://www.charleston.net/stories/032703/loc\\_27atheist2.shtml](http://www.charleston.net/stories/032703/loc_27atheist2.shtml) on December 26, 2004.

<sup>24</sup> Carp D. *Council splits on atheist’s invocation*. St. Petersburg Times Online. July 30, 2004, page 1.A.

<sup>25</sup> Karp D. *Council member, 2 unions on outs*. St. Petersburg Times Online. August 4, 2004. Accessed at [http://stpetetimes.com/2004/08/04/news\\_pf/Hillsborough/Council\\_member\\_2\\_uni.shtml](http://stpetetimes.com/2004/08/04/news_pf/Hillsborough/Council_member_2_uni.shtml) on December 26, 2004.

to introduce prayer at commission meetings. His statement was, “prayers don’t offend anybody except the atheists, and I feel bad for the atheists, but we live in a country where the majority rules, and if you don’t like it you can go to another country because our country is a religious country.”<sup>26</sup> Also in Florida, the Department of Highway Safety and Motor Vehicles received a complaint signed by ten people who were offended by an “ATHEIST” vanity license plate. The Department responded by recalling the plate after deeming it ““obscene or objectionable.””<sup>27</sup> After all, as one Florida mayor explained, “If you are a devout person and have a sincere belief in God, you are more likely to be ... ethical and moral.”<sup>28</sup>

In the United States Senate – in the aftermath of the Ninth Circuit’s decision in the case challenging the words “under God” in the Pledge of Allegiance, Newdow v. United States Cong., 292 F.3d 597 (9<sup>th</sup> Cir. 2002), rev’d on standing grounds, Elk Grove Unified Sch. Dist. v. Newdow, 542 U.S. 1 (2004) – “its president pro tempore, Sen. Robert C. Byrd, D-W.Va., said [Senate Chaplain] Ogilvie would lead ‘the prayer to almighty God, the supreme judge of the world’” only one day after stating that “I, for one, am not going to stand for this country’s being ruled by a bunch of atheists. If they do not like it, let them leave.”<sup>29</sup>

The constitutions of eight states still have clauses denying to Atheists the right to hold public office and/or testify in a court of law.<sup>30</sup> It seems not one of the combined

<sup>26</sup> Nahed A. *Prayer Invokes Heated Discussion*. The Miami Herald, July 11, 2004, Page 8N.

<sup>27</sup> Wexler K. ‘ATHEIST’ plate raises a holy ruckus. St. Petersburg Times Online. March 14, 2002, accessed at [http://www.sptimes.com/2002/03/14/State/\\_ATHEIST\\_plate\\_raise.shtml](http://www.sptimes.com/2002/03/14/State/_ATHEIST_plate_raise.shtml).

<sup>28</sup> Statement of Tom Truex, mayor of Davie, Florida, as reported on Monday, March 22, 2004. Accessed at <http://www.miami.com/mld/miamiherald/8245381.htm?1c> on November 27, 2004.

<sup>29</sup> 151 Cong. Rec. S6103 (Wednesday, June 26, 2002 Remarks of Sen. Robert C. Byrd (WV)). Referring to Circuit Court Judge Alfred Goodwin – who authored the opinion – Senator Byrd made the incredible statements that, “That judge should not be a judge in my opinion,” *id.*, that “Let that judge’s name ever come before this Senate while I am a Member, and he will be blackballed ... fast,” *id.*, and “I hope the Senate will waste no time in throwing this back in the face of this stupid judge.” *Id.*

<sup>30</sup> Arkansas State Constitution: Article 19, Section 1 (“No person who denies the being of a God shall hold any office in the civil departments of this State, nor be competent to testify as a witness in any court.”); Maryland State Constitution: Article 37 (“That no religious test ought ever to be required as a qualification for any office of profit or trust in this State, other than a declaration of belief in the existence of God.”); Mississippi State Constitution: Article 14, Section 265 (“No person who denies the existence of a Supreme Being shall hold any office in this state.”); North Carolina State Constitution: Article 6, Section 8 (“The following persons shall be disqualified for office: First, any person who shall deny the being of Almighty God.”); Pennsylvania State

1328 state legislators has been willing to risk his or her career to eliminate those extraordinarily offensive constitutional provisions. Although these clauses are now legal nullities, the fact that they remain – unchanged for all the world to see – on the most vital document in each of those states, powerfully demonstrates the extreme political disenfranchisement of Atheists.<sup>31</sup>

In 1958, a Gallup poll asking people if they would vote for various categories of candidates showed that 22% wouldn't vote for a Catholic, 28% wouldn't vote for a Jew, 41% wouldn't vote for a woman, 53% wouldn't vote for a black, and 77% wouldn't vote for an atheist. With the government no longer condoning (much less endorsing) discrimination against Catholics, Jews, women and blacks, those numbers fell dramatically to 4%, 6%, 7% and 4%, respectively, in 1999. With governmental endorsement of the idea that real Americans believe in God, however, the prejudice against Atheists has remained, so that still 48% won't vote for a member of this minority religious persuasion – an order of magnitude greater than that for those other groups.<sup>32</sup> In fact, “voters have a far more favorable impression of every religion tested than they do of Atheists. Just 32% hold a favorable opinion of atheists.”<sup>33</sup> As one commentator wrote, “if one finds himself on what's perceived to be the wrong side of God, he loses.”<sup>34</sup>

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Constitution: Article 1, Section 4 (“No person who acknowledges the being of a God and a future state of rewards and punishments shall, on account of his religious sentiments, be disqualified to hold any office or place of trust or profit under this Commonwealth.”); South Carolina State Constitution: Article 17, Section 4 (“No person who denies the existence of a Supreme Being shall hold any office under this Constitution.”); Tennessee State Constitution: Article 9, Section 2 (“No person who denies the being of God, or a future state of rewards and punishments, shall hold any office in the civil department of this state.”); Texas State Constitution: Article 1, Section 4 (“No religious test shall ever be required as a qualification to any office, or public trust, in this State; nor shall any one be excluded from holding office on account of his religious sentiments, provided he acknowledge the existence of a Supreme Being.”)

<sup>31</sup> If this point needs to more strongly be made, one need only ponder how long phrases such as “No [Jew] shall hold any office under this Constitution” (South Carolina State Constitution, Article XVII, Section 4) or “No [African-American] shall hold any office in the civil department of this state” (Tennessee State Constitution, Article IX, Section 2) would persist in today's society.

<sup>32</sup> Polls given July 30 – August 4, 1958, and February 19-21, 1999, respectively. Copyright © 1958, 1999 The Gallup Organization, Princeton, NJ. See, [www.gallup.com](http://www.gallup.com) and [www.gallupjournal.com](http://www.gallupjournal.com). Phrased alternatively, At least 92% of respondents would vote for a candidate who is “Black,” “Catholic,” “Baptist,” “a woman,” or “Jewish.” For atheists, the figure is 49%.

<sup>33</sup> *Religion and Politics: the Ambivalent Majority*, The Pew Research Center for the People and the Press in association with The Pew Forum on Religion and Public Life, September 20, 2000

Just this year, a study was released by researchers at the University of Minnesota. The authors concluded that, “atheists are less likely to be accepted, publicly and privately, than any others from a long list of ethnic, religious, and other minority groups,”<sup>35</sup> and that “Americans draw symbolic boundaries that clearly and sharply exclude atheists in both private and public life.”<sup>36</sup> It is certainly possible (if not likely) that “the gap between acceptance of atheists and acceptance of other racial and religious minorities is large and persistent.”<sup>37</sup>

According to Laura Olson, Ph.D. – a professor of political science at Clemson University and author of *Religion and Politics in America* – “religion and morality are definitely more salient in today’s political discourse than they were 50 years ago or so.”<sup>38</sup> Recognizing how incredibly salient they were 50 years ago or so,<sup>39</sup> along with how Atheists are negatively perceived in our current society (along with how the First Amendment’s Establishment Clause demands governmental neutrality in matters of religion), the purely religious phrase under challenge in this litigation must be removed from the coins and currency, and must be replaced as our national motto. Until that occurs – and the “power, prestige and financial support of government” cease to further the erroneous notion that “In God We Trust” – it is virtually certain that this anti-Atheistic animus (and pro-(Christian) monotheistic favoritism) will prevail.

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(accessed at <http://people-press.org/reports/print.php3?PageID=177>). Additionally, that same number (32%) held “Very Unfavorable” opinions of Atheists. This can be contrasted with 3% for Evangelical Christians, 3% for Jews and 3% for Catholics and 8% for Muslim Americans.

<sup>34</sup> Smith J. *Democrats need an improved image*. The Battalion, November 17, 2004. Accessed on December 26, 2004, at <http://www.thebatt.com/news/2004/11/17/Opinion/Democrats.Need.An.Improved.Image-807486.shtml>.

<sup>35</sup> Edgell P, Gerteis J, and Hartmann D. *Atheists as “Other”: Moral Boundaries and Cultural Membership in American Society*. American Sociological Review (April, 2006) Vol. 71, pages 211-34, at 211.

<sup>36</sup> *Id.*, at 212.

<sup>37</sup> *Id.*, at 230.

<sup>38</sup> Tammeus B. *Issues of Faith Envelop Roberts*. Kansas City Star, August 20, 2005. Accessed on August 24, 2005 at <http://www.kansascity.com/mld/kansascity/12434132.htm>.

<sup>39</sup> See APPENDICES B, C, D, and E.

**APPENDIX G****“IN GOD WE TRUST” IS NOT MERELY “CEREMONIAL.” NOR IS ITS  
RELIGIOUS CONTENT OR EFFECT “*DE MINIMIS*”**

It is expected that – rather than simply adhere to the clear principles underlying the Religion Clauses (and RFRA) and remove “In God We Trust” as requested – the Defendants in this case will engage in attempts to legitimize that clearly unconstitutional phrase. One likely means will be to claim that motto is “ceremonial,” with any religious content and/or effect being “*de minimis*.” The history already provided in the body of the Complaint totally belies this bogus contention. The following – pertaining to the closely related “under God” in the Pledge of Allegiance<sup>1</sup> – does as well.

- (1) When the Ninth Circuit, on June 26, 2002, ruled that “under God” in the Pledge was unconstitutional, Newdow v. United States Cong., 292 F.3d 597 (9th Cir. 2002),<sup>2</sup> there developed “a firestorm across most of the nation.”<sup>3</sup> National firestorms (of controversy) are not created by the loss of merely “ceremonial” items with “*de minimis*” content or effects.
- (2) Both houses of Congress stopped their important work to spend significant amounts of time decrying the ruling in Newdow v. U.S. Congress.<sup>4</sup> Congress doesn’t stop its work due to merely “ceremonial” items with “*de minimis*” content or effects.
- (3) The Senate almost immediately considered and unanimously passed a resolution condemning the decision in Newdow v. U.S. Congress.<sup>5</sup> Such Senate activity doesn’t stem from merely “ceremonial” items with “*de minimis*” content or effects.

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<sup>1</sup> Numerous congressional bills and resolutions have considered and/or addressed the “under God” phrase in the Pledge along with the “In God We Trust” phrase in the motto and on the coins. See, e.g., S. Res. 243, 109<sup>th</sup> Cong., 1<sup>st</sup> Sess. (September 15, 2005) (“Whereas the Senate believes that the Pledge of Allegiance, as revised in 1954, as recodified in 2002, and as recognized in a resolution in 2003, is a fully constitutional expression of patriotism; Whereas the National Motto, patriotic songs, United States legal tender, and engravings on Federal buildings also refer to ‘God’ ...”).

<sup>2</sup> Newdow v. U.S. Congress was the initial Ninth Circuit case subsequently reversed by the Supreme Court in Elk Grove Unified Sch. Dist. v. Newdow, 159 L. Ed. 2d 98, 124 S. Ct. 2301 (2004).

<sup>3</sup> *Gov’t to ask rehearing of Pledge ruling*, June 27, 2002. CNN.com.  
<http://archives.cnn.com/2002/LAW/06/27/pledge.allegiance/>

<sup>4</sup> 148 Cong. Rec. S6105-S6112 (daily ed. 6/27/02); 148 Cong. Rec. H4125-H4136 (daily ed. 6/28/02).

<sup>5</sup> S. Res. 292, 107<sup>th</sup> Cong., 148 Cong. Rec. S6105 (2002).

- (4) By a vote of 416-3, the House of Representatives almost immediately considered and passed a resolution condemning the decision in Newdow v. U.S. Congress.<sup>6</sup> Such House activity doesn't stem from merely "ceremonial" items with "*de minimis*" content or effects.
- (5) The Plaintiff in Newdow v. U.S. Congress was named *Time Magazine*'s "Person of the Week."<sup>7</sup> People aren't accorded such recognition over matters that are merely "ceremonial" items with "*de minimis*" content or effects.<sup>8</sup>
- (6) President Bush's Press Secretary – on June 26, 2002 – stated that the reaction of the President of the United States "was that this ruling is ridiculous."<sup>9</sup> The President, himself, commented on the ruling. In fact, it was the first item addressed by him at his news conference on June 27, 2002 ... following a meeting with Russian President Vladimir Putin, no less.<sup>10</sup> Presidents and their press secretaries don't address matters that are merely "ceremonial" and with "*de minimis*" content or effects.
- (7) At that June 27, 2002 news conference, the President referred to Newdow v. U.S. Congress by noting this nation's "relationship with an Almighty," that the Pledge is "a confirmation of the fact that we received our rights from God, as proclaimed in our Declaration of Independence, and that "our rights were derived from God."<sup>11</sup> Such comments by the nation's Chief Executive – a deeply religious man – are not made over matters that are merely "ceremonial" and with "*de minimis*" content or effects.
- (8) In response to the Ninth Circuit Court of Appeals' decision in Newdow v. U.S. Congress, Robert C. Byrd – a United States Senator – placed the following into the Congressional Record:

Let that judge's name ever come before this Senate while I am a Member, and he will be blackballed ... fast. ... I hope the Senate will waste no time in throwing this back in the face of this stupid judge.<sup>12</sup>

These are not the words a United States Senator – referencing an appellate-level Federal judge, no less – uses in response to matters that are merely "ceremonial" items with "*de minimis*" content or effects.

- (9) After the Ninth Circuit's Newdow v. U.S. Congress decision was announced, its author – Judge Alfred Goodwin – had an "e-mail system [that] was literally

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<sup>6</sup> H.R. Res. 459, 107th Cong., 148 Cong. Rec. H4135 (2002).

<sup>7</sup> H.R. Res. 459, 107th Cong., 148 Cong. Rec. H4135 (2002).

<sup>8</sup> <http://www.time.com/time/pow/article/0,8599,266658,00.html>.

<sup>9</sup> <http://www.whitehouse.gov/news/releases/2002/06/20020626-8.html>.

<sup>10</sup> <http://www.whitehouse.gov/news/releases/2002/06/20020627-3.html>.

<sup>11</sup> *Id.*

<sup>12</sup> 148 Cong. Rec. S6103 (daily ed. June 26, 2002).

jammed, frozen with public opinion. Ten boxes of mail piled up at his office, ‘all scolding me for being un-American.’”<sup>13</sup> The litigation was “easily the most publicized and hotly debated case in Goodwin’s fifty-three-year legal career.”<sup>14</sup> This is not a reaction that stems from a decision affecting something merely “ceremonial” with “*de minimis*” content or effects.

- (10) As chosen by the Religion Newswriters Association, the story about the Pledge litigation was among the top 10 religion stories for 2002, 2003 and 2004.<sup>15</sup> Such a ranking – as a “religion story,” three years in a row – is not consistent with something merely “ceremonial” with “*de minimis*” content or effects.
- (11) The Pew Research Center for the People & the Press reviewed the top news stories from 1986-2004 in terms of the maximum degree they were followed by the public.<sup>16</sup> Out of 1103 stories listed, the Pledge was #57 – ahead of, for instance, the O.J. Simpson trial (#89), the breakup of the Soviet Union (#91), and the Space Shuttle Columbia disaster (#111). Public interest to that extraordinary degree is not garnered by something merely “ceremonial” and with “*de minimis*” content or effects.
- (12) The United States – in its Writ Petition to the Supreme Court in Newdow v. U.S. Congress – claimed that “[t]he question presented is one of great importance.”<sup>17</sup> It makes little sense to claim that something the United States itself believes to be “of great importance” is merely “ceremonial” and with “*de minimis*” content or effects.
- (13) Elk Grove Unified Sch. Dist. v. Newdow, 124 S. Ct. 2301, 2326 (2004) was referenced as “one of the most intensely watched church-state cases in recent memory.”<sup>18</sup> Such a description hardly fits a case involving a merely “ceremonial” matter with “*de minimis*” content or effects.
- (14) Pages and pages of the Congressional Record are dedicated to debate about Newdow v. U.S. Congress and the subsequent Supreme Court litigation. Members of Congress don’t spend extensive amounts of time posturing over an issue that is merely “ceremonial” and has “*de minimis*” content or effects.<sup>19</sup>
- (15) On September 23, 2004, the House of Representatives actually passed the “Pledge Protection Act of 2004,” which would deny the federal judiciary any

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<sup>13</sup> Williams K. *Allegiance to the Law*. Oregon Quarterly. Autumn, 2004, page 22.

<sup>14</sup> Id.

<sup>15</sup> <http://www.rna.org/>

<sup>16</sup> <http://people-press.org/nii/>.

<sup>17</sup> *Petition for a Writ of Certiorari* for Petitioner United State of America, United States of America v. Newdow, April, 2003, at 25.

<sup>18</sup> Lane C. *Justices Keep ‘Under God’ in Pledge*. The Washington Post, Tuesday, June 15, 2004; A01.

<sup>19</sup> Plaintiffs do not rely too strongly upon this assertion.

jurisdiction to hear any challenge to the constitutionality of the Pledge of Allegiance.<sup>20</sup> Such an unprecedented statute – so breathtaking in its nature – surely would not be created to deal with a merely “ceremonial” matter with “*de minimis*” content or effects.

- (16) Fifty-five separate *amicus* briefs were filed in the Newdow case. Additionally, the case was covered in countless media reports, symposia, webchats, and commentaries. (Included among these were works by religious scholars and theologians,<sup>21</sup> Christian and Jewish clergy,<sup>22</sup> historians,<sup>23</sup> and respected commentators – legal<sup>24</sup> and otherwise<sup>25</sup> – who agreed with the Plaintiff in the Newdow case.) Such a level of participation by *amici* does not occur over matters that are merely “ceremonial” and that have “*de minimis*” content or effects.
- (17) In the last presidential election, the danger of “political outsiders” based on religious belief was accentuated more than ever before. In fact, the Pledge litigation played a role. For instance, in Allentown, PA, a billboard stating “Bush

<sup>20</sup> 150 Cong. Rec. H7478 (daily ed. September 23, 2004).

<sup>21</sup> Nineteen Religious Scholars and Theologians wrote an *amicus* brief in support of the plaintiff in the Elk Grove case. See, *Brief amicus curiae of Religious Scholars and Theologians*, Elk Grove Unified Sch. Dist. v. Newdow, 124 S. Ct. 2301 (2004).

<sup>22</sup> Thirty-two respected Christian and Jewish clergy members wrote an *amicus* brief in support of the plaintiff in the Elk Grove case. *Brief amicus curiae of Rev. Dr. Betty Jane Bailey, et al.*, Elk Grove Unified Sch. Dist. v. Newdow, 124 S. Ct. 2301 (2004).

<sup>23</sup> In Newdow, the only *amicus* brief written by historians was in support of the Plaintiff’s position. Twenty-two esteemed experts from academic institutions across the nation agreed that the school district policy in that case, “would have been opposed by the Framers of the Constitution.” See, *Brief amici curiae of Historians and Law Scholars*, Elk Grove Unified Sch. Dist. v. Newdow, 124 S. Ct. 2301 (2004), at 1.

<sup>24</sup> See, e.g., Thompson JE. *What’s the Big Deal? The Unconstitutionality of God in the Pledge of Allegiance*. 38 Harv. C.R.-C.L. L. Rev. 563, 586 (2003) (“From their cognitive birth Americans receive the message: ‘You can be almost anything, but not an atheist.’ We are prejudiced, biased from the outset. This anti-atheist sentiment is so pervasive that many fail to recognize its manifestations. ... To reject God means overcoming ... monumental social barriers sponsored by the government. Of course, the religious do not understand this message of disrespect for nontheism as a harm.”); Hamilton M. *Why the Court Should Reject This Pledge, and Why the Department of Justice Is Wrong To Support It*, Findlaw.com, March 25, 2004, accessed at <http://writ.news.findlaw.com/hamilton/20040325.html> (“[I]t is not only the right thing for the Court to find in favor of Mr. Newdow and the principle of neutrality toward religion in the First Amendment’s Free Exercise and Establishment Clauses. It is also in the national interest to do so.”)

<sup>25</sup> See, e.g., William Safire, New York Times, March 24, 2004, *Of God and the Flag*, Section A, Page 21, Column 1 (“The only thing this time-wasting pest Newdow has going for him is that he’s right.”); Ellen Goodman, Boston Globe, March 28, 2004, accessed at [http://www.boston.com/news/globe/editorial\\_opinion/oped/articles/2004/03/28/why\\_make\\_such\\_a\\_big\\_deal\\_of\\_two\\_little\\_words/](http://www.boston.com/news/globe/editorial_opinion/oped/articles/2004/03/28/why_make_such_a_big_deal_of_two_little_words/) (“Here’s the problem. ... Newdow is right.”)

