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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

Civil Action No. 13-CIV-741

AMENDED COMPLAINT

ROSALYN NEWDOW;
KENNETH BRONSTEIN;
BENJAMIN DREIDEL;
NEIL GRAHAM;
JULIE WOODWARD;
JAN AND PAT DOE; DOE-CHILD1 AND DOE-CHILD2;
ALEX AND DREW ROE; ROE-CHILD1, ROE-CHILD2, AND ROE-CHILD3;
VAL AND JADE COE; COE-CHILD1 AND COE-CHILD2;
NEW YORK CITY ATHEISTS;
FREEDOM FROM RELIGION FOUNDATION;

Plaintiffs,

v.

THE CONGRESS OF THE UNITED STATES OF AMERICA;
THE UNITED STATES OF AMERICA;
JACOB J. LEW, SECRETARY OF THE TREASURY;
RICHARD A. PETERSON, ACTING DIRECTOR, UNITED STATES MINT;
LARRY R. FELIX, DIRECTOR, BUREAU OF ENGRAVING AND PRINTING;

Defendants.

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Defendants.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

Newdow v. The Congress of the United States

13-CIV-741

Amended Complaint

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“Congress shall make no law respecting an establishment of religion ...”

- U.S. Const. amend. I

“Our national coinage in its devices and legends should indicate the Christian character of our nation, and declare our trust in God.”

- 1862 Annual Report of the Director of the Mint

“We claim to be a Christian nation -- ... Our national coinage ... should declare our trust in God -- in Him who is the ‘King of Kings and Lord of Lords.’”

- 1863 Annual Report of the Director of the Mint

“Why should this distinct and unequivocal recognition of the sovereignty of God, of Him who is ‘the King of kings and Lord of lords,’ be confined to our bronze coinage? ... Let our nation in its coinage honor Him”

- 1864 Annual Report of the Director of the Mint

“[T]he gold and silver coins of the mint of the United States will have impressed upon them, by national authority, the distinct and unequivocal recognition of the sovereignty of God, and our nation’s trust in Him. We have added to our nation’s honor by honoring Him who is ‘King of kings and Lord of lords.’”

- 1865 Annual Report of the Director of the Mint

“‘Happy is that nation whose God is the Lord.’”

- 1866 Annual Report of the Director of the Mint

1 Plaintiffs in this action challenge the use of the phrase “In God We Trust” on the nation’s
2 money. They do so alleging as follows:

3
4 **JURISDICTION AND VENUE**
5

- 6 1. This is a civil action claiming violations of the First and Fifth Amendments of the
7 Constitution of the United States of America. As such, this Court has jurisdiction under 28
8 U.S.C. § 1331.
- 9 2. This is a civil action claiming violations of 42 U.S.C. § 2000bb through § 2000bb-4
10 (2012), the Religious Freedom Restoration Act of 1993 (RFRA). As such, this Court has
11 jurisdiction under 42 U.S.C. § 2000bb-1(c) and 28 U.S.C. § 1331.
- 12 3. This action is founded in part upon the Constitution of the United States of America. As
13 such, this Court has jurisdiction over Defendant United States of America under 28 U.S.C.
14 § 1346(a)(2).
- 15 4. This action is in the nature of mandamus and seeks to compel the Congress of the United
16 States of America, the United States of America, its agents and its officers to perform their
17 duties owed Plaintiff under the terms of the First and Fifth Amendments of the
18 Constitution of the United States and under RFRA. As such, this Court has jurisdiction
19 under 28 U.S.C. § 1361.
- 20 5. Defendants are each an officer or employee of the United States, an agency of the United
21 States, or the United States. Each individual Plaintiff resides in and/or has a dwelling in
22 this judicial district. Venue is therefore proper under 28 U.S.C. § 1391(e)(1)(C).
- 23 6. A substantial part of the events or omissions giving rise to this claim occurred, occur, or
24 will occur in the Southern District of New York. Venue is therefore proper under 28
25 U.S.C. § 1391(b)(2) and § 1391(e)(1)(B).

1 **PARTIES**

2
3 **A. PLAINTIFFS**

4
5 7. Plaintiff Rosalyn Newdow is a citizen of the United States who pays federal taxes each
6 year. Although she resides in New Jersey, she also has an apartment in Manhattan, where
7 she frequently handles United States currency. She is an Atheist and thus definitely does
8 not trust in any God. She is a numismatist, whose purchases of coin sets from Defendant
9 United States Mint date back at least forty years. Because of the “In God We Trust”
10 verbiage, however, she has felt obligated to stop purchasing the coin sets, thus being
11 deprived of the pleasure and the investment opportunity she would otherwise partake of.
12 When she looks at the coin sets she still possesses, she is personally unwillingly forced to
13 confront this phrase, which she finds offensive. She is also unwillingly forced to confront
14 this phrase when she receives mailers, etc., from the United States Mint, and when she
15 episodically gazes at the coins and currency bills she uses in general commerce.
16 Moreover, she not only is forced to bear a religious message she absolutely denies, but she
17 is forced to make a completely false declaration as to her religious views. Plaintiff
18 Newdow has also personally been involved in or witnessed discussions where references
19 to the “In God We Trust” motto on the money have been used to bolster the claim that the
20 government may disregard her Atheistic views and to suggest that Atheists should leave
21 the country if they don’t like having the money inscribed with the “In God We Trust”
22 motto. Because Defendants’ decisions to inscribe those words on the money essentially
23 force her to carry the message “In God We Trust,” Plaintiff Newdow’s ability to practice
24 her Atheism free from governmental interference is substantially burdened. More
25 egregiously, she is forced to proselytize for Monotheism when she travels to foreign
26 countries (which she does with some regularity), as she exchanges United States currency
27 for local money. Plaintiff Newdow is a member of NYC Atheists and the Freedom From
28 Religion Foundation.

29
30 8. Plaintiff Kenneth Bronstein is a citizen of the United States who pays federal taxes each
31 year. He resides in this judicial district. He is an Atheist and thus definitely does not trust
32 in any God. He is a numismatist, whose purchases of coins from Defendant United States

1 Mint date back over sixty years. Because of the “In God We Trust” verbiage, however, he
2 has opted not to purchase some coins, thus being deprived of an investment opportunity as
3 well as the enjoyment of the hobby. When he looks at the coins he still has, he is
4 personally unwillingly forced to confront the “In God We Trust” phrase, as he is also
5 unwillingly forced to do when he receives mailers, etc., from the United States Mint, and
6 when he episodically gazes at the coins and currency bills he uses in general commerce.
7 Moreover, he not only is forced to bear a religious message he absolutely denies, but he is
8 forced to make a completely false declaration as to his religious views. Plaintiff Bronstein
9 has also personally been involved in or witnessed discussions where references to the “In
10 God We Trust” motto on the money have been used to bolster the claim that the
11 government may disregard his Atheistic views and to suggest that Atheists should leave
12 the country if they don’t like having the money inscribed with the “In God We Trust”
13 motto. Because Defendants’ decisions to inscribe those words on the money essentially
14 force him to carry the message “In God We Trust,” Plaintiff Bronstein’s ability to practice
15 his Atheism free from governmental interference is substantially burdened. More
16 egregiously, he is forced to proselytize for Monotheism when he travels to foreign
17 countries (which he does with some regularity), as he exchanges United States currency
18 for local money. Plaintiff Bronstein is a member and the current president of NYC
19 Atheists.

- 20
- 21 9. Plaintiff Benjamin Dreidel is a citizen of the United States who pays federal taxes each
22 year. He resides in this judicial district. He considers himself a Naturalist and Atheist and
23 thus definitely does not trust in any God. He has personally been unwillingly forced to
24 confront the “In God We Trust” verbiage whenever he gazes at the coins and currency
25 bills he uses in general commerce in this judicial district. Moreover, he not only is forced
26 to bear a religious message he absolutely denies, but he is forced to make a completely
27 false declaration as to his religious views. Because he feels the “In God We Trust” phrase
28 assigns him to a “they” rather than to a “we” status among his fellow Americans, he
29 personally lines out the offensive portions of the “In God We Trust” phrase on the paper
30 currency that comes into his possession. Additionally, he has personally been involved in
31 or witnessed discussions where references to the “In God We Trust” motto on the money

1 have been used to bolster the claim that the government may disregard his Atheistic views
2 and to suggest that Atheists should leave the country if they don't like having the money
3 inscribed with the "In God We Trust" motto. Because Defendants' decisions to inscribe
4 those words on the money essentially force him to carry the message "In God We Trust,"
5 Plaintiff Dreidel's ability to practice his Atheism free from governmental interference is
6 substantially burdened. Plaintiff Dreidel is a member of the Freedom From Religion
7 Foundation.

8
9 10. Plaintiff Neil Graham is a citizen of the United States who pays federal taxes each year.
10 He resides in this judicial district. He considers himself an Atheist and thus definitely does
11 not trust in any God. He feels the "In God We Trust" language is so alienating that he has
12 altered his behavior to use as little cash as possible. Nonetheless, he continues to be
13 personally unwillingly forced to confront the "In God We Trust" verbiage whenever he
14 gazes at the coins and currency bills he uses in general commerce in this judicial district.
15 He writes, "Every time I look at coins and currency bills, I am reminded that myself and
16 my family are second-class citizens due to my/our religious beliefs." Moreover, he not
17 only is forced to bear a religious message he absolutely denies, but he is forced to make a
18 completely false declaration as to his religious views. He has personally been involved in
19 or witnessed discussions where references to the "In God We Trust" motto on the money
20 have been used to bolster the claim that the government may disregard his Atheistic views
21 and to suggest that Atheists should leave the country if they don't like having the money
22 inscribed with the "In God We Trust" motto. Because Defendants' decisions to inscribe
23 those words on the money essentially force him to carry the message "In God We Trust,"
24 Plaintiff Graham's ability to practice his Atheism free from governmental interference is
25 substantially burdened. Plaintiff Graham is a member of the Freedom From Religion
26 Foundation.

27
28 11. Plaintiff Julie Woodward is a citizen of the United States who pays federal taxes each
29 year. She resides in this judicial district. She considers herself a Secular Humanist and
30 thus definitely does not trust in any God. She handles United States money on a regular
31 basis, and (in so doing) senses that government – by placing "In God We Trust" on each

1 of its coins and currency bills – is falsely attributing to her a religious belief with which
2 she disagrees. Unwillingly, she has witnessed Defendants’ flyers and other advertising
3 materials for currency prominently displaying the “In God We Trust” motto. These
4 sightings reinforce to her that her beliefs are neither being reflected, honored or protected
5 by her government. Moreover, she not only is forced to bear a religious message she
6 absolutely denies, but she is forced to make a completely false declaration as to her
7 religious views. Plaintiff Woodward is also a teacher who has, at times, taught the
8 mathematics of coins and currency to elementary school children. With “In God We
9 Trust” on each monetary instrument, she is personally placed in the uncomfortable
10 position of being complicit in the teaching of what she believes is a religious statement to
11 her students. Because Defendants’ decisions to inscribe those words on the money
12 essentially force her to carry the message “In God We Trust” (and, at least passively, to
13 convey that message to the students she teaches), Plaintiff Woodward’s ability to practice
14 her Secular Humanism free from governmental interference is substantially burdened.
15 More egregiously, she is forced to proselytize for Monotheism when she travels to foreign
16 countries (which she does with some regularity), as she exchanges United States currency
17 for local money. Plaintiff Woodward is a member of the Freedom From Religion
18 Foundation.

19
20 12. Plaintiffs Jan and Pat Doe¹ are citizens of the United States who pay federal taxes each
21 year. They reside within this judicial district. They are both Atheists and thus definitely do
22 not trust in any God. Consequently, they are forced to bear a religious message they
23 absolutely deny, and are forced to make a completely false declaration as to their religious
24 views. They are also the parents of Doe-Child1 and Doe-Child2, whom they are raising to
25 question the existence of any God. Defendants’ placement of “In God We Trust” on the
26 coins and currency interferes with their parental decisions in this regard. Because the
27 manner in which they raise their children in terms of religion is an integral part of their
28 own beliefs, Defendants’ actions substantially burden their ability to practice their
29 Atheism. Jan and Pat Doe are members of NYC Atheists.

¹ The Doe, Roe, and Coe plaintiffs are all using pseudonyms.

1 13. Doe-Child1 and Doe-Child2 are minor children who are being raised by their parents, Jan
2 and Pat Doe. They have had, continue to have, and will in the future have regular and
3 frequent contacts with the nation's money. When they are confronted with "In God We
4 Trust" on every coin and currency bill they handle or learn about in school, the power and
5 prestige of the federal government is brought to bear upon them with the message that
6 their parents' Atheism is false. Additionally, they are taught to carry and promote a
7 religious message their parents deny, and to also make a completely false declaration as to
8 what is likely to be their own religious view on the matter of God's existence. Moreover,
9 they suffer alienation and other harms as they find that, solely on the basis of sincere
10 religious beliefs, their family exists as a collection of outsiders in their own homeland.
11

12 14. Plaintiffs Alex and Drew Roe are citizens of the United States who pay federal taxes each
13 year. They reside within this judicial district. One is an Atheist, the other an Agnostic.
14 Both definitely do not trust in any God. Accordingly, by using United States coins and
15 currency bills, they are forced to bear a religious message they absolutely deny, and are
16 forced to make a completely false declaration as to their religious views. The Roes are the
17 parents of Roe-Child1, Roe-Child2, and Roe-Child3, whom they are raising to believe that
18 there is no God. Defendants' placement of "In God We Trust" on the coins and currency
19 undermines the Roes' parental roles rearing their children adherent to their family's
20 religious values. Because the manner in which they raise their children in terms of religion
21 is an integral part of their own beliefs, the actions of Defendants being challenged in this
22 case substantially burden the Roes' ability to follow their religious choices. Alex and
23 Drew Roe are members of the Freedom From Religion Foundation.
24

25 15. Roe-Child1, Roe-Child2, and Roe-Child3 are minor children who are being raised by their
26 parents, Alex and Drew Roe. They have had, continue to have, and will in the future have
27 regular and frequent contacts with the nation's money. When they are confronted with "In
28 God We Trust" on every coin and currency bill they handle or learn about in school, the
29 power and prestige of the federal government is brought to bear upon them with the
30 message that their parents' Atheism is false. Additionally, they are taught to carry and
31 promote a religious message their parents deny, and to also make a completely false

1 declaration as to what is likely to be their own religious view on the matter of God's
2 existence. Moreover, they suffer alienation and other harms as they find that, solely on the
3 basis of sincere religious beliefs, their family exists as a collection of outsiders in their
4 own homeland.