Cheney 04 – One Nation Under God” was utilized.<sup>26</sup> People don’t take out billboards to sway their fellow citizens votes in presidential election campaigns and plaster them with a matter that is merely “ceremonial” and has “*de minimis*” content or effects

- (18) Rev. Brenda Bartella Peterson – appointed director of religious outreach for the Democratic Party – was forced to resign merely because she had joined thirty-one other clergy members to support the Plaintiff in Elk Grove Unified Sch. Dist. v. Newdow.<sup>27</sup> Political pressure sufficient to cause a key appointment to be reversed during an extremely close presidential election doesn’t arise from merely joining more than thirty other esteemed individuals in signing a legal brief over a matter that is merely “ceremonial” and has “*de minimis*” content or effects.
- (19) In the 2000 presidential election, potential candidates were interviewed by the Committee to Restore American Values. This arm of the so-called “religious right” specifically asked, “Would you support a removal of the words ‘under God’ from the Pledge of Allegiance?”<sup>28</sup> Joined by the executive director of the Christian Coalition, there can be no doubt as to the religious agenda the commission had in posing that question. This further demonstrates the illusory notion behind any “ceremonial deism” or “*de minimis*” claims.
- (20) Recently, recitation of the Pledge in public schools was again ruled to violate the Establishment Clause. That occurred during the time when the confirmation hearings of Chief Justice Roberts were taking place. When the District Court decision was announced, Justice Roberts was asked for his opinions on this issue.<sup>29</sup> Candidates for the Chief Justice position of the United States Supreme Court are not asked by United States senators about matters that are “ceremonial” or “*de minimis*.”

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<sup>26</sup> Kirkpatrick D. *Battle Cry of Faithful Pits Believers Against the Rest*. New York Times, October 31, 2004. Section 1 , Page 24.

<sup>27</sup> Duin J. *Furor over Pledge stance prompts Democrat to quit*. The Washington Times, August 6, 2004, accessed at <http://www.washingtontimes.com/functions/print.php?StoryID=20040805-113248-2858r>.

<sup>28</sup> *Religious Right Queries GOP Rivals*, Washington Post, Thursday, February 4, 1999; page A4.

<sup>29</sup> *Pledge again ruled unconstitutional*. San Francisco Chronicle, Thursday, September 15, 2005. Accessed at <http://www.sfgate.com/cgi-bin/article.cgi?file=/chronicle/archive/2005/09/15/PLEDGE.TMP> on October 22, 2005.

**APPENDIX H****“IN GOD WE TRUST” IS NOT AN “ACKNOWLEDGEMENT” OF RELIGION.  
RATHER, IT ENDORSES THE PARTICULAR RELIGIOUS BELIEF THAT  
THERE EXISTS A (CHRISTIAN) GOD**

Anticipating the Defendants will allege that the phrase, “In God We Trust,” is merely an “acknowledgement” of the religious history of our country, Plaintiff will initially refer (again) to Elk Grove Unified Sch. Dist. v. Newdow, 124 S. Ct. 2301 (2004). In the only *amicus* brief in that case wherein historians formally participated, it was stated unequivocally that “the policy ... of having schoolchildren recite the [now-religious] Pledge of Allegiance ... would have been opposed by the Framers of the Constitution.”<sup>1</sup> For the use of “In God We Trust” to be an acknowledgement of the role religion played in our Nation’s history would be rather paradoxical, since – as these noted scholars pointed out – our history was one where the alleged “acknowledgement,” itself, was something to which the Framers were “firmly opposed.” This was evidenced by the inclusion of the Religious Test Clause in Article VI of the Constitution, which “has become an enduring symbol of freedom of conscience and equality of belief in this nation.”<sup>2</sup> Thus, the use of “In God We Trust” is not an acknowledgement of the role religion has played in our Nation’s history. Just as, “[i]t cannot be gainsaid that the overriding purpose of the 1954 amendment was to incorporate a religious affirmation into the Pledge,”<sup>3</sup> it also cannot be gainsaid – especially in view of the history provided in the Complaint here – that “In God We Trust” was intended to indicate active, purely religious thought and belief.

That “In God We Trust” is religious – rather than historical – is also seen in the actions of the Republican National Committee in response to legal proceedings related to that phrase’s cousin, “under God,” in the Pledge. The RNC sent “mailings, which included images of a Bible labeled ‘banned’” to the voters during the 2004 Presidential

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<sup>1</sup> Brief *amicus curiae* of Historians and Law School Scholars in Support of Respondent, page 1, Elk Grove Unified Sch. Dist. v. Newdow, 124 S. Ct. 2301 (2004). Among the twenty-two esteemed academicians who signed onto this brief were five History professors.

<sup>2</sup> Id. at 15 (footnote omitted).

<sup>3</sup> Id. at 21.

campaign. According to RNC spokesman Christine Iverson, the mailings were triggered at least in part by “activist judges [who] also want to remove the words ‘under God’ from the Pledge of Allegiance.”<sup>4</sup> Such a mailing was clearly intended to play on the purely religious – and not historical – sentiments of the voters. In fact, as noted by nineteen religious scholars and theologians, “[I]t would be hard to imagine, outside the sanctuary of a Christian church, a more sectarian religious ceremony”<sup>5</sup> than that which occurred on June 14, 1954, when the newly amended Pledge was introduced to the American people. It was essentially the same Congress that turned “In God We Trust” into the official national motto. “In God We Trust” – like the revised Pledge – “not only favors religion over non-religion; it also favors some religions over others.”<sup>6</sup> Additionally, “[t]hirty-two named Christian and Jewish clergy, together with the Unitarian Universalist Association” wrote that, “[t]o recite that the nation is “under God” is inherently and unavoidably a religious affirmation. Indeed, it is a succinct religious creed, less detailed and less specific than many creeds, but stating a surprising amount and implying more.”<sup>7</sup> “In God We Trust” is nothing less, and the statement these esteemed ecclesiastics made in regard to “under God” in the Pledge is just as applicable here:

If the religious language ... is *not* intended to sincerely affirm the succinct creed entailed in its plain meaning ... then it is a vain and ineffectual form of words. The numerically predominant religious faiths in the United States have a teaching about such vain references to God: “Thou shalt not take the name of the Lord thy God in vain.” Exodus 20:7.<sup>8</sup>

Free Exercise and RFRA claims are also part of this litigation. As it pertains to those legal notions, it should be appreciated that taking the Lord’s name in vain is obviously not a compelling interest.

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<sup>4</sup> Roff P. *GOP admits to mailers suggesting Bible ban*. New York, Sept. 24, 2004 (UPI) accessed at <http://committeeofjustice.org/cgi-data/blog/files/22.shtml>.

<sup>5</sup> Brief *amicus curiae* of Religious Scholars and Theologians in Support of Respondent, page 4, Elk Grove Unified Sch. Dist. v. Newdow, 124 S. Ct. 2301 (2004).

<sup>6</sup> Id.

<sup>7</sup> Brief *amicus curiae* of Rev. Dr. Betty Jane Bailey, et al. in Support of Respondent, page 4, Elk Grove Unified Sch. Dist. v. Newdow, 124 S. Ct. 2301 (2004).

<sup>8</sup> Id. at 8 (emphasis in original).

## APPENDIX I

### DECLARATION OF MICHAEL NEWDOW

I, Michael Newdow, declare as follows:

- (1) I am competent to testify to the matters stated herein.
- (2) I am a strong advocate for “the equality which ought to be the basis of every law.”<sup>1</sup> Accordingly, I have acquired a legal degree, and have spent a great deal of time litigating to change laws that I believe violate that equality.
- (3) I am also a member, founder, ordained minister,<sup>2</sup> and Grand Pwevacki of the First Amendmism Church of True Science (FACTS). This church is one that espouses Atheism. In other words, we specifically deny that there is a God.
- (4) At FACTS, we hold the belief that God is a fiction, and that belief or trust in such a fiction often leads to harms, which are not infrequently horrific.
- (5) Because of this – and because we feel that belief in supernatural entities is a repudiation of the scientific and skeptical thought processes which allow for the advancement of the human race – we in FACTS seek to specifically distance ourselves from any suggestion that there is exists a God.
- (6) Accordingly, we vehemently **DO NOT** trust in God, and are offended by any suggestion to the contrary.
- (7) FACTS has three “suggestions,”<sup>3</sup> which comprise the basis of our religion. These are (1) “Question,” (2) “Be Honest,” and (3) “Do What’s Right.” It is a violation of Suggestions (2) and (3) for FACTS members to use or to accept money that has the words “In God We Trust.”
- (8) We in FACTS believe that the United States government – by manufacturing such money as the nation’s legal tender – substantially burdens the exercise of our religion by forcing us to endure great inconvenience to simply spend and receive money.

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<sup>1</sup> Madison J. *Memorial and Remonstrance*, The Founders' Constitution, Volume 5, Amendment I (Religion), Document 43, The University of Chicago Press, citing The Papers of James Madison. Edited by William T. Hutchinson et al. Chicago and London: University of Chicago Press, 1962--77 (vols. 1--10); Charlottesville: University Press of Virginia, 1977--(vols. 11--). Accessed on March 4, 2006 at [http://press-pubs.uchicago.edu/founders/documents/amendI\\_religions43.html](http://press-pubs.uchicago.edu/founders/documents/amendI_religions43.html)

<sup>2</sup> I was ordained by the Universal Life Church in 1977.

<sup>3</sup> We are not so arrogant as to have “Commandments.”

- (9) That this is obvious not only to us but to many who believe in God is demonstrated by the repeated comments I have had thrown in my face when I have been confronted by those who disagree with my advocacy in terms of religious equality. Statements such as, “Hey, I bet you don’t mind getting paid with money that has ‘In God We Trust’ on it!” – hurled in an unquestionably insulting manner – are heard virtually every time such confrontations occur. Additionally, the fact that “In God We Trust” is our motto is touted as if that gives the advocate some legitimacy that I lack.
- (10) In fact, during a radio interview with a Sacramento radio station that took place as I was writing this Declaration, the host repeatedly referenced the fact that I would be accepting money with “In God We Trust” at a presentation I planned to give on the Constitution. He did so clearly with the intention of impugning my integrity.
- (11) Similarly – before a national television audience – I was a guest on the Fox network’s Hannity and Colmes show. Colonel Oliver North was also a guest. In the middle of our discussion, Colonel North pulled out a dollar bill and held it up for all to see, pointing to “In God We Trust” to “prove” that my attempts to have the government treat all religious views with equal respect were misguided.
- (12) In response to an invitation by a Sunday school class, I attended Sunday service at the Boone’s Chapel Baptist Church in Prattville, Alabama, on April 30, 2006.
- (13) Former Alabama Supreme Court Chief Justice Roy Moore<sup>4</sup> was the featured speaker at that church service.
- (14) The program for that worship service had on its cover, “In God We Trust,” written under an open Bible, which was lying on an American flag. (Appendix P, page 8).<sup>5</sup>

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<sup>4</sup> Roy Moore, it may be recalled, was removed from the office of Chief Justice on November 3, 2003, after he refused to abide by a federal court order requiring him to remove a Ten Commandments monument which he had placed in the rotunda of the Alabama State Judicial Building. Order of the Alabama Court of the Judiciary, accessed at [http://www.foxnews.com/projects/pdf/111303\\_moore.pdf](http://www.foxnews.com/projects/pdf/111303_moore.pdf) on May 4, 2006.

<sup>5</sup> This item is a stock item sold by Broadman & Holman, which describes itself as “a major publisher of Christian living, fiction, homeschool, youth, history, and other categories.” A very similar pre-printed “bulletin” was encountered by Plaintiff at his work in El Paso, TX, where it was used in a government-sponsored memorial service. That bulletin employed the nation’s pledge of allegiance, rather than its motto, with the phrase, “one nation UNDER GOD” placed below a bald eagle in front of an American flag, with the words “Holy Bible” just above the Pledge excerpt. (Appendix P, page 10).

- (15) I have been a numismatist since I was seven or eight years old, and still have a significant coin collection. As a result, I often look carefully at the coins (and, at times, the currency) that I carry.
- (16) I am virtually always confronted with the words, “In God We Trust” when I look at the coins and currency. I would estimate that this occurs on average at least five times a day.
- (17) In fact, my involvement in seeking to uphold the principle of equality upon which the Establishment Clause is founded<sup>6</sup> was initiated during such an occasion. It was my inspection of the coins and currency in my hand, in November 1997, that initiated my efforts to eliminate the myriad laws that have essentially established (Christian) monotheism as the nation’s official religion.
- (18) FACTS members are encouraged to meet every new moon, to pause and reflect on life, and to join with other members in considering the ideals of the Church.
- (19) During these Church meetings, we recommend that our congregants wear FACTS religious garb.
- (20) For numerous reasons – including the fact that the Earth has a limited ability to handle pollution, and that money spent on expensive clothing would be better used to help the needy – we recommend that this garb be purchased “used” at thrift stores.
- (21) Because one of the tenets of the Church is to help others, we also recommend that the monetary difference between the amount spent on thrift store garb and that which would have been spent had “new” items been purchased be donated to the Church for use in its eleemosynary activities.
- (22) Many thrift stores do not take credit cards at all, and others only take credit cards for amounts greater than some minimum amount above that which is necessary to find appropriate FACTS religious garb. Thus, cash is often the only available option for purchasing Church-related items.
- (23) Because the nation’s money has “In God We Trust” on it, I cannot purchase those items. This has happened to me, personally, on numerous occasions, as I shop for new religious garb.
- (24) A ritual at each FACTS meeting is to share in the “Freethink Drink.” It is recommended that – when possible – the fruits and pastry components be purchased at locales such as farmers’ markets, where they can be tasted beforehand. Vendors

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<sup>6</sup> I was the Plaintiff in Elk Grove Unified Sch. Dist. v. Newdow, 542 U.S. 1 (2004), which involved a challenge to the use of the words “under God” in the Pledge of Allegiance.

at farmers' markets almost always accept only cash for their wares. Thus, Newdow has been substantially burdened in making purchases for the Freethink Drink (which, of course, is not limited to FACTS meetings. On the contrary, this religious ritual may be engaged in and enjoyed at any time.).

- (25) I envision a network of FACTS churches around the country and around the world. Imagine encouraging the natural tendency of children to question everything, rather than to simply accept what others say are true. Imagine teaching them to be honest – with themselves as well as with others. I feel this will lead to truth, happiness and achievement, as FACTS adherents place their faith in themselves and their fellow men, rather than in mythical deities.
- (26) Because one of the goals of the Church is to spread the religious message that there is no god, and that life is more fulfilling once one accepts that fact. I am significantly burdened in engaging in such proselytizing because I cannot – consistent with Church teachings – use American currency.
- (27) This is especially the case when I travel to Mexico,<sup>7</sup> which I do often. One of FACTS' recommended ways to proselytize is to strike up conversations with street vendors while purchasing items from them. Were I to have money available that didn't have "In God We Trust" upon it, I could make these purchases without a second thought. Instead, I have to find a way to exchange my money for Mexican currency, which – in and of itself – is often impractical (if not impossible) to do without using American coins and/or currency.
- (28) On the one occasion I changed money using a credit card – so that I could proselytize in Mexico – I was not only charged a handling fee, but the exchange rate resulted in a significant loss of buying power. This was a significant burden to the exercise of my religion.
- (29) I have – on numerous occasions – sought to raise money for FACTS. For instance, I "pass the plate" at church meetings, and I have repeatedly attempted to sell FACTS pens. During these occasions, people have offered their money to me. However, in every case, that money has contained the words, "In God We Trust." Thus, pursuant to the mandates of my religion, I have not been able to accept that money.
- (30) I have also sought to raise money for FACTS by holding giveaways of toys and games. During those giveaways, a basket for donations has been placed nearby. Again, I (and other FACTS members) have not been able to accept any of the money offered. This is because of the "In God We Trust" verbiage engraved on the given monetary instrument.
- (31) It should be noted that I own real estate in Elk Grove, California, that I purchased specifically for matters related to FACTS. I have worshipped on that property.

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<sup>7</sup> Judicial notice may be taken that, like most countries, Mexico (which is strongly Catholic) manages to engage in commerce without religious references on its money.

Additionally, it has been on this property that I held one of the toy and game giveaways. I had plans for other fundraising at that site as well, in addition to conjoined worship and fund-raising. However, I have put those plans on hold, recognizing that it is futile to attempt to raise money when my religious tenets forbid me from accepting that money, which is the case due solely to the “In God We Trust” verbiage now required by law.

- (32) I was the plaintiff in Elk Grove Unified Sch. Dist. v. Newdow, 124 S. Ct. 2301 (2004), in which the words, “under God,” in the Pledge of Allegiance were challenged.
- (33) As a result of my involvement in Elk Grove Unified Sch. Dist. v. Newdow, 542 U.S. 1 (2004) I have repeatedly received letters, e-mails and phone calls from people who disagree with my efforts. Often, the given individuals reference “In God We Trust” on the coins and currency. To the best of my recollection, those references have always clearly highlighted that the given individuals find that phrase to be religious, and that the religious ideal being advocated by the phrase is (a) consistent with their religious views, and (b) contrary to my religious views.
- (34) Accordingly, I was repeatedly told that I should leave the country because of my efforts to have the equality enshrined in the constitution upheld.. A typical statement was, “If you don’t like it here, leave.”
- (35) Many of those persons indicated that I would suffer in the afterlife due to my atheistic beliefs.
- (36) Often, “In God We Trust,” was referenced by these individuals, used as (to them) proof that I am a “political outsider” who may be tolerated, but whose rights and religious freedoms are not equal to theirs.
- (37) I received a host of far more vitriolic messages as well.
- (38) Strangers left messages on my answering machine, calling me, among other things, an “atheist piece of shit,” a “sick son of a bitch,” “the idiest most stupidest man,” an “imbicilic bastard,” “a traitor,” “an idiot,” “a horrible person,” “a stupid whore,” “a sick man,” a “fucking unpatriotic fuckface,” and “one giant asshole.”
- (39) Additionally, individuals suggested that I “should fucking go to hell,” that “you have a wild hair up your ass,” that “There is a hell, and you will be in it,” that “you’re disgusting and vile,” that “you’re just disgusting,” and that “You better change your goddamn view.”
- (40) Strangers also at times identified me in public. I was referred to as “the freak” in public, when I was with my child.

- (41) I was invited to speak at multiple venues. At one – on March 26, 2004, two days after the Supreme Court oral argument in the case – I gave a talk at the University of Toledo Law School. (Justice O'Connor gave a speech at that same locale less than two weeks later.) My presentation was delayed by a bomb threat.
- (42) I also received many communications from individuals who were supportive of my efforts, and who thanked me for bringing this case.
- (43) Many of the supporters stated that they were not atheists, but simply agreed with my work to uphold the principles underlying the Religious Clauses of the First Amendment
- (44) Other supporters – comprising the vast majority – were atheists and other “freethinkers” who had long felt discriminated against and/or suffered adverse consequences due to their inability to recite the pledge consistent with their religious ideals. A recurring theme from those individuals is that they wanted to do what I had done, but that they either thought it was futile, or they feared the consequences.
- (45) The Elk Grove case hinged on a family law matter. Myriad individuals believe that the family laws of this nation are egregiously abusive, and have for years been seeking ways to attract media attention in order to detail the destruction and waste caused by the family law system.
- (46) Accordingly, I contacted many of the groups these people have formed to ask if they would be interested in writing amicus briefs. Although those groups frequently complain that their voices are not heard, none of the major organizations would agree to participate in the case.<sup>8</sup> The reason I was given – over and over – was that it would be too politically dangerous to be aligned with an Atheist.
- (47) I, personally, feel like a political outsider every time I see “In God We Trust” on our coins and currency, on government documents, and on other governmental locales.
- (48) As a result of the reactions to my involvement in the previous case – where I did nothing but attempt to uphold the Constitution – I am continually wondering if I’m being treated differently (especially negatively). For instance, I am involved in a family court proceeding where the judge has made no secret about his staunch Catholicism. Is it my Atheism that has caused his repeated adverse rulings?<sup>9</sup> I was recently treated inappropriately when I made an inquiry at a municipality office in Elk Grove. Was that because the workers there knew of my religious beliefs?

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<sup>8</sup> One small group – the United Fathers of America – did write an *amicus* brief. That organization, however, has a strong association with atheists.

<sup>9</sup> It certainly isn’t my ability to care for, nurture and love my child.