5
6 16. Plaintiffs Val and Jade Coe are citizens of the United States who pay federal taxes each
7 year. They reside within this judicial district. They are both Atheists and thus definitely do
8 not trust in any God. Accordingly, by using United States coins and currency bills, they
9 are forced to bear a religious message they absolutely deny, and are forced to make a
10 completely false declaration as to their religious views. They are also the parents of Coe-
11 Child1 and Coe-Child2, whom they are raising to question the existence of any God.
12 Defendants' placement of "In God We Trust" on the coins interferes with their parental
13 decisions in this regard. Because the manner in which they raise their children in terms of
14 religion is an integral part of their own beliefs, Defendants' actions substantially burden
15 their ability to practice their Atheism. Jan and Pat Coe are members of NYC Atheists.

16
17 17. Coe-Child1 and Coe-Child2 are minor children who are being raised by their parents, Val
18 and Jade Coe. They have had, continue to have, and will in the future have regular and
19 frequent contacts with the nation's money. When they are confronted with "In God We
20 Trust" on every coin and currency bill they handle or learn about in school, the power and
21 prestige of the federal government is brought to bear upon them with the message that
22 their parents' Atheism is false. Additionally, they are taught to carry and promote a
23 religious message their parents deny, and to also make a completely false declaration as to
24 what is likely to be their own religious view on the matter of God's existence. Moreover,
25 they suffer alienation and other harms as they find that, solely on the basis of sincere
26 religious beliefs, their family exists as a collection of outsiders in their own homeland.

27
28 18. Plaintiff NYC Atheists (NYCA) is an association of Atheists, Agnostics, Freethinkers,
29 Humanists, and Skeptics established as a 501(c)(3) educational group in 2003. NYCA
30 works to ensure equality for all religious belief systems by advocating for the separation
31 of church and state. Located in New York City, NYCA has members in more than twenty

1 states. As a “person,” NYCA is aggrieved by the presence of the purely religious words
2 “In God We Trust” on the nation’s coins and currency bills. NYCA has other members (in
3 addition to the plaintiff members already listed) who live in and have children in this
4 judicial district. Those individuals also confront the offensive phrase with regularity and
5 frequency when they, too, handle money. Accordingly, those other members suffer the
6 same or similar harms as alleged in this Complaint.

7

8 19. Plaintiff Freedom From Religion Foundation (FFRF) is a national association of
9 Freethinkers (i.e., Atheists and Agnostics), established as a 501(c)(3) educational group in
10 1978, which works to keep church and state separate. The Foundation, based in Madison,
11 Wisconsin, has members in every state, including New York. Current total membership is
12 nearly 19,000, of which more than 1,000 are from the State of New York. FFRF – as a
13 “person” – is aggrieved by the presence of the purely religious words “In God We Trust”
14 used on the nation’s coins and currency bills. Furthermore, the approximately 150 other
15 members who reside in this judicial district (who are not among the individual plaintiffs
16 listed) also confront the offensive phrase with regularity and frequency when they, too,
17 handle money. Accordingly, those other members suffer the same or similar harms as
18 alleged in this Complaint.

1 **B. DEFENDANTS**

2
3 20. Defendant the Congress of the United States of America is the branch of government
4 granted all legislative powers under Article I, Section 1, of the United States Constitution.

5
6 21. Defendant the United States of America is the constitutionally established government of
7 the United States of America.

8
9 22. Defendant Jacob J. Lew is being sued in his official capacity as the nation's Secretary of
10 the Treasury. Pursuant to 31 U.S.C. § 301(b), he is "head of the Department [of the
11 Treasury]." Pursuant to 31 U.S.C. § 321(a)(4), Defendant Lew "shall ... mint coins, [and]
12 engrave and print currency."

13
14 23. Defendant Richard A. Peterson is being sued in his official capacity as the Acting Director
15 of the Mint. "The primary mission of the United States Mint is to serve the American
16 people by manufacturing and distributing circulating, precious metal and collectible coins
17 and national metals, and providing security over assets entrusted to us."² Defendant
18 Peterson, pursuant to 31 U.S.C. § 304(b)(2), "shall carry out duties and powers prescribed
19 by the Secretary of the Treasury."

20
21 24. Defendant Larry R. Felix is being sued in his official capacity as the Director of the
22 Bureau of Engraving and Printing (BEP). According to the BEP website, "The mission of
23 the Bureau of Engraving and Printing (BEP) is to develop and produce United States
24 currency noted, trusted worldwide. As its primary function, the BEP prints billions of
25 dollars – referred to as Federal Reserve Notes – each year for delivery to the Federal
26 Reserve System."³ Defendant Felix, pursuant to 31 U.S.C. § 303(b)(1), "shall carry out
27 duties and powers prescribed by the Secretary [of the Treasury]."

² U.S. Mint, *About the United States Mint*, www.usmint.gov/about_the_mint/ (last visited on Apr. 17, 2013).

³ Bureau of Engraving and Printing, U.S. Dep't of the Treas., *About the BEP*, www.moneyfactory.gov/aboutthebep.html (last visited on Apr. 17, 2013).

1 **INTRODUCTION**

2
3 25. The Bill of Rights begins “Congress shall make no law respecting an establishment of
4 religion.”⁴ This phrase is known as the Establishment Clause.

5 26. Pursuant to the Establishment Clause, “[t]he government may not ... lend its power to one
6 or the other side in controversies over religious ... dogma.”⁵

7 27. 31 U.S.C. § 5112(d)(1)⁶ and 31 U.S.C. § 5114(b),⁷ respectively, mandate that the words
8 “In God We Trust” be inscribed on every coin and currency bill.

9 28. 36 U.S.C. § 302 codifies that phrase as the nation’s motto.⁸ This motto has recently been
10 “reaffirmed” by Defendant the Congress of the United States of America.⁹

11 29. As some of that body’s own members have recognized, however, “[b]y aggressively
12 pursuing a vehicle that places the government in the position of making an affirmatively
13 religious statement, [Congress] has transgressed the clear line between government and
14 religion in violation of the Establishment Clause of the First Amendment.”¹⁰

15 30. That statement accurately reflects both the text of the Establishment Clause and the
16 mountain of principled statements that can be found in the Supreme Court’s Establishment
17 Clause jurisprudence. Surely, by declaring “In God We Trust,” government has lent its
18 power to one side of perhaps the greatest of all “controversies over religious ... dogma.”

19 31. Because Plaintiffs here deny God’s existence, they have suffered (and continue to suffer)
20 adverse consequences caused by the inscription of “In God We Trust” on the money.

21 32. Accordingly, Plaintiffs object to the constitutional transgressions referenced in paragraph
22 29, *supra*, and they seek to have those transgressions terminated by this court.

⁴ U.S. Const. amend. I.

⁵ *Employment Div. v. Smith*, 494 U.S. 872, 877 (1990).

⁶ “United States coins shall have the inscription ‘In God We Trust’.” 31 U.S.C. § 5112(d)(1) (2012).

⁷ “United States currency has the inscription ‘In God We Trust’ in a place the Secretary decides is appropriate.” 31 U.S.C. § 5114(b) (2012).

⁸ “‘In God we trust’ is the national motto.” 36 U.S.C. § 302 (2012).

⁹ H.R. Con. Res. 13, 112th Cong. (2011). Similar “reaffirmations” were passed by the Senate in 2006 (S. Con. Res. 96, 109th Cong.) and by both the House and the Senate in 2002 (An Act to Reaffirm the Reference to One Nation Under God in the Pledge of Allegiance, Pub. L. No. 107-293, 116 Stat. 2057).

¹⁰ H.R. Rep. No. 112-47, 112th Cong., at 6 (2011).

1 **HISTORICAL BACKGROUND**

2
3 **A. HISTORY OF AMERICAN RELIGIOUS FREEDOM**

4
5 33. The text of the Constitution of the United States does not reference any deity. This is in
6 striking contrast to the Articles of Confederation it replaced,¹¹ to the state constitutions
7 then in existence,¹² to the Declaration of Independence,¹³ and even to Virginia's Act for
8 Religious Freedom.¹⁴

9 34. Thus, there is no reference to God in the Preamble to the United States Constitution.¹⁵

10 35. Similarly, the only oath in the Federal Constitution is completely secular.¹⁶

¹¹ The Articles of Confederation (1781) referenced "the Great Governor of the World." See Art. XIII, *available at* www.ourdocuments.gov/doc.php?doc=3&page=transcript.

¹² In four states, governmental officials were required to be Protestant (New Jersey, Georgia, North Carolina and South Carolina). Delaware 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." 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." Although the two remaining state constitutions (i.e., those of New York and Virginia) did not have religious test oaths, neither prohibited such a requirement. Only the federal constitution contained this unique notion. *All available at* Center for Constitutional Studies Source Documents, www.nhinet.org/ccs/docs.htm and/or Colonial Charters, Grants and Related Documents, http://avalon.law.yale.edu/subject_menus/18th.asp.

¹³ The Declaration of Independence (1776) has four references to a supernatural power: "Nature's God," "their Creator," "the Supreme Judge of the World," and "Divine Providence." See www.archives.gov/exhibits/charters/declaration_transcript.html.

¹⁴ The Act, passed by Virginia's General Assembly on January 16, 1786, began: "Whereas, Almighty God hath created the mind free" Va. Code Ann. § 57-1 (2012). It also speaks of "the Holy author of our religion." *Id.*

¹⁵ "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." U.S. Const. pmb1.

¹⁶ "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.'" U.S. Const. art. II, § 1, cl. 8.

1 36. Moreover, the Constitution specifically states that “no religious test shall ever be required
2 as a qualification to any office or public trust under the United States.”¹⁷

3 37. In other words, as James Madison (the “Father of the Constitution”¹⁸) wrote: “There is not
4 a shadow of right in the general government to intermeddle with religion. Its least
5 interference with it would be a most flagrant usurpation.”¹⁹

6
7 38. The extent to which this governmental design was meant to apply can be seen by
8 examining the very first statute of the government of the United States.

9 39. That statute, promulgated by the First Federal Congress and signed into law by President
10 Washington, had its inception on April 6, 1789, when a quorum was finally obtained in
11 both houses of Congress.

12 40. Meeting in this city (i.e., in New York City), the members of the House of Representatives
13 recognized that, pursuant to the Constitution’s Article VI, they “shall be bound by Oath or
14 Affirmation, to support this Constitution.”

15 41. Accordingly, the House members resolved:

16 That the form of the oath to be taken by this House, as required by
17 the third clause of the sixth article of the Constitution of the
18 Government of the United States, be as followeth, to wit: “I, A B, a
19 Representative of the United States in the Congress thereof, do
20 solemnly swear (or affirm, as the case may be) **in the presence of**
21 **Almighty GOD**, that I will support the Constitution of the United
22 States. **So help me God.**”²⁰

23
24 42. Consequentially, on April 8, 1789, this oath was subscribed to by thirty-four of the thirty-
25 six House members who attended the Congress after arriving in New York.²¹

¹⁷ U.S. Const. art. VI, cl. 3.

¹⁸ See White House, *James Madison*, www.whitehouse.gov/history/presidents/jm4.html (last visited Apr. 17, 2013).

¹⁹ 3 *The Debates in the Several State Conventions ... 1787* 330 (J. Elliot ed., 2d ed. 1836), available at http://press-pubs.uchicago.edu/founders/documents/amendI_religions49.html.

²⁰ 1 *Annals of Cong.* 101 (1789) (J. Gales ed. 1834), <http://memory.loc.gov/cgi-bin/ampage?collId=llac&fileName=001/llac001.db&recNum=51> (enter p. 101) (emphases added).

²¹ *Id.* at 106.

- 1 43. Despite this precedent, Congress reconsidered the oath (pursuant to “the third clause of
2 the sixth article of the Constitution”). In fact, the oath was addressed in some manner
3 sixteen times during that April and May.²²
- 4 44. The result was a revised oath specified in the nation’s first statute: “An Act to Regulate
5 the Time and Manner of Administering Certain Oaths.”²³ The revised oath was identical
6 to the oath that had been taken, except that three phrases were deleted.
- 7 45. The first deleted phrase was “a representative of the United States in the Congress
8 thereof.” This was because the new oath would not only be required for our federal
9 legislators, it would be mandatory for “the members of the several State Legislatures, and
10 all executive and judicial officers of the several States”²⁴ as well.
- 11 46. The second and third deleted phrases were “in the presence of Almighty GOD” and “So
12 help me God.” Accordingly, signed into law on June 1, 1789, was “the oath or affirmation
13 required by the sixth article of the Constitution ... : ‘I, A.B., do solemnly swear or affirm
14 (as the case may be) that I will support the Constitution of the United States.’”
- 15 47. In other words, **the very first statute of the government of the United States involved**
16 **the specific and affirmative removal of the two references to God** in the oath of office
17 that had already been used by Congress itself.
- 18
- 19 48. This choice to remove references to God from the oath of office was the approach the first
20 Congress took **before** the Bill of Rights was introduced in the First Federal Congress.
- 21 49. That introduction was made one week after the Oath Act was signed into law, when James
22 Madison proposed that “[t]he civil rights of none shall be abridged on account of religious
23 belief or worship, nor shall any national religion be established, nor shall the full and
24 equal rights of conscience be in any manner, or on any pretext, infringed.”²⁵

²² Actions related to formulating the oath occurred on nine different occasions in the House (April 6, 14, 16, 20, 22, 25, 27 and May 6, with the Speaker signing the bill on May 21) and on seven different occasions in the Senate (April 28, 29 and May 2, 4, 5, 7, with the Vice President signing the bill on May 22).

²³ 1 Stat. 23 (1789), available at <http://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=001/llsl001.db&recNum=2> (enter p. 23).

²⁴ *Id.* at 24. A separate oath – also with no reference to God – was specified for Secretary of the Senate and the Clerk of the House of Representatives. *Id.*

²⁵ 1 Annals of Cong. 451 (1789) (J. Gales ed. 1834), available at <http://memory.loc.gov/cgi-bin/ampage?collId=llac&fileName=001/llac001.db&recNum=51> (enter p. 451).