- (49) When the Elk Grove case was heading to the Supreme Court, I attempted to add parties to eliminate any standing concerns. The first family I contacted was comprised of friends who had been supportive since the case first broke. They were initially very willing to participate. Nonetheless, even though I told them I would attempt to add them anonymously, they subsequently declined to join the case. The reason given was that they feared the social consequences, especially loss of employment.
- (50) With my standing having been denied by the Supreme Court, numerous families have contacted me regarding their willingness to be plaintiffs in new challenges. Most have been atheists, and virtually all of them have expressed significant concerns as to their safety. Many have opted not to proceed due to the potential adverse ramifications of their being identified either as atheists, or as individuals supporting this cause.
- (51) I am a board-certified emergency physician with more than twenty-five years of experience. I recently applied for a number of positions in hospitals situated in nearby rural communities. The contracting company informed me that the hospitals will not hire me ... solely because of my work in seeking to remove endorsements of God and (Christian) monotheism from government.
- (52) That work has as its goal the adherence to the principle of equality that underlies the Establishment Clause. I strongly doubt that I wouldn't have been hired had I been working to **add** God to the government – an activity that would be in violation of that constitutional ideal.
- (53) I believe strongly that this denial of employment – which apparently has recurred at least once since – is the result of the antipathy towards Atheists that has been perpetuated largely by such government acts as declaring “In God We Trust” to be the national motto, and placing “In God We Trust” on all of the nation’s coins and currency.
- (54) I have also long held a desire to run for public office. Unfortunately, the reality is that an atheist is virtually assured of defeat in this nation ... largely, I believe, due to the anti-Atheistic messages constantly espoused by the government. Chief among these is the claim that “In God We Trust.” This reality has directly affected my activity in this political regard.
- (55) I have paid federal taxes for each of the last (at least) twenty years, and expect that I will continue to pay federal taxes for at least another decade.
- (56) I have attended numerous meetings of atheist, humanist and other secular organizations. At those meetings, books and other items directly related to my religious beliefs are often offered for sale, and I have, on more than one occasion, wished to make a purchase. When the sellers only take cash – or when I only have

cash on my person – the only way I can make the given purchase is with money that bears the words, “In God We Trust.” I cannot in good conscience, consistent with my religious principles, make purchases for religious materials with money that sends that message. Thus, I have forsaken making the given purchase(s).

- (57) I have traveled to numerous foreign lands, including Andorra, Aruba, Ascension Island, Australia, the Bahamas, Bali, Barbados, Belgium, Bimini, Canada, Chile, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, England, France, Germany, Gibraltar, Greece, Haiti, Holland, Honduras, Hong Kong, Indonesia, Israel, Italy, Japan, Korea (South), Malaysia, Mexico, New Zealand, Norway, Palau, Panama, Puerto Rico, St. Thomas, Spain, Sri Lanka, Sweden, Switzerland, Taiwan, Thailand, Tobago, Trinidad, and likely others not presently recalled.
- (58) Although I often would take travelers’ cheques on these trips, I frequently would need to exchange small quantities of American currency in order to avoid financial losses (due to exchanges of large denomination cheques).
- (59) I plan on continuing my foreign travels – including as a minister of FACTS. I expect that I will continue to be forced to spend United States currency, thus further being placed in a situation where Defendants’ acts have required me to evangelize for a religious view I explicitly deny.
- (60) I was in Boston in March of this year. I planned to visit the Harvard Divinity School, especially to explore its Andover-Harvard Theological Library. However, the only parking available required payment in cash. Accordingly, because I cannot (in accordance with the precepts of FACTS) spend money that proclaims “In God We Trust” – especially when acting in my role as minister – I was forced to forego that visit.
- (61) This problem occurs not only in distant locales. On multiple occasions, I have located books at the Sacramento County Central library and at the State Library in downtown Sacramento. I have foregone trips to obtain those books as well because the only convenient parking is on the street, where meters – accepting only American coins – are situated.
- (62) The problem of forced use of coins and currency occurs in regard to toll roads and bridges as well. For instance, I have desired for quite some time to hold facts meetings in the Bay Area, but have foregone those opportunities due to the sacrilege involved.

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

Executed on May 9, 2006 in Sacramento, CA.

/s/ - Michael Newdow

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Michael Newdow

**APPENDIX J****DATA ON RELIGION IN THE UNITED STATES****No. 67. Self-Described Religious Identification of Adult Population:  
1990 and 2001**

[In thousands (175,440 represents 175,440,000). The American Religious Identification Survey (ARIS) 2001 was based on a random digit-dialed telephone survey of 50,281 American residential households in the continental U.S.A (48 states). Respondents were asked to describe themselves in terms of religion with an open-ended question. Interviewers did not prompt or offer a suggested list of potential answers. Moreover, the self-description of respondents was not based on whether established religious bodies, institutions, churches, mosques or synagogues considered them to be members. Quite the contrary, the survey sought to determine whether the respondents themselves regarded themselves as adherents of a religious community. Subjective rather than objective standards of religious identification were tapped by the surveys]

Religious group	1990	2001	Religious group	1990	2001
Adult population, total <sup>1</sup> . . . . .	175,440	207,980	Fundamentalist . . . . .	27	61
Total Christian . . . . .	151,496	159,506	Salvation Army . . . . .	27	25
Catholic . . . . .	46,004	50,873	Independent Christian Church . . . . .	25	71
Baptist . . . . .	33,964	33,830	Total other religions . . . . .	5,853	7,740
Protestant - no denomination supplied . . . . .	17,214	4,647	Jewish . . . . .	3,137	2,831
Methodist/Wesleyan . . . . .	14,174	14,150	Muslim/Islamic . . . . .	527	1,104
Lutheran . . . . .	9,110	9,580	Buddhist . . . . .	401	1,082
Christian - no denomination supplied . . . . .	8,073	14,150	Unitarian/Universalist . . . . .	502	629
Presbyterian . . . . .	4,985	5,596	Hindu . . . . .	227	766
Pentecostal/Charismatic . . . . .	3,191	4,407	Native American . . . . .	47	103
Episcopalian/Anglican . . . . .	3,042	3,451	Scientologist . . . . .	45	55
Mormon/Latter-Day Saints . . . . .	2,487	2,787	Baha'i . . . . .	28	84
Churches of Christ . . . . .	1,769	2,593	Taoist . . . . .	23	40
Jehovah's Witness . . . . .	1,381	1,331	New Age . . . . .	20	68
Seventh-Day Adventist . . . . .	668	724	Eckankar . . . . .	18	26
Assemblies of God . . . . .	660	1,106	Rastafarian . . . . .	14	11
Holiness/Holy . . . . .	610	569	Sikh . . . . .	13	57
Congregational/United Church of Christ . . . . .	599	1,378	Wiccan . . . . .	8	134
Church of the Nazarene . . . . .	549	544	Deity . . . . .	6	49
Church of God . . . . .	531	944	Druid . . . . .	(NA)	33
Orthodox (Eastern) . . . . .	502	645	Santeria . . . . .	(NA)	22
Evangelical <sup>2</sup> . . . . .	242	1,032	Pagan . . . . .	(NA)	140
Mennonite . . . . .	235	346	Spiritualist . . . . .	(NA)	116
Christian Science . . . . .	214	194	Ethical Culture . . . . .	(NA)	4
Church of the Brethren . . . . .	206	358	Other unclassified . . . . .	837	386
Born Again <sup>2</sup> . . . . .	204	56	No religion specified, total . . . . .	14,331	29,481
Nondenominational <sup>2</sup> . . . . .	195	2,489	Atheist . . . . .	(NA)	902
Disciples of Christ . . . . .	144	492	Agnostic . . . . .	1,186	991
Reformed/Dutch Reform . . . . .	161	289	Humanist . . . . .	29	49
Apostolic/New Apostolic . . . . .	117	254	Secular . . . . .	(NA)	53
Quaker . . . . .	67	217	No religion . . . . .	13,116	27,486
Full Gospel . . . . .	51	168	Refused to reply to question . . . . .	4,031	11,246
Christian Reform . . . . .	40	79			
Foursquare Gospel . . . . .	28	70			

NA Not available. <sup>1</sup> Refers to the total number of adults in all fifty states. All other figures are based on projections from surveys conducted in the continental United States (48 states). <sup>2</sup> Because of the subjective nature of replies to open-ended question, these categories are the most unstable as they do not refer to clearly identifiable denominations as much as underlying feelings about religion. Thus they may be the most subject to fluctuation over time.

Source: 1990 data, Barry A. Kosmin and Seymour P. Lachman, "One Nation Under God: Religion in Contemporary American Society", 1993; 2001 data, The Graduate Center of the City University of New York, New York, NY, Barry A. Kosmin, Egon Mayer and Ariela Keysar, American Religious Identification Survey, 2001 (copyright).

**BELIEF IN GOD AND CERTAINTY OF BELIEF****“Are you ...?”**

	Total	RELIGIOUS AFFILIATION			
		Catholic	Protestant	Jewish	Atheist/ Agnostic
	%	%	%	%	%
<b>Believe in God (NET)</b>	<b>79</b>	<b>79</b>	<b>90</b>	<b>48</b>	<b>15</b>
Absolutely certain that there is a God	66	63	81	24	4
Somewhat certain that there is a God	12	16	9	24	11
<b>Believe there is no God (NET)</b>	<b>9</b>	<b>8</b>	<b>4</b>	<b>19</b>	<b>52</b>
Somewhat certain that there is no God	5	4	2	13	28
Absolutely certain that there is no God	4	4	2	5	23
<b>Not sure whether or not there is a God</b>	<b>12</b>	<b>13</b>	<b>6</b>	<b>33</b>	<b>33</b>

**Base: All Adults.*****The Harris Poll #59, October 15, 2003***

Survey by Harris Interactive® based on a nationwide sample of 2,306 adults surveyed online between September 16 and 23, 2003.

(Accessed on August 23, 2005  
at [http://www.harrisinteractive.com/harris\\_poll/index.asp?PID=408](http://www.harrisinteractive.com/harris_poll/index.asp?PID=408))

## SUPPORT FOR CHANGES IN PUBLIC POLICY ACCORDING TO SEVEN KEY FAITH GROUPS

	All Adults	Evangelicals	Non- evangelical born again	Notional	Non-Christian faith	Atheist/ Agnostic	Protestant	Catholic
<b>Remove 10 Commandments</b>	18%	< 0.5%	6%	16%	32%	55%	6%	18%
<b>Remove "In God We Trust"</b>	13%	1%	4%	12%	28%	37%	4%	15%
<b>Remove "One nation under God"</b>	15%	4%	6%	13%	24%	40%	7%	13%
<b>Teach creationism</b>	59%	86%	70%	60%	42%	29%	69%	59%
<b>Allow the "F-word" on broadcast TV</b>	15%	6%	8%	17%	21%	35%	9%	19%
<b>Make Christianity the official religion of the U.S.</b>	32%	66%	44%	25%	21%	8%	43%	24%

Base: 1024 adults.

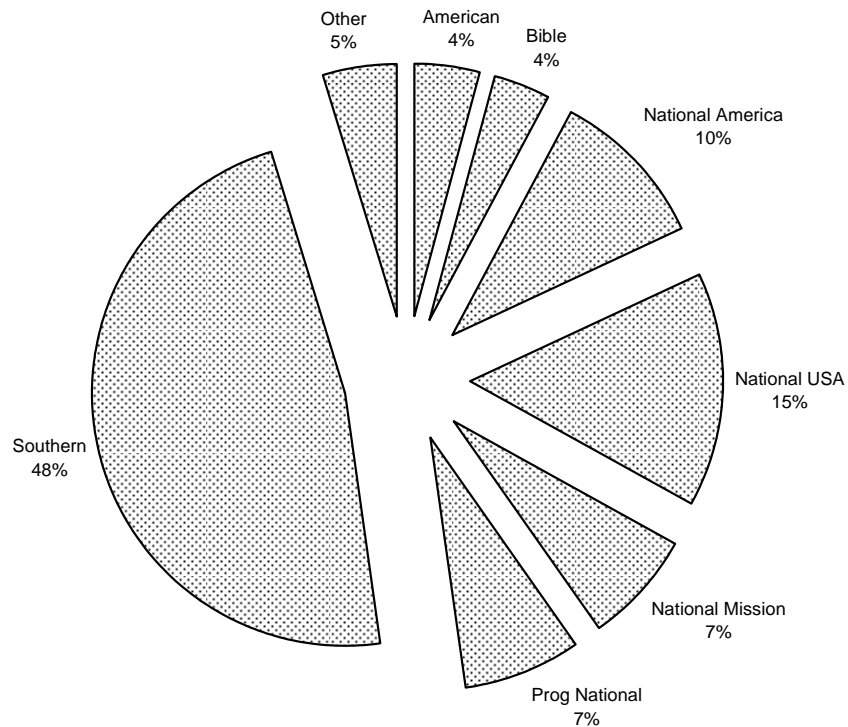
From poll reported on July 26, 2004 by The Barna Group, Ltd., 1957 Eastman Ave., Ste B, Ventura, CA  
93003

(Accessed at <http://www.barna.org/FlexPage.aspx?Page=BarnaUpdate&BarnaUpdateID=168> on December 21, 2004)

**APPENDIX K**

**CONSTITUTIONALLY, MONOTHEISM IS JUST AS SECTARIAN  
AS IS ANY OTHER DENOMINATION**

**ALL BAPTISTS**

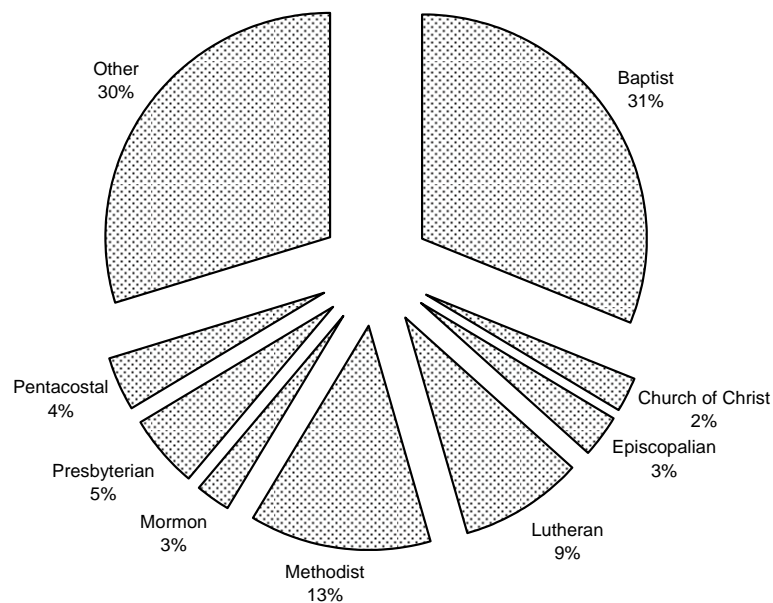


**Citizens excluded (apr.):  
246,000,000 (85%)**

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**CONSTITUTIONALLY, MONOTHEISM IS JUST AS SECTARIAN  
AS IS ANY OTHER DENOMINATION**

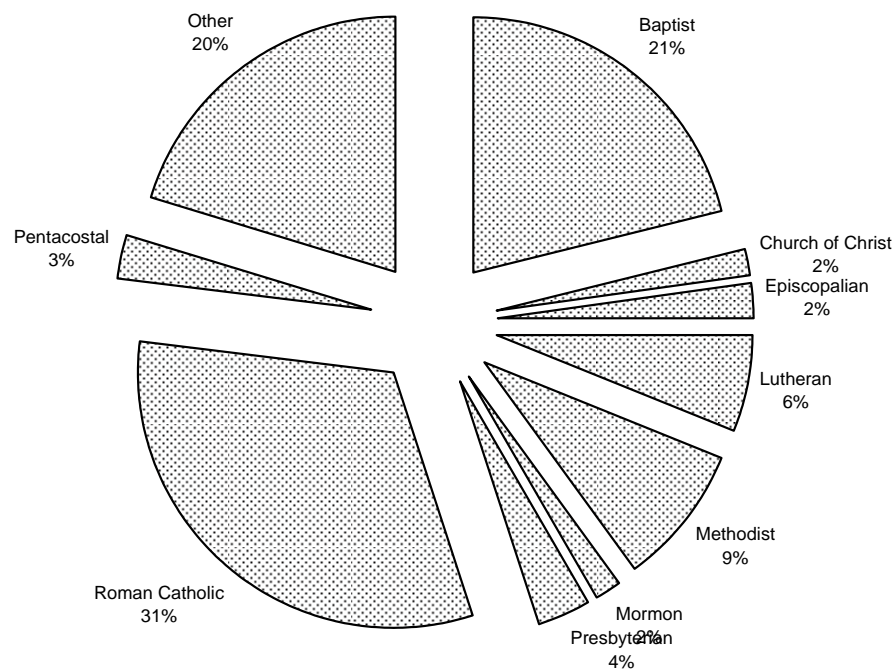
**ALL PROTESTANTS**



**Citizens excluded:  
142,000,000 (49%)**

**CONSTITUTIONALLY, MONOTHEISM IS JUST AS SECTARIAN  
AS IS ANY OTHER DENOMINATION**

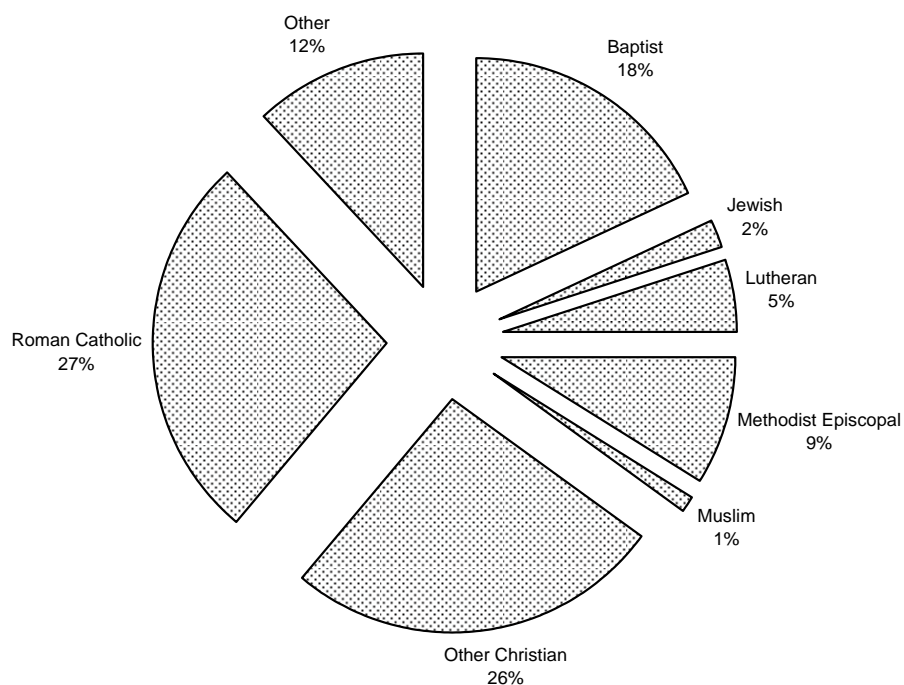
**ALL CHRISTIANS**



**Citizens excluded:  
75,000,000 (26%)**

**CONSTITUTIONALLY, MONOTHEISM IS JUST AS SECTARIAN  
AS IS ANY OTHER DENOMINATION**

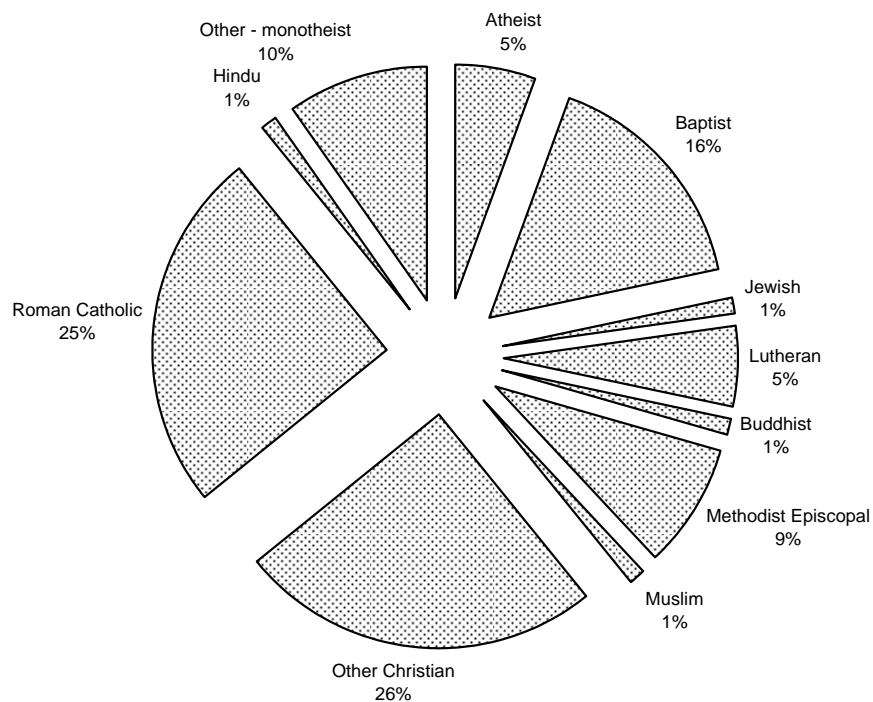
**ALL MONOTHEISTS**



**Citizens excluded (apr.):  
29,000,000 (10%)**

**CONSTITUTIONALLY, MONOTHEISM IS JUST AS SECTARIAN  
AS IS ANY OTHER DENOMINATION**

**ALL AMERICANS**



**Citizens excluded:  
0 (0%)**

**APPENDIX L**

**TWENTY-EIGHT OF THIRTY SUPREME COURT JUSTICES HAVE WRITTEN  
OPINIONS CONTAINING PRINCIPLED STATEMENTS INCONSISTENT WITH A  
MOTTO COMPRISED OF THE WORDS, “IN GOD WE TRUST”**

A Lexis search of United States Supreme Court cases has been performed. For every justice appointed since 1925, opinions in cases involving the Establishment Clause were sought. Of the forty justices, ten were excluded because they authored no such opinions. Twenty-eight of the remaining thirty – including six of the seven justices currently sitting with more than one year tenure – provided principled dicta supporting Plaintiff’s case. Taken together, these citations leave no doubt as to the manifest unconstitutionality of “In God We Trust.”

**Justice Black:**

“[N]either a State nor the Federal Government ... can constitutionally pass laws or impose requirements which aid all religions as against non-believers, and neither can aid those religions based on a belief in the existence of God as against those religions founded on different beliefs.” Torcaso v. Watkins, 367 U.S. 488, 495 (1961)

**Justice Blackmun:**

“[T]he Constitution mandates that the government remain secular, rather than affiliate itself with religious beliefs or institutions, precisely in order to avoid discriminating among citizens on the basis of their religious faiths.” Allegheny County v. Greater Pittsburgh ACLU, 492 U.S. 573, 610 (1989)

**Justice Brennan:**

“[A]n important concern of the effects test is whether the symbolic union of church and state effected by the challenged governmental action is sufficiently likely to be perceived by adherents of the controlling denominations as an endorsement, and by the nonadherents as a disapproval, of their individual religious choices.” Grand Rapids School District v. Ball, 473 U.S. 373, 390 (1985)

**Justice Breyer:**

“[The Religion Clauses] seek to ‘assure the fullest possible scope of religious liberty and tolerance for all.’ They seek to avoid that divisiveness based upon religion that promotes social conflict, sapping the strength of government and religion alike.” Van Orden v. Perry, 125 S. Ct. 2854, 2868 (2005) (Breyer, J., concurring) (citations omitted).<sup>1</sup>

**Chief Justice Burger:**

“The Constitution decrees that religion must be a private matter for the individual, the family, and the institutions of private choice” Lemon v. Kurtzman, 403 U.S. 602, 625 (1971)

**Justice Clark:**

“[The Court] has consistently held that the [Establishment] clause withdrew all legislative power respecting religious belief or the expression thereof.” Abington School District v. Schempp, 374 U.S. 203, 222 (1963)

**Justice Douglas:**

“Our individual preferences, however, are not the constitutional standard. The constitutional standard is the separation of Church and State.” Zorach v. Clausen, 343 U.S. 306, 314 (1952)

**Justice Fortas:**

“Government in our democracy, state and national, must be neutral in matters of religious theory, doctrine, and practice. It may not be hostile to any religion or to the advocacy of no-religion; and it may not aid, foster, or promote one religion or religious theory against another or even against the militant opposite. The First Amendment mandates governmental neutrality between religion and religion and between religion and nonreligion.” Epperson v. Arkansas, 393 U.S. 97, 103-104 (1968)

**Justice Frankfurter:**

“Certainly the affirmative pursuit of one’s convictions about the ultimate mystery of the universe and man’s relation to it is placed beyond the reach of law. Government may not interfere with organized or individual expression of belief or disbelief.” Minersville School District v. Gobitis, 310 U.S. 586, 593 (1940)

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<sup>1</sup> That Justice Breyer then ruled against the plaintiff in Van Orden is certainly interesting, likely demonstrating how personal religious predilection can blind people to their own biases. Would Justice Breyer ever have said to Rosa Parks, for example, that having her sit in the back of the bus was okay because “40 years passed in which the presence of [racial segregation on buses], legally speaking, went unchallenged?” Van Orden v. Perry, 125 S. Ct. 2854, 2870 (2005). Would he ignore the manifest disenfranchisement of blacks as he did with the manifest disenfranchisement of Atheists? “I am not aware of any evidence suggesting that this was due to a climate of intimidation.” See APPENDICES B, C, D and E.



**Justice Ginsberg:**

“A prime part of the history of our Constitution ... is the story of the extension of constitutional rights and protections to people once ignored or excluded.” United States v. Virginia, 518 U.S. 515, 557 (1996)

**Justice Goldberg:**

“The fullest realization of true religious liberty requires that government neither engage in nor compel religious practices, that it effect no favoritism among sects or between religion and nonreligion, and that it work deterrence of no religious belief.” Abington School District v. Schempp, 374 U.S. 203, 305 (1963) (concurring opinion)

**Justice Harlan:**

“[T]he State cannot ‘constitutionally pass laws or impose requirements which aid all religions as against non-believers, and neither can [it] aid those religions based on a belief in the existence of God as against those religions founded on different beliefs.’ ... Neutrality and voluntarism stand as barriers against the most egregious and hence divisive kinds of state involvement in religious matters.” Walz v. Tax Commission, 397 U.S. 664, 695 (1970) (separate opinion)

**Justice Jackson:**

“If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion ... If there are any circumstances which permit an exception, they do not now occur to us.” West Virginia Board of Education v. Barnette, 319 U.S. 624, 642 (1943)

**Justice Kennedy:**

“The First Amendment’s Religion Clauses mean that religious beliefs and religious expression are too precious to be either proscribed or prescribed by the State.” Lee v. Weisman, 505 U.S. 577, 589 (1992).

**Justice Marshall:**

“It is not within the judicial ken to question the centrality of particular beliefs or practices to a faith, or the validity of particular litigants’ interpretations of those creeds.” Hernandez v. Commissioner, 490 U.S. 680, 699 (1989)

**Justice Murphy:**

“[T]he protection of the Constitution must be extended to all, not only to those whose views accord with prevailing thought but also to dissident minorities who energetically spread their beliefs.” Jones v. City of Opelika, 316 U.S. 584, 611-12 (1942) (dissenting opinion)

**Justice O'Connor:**

“[W]hen [government] acts it should do so without endorsing a particular religious belief or practice that all citizens do not share.” Wallace v. Jaffree, 472 U.S. 38, 76 (1985)

**Justice Powell:**

“A proper respect for both the Free Exercise and the Establishment Clauses compels the State to pursue a course of ‘neutrality’ toward religion.” Committee for Public Education & Religious Liberty v. Nyquist, 413 U.S. 756, 792-93 (1973)

**Chief Justice Rehnquist:**

“The Establishment Clause of the First Amendment, applied to the States through the Fourteenth Amendment, prevents a State from enacting laws that have the “purpose” or “effect” of advancing or inhibiting religion.” Zelman v. Simmons-Harris, 536 U.S. 639, 648-49 (2002)

**Justice O. Roberts:**

“In the realm of religious faith, ... sharp differences arise. [There] the tenets of one man may seem the rankest error to his neighbor.” Cantwell v. Connecticut, 310 U.S. 296, 310 (1940)

**Justice Rutledge:**

“The [First] Amendment’s purpose was not to strike merely at the official establishment of a single sect, creed or religion, outlawing only a formal relation such as had prevailed in England and some of the colonies. Necessarily it was to uproot all such relationships. But the object was broader than separating church and state in this narrow sense. It was to create a complete and permanent separation of the spheres of religious activity and civil authority by comprehensively forbidding every form of public aid or support for religion.” Everson v. Board of Education, 330 U.S. 1, 31-32 (1947 (dissenting opinion))

**Justice Scalia:**

“The government may not compel affirmation of religious belief ... or lend its power to one or the other side in controversies over religious authority or dogma.” Employment Div. v. Smith, 494 U.S. 872, 877 (1990)

**Justice Souter:**

“The general principle that civil power must be exercised in a manner neutral to religion” Board of Education of Kiryas Joel v. Grumet, 512 U.S. 687, 704 (1994)

**Justice Stevens:**

“The importance of that principle does not permit us to treat this as an inconsequential case involving nothing more than a few words of symbolic speech on behalf of the political majority. For whenever the State itself speaks on a religious subject, one of the questions that we must ask is ‘whether the government intends to convey a message of endorsement or disapproval of religion.’” Wallace v. Jaffree, 472 U.S. 38, 60-61 (1985)

**Justice Stewart**

“[P]olitical fragmentation and division along religious lines [is] one of the principal evils against which the Establishment Clause was intended to protect.” Meek v. Pittenger, 421 U.S. 349, 372 (1975)

**Justice Stone:**

“[C]areful scrutiny of legislative efforts to secure conformity of belief and opinion by a compulsory affirmation of the desired belief, is especially needful if civil rights are to receive any protection.” Minersville School District v. Gobitis, 310 U.S. 586, 606 (1940) (dissenting opinion)

**Chief Justice Warren:**

“If the purpose or effect of a law is ... to discriminate invidiously between religions, that law is constitutionally invalid even though the burden may be characterized as being only indirect.” Braunfeld v. Brown, 366 U.S. 599, 607 (1961)

**Justice White:**

“Lemon’s ‘purpose’ requirement aims at preventing the relevant governmental decisionmaker - in this case, Congress - from abandoning neutrality and acting with the intent of promoting a particular point of view in religious matters.” Corporation of Presiding Bishop v. Amos, 483 U.S. 327, 335 (1986)

## **APPENDIX M**

### **THE SUPREME COURT HAS ISSUED AN OVERWHELMING NUMBER OF PRINCIPLED STATEMENTS DEMONSTRATING THAT “IN GOD WE TRUST” AS OUR MOTTO AND ON OUR MONEY IS UNCONSTITUTIONAL**

The following is a sampling of approximately 200 instances of dicta, which – when applied to “In God We Trust” – support Plaintiff’s contention that the challenged governmental use of this phrase was and is unconstitutional. They should be kept in mind when considering the rare, unprincipled dictum suggesting that the phrase might comport with the Constitution’s mandates. It also should be noted that there are many, many more instances – Plaintiff hopes that this listing suffices to make his point here.

In order to keep the focus on the words, the authors and the cases are not included. Plaintiff can provide these missing items if deemed necessary by the Court.

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“[A]s the state cannot forbid, neither can it perform or aid in performing the religious function. The dual prohibition makes that function altogether private. It cannot be made a public one by legislative act. This was the very heart of Madison’s Remonstrance, as it is of the Amendment itself.”

“[A]s with the freedom of thought and speech of which Mr. Justice Cordozo spoke in Palko v. Connecticut, 302 U.S. 319 - it is accurate to say concerning the principle that a government must neither establish nor suppress religious belief.”

“[I]f there is any principle of the Constitution that more imperatively calls for attachment than any other it is the principle of free thought - not free thought for those who agree with us but freedom for the thought that we hate.”

“[I]t is only by wholly isolating the state from the religious sphere and compelling it to be completely neutral, that the freedom of each and every denomination and of all nonbelievers can be maintained.”

“[N]o American should at any point feel alienated from his government because that government has declared or acted upon some ‘official’ or ‘authorized’ point of view on a matter of religion.”

“[N]o particular religious sect or society ought to be favored or established, by law, in preference to others” (quoting Rhode Island’s State Constitution)

“[N]o preference shall ever be given by law to any religious establishments or modes of worship.” (quoting Pennsylvania’s State Constitution)

“[O]rdering an instrumentality of the State to support religious evangelism with direct funding ... is a flat violation of the Establishment Clause.”

“[O]ur cases have prohibited government endorsement of religion, its sponsorship, and active involvement in religion, whether or not citizens were coerced to conform.”

“[O]ur judicial opinions have refrained from drawing invidious distinctions between those who believe in no religion and those who do believe. The First Amendment has lost much if the religious follower and the atheist are no longer to be judicially regarded as entitled to equal justice under law.”

“[R]eligions supported by government are compromised just as surely as the religious freedom of dissenters is burdened when the government supports religion.”

“[R]eligious exercises are not constitutionally invalid if they simply reflect differences which exist in the society from which the school draws its pupils. They become constitutionally invalid only if their administration places the sanction of secular authority behind one or more particular religious or irreligious beliefs.”

“[T]he attitude of government toward religion must be one of neutrality.”

“[T]he central meaning of the Religion Clauses of the First Amendment ... is that all creeds must be tolerated, and none favored. The suggestion that government may establish an official or civic religion as a means of avoiding the establishment of a religion with more specific creeds strikes us as a contradiction that cannot be accepted.”

“[T]he concept of neutrality ... does not permit a State to require a religious exercise even with the consent of the majority of those affected.”

“[T]he Constitution ... demands that the State not take action that has the primary effect of advancing religion.”

“[T]he Constitution mandates that the government remain secular, rather than affiliate itself with religious beliefs or institutions, precisely in order to avoid discriminating among citizens on the basis of their religious faiths.”

“[T]he Constitution’s authors sought to protect religious worship from the pervasive power of government. The history of many countries attests to the hazards of religion’s intruding into the political arena or of political power intruding into the legitimate and free exercise of religious belief.”

“[T]he core rationale underlying the Establishment Clause is preventing ‘a fusion of governmental and religious functions.’”

“[T]he dogma, creed, scruples or practices of no religious group or sect are to be preferred over those of any others.”

“[T]he Establishment Clause ... forbids the State to employ its facilities or funds in a way that gives any church, or all churches, greater strength in our society than it would have by relying on its members alone. Thus, the present regimes must fall under that clause for the

additional reason that public funds, though small in amount, are being used to promote a religious exercise. Through the mechanism of the State, all of the people are being required to finance a religious exercise that only some of the people want and that violates the sensibilities of others.”

“[T]he Establishment Clause ... is violated by the enactment of laws which establish an official religion whether those laws operate directly to coerce non-observing individuals or not.”

“[T]he First Amendment’s purpose of requiring on the part of all organs of government a strict neutrality toward theological questions”

“[T]he government’s use of religious symbols is unconstitutional if it effectively endorses sectarian religious belief.”

“[T]he great purposes of the Constitution do not depend on the approval or convenience of those they restrain.”

“[T]he individual’s freedom of conscience [is] the central liberty that unifies the various Clauses in the First Amendment.”

“[T]he mere appearance of a joint exercise of legislative authority by Church and State provides a significant symbolic benefit to religion in the minds of some by reason of the power conferred.”

“[T]he State may not espouse a religious message.”

“[T]here is a crucial difference between government speech endorsing religion, which the Establishment Clause forbids, and private speech endorsing religion, which the Free Speech and Free Exercise Clauses protect.”

“[T]his Court ... has found that the First and Fourteenth Amendments afford protection against religious establishments far more extensive than merely to forbid a national or state church.”

“[T]hough the First Amendment does not allow the government to stifle prayers which aspire to these ends, neither does it permit the government to undertake that task for itself.”

“[The Court] has consistently held that the [Establishment] clause withdrew all legislative power respecting religious belief or the expression thereof.”

“[The] essence [of the constitutional protections of religious freedom] is freedom from conformity to religious dogma.”

“[V]iewpoint discrimination occurs when government allows one message while prohibiting the messages of those who can reasonably be expected to respond.”

“[W]e have staked the very existence of our country on the faith that complete separation between the state and religion is best for the state and best for religion.”

“[W]e must not confuse the issue of governmental power to regulate or prohibit conduct motivated by religious beliefs with the quite different problem of governmental authority to compel behavior offensive to religious principles.”

“A central lesson of our decisions is that a significant factor in upholding governmental programs in the face of Establishment Clause attack is their neutrality towards religion.”

“absolute equality before the law, of all religious opinions and sects ... The government is neutral, and, while protecting all, it prefers none, and it disparages none.”

“Any spark of love for country which may be generated in a child or his associates by forcing him to make what is to him an empty gesture and recite words from him contrary to his religious beliefs is overshadowed by the desirability of preserving freedom of conscience to the full. It is in that freedom and the example of persuasion, not in force and compulsion, that the real unity of America lies.”

“Any use of such coercive power by the state to help or hinder some religious sects or to prefer all religious sects over nonbelievers or vice versa is just what I think the First Amendment forbids. In considering whether a state has entered this forbidden field the question is not whether it has entered too far but whether it has entered at all.”

“As a result, the public school system of Champaign actively furthers inculcation in the religious tenets of some faiths, and in the process sharpens the consciousness of religious differences at least among some of the children committed to its care. These are consequences not amenable to statistics.”

“As we have repeatedly recognized, government inculcation of religious beliefs has the impermissible effect of advancing religion.”

“At a minimum, the protections of the Free Exercise Clause pertain if the law at issue discriminates against some or all religious beliefs”

“Certainly the affirmative pursuit of one’s convictions about the ultimate mystery of the universe and man’s relation to it is placed beyond the reach of law. Government may not interfere with organized or individual expression of belief or disbelief.”

“Courts above all must be neutral, for [t]he law knows no heresy, and is committed to the support of no dogma, the establishment of no sect.”

“evenhanded treatment to all who believe, doubt, or disbelieve”

“For just as religion throughout history has provided spiritual comfort, guidance, and inspiration to many, it can also serve powerfully to divide societies and to exclude those whose beliefs are not in accord with particular religions or sects that have from time to time achieved dominance. The solution to this problem adopted by the Framers and

consistently recognized by this Court is jealously to guard the right of every individual to worship according to the dictates of conscience while requiring the government to maintain a course of neutrality among religions, and between religion and non-religion.”

“Government [may not] foster the creation of political constituencies defined along religious lines.”

“Governmental approval of religion tends to reinforce the religious message ... and, by the same token, to carry a message of exclusion to those of less favored views.”

“Here we have such a small minority entertaining in good faith a religious belief, which is such a departure from the usual course of human conduct, that most persons are disposed to regard it with little toleration or concern. In such circumstances careful scrutiny of legislative efforts to secure conformity of belief and opinion by a compulsory affirmation of the desired belief, is especially needful if civil rights are to receive any protection.”

“History teaches us that there have been but few infringements of personal liberty by the state which have not been justified ... in the name of righteousness and the public good, and few which have not been directed ... at politically helpless minorities.”

“I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should ‘make no law respecting an establishment of religion or prohibiting the free exercise thereof,’ thus building a wall of separation between church and State.”

“If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein. If there are any circumstances which permit an exception, they do not now occur to us.”

“In sum, the history which our prior decisions have summoned to aid interpretation of the Establishment Clause permits little doubt that its prohibition was designed comprehensively to prevent those official involvements of religion which would tend to foster or discourage religious worship or belief.”

“In the words of Jefferson, the clause against establishment of religion by law was intended to erect ‘a wall of separation between Church and State.’”

“It is beyond dispute that, at a minimum, the Constitution guarantees that government may not coerce anyone to support or participate in religion or its exercise, or otherwise act in a way which ‘establishes a [state] religion or religious faith, or tends to do so.’”

“It seems trite but necessary to say that the First Amendment to our Constitution was designed to avoid these ends [of compulsory unification of opinion] by avoiding these beginnings.”

“Madison and his coworkers made no exceptions or abridgements to the complete separation they created. Their objection was not to small tithes. It was to any tithes whatsoever.”

“Neither the National Government nor, under the Due Process Clause of the Fourteenth Amendment, a State may, by any device, support belief or the expression of belief for its own sake, whether from conviction of the truth of that belief, or from conviction that by the propagation of that belief the civil welfare of the State is served, or because a majority of its citizens, holding that belief, are offended when all do not hold it.”

“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.”

“Not simply an established church, but any law respecting an establishment of religion is forbidden.”

“Of course, giving sectarian religious speech preferential access to a forum close to the seat of government (or anywhere else for that matter) would violate the Establishment Clause ...”

“Official compulsion to affirm what is contrary to one’s religious beliefs is the antithesis of freedom of worship ...”

“One of our basic rights is to be free of taxation to support a transgression of the constitutional command that the authorities ‘shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.’”

“Our country has become strikingly multireligious as well as multiracial and multiethnic. This fact, perhaps more than anything one could write, demonstrates the wisdom of including the Establishment Clause in the First Amendment.”

“‘Primary among those evils’ against which the Establishment Clause guards ‘have been sponsorship, financial support, and active involvement of the sovereign in religious activity’”

“Public funds may not be used to endorse the religious message.”

“reflects nothing more than the governmental obligation of neutrality in the face of religious differences”

“Should government choose to incorporate some arguably religious element into its public ceremonies, that acknowledgment must be impartial; it must not tend to promote one faith or handicap another; and it should not sponsor religion generally over nonreligion. Thus, in a series of decisions concerned with such acknowledgments, we have repeatedly held that any active form of public acknowledgment of religion indicating sponsorship or endorsement is forbidden.”

“Th[e First] Amendment requires the state to be a neutral in its relations with groups of religious believers and non-believers ...”

“The basic purpose of the religion clause of the First Amendment is to promote and assure the fullest possible scope of religious liberty and tolerance for all and to nurture the conditions which secure the best hope for attainment of that end.”

“The cause of the conflict is the State’s apparent approval of a religious or anti-religious message. Our Constitution wisely seeks to minimize such strife by forbidding state-endorsed religious activity.”

“the command of the First Amendment that the Government maintain strict neutrality, neither aiding nor opposing religion.”

“The constitutional inhibition of legislation on the subject of religion has a double aspect. On the one hand, it forestalls compulsion by law of the acceptance of any creed or the practice of any form of worship. Freedom of conscience and freedom to adhere to such religious organization or form of worship as the individual may choose cannot be restricted by law. On the other hand, it safeguards the free exercise of the chosen form of religion.”