1 50. Of note is that those who wished for a (Christian) Monotheism-based government were
2 not silent during this period.

3 51. For example, one week after Madison introduced his proposed verbiage, Benjamin Rush²⁶
4 wrote to Vice President John Adams. As Vice President, Adams was President of the
5 Senate, where the language of the Bill of Rights was debated.

6 52. In his letter to Adams, Rush penned:

7 Many pious people wish the name of the Supreme Being had been
8 introduced somewhere in the new Constitution. Perhaps an
9 acknowledgement may be made of his goodness or of his
10 providence in the proposed amendments.²⁷

11
12 53. When the Religion Clauses were finalized within the Bill of Rights, however, the
13 language ran completely counter to Rush's request: "Congress shall make no law
14 respecting an establishment of religion, or prohibiting the free exercise thereof."²⁸

15 54. In other words, as was later expressed by Madison: "Every new & successful example ...
16 of a perfect separation between ecclesiastical and civil matters, is of importance. ...
17 [R]eligion & Govt. will both exist in greater purity, the less they are mixed together."²⁹

18 55. This principle was followed in what has become known as the Treaty of Tripoli,³⁰ which
19 the Senate approved unanimously less than six years after the Bill of Rights was ratified.

20 56. That treaty specifically stated that "the government of the United States of America is not
21 in any sense founded on the Christian religion."³¹

22 57. Thus, that lack of Christian foundation was the "supreme Law of the Land"³² when the
23 treaty was signed on June 10, 1797.

²⁶ One of the era's foremost physicians, Rush was also a renowned statesman (having been a signatory of the Declaration of Independence as well as a member of the Continental Congress).

²⁷ 1 Benjamin Rush, *Letters* 517 (L.H. Butterfield ed., 1951) (letter of June 15, 1789).

²⁸ U.S. Const. amend. I.

²⁹ James Madison, *To Edward Livingston*, in 9 *The Writings of James Madison* 101-02 (Gaillard Hunt ed., 1910).

³⁰ 8 Stat. 154. The treaty was officially entitled the "Treaty of Peace and Friendship." Available at <http://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=008/llsl008.db&recNum=14> (enter p. 154).

³¹ *Id.* (enter p. 155).

³² U.S. Const. art. 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.").

1 58. This specific intent to have government separate from religion was also demonstrated
2 when a religious lobby sought to halt Sunday mail delivery in the early nineteenth century.

3 59. Alluding to both the Constitution's Article VI test oath clause and to the Religion Clauses
4 of the First Amendment, the House committee that handled the request found that the
5 matter "does not come within the cognizance of Congress,"³³ because it "would constitute
6 a legislative decision of a religious controversy."³⁴

7 60. The Report's authors discussed the history of religious intolerance in the world, and they
8 highlighted that the framers of our Constitution "evinced the greatest possible care in
9 guarding against the same evil."³⁵

10 61. Continuing, the congressmen wrote:

11 If the measure recommended should be adopted, it would be
12 difficult for human sagacity to foresee how rapid would be the
13 succession, or how numerous the train of measures which might
14 follow, involving the dearest rights of all – the rights of
15 conscience.³⁶

16
17 62. Arguing that "[r]eligious zeal enlists the strongest prejudices of the human mind,"³⁷ those
18 men proudly noted that "[w]ith the exception of the United States, the whole human race
19 ... is in religious bondage."³⁸ Thus, they found that "the conclusion is inevitable, that the
20 line cannot be too strongly drawn between Church and State."³⁹

21 63. Perfectly applicable to the gravamen of the instant action, the reporters wrote that "if their
22 motive be to induce Congress to sanction, by law, their *religious opinions* and
23 *observances*, then their efforts are to be resisted."⁴⁰

24 64. Remarkably, they continued: "So far from stopping the mail on Sunday, the committee
25 would recommend the use of all reasonable meanse [sic] to give it a greater expedition
26 and a greater extension."⁴¹

³³ H.R. Rep. No. 271 (1830).

³⁴ *Id.* at 2.

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.* at 3.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.* at 4 (emphases in original).

⁴¹ *Id.* at 5.

1 65. In other words, “It is the duty of this Government to afford to *all* – to Jew or Gentile,
2 Pagan or Christians, the protection and the advantages of our benignant institutions, on
3 *Sunday*, as well as every day of the week.”⁴²

4
5 66. A third of a century later, that principled stance would be challenged as “increased
6 religious sentiment”⁴³ was spawned by the Civil War.

7 67. To be sure, despite that “increased religious sentiment,” our representatives did at times
8 remain true to the Constitution’s ideals. For instance, when a proposal was made to amend
9 the Constitution by inserting “an acknowledgment of Almighty God and the Christian
10 religion” into its preamble,⁴⁴ a House Judiciary Committee rejected the proposal:

11 [T]he fathers of the Republic in the convention which framed the
12 Constitution ... with great unanimity [decided] that it was
13 inexpedient to put anything into the Constitution or frame of
14 government which might be construed to be a reference to any
15 religious creed or doctrine.⁴⁵

16
17 68. Nonetheless, a religious creed or doctrine – (Christian) Monotheism – was at the same
18 time being placed into what may be the government’s most visible frame: its money.

19
20
21 **B. HISTORY OF “IN GOD WE TRUST” ON THE NATION’S MONEY**

22
23 **(1) The Original Coinage Acts**

24
25 69. The Treasury Department was established by Defendant Congress of the United States on
26 September 2, 1789.⁴⁶

27 70. Two and a half years later (in 1792) Defendant Congress passed “An Act establishing a
28 Mint, and regulating the Coins of the United States.”⁴⁷

⁴² *Id.* at 5-6 (emphases in original).

⁴³ U.S. Dep’t of the Treas., *About: History of ‘In God We Trust’*, www.treasury.gov/about/education/Pages/in-god-we-trust.aspx (last visited Apr. 17, 2013).

⁴⁴ H.R. Rep. 143 (1874).

⁴⁵ *Id.*

⁴⁶ An Act to Establish the Treasury Department, 1 Stat. 65 (1789), *available at* <http://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=001/llsl001.db&recNum=2> (enter p. 65).

⁴⁷ Coinage Act of 1792, 1 Stat. 246 (1792), *available at* <http://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=001/llsl001.db&recNum=2> (enter p. 246).

1 71. That Coinage Act of 1792 specified the coins to be minted.⁴⁸ The Act further prescribed
2 that:

3 Upon one side of each of the said coins there shall be an
4 impression emblematic of liberty, with an inscription of the word
5 Liberty, and the year of the coinage ; and upon the reverse of each
6 of the gold and silver coins there shall be the figure or
7 representation of an eagle, with this inscription, "UNITED STATES
8 OF AMERICA" and upon the reverse of each of the copper coins,
9 there shall be an inscription which shall express the denomination
10 of the piece, namely, cent or half cent, as the case may require.⁴⁹
11

12 72. On January 18, 1837, Defendant Congress enacted "An Act supplementary to the act
13 entitled 'An Act establishing a mint, and regulating the coins of the United States.'"⁵⁰

14 73. That Coinage Act of 1837 provided that "[t]he engraver shall prepare and engrave, with
15 the legal devices and inscriptions, all the dies used in the coinage of the mint and its
16 branches."⁵¹

17 74. That Act also provided for "an inscription of the word Liberty, and the year of the
18 coinage" in language virtually identical to that used in the Act of 1792:

19 [U]pon one side of each of said coins there shall be an impression
20 emblematic of liberty, with an inscription of the word Liberty, and
21 the year of the coinage ; and upon the reverse of each of the gold
22 and silver coins, there shall be the figure or representation of an
23 eagle, with the inscription United States of America,⁵²
24

25 75. It is to be noted that – in keeping with the constitutionally-derived notion "that it was
26 inexpedient to put anything into the ... frame of government which might be construed to
27 be a reference to any religious creed or doctrine"⁵³ – there was no religious inscription of
28 any kind on any United States coin through 1837.