“The Court today does only what courts must do in many Establishment Clause cases - focus on specific features of a particular government action to ensure that it does not violate the Constitution.”

“The day that this country ceases to be free for irreligion it will cease to be free for religion - except for the sect that can win political power.”

“The design of the Constitution is that preservation and transmission of religious beliefs and worship is a responsibility and a choice committed to the private sphere, which itself is promised freedom to pursue that mission.”

“The essence of the religious freedom guaranteed by our Constitution is therefore this: no religion shall either receive the state’s support or incur its hostility. Religion is outside the sphere of political government.”

“The essential inquiry in each case, as expressed in our prior decisions, is whether the challenged state aid has the primary purpose or effect of advancing religion or religious education or whether it leads to excessive entanglement by the State in the affairs of the religious institution.”

“The Establishment Clause withdrew from the sphere of legislative concern and competence a specific, but comprehensive, area of human conduct: man’s belief or disbelief in the verity of some transcendental idea and man’s expression in action of that belief or disbelief. Congress may not make these matters, as such, the subject of legislation, nor, now, may any legislature in this country.”

“The ‘establishment of religion’ clause of the First Amendment means at least this: Neither a state nor the Federal Government ... can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can ...force him to profess a belief or disbelief in any religion.”

“The First Amendment ... was one of twelve proposed on September 25, 1789, to the States by the First Congress after the adoption of our Constitution. Ten were ratified. They were intended to be and have become our Bill of Rights. By their terms our people have a

guarantee that so long as law as we know it shall prevail, they shall live protected from the tyranny of the despot or the mob. None of the provision of our Constitution is more venerated by the people or respected by legislatures and the courts than those which proclaim for our country the freedom of religion and expression.”

“The First Amendment’s Religion Clauses mean that religious beliefs and religious expression are too precious to be either proscribed or prescribed by the State.”

“The Free Exercise Clause protects against governmental hostility which is masked as well as overt.”

“The fullest realization of true religious liberty requires that government neither engage in nor compel religious practices, that it effect no favoritism among sects or between religion and nonreligion, and that it work deterrence of no religious belief.”

“The government must be neutral when it comes to competition between sects. It may not thrust any sect on any person. It may not make a religious observance compulsory.”

“The great condition of religious liberty is that it be maintained free from sustenance, as also from other interferences, by the state. For when it comes to rest upon that secular foundation it vanishes with the resting.”

“The history of governmentally established religion, both in England and in this country, showed that whenever government had allied itself with one particular form of religion, the inevitable result had been that it had incurred the hatred, disrespect and even contempt of those who held contrary beliefs”

“The idea, as I understand it, was to limit the power of government to act in religious matters, not to limit the freedom of religious men to act religiously nor to restrict the freedom of atheists or agnostics.”

“The law knows no heresy, and is committed to the support of no dogma, the establishment of no sect.”

“the protection of the Constitution must be extended to all, not only to those whose views accord with prevailing thought but also to dissident minorities who energetically spread their beliefs.”

“The Religion Clauses prohibit the government from favoring religion”

“The spiritual mind of man has thus been free to believe, disbelieve, or doubt, without repression, great or small, by the heavy hand of government.”

“the State is constitutionally compelled to assure that the state-sponsored activity is not being used for religious indoctrination.”

“The test may be stated as follows: what are the purpose and the primary effect of the enactment? If either is the advancement or inhibition of religion then the enactment

exceeds the scope of legislative power as circumscribed by the Constitution. That is to say that to withstand the strictures of the Establishment Clause there must be a secular legislative purpose and a primary effect that neither advances nor inhibits religion.”

“The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One’s right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections.”

“There cannot be the slightest doubt that the First Amendment reflects the philosophy that Church and State should be separated. And so far as interference with the ‘free exercise’ of religion and an ‘establishment’ of religion are concerned, the separation must be complete and unequivocal. The First Amendment within the scope of its coverage permits no exception: the prohibition is absolute.”

“There is an ‘establishment’ of religion in the constitutional sense if any practice of any religious group has the sanction of law behind it.”

“These same precedents caution us to measure the idea of a civic religion against the central meaning of the Religion Clauses of the First Amendment, which is that all creeds must be tolerated, and none favored. The suggestion that government may establish an official or civic religion as a means of avoiding the establishment of religion with more specific creeds strikes us as a contradiction that cannot be accepted.”

“This case, rather, involves the noncontroversial principle, repeated in *Smith*, that formal neutrality and general applicability are necessary conditions for free exercise constitutionality.”

“to bar not only prohibitions of religious exercise fueled by the hostility of the majority, but prohibitions flowing from the indifference or ignorance of the majority as well.”

“We are here concerned with a vital question involving the very foundation of our civilization. Centuries ago our forefathers fought and died for the principles now contained in the Bill of Rights of the Federal and New Jersey Constitutions. It is our solemn duty to preserve these rights and to prohibit any encroachment upon them.”

“we have repeatedly held that any active form of public acknowledgment of religion indicating sponsorship or endorsement is forbidden.”

“We have time and again held that the government generally may not treat people differently based on the God or gods they worship, or don’t worship.”

“We sponsor an attitude on the part of government that shows no partiality to any one group and that lets each flourish according to the zeal of its adherents and the appeal of its dogma.”

“We think that by using its public school system to encourage recitation of the Regents’ prayer, the State of New York has adopted a practice wholly inconsistent with the Establishment Clause.”

“What our Constitution indispensably protects is the freedom of each of us, be he Jew or Agnostic, Christian or Atheist, Buddhist or Freethinker, to believe or disbelieve, to worship or not worship, to pray or keep silent, according to his own conscience, uncoerced and unrestrained by government.”

“When the power, prestige and financial support of government is placed behind a particular religious belief, the indirect coercive pressure upon religious minorities to conform to the prevailing officially approved religion is plain. But the purposes underlying the Establishment Clause go much further than that. Its first and most immediate purpose rested on the belief that a union of government and religion tends to destroy government and degrade religion.”

“Where the government’s operation of a public forum has the effect of endorsing religion, even if the governmental actor neither intends nor actively encourages that result, ... the Establishment Clause is violated.”

“Where we have tested for endorsement of religion, the subject of the test was either expression by the government itself, ... or else government action alleged to discriminate in favor of private religious expression or activity.”

“While our institutions reflect a firm conviction that we are a religious people, those institutions by solemn constitutional injunction may not officially involve religion in such a way as to prefer, discriminate against, or oppress, a particular sect or religion.”

“While the Free Exercise Clause clearly prohibits the use of state action to deny the rights of free exercise to anyone, it has never meant that a majority could use the machinery of the State to practice its beliefs.”

“[A]n important concern of the effects test is whether the symbolic union of church and state effected by the challenged governmental action is sufficiently likely to be perceived by adherents of the controlling denominations as an endorsement, and by the nonadherents as a disapproval, of their individual religious choices. The inquiry into this kind of effect must be conducted with particular care when many of the citizens perceiving the governmental message are children in their formative years.”

“[D]isplays of this kind inevitably have a greater tendency to emphasize sincere and deeply felt differences among individuals than to achieve an ecumenical goal. The Establishment Clause does not allow public bodies to foment such disagreement.”

“[I]f government is to remain scrupulously neutral in matters of religious conscience, as our Constitution requires, then it must avoid those overly broad acknowledgments of religious practices that may imply governmental favoritism toward one set of religious beliefs.”

“[T]he effect of the religious freedom Amendment to our Constitution was to take every form of propagation of religion out of the realm of things which could directly or indirectly be made public business and thereby be supported in whole or in part at taxpayers’ expense. That is a difference which the Constitution sets up between religion and almost every other subject matter of legislation, a difference which goes to the very root of religious freedom.”

“[T]he endorsement test captures the essential command of the Establishment Clause, namely, that government must not make a person’s religious beliefs relevant to his or her standing in the political community by conveying a message “that religion or a particular religious belief is favored or preferred.”

“[T]he government’s sponsorship of prayer at the graduation ceremony is most reasonably understood as an official endorsement of religion and, in this instance, of theistic religion.”

“[T]he judgment of the Establishment Clause is that neutrality by the organs of government on questions of religion is both possible and imperative.”

“[T]he longstanding constitutional principle [is] that government may not engage in a practice that has the effect of promoting or endorsing religious beliefs.”

“[T]he religious liberty so precious to the citizens who make up our diverse country is protected, not impeded, when government avoids endorsing religion or favoring particular beliefs over others.”

“[T]he State cannot ‘constitutionally pass laws or impose requirements which aid all religions as against non-believers, and neither can (it) aid those religions based on a belief in the existence of God as against those religions founded on different beliefs.’ In the vast majority of cases the inquiry, albeit an elusive one, can end at this point. Neutrality and voluntarism stand as barriers against the most egregious and hence divisive kinds of state involvement in religious matters.”

“[U]nder the Religion Clauses government is generally prohibited from seeking to advance or inhibit religion.”

“[W]hen [government] acts it should do so without endorsing a particular religious belief or practice that all citizens do not share.”

“a principle at the heart of the Establishment Clause, that government should not prefer one religion to another, or religion to irreligion.”

“[W]hen ... officials participate in or appear to endorse the distinctively religious elements of this otherwise secular event, they encroach upon First Amendment freedoms. For it is at that point that the government brings to the forefront the theological content of the holiday, and places the prestige, power, and financial support of a civil authority in the service of a particular faith.”

“A secular state, it must be remembered, is not the same as an atheistic or antireligious state. A secular state establishes neither atheism nor religion as its official creed.”

“Allegheny County ... has conveyed a message of governmental endorsement of Christian beliefs. This the Establishment Clause does not permit.”

“Although a distinct jurisprudence has enveloped each of these Clauses, their common purpose is to secure religious liberty. See Engel v. Vitale, 370 U.S. 421, 430 (1962). On these principles the Court has been and remains unanimous.”

“Although Establishment Clause jurisprudence is characterized by few absolutes, the Clause does absolutely prohibit government-financed or government-sponsored indoctrination into the beliefs of a particular religious faith.”

“But it is not enough that the government restrain from compelling religious practices: It must not engage in them either.”

“An Establishment Clause standard that prohibits only “coercive” practices or overt efforts at government proselytization, but fails to take account of the numerous more subtle ways that government can show favoritism to particular beliefs or convey a message of disapproval to others, would not, in my view, adequately protect the religious liberty or respect the religious diversity of the members of our pluralistic political community. Thus, this Court has never relied on coercion alone as the touchstone of Establishment Clause analysis.”

“But, the First Amendment, in its final form, did not simply bar a congressional enactment establishing a church; it forbade all laws respecting an establishment of religion. Thus, this Court has given the Amendment a ‘broad interpretation . . . in the light of its history and the evils it was designed forever to suppress. . . .’ Everson v. Board of Education, supra, at pp. 14-15. It has found that the First and Fourteenth Amendments afford protection against religious establishment far more extensive than merely to forbid a national or state church.”

“candor requires us to admit that this Alabama statute was intended to convey a message of state encouragement and endorsement of religion.”

“Clearly freedom of belief protected by the Free Exercise Clause embraces freedom to profess or practice that belief”

“Compulsory attendance upon religious exercises went out early in the process of separating church and state, together with forced observance of religious forms and ceremonies.”

“Each value judgment under the Religion Clauses must therefore turn on whether particular acts in question are intended to establish or interfere with religious beliefs and practices or have the effect of doing so.”

“First and foremost, [Justice O’Connor’s Lynch] concurrence squarely rejects any notion that this Court will tolerate some government endorsement of religion. Rather, the concurrence recognizes any endorsement of religion as “invalid,” id., at 690, because it “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,”

“I know of no principle under the Establishment Clause, however, that permits us to conclude that governmental promotion of religion is acceptable so long as one religion is not favored. We have, on the contrary, interpreted that Clause to require neutrality, not just among religions, but between religion and nonreligion.”

“If government is to be neutral in matters of religion, rather than showing either favoritism or disapproval towards citizens based on their personal religious choices, government cannot endorse the religious practices and beliefs of some citizens without sending a clear message to nonadherents that they are outsiders or less than full members of the political community.”

“If the primary end achieved by a form of regulation is the affirmation or promotion of religious doctrine - primary, in the sense that all secular ends which it purportedly serves are derivative from, not wholly independent of, the advancement of religion - the regulation is beyond the power of the state.”

“In barring the State from sponsoring generically theistic prayers where it could not sponsor sectarian ones, we hold true to a line of precedent from which there is no adequate historical case to depart.”

“In my opinion the Establishment Clause should be construed to create a strong presumption against the display of religious symbols on public property.<sup>7</sup> There is always a risk that such symbols will offend nonmembers of the faith being advertised as well as adherents who consider the particular advertisement disrespectful.”

“In New York the teacher who leads in prayer is on the public payroll; and the time she takes seems minuscule as compared with the salaries appropriated by state legislatures and Congress for chaplains to conduct prayers in the legislative halls. Only a bare fraction of the teacher’s time is given to reciting this short 22-word prayer, about the same amount of time that our Crier spends announcing the opening of our sessions and offering a prayer for this Court. Yet for me the principle is the same, no matter how briefly the prayer is said, for in each of the instances given the person praying is a public official on the public payroll, performing a religious exercise in a governmental institution.”

“It is not a question of religion, or of creed, or of party; it is a question of declaring and maintaining the great American principle of eternal separation between Church and State.” (quoting Elihu Root, Addresses on Government and Citizenship, 137, 140)

“It is indeed true that there are certain tensions inherent in the First Amendment itself, or inherent in the role of religion and religious belief in any free society, that have shaped the doctrine of the Establishment Clause, and required us to deviate from an absolute adherence to separation and neutrality. Nevertheless, these considerations, although very important, are also quite specific, and where none of them is present, the Establishment Clause gives us no warrant simply to look the other way and treat an unconstitutional practice as if it were constitutional.”

“it seems dangerous to validate what appears to me a clear religious preference.”

“Nearly half a century of review and refinement of Establishment Clause jurisprudence has distilled one clear understanding: Government may neither promote nor affiliate itself with any religious doctrine or organization, nor may it obtrude itself in the internal affairs of any religious institution. The application of these principles to the present case mandates the decision reached today by the Court.”

“Our cases disclose two limiting principles: government may not coerce anyone to support or participate in any religion or its exercise; and it may not, in the guise of avoiding hostility or callous indifference, give direct benefits to religion in such a degree that it in fact “establishes a [state] religion or religious faith, or tends to do so.”

“our cases do not require a plaintiff to demonstrate that a government action necessarily promotes religion, but simply that it creates such a substantial risk.”

“Our decisions under the Establishment Clause prevent government from supporting or involving itself in religion.”

“Our task is, as always, to decide only whether the challenged provisions of a law comport with the United States Constitution.”

“People who share a common religious belief or lifestyle may live together without sacrificing the basic rights of self-governance that all American citizens enjoy, so long as they do not use those rights to establish their religious faith. Religion flourishes in community, and the Establishment Clause must not be construed as some sort of homogenizing solvent that forces unconventional religious groups to choose between assimilating to mainstream American culture or losing their political rights.”

“Resolve that neither the state nor the nation, nor both combined, shall support institutions of learning other than those sufficient to afford every child growing up in the land the opportunity of a good common school education, unmixed with sectarian, pagan, or atheistical dogmas. Leave the matter of religion to the family altar, the church, and the private school, supported entirely by private contributions. Keep the church and state forever separated.” (quoting President Grant’s ‘The President’s Speech at Des Moines,’ 22 Catholic World 433, 434-35 (1876))

“secular and religious authorities must not interfere with each other’s respective spheres of choice and influence.”

“Separation is a requirement to abstain from fusing functions of Government and of religious sects, not merely to treat them all equally.”

“Separation means separation, not something less. Jefferson’s metaphor in describing the relation between Church and State speaks of a ‘wall of separation,’ not of a fine line easily overstepped. The public school is at once the symbol of our democracy and the most pervasive means for promoting our common destiny. In no activity of the State is it more vital to keep out divisive forces than in its schools, to avoid confusing, not to say fusing, what the Constitution sought to keep strictly apart. ‘The great American principle of eternal separation’ – Elihu Root’s phrase bears repetition-is one of the vital reliances of our Constitutional

system for assuring unities among our people stronger than our diversities. It is the Court's duty to enforce this principle in its full integrity. We renew our conviction that 'we have staked the very existence of our country on the faith that complete separation between the state and religion is best for the state and best for religion.'

"Should government choose to incorporate some arguably religious element into its public ceremonies, that acknowledgment must be impartial; it must not tend to promote one faith or handicap another; and it should not sponsor religion generally over nonreligion. Thus, in a series of decisions concerned with such acknowledgments, we have repeatedly held that any active form of public acknowledgment of religion indicating sponsorship or endorsement is forbidden."

"State governments, like the Federal Government, have been required to refrain from favoring the tenets or adherents of any religion or of religion over nonreligion, ... and from establishing programs which unnecessarily or excessively entangle government with religion."

"The [First] Amendment's purpose was not to strike merely at the official establishment of a single sect, creed or religion, outlawing only a formal relation such as had prevailed in England and some of the colonies. Necessarily it was to uproot all such relationships. But the object was broader than separating church and state in this narrow sense. It was to create a complete and permanent separation of the spheres of religious activity and civil authority by comprehensively forbidding every form of public aid or support for religion."

"the bedrock Establishment Clause principle that, regardless of history, government may not demonstrate a preference for a particular faith"

"the challenged public school programs operating in the religious schools may impermissibly advance religion in three different ways. First, the teachers participating in the programs may become involved in intentionally or inadvertently inculcating particular religious tenets or beliefs. Second, the programs may provide a crucial symbolic link between government and religion, thereby enlisting - at least in the eyes of impressionable youngsters - the powers of government to the support of the religious denomination operating the school."

"The clearest command of the Establishment Clause is that one religious denomination cannot be officially preferred over another."

"The Constitution decrees that religion must be a private matter for the individual, the family, and the institutions of private choice"

"The Court must take care to speak and act in ways that allow people to accept its decisions on the terms the Court claims for them, as grounded truly in principle, not as compromises with social and political pressures having, as such, no bearing on the principled choices that the Court is obliged to make. Thus, the Court's legitimacy depends on making legally principled decisions under circumstances in which their principled character is sufficiently plausible to be accepted by the Nation."

“The endorsement test does not preclude government from acknowledging religion or from taking religion into account in making law and policy. It does preclude government from conveying or attempting to convey a message that religion or a particular religious belief is favored or preferred. Such an endorsement infringes the religious liberty of the nonadherent, for “[w]hen the power, prestige and financial support of government is placed behind a particular religious belief, the indirect coercive pressure upon religious minorities to conform to the prevailing officially approved religion in plain.”

“the established principle that the government must pursue a course of complete neutrality toward religion.”

“The First Amendment put an end to placing any one church in a preferred position. It ended support of any church or all churches by taxation. It went further and prevented secular sanction to any religious ceremony, dogma, or rite.”

“The First Amendment requires that a statute must be invalidated if it is entirely motivated by a purpose to advance religion.”

“Those in office must be resolute in resisting importunate demands and must ensure that the sole reasons for imposing the burdens of law and regulation are secular. Legislators may not devise mechanisms, overt or disguised, designed to persecute or oppress a religion or its practices. The laws here in question were enacted contrary to these constitutional principles, and they are void.”

“The freedom to worship as one pleases without government interference or oppression is the great object of both the Establishment and the Free Exercise Clauses.”

“The fundamental source of constitutional concern here is that the legislature itself may fail to exercise governmental authority in a religiously neutral way.”

“The general principle deducible from the First Amendment and all that has been said by the Court is this: that we will not tolerate either governmentally established religion or governmental interference with religion.”

“The general principle that civil power must be exercised in a manner neutral to religion”

“The Government’s argument gives insufficient recognition to the real conflict of conscience faced by the young student. The essence of the Government’s position is that, with regard to a civic, social occasion of this importance, it is the objector, not the majority, who must take unilateral and private action to avoid compromising religious scruples, hereby electing to miss the graduation exercise. This turns conventional First Amendment analysis on its head. It is a tenet of the First Amendment that the State cannot require one of its citizens to forfeit his or her rights and benefits as the price of resisting conformance to state-sponsored religious practice.”

“The imperatives of separation and neutrality are not limited to the relationship of government to religious institutions or denominations, but extend as well to the relationship of government to religious beliefs and practices.”

“The importance of that principle does not permit us to treat this as an inconsequential case involving nothing more than a few words of symbolic speech on behalf of the political majority. For whenever the State itself speaks on a religious subject, one of the questions that we must ask is “whether the government intends to convey a message of endorsement or disapproval of religion.”

“The lessons of the First Amendment are as urgent in the modern world as in the 18th century, when it was written. One timeless lesson is that, if citizens are subjected to state-sponsored religious exercises, the State disavows its own duty to guard and respect that sphere of inviolable conscience and belief which is the mark of a free people. To compromise that principle today would be to deny our own tradition and forfeit our standing to urge others to secure the protections of that tradition for themselves.”

“the potential for conflict ‘inheres in the situation,’ and because of that the State is constitutionally compelled to assure that the state-supported activity is not being used for religious indoctrination.”

“The matter is not one of quantity, to be measured by the amount of money expended. Now as in Madison’s day it is one of principle, to keep separate the separate spheres as the First Amendment drew them; to prevent the first experiment upon our liberties; and to keep the question from becoming entangled in corrosive precedents. We should not be less strict to keep strong and untarnished the one side of the shield of religious freedom than we have been of the other.”

“the principles of separation and neutrality help assure that essentially religious issues, precisely because of their importance and sensitivity, not become the occasion for battle in the political arena.”

“the respect for religious diversity that the Constitution requires.”

“The simultaneous endorsement of Judaism and Christianity is no less constitutionally infirm than the endorsement of Christianity alone.”

“There are, of course, many ways of demonstrating that the object or purpose of a law is the suppression of religion or religious conduct. To determine the object of a law, we must begin with its text, for the minimum requirement of neutrality is that a law not discriminate on its face. A law lacks facial neutrality if it refers to a religious practice without a secular meaning discernible from the language or context.”

“This principle against favoritism and endorsement has become the foundation of Establishment Clause jurisprudence, ensuring that religious belief is irrelevant to every citizen’s standing in the political community.”

“We do not hold that Sunday legislation may not be a violation of the ‘Establishment’ Clause if it can be demonstrated that its purpose - evidenced either on the face of the legislation, in conjunction with its legislative history, or in its operative effect - is to use the State’s coercive power to aid religion.”

“We repeat and again affirm that neither a State nor the Federal Government can constitutionally force a person ‘to profess a belief or disbelief in any religion.’ Neither can constitutionally pass laws or impose requirements which aid all religions as against non-believers, and neither can aid those religions based on a belief in the existence of God as against those religions founded on different beliefs.”

“When a statute is challenged as impinging on freedom of speech, freedom of the press, or freedom of worship, those historic privileges which are so essential to our political welfare and spiritual progress, it is the duty of this Court to subject such legislation to examination, in the light of the evidence adduced, to determine whether it is so drawn as not to impair the substance of those cherished freedoms in reaching its objective.”

“When public school officials, armed with the State’s authority, convey an endorsement of religion to their students, they strike near the core of the Establishment Clause. However “ceremonial” their messages may be, they are flatly unconstitutional.”

“When the government arrogates to itself a role in religious affairs, it abandons its obligation as guarantor of democracy.”

“When the government puts its imprimatur on a particular religion, it conveys a message of exclusion to all those who do not adhere to the favored beliefs.”

“While in small communities of comparatively homogeneous religious beliefs, the need for absolute separation presented no urgencies, elsewhere the growth of the secular school encountered the resistance of feeling strongly engaged against it. But the inevitability of such attempts is the very reason for Constitutional provisions primarily concerned with the protection of minority groups.”

“[T]he State may not favor or endorse either religion generally over nonreligion or one religion over others.”

“What distinguishes the rule of law from the dictatorship of a shifting Supreme Court majority is the absolutely indispensable requirement that judicial opinions be grounded in consistently applied principle.”

“When the government acts with the ostensible and predominant purpose of advancing religion, it violates that central Establishment Clause value of official religious neutrality, there being no neutrality when the government’s ostensible object is to take sides.”

“[S]crutinizing purpose does make practical sense, as in Establishment Clause analysis, where an understanding of official objective emerges from readily discoverable fact, without any judicial psychoanalysis of a drafter’s heart of hearts.”

“[T]he government may not favor one religion over another, or religion over irreligion.”

“[T]he goal of the Clauses is clear: to carry out the Founders’ plan of preserving religious liberty to the fullest extent possible in a pluralistic society.”

**APPENDIX N**

**1994 SURVEY ON AMERICAN VIEWS OF THE MOTTO**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 94-S-1345

ANNE N. GAYLOR; ANNIE LAURIE GAYLOR; DANIEL E. BARKER; GLENN V. SMITH; JEFF BAYSINGER; LORA ATTWOOD; THE FREEDOM FROM RELIGION FOUNDATION, INC.; and THE COLORADO CHAPTER OF THE FREEDOM FROM RELIGION FOUNDATION, INC.,

Plaintiffs,

v.

THE UNITED STATES OF AMERICA; THE DEPARTMENT OF THE TREASURY; LLOYD W. BENTSEN, SECRETARY OF THE TREASURY; and MARY ELLEN WINTHROW, TREASURER OF THE UNITED STATES;

Defendants.

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**AFFIDAVIT OF SHARON R. CHAMBERLAIN**

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I, Sharon R. Chamberlain, being duly sworn, do hereby make the following affidavit:

1. I am the President and sole owner of Chamberlain Research Consultants. I have been in the polling business since 1988.
2. Chamberlain Research Consultants (CRC) is an independent, full-service market research firm. We are located at 4801 Forest Run Road in Madison, Wisconsin and have been in

business since 1988. The firm has been solely owned by me since June of 1990; prior to that, it was a branch of Matousek and Associates, where I was a partner.

3. Wisconsin Interviewing Services (WIS) is the field service owned by CRC. The field service includes a phone bank and focus group facility. WIS is responsible for the actual collection of data. CRC is responsible for research design and analysis. CRC/WIS employs approximately six full-time and 25 to 50 part-time people at any given time.

4. CRC/WIS clients include: school districts, utility companies, political candidates, lobbyists, restaurants and food manufacturers, trade associations, ad agencies and design firms, marketing firms, insurance companies, government agencies, law firms, new product developers, newspapers, and radio stations.

5. CRC was contracted by the Freedom From Religion Foundation, Inc. to conduct a poll on the use of the phrase "In God We Trust" as seen on U.S. currency. The poll was conducted with 900 adults across the nation. The number of surveys was chosen to provide a sufficient margin of error, in other words, approximately  $\pm 3\%$ .

6. CRC purchased a random sample telephone list from Scientific Telephone Samples (STS) in California for use in this study. STS was instructed by CRC to draw the numbers proportionately to population across all 50 states. The sample was generated so that unlisted phone numbers were not excluded from the sample.

7. Quotas were set for gender based on the most recent U.S. Census data available (1990: 52% female, 48% male). The gender constraints were placed on the sample because past experience has shown us that the proportion of women who answer

the telephone is higher than the actual proportion of women in the population.

8. The poll was in the field May 18-23, 1994. All surveys were conducted from a supervised phone bank. Over 10% of the interviews were monitored by a supervisor through our special phone system, and/or called back for transcription verification. Over 10% of the keying-in data entry was also verified.

9. Among the employees of CRC and WIS who assisted with this survey, in addition to me, were: Janeen Potts, Interim Field Service Director; Rob Padley, Supervisor; Ryan Randall, Supervisor; and Nicole Wyrembeck, Senior Analyst.

10. Attached as Exhibit A is the survey form with raw data, exact questions and their responses.

11. This poll establishes that the majority of those surveyed believe that the phrase "In God We Trust" is religious, as opposed to non-religious, and endorses a belief in God. As for endorsing religion over atheism, almost 11% of the respondents did not choose yes or no. Of those who did give an opinion, the majority agreed that the phrase does endorse religion over atheism.

12. The margin of error for this poll was  $\pm 3.22\%$  at the 95% confidence level.

13. This poll was conducted in accordance with generally accepted standards in the industry.

Further, the affiant sayeth not.

Sharon R. Chamberlain

STATE OF WISCONSIN     )  
  ) ss.  
COUNTY OF DANE         )

Subscribed and sworn to before me this 14th day of September,  
1994.

Jacklyn M. Sande  
Notary Public

My commission expires: 2-19-97

MOTTO TEST: Raw Data

Job # 132  
 May 18-23, 1994  
 Sample Size = 900  
 Margin of Error =  $\pm 3.22\%$

Sex: Male Female  
 48% 52%

\*\*\*\*\*

Hello, this is \_\_\_\_\_ from Chamberlain Research. Tonight we're doing a one minute survey with people across the nation. Am I speaking with someone who is over the age of 18? (If not, ask to speak with someone who is, terminate if none)

The United States is currently working on redesigning US currency. The topic of my three questions is the motto "In God We Trust," as seen on US currency.

1. Is "In God We Trust" religious or non-religious?

Religious.....550  
 61.1%

Non-religious.....271  
 30.1%

DK.....79  
 8.8%

2. Does "In God We Trust" endorse a belief in God?

Yes.....641  
 71.2%

EXHIBIT A

No.....217  
24.1%

DK.....42  
4.7%

3. Does "In God We Trust" endorse religion over atheism?

Yes.....480  
53.3%

No.....322  
35.8%

DK.....98  
10.9%

## APPENDIX O

### THE CASE OF WLADYSLAW PLYWACKI

The case of Wladyslaw Plywacki<sup>1</sup> demonstrates the blatant anti-Atheistic bias – seen even in federal officials – that pervaded American society during the 1950s, when the purely religious phrase, “In God We Trust,” was being mandated on all American money and codified as the nation’s motto.

Plywacki was a ten year old living in Poland when that country was invaded by Nazi Germany in 1939.<sup>2</sup> Because he and his family were Jewish, they were forced into ghettos by the Nazis (whose soldiers, it might be recalled, had belt buckles emblazoned with a motto not at all



dissimilar from the one at issue in the case at bar<sup>3</sup>). Subsequently, they were sent to the concentration camps. Enduring both, Plywacki lost more than a hundred family members, including his mother (who was murdered in a gas chamber) and his father (who was beaten to death in front of him by a concentration camp commander).

When the Allies bombed Dachau (where Plywacki had been transferred) in 1945, the teenager escaped. He eventually made his way to the United States, shortly after which he

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<sup>1</sup> *Petition of Plywacki*, 107 F. Supp. 593 (1952), *rev'd* 205 F. 2d 423 (9<sup>th</sup> Cir. 1953).

<sup>2</sup> Raleigh L. *A saga of survival: 1957 OSU grad will return to tell of enduring the Holocaust*. Corvallis Gazette-Times. Monday, April 19, 2004.

<sup>3</sup> As seen, Nazi buckles had “GOTT MIT UNS” (“God With Us”) inscribed in large letters, surrounding an eagle perched on a swastika. Accessed at <http://www.lewrockwell.com/vance/wwii-buckle.jpg> on May 2, 2006.

enlisted in the Air Force.<sup>4</sup> There he served this country for four years, including time in Okinawa during the Korean War.<sup>5</sup>

Wishing to become an American citizen, Plywacki underwent the process for naturalization as required by United States statute. Upon the completion of that process, he received “a favorable recommendation.”<sup>6</sup> A problem arose, however, when he was to take the oath of allegiance, which concluded with the words, “so help me God.” Understandably, Plywacki did not believe in any god, and “as an atheist he could not and would not take the oath of allegiance prescribed by Section 735 of Title 8, United States Code.”<sup>7</sup>

The issue came to a head when the Chief Judge for the United States District Court for the District of Hawaii – J. Frank McLaughlin – decided that an Atheistic religious view was inconsistent United States citizenship. Although Chief Judge McLaughlin noted that Plywacki had proposed a substitute oath,<sup>8</sup> the jurist determined that “Wladyslaw Plywacki's petition for naturalization as a citizen of the United States must be and the same hereby is denied.”<sup>9</sup>

Because it typifies the religious bias that predominated during that era of McCarthyism, this case warrants a few observations. First, Judge McLaughlin made no secret about the fact that – to him – belief in God was one of “the principles which delicately support our free government.”<sup>10</sup> In fact, during the naturalization ceremony, the Chief Judge singled Plywacki out in front of all his fellow applicants, solely because of his Atheism.<sup>11</sup> That, alone, should be sufficient to demonstrate the unconstitutional nature of the entire enterprise.

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<sup>4</sup> Raleigh L. A saga of survival: 1957 OSU grad will return to tell of enduring the Holocaust. Corvallis Gazette-Times. Monday, April 19, 2004.

<sup>5</sup> Id.

<sup>6</sup> 107 F. Supp., at 593.

<sup>7</sup> Id.

<sup>8</sup> “I Hereby Declare, and affirm in honor and sincerity, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and laws of United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to same; and that I take this obligation freely and without any mental reservations or purpose of evasion. In acknowledgement whereof I have hereunto affixed my signature.” 107 F. Supp., at 593.

<sup>9</sup> Id.

<sup>10</sup> Id.

<sup>11</sup> “Upon the convening of court and after petitioner hesitatingly, but with all others in the class, appeared to have taken a voir dire oath to answer truthfully all questions touching his petition for naturalization, the Examiner called the Court's attention to the fact that the petitioner as an atheist declined to take a prescribed oath of allegiance, and therefore the Examiner was not making any recommendation to the Court but merely inviting the Court's attention to the situation.

In relation to the instant case, Judge McLaughlin's justifications for denying Plywacki's citizenship are noteworthy as well. The Chief Judge explicitly referred to "the inscription of 'In God We Trust' upon the Liberty half-dollar and other United States coins" as showing that it's proper to deny fundamental liberties to Atheists. Furthermore, the remarkable similarity between Judge McLaughlin's *ipse dixit*:

[N]o constitutional question of freedom of religion is even remotely involved by an alien atheist seeking naturalization.<sup>12</sup>

and that of the Aronow court:

It is quite obvious that the national motto and the slogan on coinage and currency "In God We Trust" has nothing whatsoever to do with the establishment of religion.<sup>13</sup>

demands recognition.

With help from the ACLU, Plywacki appealed Chief Judge McLaughlin's decision to the Ninth Circuit Court of Appeals.<sup>14</sup> There, with the government admitting error, the Ninth Circuit reversed the lower court's ruling in a one-sentence *per curiam* opinion. Thus, the case was remanded, with instructions to grant Plywacki's naturalization petition.<sup>15</sup>

By the time the case returned to Chief Judge McLaughlin's courtroom, Plywacki had moved to Oregon, and had requested that the matter be transferred to the District Court there.<sup>16</sup> The Chief Judge recognized that "[t]he common good will be subserved ... by having a different judge come to grips with the legal problems arising from this record."<sup>17</sup> Nonetheless, the Chief Judge expounded upon what he'd said and done a year earlier, displaying the arrogance<sup>18</sup> found time and again among those whose religious beliefs have the backing of government.

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"The Court called the petitioner forward and questioned him."

107 F. Supp., at 593.

<sup>12</sup> Id.

<sup>13</sup> Aronow v. United States, 432 F.2d 242, 243 (9<sup>th</sup> Cir. 1970).

<sup>14</sup> Atheist Wins on Appeal. American Civil Liberties Union-News. San Francisco, CA, May, 1953. Volume XVIII.

<sup>15</sup> Petition of Plywacki, 205 F. 2d 423 (9<sup>th</sup> Cir. 1953).

<sup>16</sup> Petition of Plywacki, 115 F. Supp. 613 (1953).

<sup>17</sup> Id.

<sup>18</sup> "[T]he Court takes a long step backwards to the days when Justice Brewer could arrogantly declare for the Court that 'this is a Christian nation.' Church of Holy Trinity v. United States, 143 U.S. 457, 471

Referring to the oath suggested by Plywacki, Chief Judge McLaughlin publicly and unapologetically denigrated the Petitioner's Atheism, writing that "To affirm by nothing that the truth is being asserted adds up in law, also, to nothing."<sup>19</sup> To this jurist, an affirmation has no meaning unless it "concludes by affirming by reference to a Supreme Being," *id.*, and "[a]n affirmation by Wladyslaw Plywacki, a human being, that he is stating the truth provides no guarantee of veracity nor basis for a remedy in the event of falsity." *Id.* Further ensuring that no one should mistake his religious bigotry, this governmental official made the remarkable assertion that, "the atheist philosophy upon which petitioner predicates his position demonstrates a lack of attachment to the United States Government's first principle: a belief in a Creator."<sup>20</sup>

To Judge McLaughlin, having Atheists live in this country would indicate that "the American philosophy of government has been materially changed,"<sup>21</sup> and it would "touch our national fundamentals"<sup>22</sup> were Atheists to exercise their liberties of conscience. According to this United States District Court judge, to deny that there exists a Supreme Being – i.e., to not agree with his religious view – is to reveal a "lack of attachment to the principles of our Nation,"<sup>23</sup> and to spawn "national damage."<sup>24</sup>

It should be noted that this case was covered in Time Magazine. The article – situated in the periodical's "Religion" section – was immediately followed by a notice of "[a] bill to insert the words 'under God' in the U.S. pledge of allegiance to the flag."<sup>25</sup>

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(1892). Those days, I had thought, were forever put behind us." Lynch v. Donnelly, 465 U.S. 668, 717-18 (1984) (Brennan, J., dissenting).

<sup>19</sup> 115 F. Supp., at 614.

<sup>20</sup> *Id.* Chief Judge McLaughlin was certainly not alone in this egregiously un-American outlook. Dwight D. Eisenhower – as President of the United States – would make an almost identical claim only two years later:

Recognition of the Supreme Being is the first, the most basic, expression of Americanism. Without God, there could be no American form of government, nor an American way of life.

Address of President Eisenhower during the American Legion's "Back to God" campaign in 1955, as cited in Marty Martin E. *Modern American Religion* (University of Chicago Press: Chicago; 1986), vol. 3., at 297.

<sup>21</sup> 115 F. Supp., at 614.

<sup>22</sup> *Id.*

<sup>23</sup> 115 F. Supp., at 615.

<sup>24</sup> *Id.*

<sup>25</sup> See this Appendix O, page 5, *infra*.

**Petition of PLYWACKI.**

**No. 12393.**

**United States District Court for the District Hawaii.**

*107 F. Supp. 593; 1952 U.S. Dist. LEXIS 3850*

**October 17, 1952.**

**OPINIONBY:** [\*\*1]

MCLAUGHLIN

**OPINION:** [\*593]

McLAUGHLIN, Chief Judge.

This petitioner for naturalization is a native and citizen of Poland. Petitioner was in the United States Air Force and prior to discharge in continental United States had been sent to Hawaii from the Far East for naturalization under Section 724(a) of Title 8, United States Code Annotated.

A few moments before the Naturalization Examiner was to present his petition to the Court with a favorable recommendation, the petitioner notified the Examiner that as an atheist he could not and would not take the oath of allegiance prescribed by Section 735 of Title 8, United States Code Annotated. Petitioner offered to take an alternative oath — not the one sanctioned by Section 735 supra designed for conscientious objectors by one composed by himself, as follows:

I Hereby Declare, and affirm in honor and sincerity, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and laws of United States of America against all enemies, foreign and domestic; [\*\*2] that I will bear true faith and allegiance to same; and that I take this obligation freely and without any mental reservations or purpose of evasion. In acknowledgement whereof I have hereunto affixed my signature.

Upon the convening of court and after petitioner hesitatingly, but with all others in the class, appeared to have

taken a voir dire oath to answer truthfully all questions touching his petition for naturalization, the Examiner called the Court's attention to the fact that the petitioner as an atheist declined to take a prescribed oath of allegiance, and therefore the Examiner was not making any recommendation to the Court but merely inviting the Court's attention to the situation.

The Court called the petitioner forward and questioned him. From his frank answers it clearly appeared that as an atheist he could not take the prescribed oath and he, of course, would not attempt to deceive the Court by taking the oath falsely.

Observing (a) the Declaration of Independence; (b) the inscription of "In God We Trust" upon the Liberty half-dollar and other United States coins; (c) decisions of the Supreme Court of the United States, such as *United States v. Macintosh*, 283 U.S. [\*\*3] 605 at page 626, 51 S. Ct. 570, 75 L.Ed. 1302, and *United States v. Bland*, 283 U.S. 636, 51 S.Ct. 569, 75 L.Ed. 1319, holding that courts may not make bargains with those who seek the privilege of citizenship but must adhere to the precise terms of the legislative mandate; (d) that no constitutional question of freedom of religion is even remotely involved by an alien atheist seeking naturalization, and the sole question is whether the petitioner believes in all of the principles which delicately support our free government; and (e) that as recently as April 1952 the Supreme Court in *Zorach v. Clauson*, 343 U.S. 306 at page 313, 72 S.Ct. 679, at page 684, has not deemed it to be old fashioned to declare "We are a religious people whose institutions presuppose a Supreme Being", Wladyslaw Plywacki's petition for naturalization as a citizen of the United States must be and the same hereby is denied because of his inability to subscribe to a statutory oath of allegiance.

**Wladyslaw PLYWACKI, Appellant, v. UNITED STATES of America, Appellee.**

**No. 13650.**

**United States Court of Appeals Ninth Circuit.**

*205 F.2d 423; 1953 U.S. App. LEXIS 2600*

**June 26, 1953.**

**COUNSEL:** [\*\*1]

Lawrence Speiser, of San Francisco, Cal., and  
Thomas P. Gill, of Honolulu, Hawaii, for appellant.

A. William Barlow, U.S. Atty., and Winston C.  
Ingman, Asst. U.S. Atty., both of Honolulu, Hawaii, for  
appellee.

**OPINION:** [\*423]

Before DENMAN, HEALY and ORR, Circuit Judges.

PER CURIAM.

On confession by the appellee of error herein, it is ordered that the judgment of the District Court in this cause be reversed, *107 F.Supp. 593*, that a judgment be filed and entered accordingly, and that the mandate of this court in this cause issue forthwith.