29 76. That situation would change, however, with the eruption of the nation's great civil war.

⁴⁸ *Id.* (enter p. 248). The prescribed coins were "Eagles" ("each to be of the value of ten dollars or units"), "Half Eagles," "Quarter Eagles," "Dollars or Units," "Half Dollars," "Quarter Dollars," "Dimes," "Half Dimes," "Cents," and "Half Cents."

⁴⁹ *Id.*

⁵⁰ Coinage Act of 1837, 5 Stat. 136, available at <http://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=005/llsl005.db&recNum=2> (enter p. 136).

⁵¹ *Id.*

⁵² *Id.* at 138.

⁵³ See *supra* ¶ 67.

1 **(2) The Origin of “In God We Trust” on the Coinage**

2
3 77. On November 13, 1861, Rev. M.R. Watkinson – characterizing himself as a “**Minister of**
4 **the Gospel**”⁵⁴ – wrote to Secretary of the Treasury Salmon P. Chase seeking “the
5 **recognition of the Almighty God** in some form in our coins.”⁵⁵

6 78. Noting to the Secretary that “[y]ou are probably a Christian,” Rev. Watkinson claimed
7 that such recognition was important to “relieve us from the ignominy of heathenism.”

8 79. Additionally, the minister argued that such recognition “would place us under the Divine
9 protection we have personally claimed. From my heart I have felt our national shame in
10 disowning God as not the least of our present national disasters.”⁵⁶

11 80. In response, on November 20, 1861, Secretary Chase wrote a short note to James Pollock,
12 then the Director of the Mint in Philadelphia, making the purely religious claim that “**No**
13 **nation can be strong except in the strength of God**, or safe except in His defense. **The**
14 **trust of our people in God** should be declared on our national coins.”⁵⁷

15 81. Secretary Chase then instructed Director Pollock to “cause a device to be prepared without
16 unnecessary delay with a motto expressing in the fewest and tersest words possible this
17 national recognition.”⁵⁸

18 82. Director Pollock took this directive to heart, commenting upon it in each of the annual
19 reports he submitted to Secretary Chase during his five year tenure as Mint Director.

20 83. In his official 1862 Annual Report, for example, Director Pollock wrote that “[t]he
21 **distinct and unequivocal recognition of the divine sovereignty** in the practical
22 administration of our political system is a **duty of the highest obligation**.”⁵⁹

⁵⁴ H.R. Rep. No. 662, at 2 (1955) (emphases added).

⁵⁵ *Id.* (emphasis added).

⁵⁶ *Id.* (emphasis added). Other clergy also felt that a reference to God should be on the nation’s coins. For instance, the Rev. Henry Augustus Boardman of Philadelphia voiced the same opinion one year later. *See* 3 Anson Phelps Stokes, *Church and State in the United States* 601 (1950). In fact, as provided by the U.S. Dep’t of the Treas., *supra* note 43, “Secretary of the Treasury Salmon P. Chase received many appeals from devout persons throughout the country, urging that the United States recognize the Deity on United States coins.”

⁵⁷ H.R. Rep. No. 662, at 3 (emphases added).

⁵⁸ *Id.*

⁵⁹ *Report on the Finances, in Report of the Secretary of the Treasury ... Year Ending June 30, 1862* 46 (1863), available at http://fraser.stlouisfed.org/docs/publications/treasar/AR_TREASURY_1862.pdf (emphases added).

1 84. Thus, continued the Director: “Our national coinage in its devices and legends should
2 indicate **the Christian character of our nation, and declare our trust in God.**”⁶⁰

3 85. The following year (in the 1863 official Annual Report of the United States Mint
4 Director), Director Pollock again called for a “distinct and unequivocal National
5 **recognition of the Divine Sovereignty**”⁶¹ on the nation’s coins.

6 86. He then continued:

7 **We claim to be a Christian nation.** Why should we not vindicate
8 our character by **honoring the God of Nations**, in the exercise of
9 our political Sovereignty as a Nation? Our national coinage should
10 do this. Its legends and devices **should declare our trust in God;**
11 **in Him who is the “King of kings and Lord of lords.”** ... Let us
12 **reverently acknowledge his sovereignty**, and let our coinage
13 **declare our trust in God.**⁶²
14

15 87. It is noteworthy that Director Pollock had other interests besides his government
16 employment at the Mint. Specifically, he was a vice president in an organization that
17 began with a February 1863 convention of “representatives from eleven different
18 denominations of Christians.”⁶³

19 88. The goal of those meeting at that convention was to amend the Constitution so that its
20 preamble would read:

21 We, the people of the United States, [**recognizing the being and**
22 **attributes of Almighty God, the Divine Authority of the Holy**
23 **Scriptures, the law of God as the paramount rule, and Jesus,**
24 **the Messiah, the Saviour and Lord of all]**, in order to form a
25 more perfect union ...⁶⁴
26

27 89. In early 1864, those individuals met again, organizing to form “The National Association
28 to secure the Religious Amendment to the Constitution of the United States.”⁶⁵

⁶⁰ *Id.* (emphasis added).

⁶¹ *Report of the Director of the Mint, in Report of the Secretary of the Treasury ... Year Ending June 30, 1863* 190 (1863), available at http://fraser.stlouisfed.org/docs/publications/treasar/AR_TREASURY_1863.pdf (emphasis added).

⁶² *Id.* at 190-91 (emphases added). “King of kings and Lord of lords” is, of course, explicitly Christian. 1 *Timothy* 6:15, *Revelation* 17:14 and 19:16.

⁶³ *Proceedings of the National Convention to Secure the Religious Amendment of the Constitution of the United States* iv (1872), available at <http://archive.org/stream/proceedingsnati00statgoog#page/n8/mode/2up>. (The vice presidency is noted at page 2.)

⁶⁴ *Id.* at v (brackets in original; emphasis added).

⁶⁵ *Id.* at viii.

1 90. When the Association re-convened in November of that year, it was James Pollock, still
2 serving as Mint Director, who presided.⁶⁶ Under his leadership, it was resolved:

3 **That a national recognition of God, the Lord Jesus Christ, and**
4 **the Holy Scriptures, as proposed in the memorial of this**
5 **Association to Congress, is clearly a scriptural duty, which it is**
6 **national peril to disregard.**⁶⁷
7

8 91. Of note is that, prior to presiding over this convention to interlard the Constitution with
9 Christian religious verbiage, Director Pollock had responded to Secretary Chase's request,
10 suggesting "Our country; our God," and "God our trust" as monetary inscriptions.⁶⁸

11 92. Secretary Chase replied on December 9, 1863:

12 I approve your mottoes, only suggesting that on that with the
13 Washington obverse the motto should begin with the word "Our,"
14 so as to read, "Our God and our country." And on that with the
15 shield it should be changed so as to read: "In God we trust."⁶⁹
16

17 93. On April 22, 1864, a coinage act amendment was passed. That amendment stated that
18 "there shall be from time to time struck and coined at the mint a two-cent piece ... ; and
19 the shape, mottoes, and devices of said coin[] shall be fixed by the director of the mint,
20 with the approval of the Secretary of the Treasury"⁷⁰

21 94. What specific "mottoes" or "devices" would be permissible was obviously not addressed
22 in this prose.