**Petition of PLYWACKI**

**No. 12393**

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII**

*115 F. Supp. 613; 1953 U.S. Dist. LEXIS 2456*

**October 23, 1953**

**COUNSEL:** [\*1]

John J. Kelleher, Naturalization Examiner, for the Government.

**OPINIONBY:**

McLAUGHLIN

**OPINION:**

[\*613]

Heretofore this petition was denied because of the petitioner's refusal as an atheist to take the oath of allegiance prescribed by Congress. *Petition of Plywacki, D.C. 1952, 107 F.Supp. 593.*

An appeal was taken by petitioner to the Ninth Circuit Court of Appeals, with the assistance of the American Civil Liberties Union of Northern California. Although the Attorney General had not previously appeared and taken a position in this case, he did the astounding thing of appearing in the Court of Appeals and confessing error. Not noting that the Attorney General had nothing to confess as having induced error below, the Court of Appeals automatically reversed without examining the merits. *Plywacki v. United States, 1953, 205 F.2d 423.*

Before the reversal by the Court of Appeals, petitioner moved to Oregon and there attended Oregon State College. On May 26, 1953, petitioner executed a Form N-455, 'Application for Transfer of Petition for Naturalization', which on its face said that the petitioner had subscribed and sworn to his representations therein made before Edity Buckingham, [\*2] a notary public of the State of Oregon, at Corvallis, Oregon, to wit:

Subscribed and sworn to before me by the above named petitioner at Corvallis, Oregon, this Twenty-sixth day of May, 1953.

Edith Buckingham (Signed) (Seal)

Notary Public for Oregon

My Commission Expires Apr. 7, 1957

This not being the first time that the petitioner ostensibly had taken an oath [\*614] to preliminary or collateral matter while still professing atheism, noting again petitioner's inconsistency, the Court ordered the Immigration and Naturalization Service to investigate and report. On or about September 18, 1953, it did so, but as the notary had not been interviewed, a further investigation and report was ordered. From the two reports of August 20, 1953, and September 18, 1953, as supplemented October 5, 1953, it appears that the petitioner advised the investigator that he did not swear to his transfer application and the notary concurred. Indeed, the notary asserted that she never takes a person's oath as she 'figures it is up to them' and hence just observes the subscription.

Without withdrawing the pending transfer application under date of October 6, 1953, petitioner executed a new or [\*3] second Form N-455 application, at the end of which he stated he 'subscribed and affirmed' the statements therein made before the same notary, and she signed her name, stated the term of her commission, and affixed her notarial seal. Appended is a separate statement reading:

I, Wladyslaw Plywacki, do solemnly affirm that the information provided by me on the Application for Transfer of Petition for Naturalization, Number 12393, on this sixth day of October, 1953, is the truth, the whole truth, and nothing but the truth.

Wladyslaw Plywacki (Signed)

Below this statement the notary again signed her name and affixed the date, her seal, and extent of her commission.

This second application for transfer comes to me approved October 9, 1953, be District Director Elmer E. Poston, for he has found petitioner does in fact have a bona fide residence in Oregon.

## Opinion

Obviously petitioner's second transfer application does not comply with the Immigration and Naturalization Services's Regulation No. 334.17(a), Federal Register, December 19, 1952, which under 8 *U.S.C.* § 727, Sec. 327 of the Nationality Act of 1940, n1 has the force and effect of law. Indeed, petitioner's position as to [\*4] this application has the same congenital defect as has his position upon his pending petition for citizenship. To affirm by nothing that the truth is being asserted adds up in law, also, to nothing. Few realize that an affirmation is allowed in lieu of an oath — a swearing — in deference to a person's religious beliefs and concludes by affirming by reference to a Supreme Being — witness the Society of Friends and Jehovah's Witnesses. See 28 *U.S.C.* §§ 453, 951, and 5 *U.S.C.* §§ 16, 21 and 21a and 21b. An affirmation by Wladyslaw Plywacki, a human being, that he is stating the truth provides no guarantee of veracity nor basis for a remedy in the event of falsity. Indeed, as before stated the atheist philosophy upon which petitioner predicates his position demonstrates a lack of attachment to the United States Government's first principle: a belief in a Creator, from whom the Founders proclaimed come man's unalienable rights subsequently guaranteed by the Constitution.

Despite petitioner's trifling with the legal process by today ostensibly taking an oath and then saying, in effect: 'I didn't mean it — I didn't do it — See, I affirm, by myself', being advised [\*5] by District Director Poston that the petitioner in fact now resides in Oregon, the Court upon its own motion in the public interest will transfer the petition to the Oregon Federal court if it will accept the same.

It is obviously in the public interest to have judicially determined as speedily as possible whether by a quiet confession of error by the Executive the American philosophy of government has been materially changed.

The common good will be subserved also by having a different judge come to grips with the legal problems arising from this record. As they touch our national fundamentals, I would like to suggest [\*615] that the Federal court in Oregon invite the Attorney General to appear, to file a brief, and present argument in defense of his position taken in the Circuit Court of Appeals for the Ninth Circuit — if he still adheres to it. Too, the size, shape and shadows of this case would seem to call for invited amicus help from the American Bar Association.

Should the ultimate result be that the Federal court in Oregon also decline to admit petitioner to citizenship either by a denial of his petition for lack of attachment to the principles of our Nation, [\*6] or by its refusal to administer an oath or affirmation unknown to the law, petitioner then may utilize available appellate review procedures and thus obtain a decision on the merits by a higher court.

If, perchance, the result be otherwise, there is always the next case which may provide the appellate vehicle for a timely decision to repair the national damage, and in which the hope can be expressed that the lower court of appeals and that such court will look for itself beyond any confessed error into the merits of the controversy.

## Order.

For the reasons above given, upon the Court's own motion it is hereby ordered and decreed that the petition for naturalization filed in this Court, being No. 12393, shall upon approval of such transfer by the United States District Court for the District of Oregon, be transferred to said court.

n1. See Immigration and Nationality Act, Sect. 332, 8 *U.S.C.A.* § 1443.



# TIME

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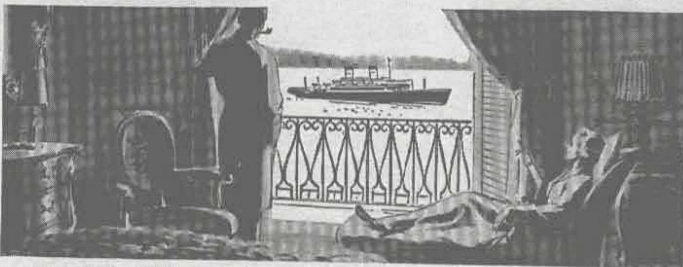
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## RELIGION

## Prophet's Honor

The people of India celebrate national holidays on the birthdays of Jesus Christ, Mohammed, Mahatma Gandhi, Guru Nanak (a Sikh religious leader) and the Hindu gods Rama and Krishna. Last week the Indian government added a new birthday to the list. The addition: Gautama Buddha, founder of the great religion which has successfully invaded China, Japan, Siam, Burma, Ceylon, but has fallen off in his native India.

## Reforming Reform

One steaming July day in 1873, representatives of some 30 Jewish congregations met in Cincinnati to make a historic break with Orthodox Judaism. They



RABBI BERNSTEIN  
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formed themselves into a society to be known as the Union of American Hebrew Congregations, dedicated, as they saw it, to a newer, more contemporary vision of the Jewish faith. In Manhattan last week, U.S. Reform Judaism celebrated the 80th anniversary of this birthday.\* More than 1,200 delegates from 465 Reform temples were on hand; the five-day conference of U.A.H.C. was the largest Jewish religious gathering in U.S. history.

The assembled rabbis and laymen had more than growth to be pleased about. In their own eyes, Reform has done much to wipe out the sense of deep separation from the rest of U.S. life which, they believe, long characterized the Jewish community. But recent years have seen a kind of reform of Reform—a movement away from a liberalism which was sometimes hardly distinguishable from Uni-

\* Though the first U.S. Reform congregation was founded in Charleston, S.C. in 1841.

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tarianism. At last week's convention, Dr. Emanuel Gamoran, director of the Commission on Jewish Education, called for a deeper recognition of the Jewish past.

**The Magic Formula.** "Classical Reform," he said, "detached God from Israel, thinking that it could achieve a greater measure of sanctity by concentrating on the idea of God . . . . The opposite was the result . . . . We have only succeeded in breaking the magic formula which, throughout the centuries, served effectively to maintain the Jewish people as well as Judaism . . . . We now realize that if our Jewish education is to be effective, it must begin with the Jewish people, [and] it must include Torah."

Rabbi Philip S. Bernstein of Temple B'rith Kodesh in Rochester called for more religion in Reform Judaism, even though it be at the expense of social action. "Hitherto," he said, "we have concentrated on defending ourselves against bigots and supporting our brethren overseas . . . . Now the American Jewish community is becoming free to give primacy to the task of making itself a strong moral force in this country."

**The Will to Serve.** Even more indicative of the new temper of Reform were the findings of a survey conducted by the National Federation of Temple Brotherhoods. Items:

¶ Three laymen in ten—and half the rabbis—now feel that their congregations should have more ritual and ceremony.

¶ There has been a marked increase in use of the ceremony of *bar mitzvah* to admit young men to full membership in the congregation.

¶ A substantial number of laymen (34%) report that they and their families now observe Passover for the traditional eight days.

So clearly did the survey indicate a revived interest in the old Jewish forms that its sponsors felt it necessary to point out that this was not to be interpreted as a swing to Orthodoxy: "It is not the will of God that dictates what the Reform Jews shall practice . . . but what the Reform Jew feels his will to serve God justifies him in doing . . . . Reform is a religion of choice . . . . Orthodoxy is a religion of divine command."

## God's Country

Wladyslaw Plywacki, 24, had passed all his tests for U.S. citizenship with flying colors. Imprisoned for five years by the Nazis in his native Poland before he escaped to the U.S., he had served a hitch in Japan for his adopted country. He was an Air Force corporal stationed at Hickam Field, Honolulu when he came up before Federal Judge J. Frank McLaughlin to take the official oath and become an American:

"I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state or sovereignty . . . that I will support and defend the Consti-

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tution and laws of the United States of America . . . and that I take this obligation freely without any mental reservation or purpose of evasion . . ." But here Corporal Plywacki boggled. The next words were "So help me God." Wladyslaw Plywacki explained that he was an atheist, therefore could not in honesty use those words.

Judge McLaughlin directed Plywacki to take a coin out of his pocket. "What does it say on the back?" he demanded. When Plywacki had read the legend, "In God We Trust," Judge McLaughlin made a little speech.

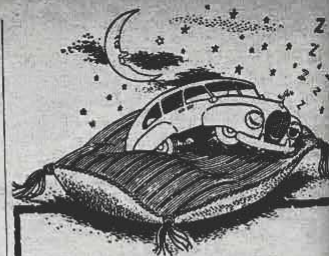
"Our Government is founded on a belief in God. You are asking for the privilege of being part of the Government, but you are apparently seeking admission on your own terms. If you are not willing to take the oath in good faith, the oath prescribed by the Congress of the United States, I cannot grant your petition."

The court immigration officer, surprised that the judge had not merely substituted an affirmation of allegiance permitted for those who object to oath-taking, suggested that, since Plywacki was about to leave for the States, the whole matter could be settled on the mainland. But Judge McLaughlin, a Roman Catholic, had his principles, too. He ruled Plywacki ineligible for citizenship.

Plywacki appealed to the ninth circuit court of appeals in San Francisco. His argument: "If a native-born citizen is entitled to freedom of religion, which would include the right not to believe in God, then a petitioner for naturalization has the same right." Last week the Justice Department in Washington told its office in Honolulu to "confess error," indicating that it would not support Judge McLaughlin's ruling in the appeals court. But Immigration Service lawyers have so far been unable to find a single direct precedent for a case like Plywacki's, and there remains the possibility that the court will be required to make a historic decision.

Judge McLaughlin, meanwhile, is sticking to his spiritual guns. "I appreciate the right of a person to be an atheist," he says. "But if you join an organization that has principles based on the existence of a Supreme Being—from the Declaration of Independence on down to the latest pronouncements by President Eisenhower on the importance of religion—you must abide by the rules of that organization."

. . . .  
A bill to insert the words "under God" in the U.S. pledge of allegiance to the flag was introduced in the House of Representatives last week by Democratic Congressman Louis C. Rabaut of Michigan. Congressman Rabaut's amended pledge would read: "I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation, *under God*, indivisible, with liberty and justice for all." "Our country was born under God," said Rabaut, "and only [under God] will it live as a citadel of freedom."



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## Community

### A saga of survival: 1957 OSU grad will return to tell of enduring the Holocaust

By Lisa Raleigh  
OSU News Service

Walter Plywaski did not arrive at Oregon State University as a typical undergraduate. Much of his youth had been spent in a Jewish ghetto in German-occupied Poland and later several Nazi concentration camps.

He last saw his mother when she was forced into a line that led to the gas chamber at Auschwitz, and later witnessed the fatal beating of his father at the hands of a camp commandant.

But Plywaski managed to stay alive, along with his adopted brother. He made his way into the United States, and then eventually to Oregon. In spring 1953, he enrolled at what then was known as Oregon State College and, four years later, earned a degree in electrical engineering.

In an extraordinary homecoming, Plywaski will be a featured speaker at this year's Holocaust Memorial Program. His free talk is scheduled for Monday at 7:30 p.m. in the LaSells Stewart Center.

This will be Plywaski's first visit to OSU since graduating 47 years ago — and his first opportunity to tell his remarkable story to the campus community.

#### The Lodz ghetto

Born Wladyslaw Plywacki in Lodz, Poland, in 1929, he was forced into the Lodz ghetto with his family at the age of 10.

"My immediate family managed to survive four years in the ghetto, but we lost approximately 40 other family members," Plywaski said. "Some were sent to extermination centers. Others died of starvation and disease. About 80 more extended family members also perished at Nazi hands, leaving no more Plywacki-named people in Poland by now, a name dating back to about 14th century."

The ghetto was actually worse than the concentration camps, Plywaski said.

"In the ghetto, we were still in family units and thus mothers had to watch their children and husbands starving to death," he explained. "All of that was nearly too surreal to bear. The camps were charnel houses — the suffering was normalized, isolated from its meaning. You expected nothing there."

Among those who quickly died in the ghetto were his maternal aunt and uncle, who were stricken with tuberculosis. Their son, Wlodzimierz (whose American name is now William, or Bill), was found sitting by the frozen body of his mother. Walter's family adopted him, and Bill became Walter's new brother.

"Miraculously, the two of us would never be separated in the events that were yet to come," Walter said.

In 1944, the Plywacki family was transported via freight car to the Auschwitz Birkenau death camp, where Walter's mother was immediately gassed because she was too weak to work. This would be the first of many concentration camps to which Walter was transferred, always accompanied by Bill.

For a while, the brothers were able to stay together with their father, Maks (Maksymiljan Jozef Plywacki), but he later was beaten to death in the Riederloh "punishment camp."

The boys, very young and still able to do physical labor, were then moved on to several other locations after that.

### **Escape from Dachau**

Eventually, the two teenagers escaped from Dachau (Karlsfeld) during an Allied bombardment and appropriated a supply of German food, uniforms and weapons from a nearby cache. They then "marched off in the direction of the shooting," Walter said, explaining that they intentionally headed for the front line.

They were soon "captured" by U.S. troops.

"There were these soldiers with funny-looking uniforms and netting on their helmets, who indicated we should put our hands up," Walter recalled. "Bill and I were wearing our 'liberated' German uniforms under our striped camp pajama jackets and also pretended not to understand German so we would not be taken into a German POW compound. Now that would have been sick joke!

"A Polish-speaking sergeant soon figured out that we were camp escapees," he added, "and the Army unit took us in. We were given cut-down U.S. Army fatigue uniforms to replace the German ones."

They were then introduced to another unit where they became unofficial "mascots," and were provided with tailored U.S. Army dress uniforms complete with stripes of rank, as well as lessons in everything from American history to English to properly ironing a shirt. The U.S. soldiers also gave them their American names, Walter and Bill. (Their last name became more Americanized later on from Plywacki to Plywaski — during U.S. citizenship proceedings.)

By the end of 1945 the brothers were hoping to come to the United States together. But this dream was realized separately.

Bill came first, brought to Portland by an American man they met in Marseilles in early 1946. Walter stayed behind in France, partially because he did not trust this American.

As it turned out, the Portland man mistreated Bill. He did not allow the brothers to communicate and "Bill was basically his indentured servant," Walter claimed. A child service agency intervened, removing Bill from this situation and placing him with a new foster family on a dairy farm east of Portland.

Bill was also the first to enroll at OSU. After graduating from Franklin High School in Portland, he came to the university in 1949, joined the Phi Gamma Delta fraternity, became a founding member of the OSU ski team, and wrote a column for the Barometer called "Sitzmarks by Bill Plywaski." He earned his degree in chemical engineering in 1954.

### **A stowaway**

Walter, meanwhile, arrived in the United States by stowing away on a freighter in 1947. Upon arriving in New York, he was detained on Ellis Island for six months by U.S. Immigration. Through the help of various people, Walter's entry was legalized by an Act of Congress and President Truman signed it.

After a year's work in Philadelphia as a "printer's devil," Walter joined the U.S. Air Force in 1948 and served four years, including an assignment as a radio maintenance chief on Okinawa during the Korean War. He eventually joined his brother in Oregon, and was invited to live with Bill's new family.

### **Attending Oregon State**

With the goal of enrolling at OSU, Walter began working to establish residency in Oregon, doing both radio and TV repair work and logging. When he enrolled at OSU in spring 1953, he first majored in English literature, studying with OSU's most famous writer-in-residence, Bernard Malamud. However, Walter found that English lit "wasn't challenging enough" and switched to electrical engineering.

He had discovered a knack for electronics when still living in the Lodz ghetto. Because he had family connections, he was able to earn some extra food for work for the Elektriztaet Abteilung, rewinding electrical motors and alternators.

"There are privileges even in Hell," Walter said of this experience. "If you could get work, you could get some extra calories."

His brother Bill obtained work at the Metall Abteilung, operating lathes and other machine tools.

After OSU, Walter worked as an engineer for several defense contractors and for the National Oceanic and Atmospheric Administration, and later became a high-tech entrepreneur and consultant.

Bill went on to earn a Ph.D. in theoretical physics, but while on a fellowship at the prestigious International Center for Theoretical Physics in Trieste, Italy, discovered a passion for sailing. He went on to teach sailing and navigation, and became a marine-engineering consultant in areas such as charting, navigation and global positioning systems.

Today, both brothers live within a mile of each other in the foothills of the Rocky Mountains, above Boulder, Colo.

*A chronology of Walter and Bill Plywaski's personal and career histories, as well as photos of their post-war days in France, is at <http://oregonstate.edu/dept/ncs/recent/releases.htm>.*

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## APPENDIX P

### NON-GOVERNMENTAL USES OF THE MOTTO, “IN GOD WE TRUST”

It has been argued that the motto, “In God We Trust,” doesn’t endorse the notion that we (Americans) trust in God. The phrase, some contend, has simply been “woven into the fabric” of American society, and – as such – it has lost all religious meaning.

If this were correct, then one would expect to find some evidence attesting to that fact. In other words, those four words ought to be generally used in a nonreligious manner. In fact, as the following demonstrates, nothing could be further from the truth.

#### **A. Books**

Library catalogs and online literary listings have been searched for any and all books with the words “In God We Trust” in the title. The search resulted in 30 separate works, which are listed below in chronological order (by year of publication). It should be noted that of the 28 volumes for which information could be elicited, only one is not religious (a novel referring only to the motto being on the money). The vast majority (21) of the remaining 28 books advocate either for God-belief generally (7) or for Christianity in particular (14). One criticizes belief in God, and six reference religion in history or politics. Thus, 26 of the 27 – i.e., 96% – of the books with “In God We Trust” in the title reference religion.

It should also be noted that this religious use of the “In God We Trust” phrase is not limited to the 1950s, when Congress placed it on the money and established it as the nation’s motto. On the contrary, its use has increased exponentially over the past decade. Figure P-1, at page 6, infra.

- (1) Cousins, Norman. *In God We Trust: The Religious Beliefs and Ideas of the American Founding Fathers* (Harper: New York; 1958). Historical treatise, examining the “religious beliefs and ideas of the American founding fathers.”
- (2) Horton, Walter M. *The God we trust (Faith for Life)* (Judson: Valley Forge, Pennsylvania; 1960). Other titles by author include *Realistic Theology* and *Contemporary Continental Theology*.