⁶⁶ *Id.* at xiii.

⁶⁷ *Id.* (emphasis added). William Strong (who served on the Supreme Court of Pennsylvania while Pollock was governor of that state) was among those who gave an address "of unusual interest and power" at that convention. *Id.* Strong would subsequently be confirmed as a justice on the Supreme Court of the United States, serving from 1870 to 1880. During that span, he served as president of the National Association in 1871 (when he wrote in support of "the movement to secure the recognition of God as over all in our fundamental law," *id.* at 13), and at the Association's national conventions in 1872, *id.* at 1, and 1873, *Proceedings 2* (1873) (where he spelled out the Association's goal: to "acknowledge Almighty God as the author of the nation's existence ..., Jesus Christ as its Ruler, and the Bible as the fountain of its laws, and thus indicate that this is a Christian nation ... ," available at <http://archive.org/stream/proceedingsofn00nati#page/n7/mode/2up>).

⁶⁸ H.R. Rep. No. 662, at 3 (1955).

⁶⁹ *Id.*

⁷⁰ An Act in Amendment of 1857 Coinage Act, 13 Stat. 54-55 (1864), in 13 *The Statutes at Large ... December 1863, to December 1865* (George P. Sanger ed., 1866), available at <http://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=013/llsl013.db&recNum=2> (enter p. 54).

1 95. However, as noted by Director Pollock himself, any decision to have coins that “**indicate**
 2 **the Christian character of our nation, and declare our trust in God ...** [or] to
 3 introduce a motto upon our coins, **expressing a national reliance on divine support ...**
 4 is under the control of Congress; and without a change in the existing laws, no alteration
 5 in the legends and devices of most of our national coins can be made;”⁷¹

6 96. Immediately followed these words, Director Pollock made the contradictory contention
 7 that “a motto, however, may be added without additional authority or violation of the
 8 present law.”⁷² Thus, lacking the congressional authorization he had just acknowledged
 9 was necessary, he arranged for the first time to have “In God We Trust” inscribed upon
 10 United States coinage, using the above-mentioned two-cent piece for that purpose.⁷³

11 97. Director Pollock described the change as follows in the Mint’s annual report for 1864:

12 The two-cent piece is a most convenient and popular coin. Its size
 13 and weight contribute to its usefulness. The motto—“In God we
 14 trust”—stamped upon this coin, has been highly approved by the
 15 public, not only as improving the artistic beauty of the piece, but
 16 also **expressive of our nation’s reliance upon the “God of**
 17 **nations”** in this hour of peril and danger.⁷⁴

18
 19 98. He then wasted no time in seeking to expand the inscription, asking rhetorically, “Why
 20 should this **distinct and unequivocal recognition of the sovereignty of God, of Him**
 21 **who is ‘the King of kings and Lord of lords,’** be confined to our bronze coinage?”⁷⁵

22 99. With the question posed in such a purely Christian manner, he answered himself by
 23 quoting from the Bible:

24 The silver and the gold are **His**, and upon it should be impressed,
 25 by national authority, the declaration of **our nation’s confidence**
 26 **and trust in Him** “who maketh war to cease unto the ends of the
 27 earth,” and “who stilleth the raging of the sea and the tumult of the
 28 people.” **Let our nation in its coinage honor Him, in whom is**
 29 **our strength and salvation.**⁷⁶

⁷¹ *Report on the Finances*, *supra* note 59, at 46-47 (emphases added).

⁷² *Id.* at 47.

⁷³ U.S. Mint, *In God We Trust*, www.usmint.gov/about_the_mint/fun_facts/?action=fun_facts5 (last visited Apr. 17, 2013).

⁷⁴ *Report of the Director of the Mint*, in *Report of the Secretary of the Treasury ... Year 1864* 213 (1864), available at http://fraser.stlouisfed.org/docs/publications/treasar/AR_TREASURY_1864.pdf (emphasis added).

⁷⁵ *Id.* at 213-14 (emphasis added).

⁷⁶ *Id.* at 214 (quoting *Psalms* 46:9 and 65:7, respectively) (emphases added).

1 100. On March 3, 1865, with this religious precedent now in place, another Act of Congress
 2 was passed. That Act authorized the creation of a three-cent piece, and it allowed that
 3 “the shape, mottoes, and devices of said coin shall be determined by the director of the
 4 mint, with the approval of the Secretary of the Treasury.”⁷⁷

5 101. That Act also included the first codified reference to religious dogma on the coinage:

6 *And be it further enacted*, That, in addition to the devices and
 7 legends upon the gold, silver, and other coins of the United States,
 8 it shall be lawful for the director of the mint, with the approval of
 9 the Secretary of the Treasury, to cause the motto “In God we trust”
 10 to be placed upon such coins hereafter to be issued as shall admit
 11 of such legend thereon.⁷⁸
 12

13 102. Society immediately recognized that this act was purely religious. The New York
 14 Times, for instance, characterized the placement of “In God We Trust” on the coins as a
 15 “**new form of national worship.**”⁷⁹

16 103. Director Pollock apparently agreed. In his Mint Director’s Report of 1865, he once more
 17 used his now familiar religious prose:

18 [T]he gold and silver coins of the mint of the United States will
 19 have impressed upon them, by national authority, **the distinct and**
 20 **unequivocal recognition of the sovereignty of God, and our**
 21 **nation’s trust in Him. We have added to our nation’s honor by**
 22 **honoring Him who is “King of kings and Lord of lords.”**⁸⁰
 23

24 104. The following year, Director Pollock concluded his tenure at the Mint. His last report
 25 (for the year 1866) also had a section on the motto, ending this time with the words
 26 “**Happy is that nation whose God is the Lord.**”⁸¹

⁷⁷ An Act to Authorize the Coinage of Three-Cent Pieces (Coinage Act of 1865), 13 Stat. 517 (1865), in *13 Statutes at Large (1866)*, available at <http://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=013/llsl013.db&recNum=2> (enter p. 517).

⁷⁸ Coinage Act of 1865, 13 Stat. 518.

⁷⁹ *The New Legend on Our Coins*, N.Y. Times, Dec. 18, 1865, at 4, available at www.nytimes.com/1865/12/18/news/the-new-legend-on-our-coins.html (emphasis added).

⁸⁰ *Report of the Director of the Mint*, in *Report of the Secretary of the Treasury ... Year 1865* 233 (1865), available at http://fraser.stlouisfed.org/docs/publications/treasar/AR_TREASURY_1865.pdf (emphasis added).

⁸¹ *Report of the Director of the Mint*, in *Report of the Secretary of the Treasury ... Year 1866* 237 (1866), available at http://fraser.stlouisfed.org/docs/publications/treasar/AR_TREASURY_1866.pdf (emphasis added).