- (3) Shepherd, Jean. *In God We Trust: All Others Pay Cash* (Doubleday: New York; 1966). Novel, with IGWT reference pertaining to money.
- (4) Rosasco, William S. *Musings: In God we trust* (University of West Florida Alumni Association: Pensacola, FL; 1980). Plaintiff was unable to ascertain any information about this book.
- (5) Robbins, Thomas and Dick, Anthony. *In Gods We Trust: New Patterns of Religious Pluralism in America* (Transaction Publishers: Somerset, NJ; 2nd Rev&Ex edition; 1990). "Over two dozen previously published articles explore sociological aspects of modern religious pluralism. The areas of discussion are the fundamentalist and evangelical revival, renewal in the mainline churches, New Age spiritual innovation, women's movements, and politics and civil religion." Revises and expands the first edition of 1980. Annotation c. Book News, Inc., Portland, OR." Accessed on May 3, 2006 at <http://search.barnesandnoble.com/bookSearch/isbnInquiry.asp?r=1&isbn=0887388000>).
- (6) Peale, Dr. Norman Vincent. *In God We Trust: A Positive Faith for Troubled Times* (Peale Center for Christian Living: Pawling, NY; 1994). "As a call to personal redemption and a return to the devout faith of the founding fathers, In God We Trust is an inspiring look at hope for a crumbling nation. With Peale's inspiration and encouragement, readers can once again find the moral stamina they need to live faithful, faith-filled lives." Accessed on May 3, 2006 at [www.alibris.com/search/search.cfm?qwork=3164020&wauth=Peale%2C%20Norman%20Vincent%2C%20Dr%2E&matches=65&qsort=r&cm\\_re=works\\*listing\\*title](http://www.alibris.com/search/search.cfm?qwork=3164020&wauth=Peale%2C%20Norman%20Vincent%2C%20Dr%2E&matches=65&qsort=r&cm_re=works*listing*title).
- (7) Hayes Judith. *In God We Trust: But Which One?* (A fresh, new look at the fatal flaws in religious belief) (FFRF: Madison, WI; 1996).
- (8) Dean, Chuck and Ledyard, Gleason. *In God We Trust: The Book for Veterans & Active Duty* (Wine Press Pub: Enumclaw, WA; 1998). "WinePress Publishers helps pastors, ministries and Christian writers get their manuscripts into print affordably and professionally." Accessed May 3, 2006 at <http://www.iclnet.org/pub/resources/g-833.html>).
- (9) McDowell, Stephen K. and Beliles, Mark A. *In God We Trust Tour Guide* (Providence Foundation: Charlottesville, VA; 1998) ("America's historic sites reveal our Christian foundations! This fascinating guide will take you to America's great historical sites and uncover the stories of their Christian foundations." Accessed May 3, 2006 at [http://www.amazon.com/gp/product/1887456074/qid=1140885155/sr=1-28/ref=sr\\_1\\_28/102-2997120-0237751?s=books&v=glance&n=283155](http://www.amazon.com/gp/product/1887456074/qid=1140885155/sr=1-28/ref=sr_1_28/102-2997120-0237751?s=books&v=glance&n=283155)).

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- (29) Camp Kathryn P. *In God We Trust: How the Supreme Court's First Amendment Decisions Affect Organized Religion* (Faithwalk: Grand Haven, MI; 2006) (Author describes herself as "the Christian mother of two teenagers." accessed at [http://www.amazon.com/gp/pdp/profile/A2Y0C8HHIV4XTK/ref=cm\\_pdp\\_search\\_profile/103-7910873-6275851](http://www.amazon.com/gp/pdp/profile/A2Y0C8HHIV4XTK/ref=cm_pdp_search_profile/103-7910873-6275851) on May 2, 2006. The publisher of this book is Faithwalk Publishing, which describes its books as being "Christian in

orientation." accessed on May 2, 2006 at  
[http://www.faithwalkpub.com/index.php?main\\_page=index](http://www.faithwalkpub.com/index.php?main_page=index).

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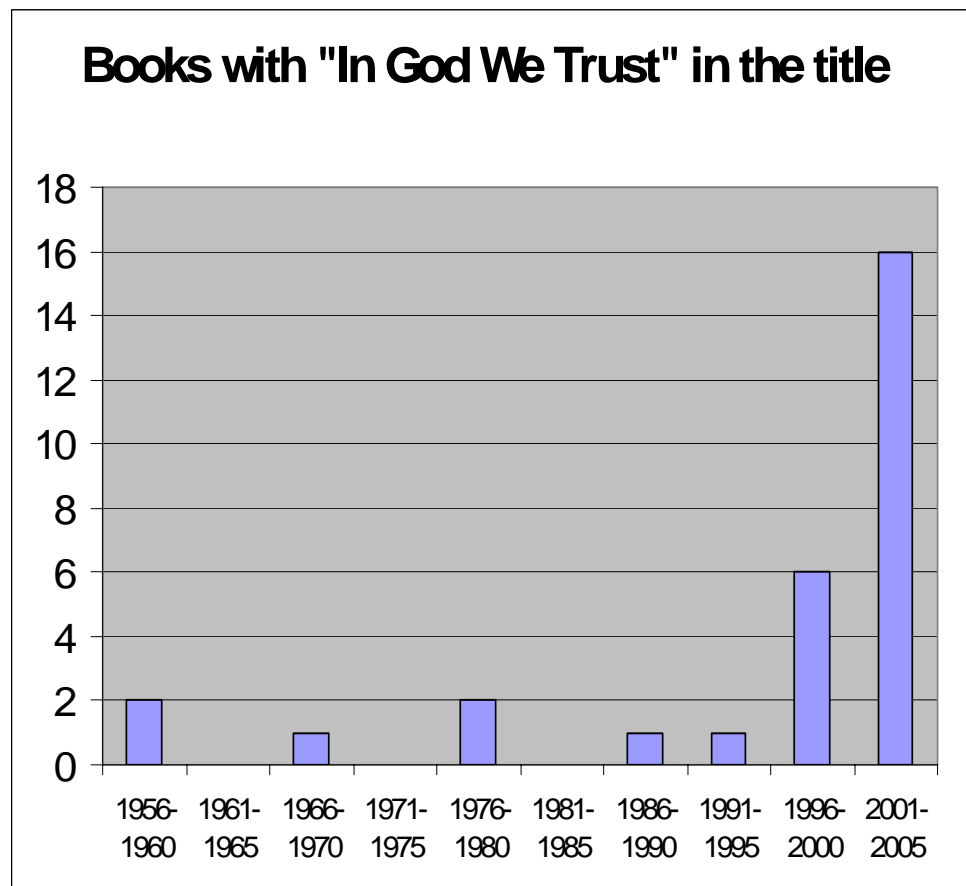


Figure P-1  
 (Showing the increasing number of books with "In God We Trust" in the title.)

## B. Other uses

Besides books, myriad other products and items that reference the motto. In fact, Plaintiff, without any preexisting knowledge whatsoever, was issued a program at a church service that had on its cover Defendants' motto, "In God We Trust," written under an open Bible, which was lying on an American flag. Pages 8-9 of this Appendix P.

This item is a stock item sold by Broadman & Holman, which describes itself as "a major publisher of Christian living, fiction, homeschool, youth, history, and other categories." A very similar pre-printed "bulletin" was encountered by Plaintiff at his work in El Paso, TX, where it was used in a religious, government-sponsored memorial service. That bulletin employed the nation's pledge of allegiance, rather than its motto, with the phrase, "one nation UNDER GOD" placed below a bald eagle in front of an American flag, with the words "Holy Bible" just above the Pledge excerpt. Pages 10-11 of this Appendix P.

The myriad other uses of "In God We Trust" found by Plaintiff have virtually all been purely religious, usually sold by Christian-based organizations. For example, The American Family Association (AFA) has an entire "In God We Trust" product line, consisting of a CD, a large magnet, and a poster (which can be purchased in sets of three, six, ten or twenty-five).<sup>1</sup> AFA describes itself as "America's Largest Pro-Family Action Site," and it has a number of subdivisions, including American Family Radio (which describes its purpose as "to inform Christians about what is happening in America. God had an additional reason for the stations — encouragement and inspiration to and for the body of Christ.");<sup>2</sup> AFR News (which "is a national Christian radio news service ... [whose] goal is to present the day's news from a Christian perspective.");<sup>3</sup> AgapePress (which claims to provide "Reliable News from a Christian Source.");<sup>4</sup> AFA Journal (which "will present a clear picture of what is happening in our culture from a Christian perspective.");<sup>5</sup> and the Center for Law and Policy (which "responds to the requests of Christians for legal representation."<sup>6</sup>

<sup>1</sup> Accessed at [https://store.afa.net/productcart/pc/viewCat\\_h.asp?idCategory=10](https://store.afa.net/productcart/pc/viewCat_h.asp?idCategory=10).

<sup>2</sup> Accessed at <http://www.afr.net/newafr/about.asp>.

<sup>3</sup> Accessed at <http://www.afr.net/newafr/afrnews.asp>.

<sup>4</sup> Accessed at <http://www.agapepress.org/>.

<sup>5</sup> Accessed at <http://www.afa.net/journal/subscribe.asp>.

<sup>6</sup> Accessed at <http://www.afa.net/clp/>. All these websites accessed on May 3, 2006.





## **Boone's Chapel Baptist Church**

**2301 CO RD 66  
Prattville, AL 36067  
(334) 365-4191  
[www.booneschapel.org](http://www.booneschapel.org)**

### **Worship Service**

**April 30, 2006**

**Call to Worship**

**"Return To God"**

**Welcome**

**Hymn #411**

**"Tis So Sweet To Trust In Jesus"**

**Offertory Hymn #410**

**"It Is Well With My Soul"**

*Worship with Tithes & Offerings*

**Special Music**

**Adult Choir**

**Message**

**Judge Roy Moore**

**Invitation**



**William Beaumont  
Army Medical Center Chapel  
Memorial Service**

**1300**

**12 January 2006**

**ORGAN PRELUDE**

**Bart Kennedy**

**INVOCATION**

**CH (MAJ) Clay Davis**

**COMMANDER'S REMARKS**

**COL James J. Leech  
WBAMC Commander**

**PSALM 23**

**Congregation**

*Reading #695 in Hymnal*

**EULOGY**

**MAJ Amanda Conley**

**SPECIAL POEM**

**Eric A. Sheeran**

**SPECIAL MUSIC**

**Bart Kennedy**

**SCRIPTURE READING**

**SGM (Ret.) John. L. Williams**

**MEDITATION**

**CH (CPT) Sung N. Kim**

**BENEDICTION**

**CH (CPT) Sung N. Kim**

**POSTLUDE**

**Bart Kennedy**

\*\*\*\*\*

The Band, Stryper has a CD entitled "In God We Trust" with a song of the same name. The chorus to that song goes as follows: "In God we trust. In Him we must believe. (He is the only way.) In God we trust. His Son we must receive. (Tomorrow's too late, accept Him today.)"<sup>7</sup> According to the "official" Stryper website, "Stryper stands for Salvation Through Redemption Yielding Peace, Encouragement and Righteousness." A Bible verse - Isaiah 53:5 - sits under their logo.

In God We Trust - Praise Hymns Soundtrack (CD includes 7 versions of a song entitled "In God We Trust.") is available from WorshipMusic.com, which "offers one of the best values in Christian music. Our mission is simple: to increase worship on the earth!"<sup>8</sup>

An "In God We Trust" Video is published by Calvary Chapel and sold on Christianbook.com. The website description states, "You'll be drawn into the heart of corporate praise when you join believers in Denver, Colorado, as they lift their hands and voices to glorify God. Worship leaders Richie Furay, Brenda Harp, Billy Batstone and others lead "Joy in the Morning," "You Reached Down," the dynamic "I Shall Not Be Moved," and more."<sup>9</sup> Christianbook.com's basic goal is "to offer customers the very best in Christian products at the best prices and with the best service around."<sup>10</sup> Christianbook.com also offers an "In God We Trust" silk tie,<sup>11</sup> and the "bulletin" used by the church Newdow attended. See at pages 8-9 of this Appendix P.<sup>12</sup> Christianbook.com's basic goal is "to offer customers the very best in Christian products at the best prices and with the best service around."<sup>13</sup>

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<sup>7</sup> Accessed at a website called "Christian Lyrics Online" on May 3, 2006, at <http://www.christianlyricsonline.com/artists/stryper/in-god-we-trust.html>.

<sup>8</sup> Accessed on May 4, 2006 at <http://www.worshipmusic.com/index.html>.

<sup>9</sup> Accessed on March 31, 2006 at

[http://www.christianbook.com/Christian/Books/product?item\\_no=559930&netp\\_id=106080&event=ESRCN&item\\_code=WW](http://www.christianbook.com/Christian/Books/product?item_no=559930&netp_id=106080&event=ESRCN&item_code=WW).

<sup>10</sup> Accessed on May 4, 2006 at

<http://www.christianbook.com/html/cms/general/CompanyProfile.html>.

<sup>11</sup> Accessed on May 4, 2006 at

[http://www.christianbook.com/Christian/Books/product?item\\_no=100211&netp\\_id=272725&event=ESRCN&item\\_code=WW#curr](http://www.christianbook.com/Christian/Books/product?item_no=100211&netp_id=272725&event=ESRCN&item_code=WW#curr).

<sup>12</sup> Accessed on May 4, 2006 at <http://www.christianbook.com/Christian/Books/curr>.

<sup>13</sup> Accessed on May 4, 2006 at

<http://www.christianbook.com/html/cms/general/CompanyProfile.html>.

An "In God We Trust" T-shirt (which has the Christian ichthus symbol with American Flag and In God We Trust phrase) is made by Living Epistles.<sup>14</sup> Living Epistles states that "Our mission since 1983 has been to provide quality Christian witnessing tools to believers all over the country and the world, which communicate the Gospel of Jesus Christ and assist them in sharing their faith and building stronger community."<sup>15</sup>

Another conflation of God and Country is seen in the "In God I Trust" Baseball Cap, with the motto placed under the American Flag. This item is sold at besttoyou.com (Christian Gifts).<sup>16</sup> "We at Best to You® ... truly look for items with messages that are Biblically based, and if the message isn't there, we know it's not meant to be a part of the Best to You® offer."<sup>17</sup>

Four different Rosary Cards – displaying images of Jesus and other Christian figures with the phrase In God We Trust – are also available,<sup>18</sup> as are figurines titled "Glory - In God We Trust." These are comprised of angels with an American flag.<sup>19</sup>

An "In God We Trust" Flash Movie can be found on InterviewWithJesus.com. This video shows quotes from our founding fathers etc... promoting the relationship between God and our country.<sup>20</sup> InterviewWithJesus.com contains "Inspirational Presentations for Personal Enrichment, Worship Services, & Bible Studies."<sup>21</sup>

Plaintiff has on the order of 60 more religiously-based uses of the motto, which – if necessary – he can present at trial. Rare, indeed, are the uses of the motto which are not religiously-based.

<sup>14</sup> Accessed on March 31, 2006 at [www.livingepistlesstore.com/Merchant2/merchant.mv?Screen=PROD&Store\\_Code=LES&Product\\_Code=MAI2&Category\\_Code=MP](http://www.livingepistlesstore.com/Merchant2/merchant.mv?Screen=PROD&Store_Code=LES&Product_Code=MAI2&Category_Code=MP)).

<sup>15</sup> Accessed on May 4, 2006 at <http://www.livingepistles.com/community.asp>.

<sup>16</sup> Accessed on March 31, 2006 at [http://www.besttoyou.com/cgi-bin/BestToYou.storefront/442f02d6007f66c49c4ec0a80ae806dd/Product/View/94335?wt\\_cat=SearchResults&wt\\_subcat=](http://www.besttoyou.com/cgi-bin/BestToYou.storefront/442f02d6007f66c49c4ec0a80ae806dd/Product/View/94335?wt_cat=SearchResults&wt_subcat=).

<sup>17</sup> Accessed on May 4, 2006 at <http://www.besttoyou.com/cgi-bin/BestToYou.storefront/445a9973010b90369c4dc0a80a7306d9/UserTemplate/116>)

<sup>18</sup> Accessed on May 4, 2006 at <http://www.rosarycard.net/jesus.jsp>.

<sup>19</sup> Accessed on May 4, 2006 at [http://www.gocollect.com/Catalog/product.aspx?id=99170&cat\\_id=3670](http://www.gocollect.com/Catalog/product.aspx?id=99170&cat_id=3670).

<sup>20</sup> Accessed on May 4, 2006 at <http://www.interviewwithgod.com/patriotic/highband.htm>.

<sup>21</sup> Accessed May 4, 2006 <http://www.interviewwithgod.com>.

**APPENDIX Q**

**SAMPLING THE 109<sup>TH</sup> CONGRESS DEMONSTRATES THAT “IN GOD WE TRUST” HAS PURELY RELIGIOUS MEANING**

The following sampling of the Congressional Record for the 109<sup>th</sup> Congress demonstrates that the motto is not “ceremonial,” “historical,” “an acknowledgement” or any other bogus claim used to justify Defendants’ constitutional violation. It’s purely religious.

\*\*\*\*\*

[T]he people derive their power from the Almighty.

151 Cong. Rec. H442 (Tuesday, February 28, 2006 Remarks of Rep. Tom Price (GA). Rep. Price was following a statement by Rep. Virginia Foxx (NC), who had just noted that those who would “take the words ‘In God We Trust’ off of our money, [and] the words ‘Under God’ out of our pledge ... would take away our freedoms.”).

\*\*\*\*\*

I thank God, the very God we see inscribed above the Speaker’s chair, where it says “In God we trust,” ... I am praying to that same God that it prevails in the Middle East.

151 Cong. Rec. H8916 (Tuesday, October 18, 2005 Rep. Remarks of Rep. Louie Gohmert (TX)).

\*\*\*\*\*

Saying the Pledge of Allegiance is no more of a religious act than buying food with currency that reads “In God We Trust.” ... [T]he Bill of Rights is there to protect our God-given rights. ... I will close by saying this: God bless America.

151 Cong. Rec. S10183 (Monday, September 19, 2005 Remarks of Sen. George Allen (VA)).

\*\*\*\*\*

[O]ne of our great American values ... is our common conviction that America is a nation that seeks the will and enjoys the protection of Divine Providence.

151 Cong. Rec. 10105 (Thursday, September 15, 2005 Remarks of Sen. Jim Talent (MO) (following remarks of Sen. Jim DeMint (SC)).

\*\*\*\*\*

“One nation under God” is no more the establishment or endorsement of religion than our national motto, “in God we trust,” which is here above our door and above the Speaker’s chair on the other side of the Capitol; ... if we lose humility that comes with the belief in a creator, our children and grandchildren will inherit an arrogant nation that has little hope for the future.

151 Cong. Rec. S10104 (Thursday, September 15, 2006 Remarks of Sen. Jim DeMint (SC)).

\*\*\*\*\*

I rise today to affirm that we are one Nation under God. ... [T]oday, U.S. District Judge Lawrence Karlton ruled that the pledge’s reference to one nation “under God” violates schoolchildren’s right to be “free from a coercive requirement to affirm God.” ... Will this judge also take away American schoolchildren’s milk money emblazoned with the words, “In God We Trust?” ... As President Eisenhower stated, God is America’s most powerful resource. ... Only under the watchful eye of God can all we hope for be accomplished and all we dream of come true.

151 Cong. Rec. E1837 (Wednesday, September 14, 2005 Remarks of Rep. Nick J. Rahall, II (WV)).

\*\*\*\*\*

Loving God, bless all those who work for the U.S. House of Representatives. ... Renew this Nation in its trust of Your divine providence. ... For this Chamber proclaims what America prays: “In God we trust” now and forever. Amen.

151 Cong. Rec. H6385-86 (Monday, July 25, 2005 Prayer of House Chaplain Rev. Daniel P. Coughlin.).

\*\*\*\*\*

Here in America, we have been so deeply blessed, and just as the words above the Speaker’s head say, in God we do trust. ... Mr. Speaker, God has blessed America, and with the youth and vitality as demonstrated in Green Acres Baptist Church, I know that we will in the future be blessed by God.

151 Cong. Rec. H5615 (Monday, July 11, 2005 Remarks of Rep. Louie Gohmert (TX)).

\*\*\*\*\*

[A]bove the Speaker's chair in the people's house are boldly written the words "In God we trust." God. We, the House of Representatives, acknowledge God and have for over 200 years.

We can and must acknowledge God in public life and in a way that equally respects the Muslim, the Jew, the Christian, the Buddhist, and all people of faith. For when we do, God will continue to bless America.

151 Cong. Rec. H5261 (Tuesday, June 28, 2005 Remarks of Rep. Jeb Hensarling (TX)).

\*\*\*\*\*

Our Nation has suffered through more than forty years of activist judges wandering in their anti-religion desert, a desert hostile to Christians and Jews and devoid of Constitutional boundaries. Let my people go! It will take another Moses to lead us out of the desert and back to the Promised Land of our Founding Fathers, a land wisely provided for and abundantly blessed by God.

151 Cong. Rec. E695 (Tuesday, April 19, 2005 Remarks of Rep. Lamar S. Smith (TX), citing the statement of Rep. Steve King (IA) from March 6, 2005).

\*\*\*\*\*

At the end of your National Anthem, one finds these words: "Then conquer we must, when our cause it is just, And this be our motto: 'In God is our trust!' " America: may your trust always be in God and in none other.

151 Cong. Rec. E539 (Tuesday, April 5, 2005 Remarks of Rep. Mark E. Souder (IN), citing the statement of Pope John Paul II from October 8, 1995).

\*\*\*\*\*

"[T]he fact [is] that Government derives its authority from God."

151 Cong. Rec. H991 (Tuesday, March 8, 2005 Remarks of Rep. Cliff Stearns (FL), citing United States Associate Justice Antonin Scalia's words during the "opening arguments" heard the previous week in the "two cases about the public display of the Ten Commandments").

\*\*\*\*\*