1 **(3) The Attempt to Remove “In God We Trust” from the Coinage**

2
3 105. Although the March 3, 1865 Act permitted “the director of the mint, with the approval
4 of the Secretary of the Treasury, to cause the motto ‘In God we trust’ to be placed upon
5 such coins hereafter to be issued as shall admit of such legend thereon,” *see supra* ¶ 101,
6 such placement was discretionary.

7 106. Thus, when President Theodore Roosevelt, in 1905, commissioned the sculptor
8 Augustus Saint-Gaudens to help create new coinage, the latter designed a twenty-dollar
9 gold coin without the motto, which he considered to be “an inartistic intrusion not
10 required by law.”⁸²

11 107. President Roosevelt supported the omission of the “In God we trust” verbiage “**in the**
12 **very interest of religion.**”⁸³

13 108. “[T]o put such a motto on coins,” the President wrote, “... not only does no good, but
14 does positive harm, and is in effect irreverence, which comes dangerously close to
15 sacrilege.”⁸⁴

16 109. The motto on the coins, claimed the President, was “a constant source of jest and
17 ridicule” (referencing “the innumerable cartoons and articles based on phrases like ‘In
18 God we trust for the other eight cents’; ‘In God we trust for the short weight’; ‘In God
19 we trust for the thirty-seven cents we do not pay’; and so forth.”).⁸⁵

20 110. When the issue arose of a congressional response mandating that the phrase be inscribed
21 on the coin, President Roosevelt opined, “I very earnestly trust that **the religious**
22 **sentiment** of the country ... will prevent any such action being taken.”⁸⁶

23 111. The President was quite mistaken. The absence of what the New York Times then
24 referred to as “**one of the holiest religious expressions**”⁸⁷ was immediately decried by
25 those wishing to maintain this governmental endorsement of (Christian) Monotheism.

⁸² Ted Schwarz, *A History of United States Coinage* 228 (1980) (citing a work by Saint-Gaudens’s son).

⁸³ Editorial, *What Makes a Christian State?* 63 *The Independent* 1263, 1263 (1907) (emphasis added).

⁸⁴ Letter from Theodore Roosevelt to William Boldly (November 11, 1907), *reprinted in* Schwarz, *supra* note 82, at 230.

⁸⁵ *Id.*

⁸⁶ *Id.* (emphasis added).

⁸⁷ *Coin Symbols*, *N.Y. Times*, Nov. 15, 1907, at 8 (emphasis added).

1 112. That the hostility was religion-based can be immediately recognized by reports of
 2 “protests or expressions of regret **from many clergy**”⁸⁸ and from “**various religious**
 3 **organizations and individuals, especially clergymen.**”⁸⁹

4 113. After all, “a great many people ... think that to take such an inscription off the coin is to
 5 disavow all trust in God and is therefore **an act of irreligion**. One clergyman is reported
 6 to have spoken of ‘**the religious sentiment of the American people**’ as being
 7 ‘effaced.’”⁹⁰

8 114. Another report spoke of the “great number of **religious people** in this country”⁹¹ who
 9 considered President Roosevelt’s decision ““a huge blunder.””⁹²

10 115. Further highlighting the fact that religion was at the root of the controversy, it was
 11 considered ““strange that he did not foresee that the great majority of **religious people,**
 12 **Protestant, Catholic, many Jews,** would be sensitive at the removal of those words at a
 13 time when every vestige of **national recognition of God** is of importance.””⁹³

14 116. Moreover, religious organizations “passed resolutions condemning the President’s
 15 action” and “[s]imilar views [we]re expressed **by clergymen of all denominations.**”⁹⁴

16 117. Using the coin-based (Christian) Monotheism , believers also disregarded and
 17 denigrated Atheists as they touted their self-assessed superiority. One clergyman, for
 18 instance, contended that the removal of the motto “would cause the deepest regret
 19 among a vast number of our most substantial citizens.”⁹⁵ “Substantial citizens,”
 20 obviously, were those who had trust in God, which somehow had become a requirement
 21 for one to be considered patriotic: “I have never heard of any body of men who believe
 22 in the sacred principles of patriotism passing resolutions asking to have the sentiment
 23 removed, but from my childhood I have heard **the blatant protests of infidels and**
 24 **unbelievers** against this custom.”⁹⁶

⁸⁸ *In God We Trust*, 63 *The Independent* 1196, 1196 (1907) (emphasis added).

⁸⁹ *The Motto on Coinage*, 87 *The Outlook* 707, 707 (1907) emphases added).

⁹⁰ *Id.* at 708 (emphases added).

⁹¹ *The President and the Motto on Our Coins*, 44 *Current Literature* 68, 68 (Jan.-June 1908) (emphasis added).

⁹² *Id.* (citation omitted).

⁹³ *Id.* at 69 (citing “the leading Methodist paper”) (emphases added).

⁹⁴ *Id.* (emphasis added).

⁹⁵ *Id.* (citing the Rev. Dr. Charles Edward Locke) (emphasis added).

⁹⁶ *Id.* (emphasis added).

1 118. Of greater weight is the activity undertaken by the nation's legislators.

2 119. Specifically, a congressional subcommittee examined the matter, releasing its Report on
3 February 26, 1908.⁹⁷ In that Report the subcommittee determined that the move to
4 restore "In God We Trust" to the Saint-Gaudens coin "reflects **the reverent and**
5 **religious conviction which underlies American citizenship.**"⁹⁸

6 120. That each of the subcommittee members considered Christianity to be the "reverent and
7 religious conviction" represented by "In God We Trust" was highlighted in the Report:

8 Your subcommittee is unanimous in the belief that as a **Christian**
9 **nation** we should restore the motto to the coinage of the United
10 States upon which it was formerly inscribed "as an outward and
11 visible form of the inward and spiritual grace," which should
12 possess and inspire American citizenship, and as an evidence to all
13 the nations of the world that the best and only reliance for the
14 perpetuation of the republican institution is upon a **Christian**
15 **patriotism**, which, **recognizing the universal fatherhood of God**,
16 appeals to the universal brotherhood of man as the source of the
17 authority and power of all just government.⁹⁹

18
19 121. A month after the Report was issued, the matter was debated by the full House of
20 Representatives.¹⁰⁰ During that debate, nine congressmen gave speeches. In each of
21 these speeches, it was made clear that the "In God We Trust" phrase is religious and that
22 it is intended to support (Christian) Monotheism.

23 122. Rep. Charles Creighton Carlin (VA) provided the introductory oration. Early on, he
24 stated that "[t]his action ... furnishes a lesson ... that **this is a Christian nation ...**
25 **[and] that the world already understands that we are a Christian, God-fearing, God-**
26 **loving people.**"¹⁰¹

27 123. He continued by citing to a litany of other societies and governments that throughout
28 history had Monotheistic verbiage on their coins.¹⁰²

29 124. In doing so, however, Rep. Carlin failed to note what is most important: none of those
30 other societies and governments had an Establishment Clause.

⁹⁷ H.R. Rep. No. 1106, at 1 (1908).

⁹⁸ *Id.* (emphasis added).

⁹⁹ *Id.* (emphases added).

¹⁰⁰ 42 Cong. Rec. 3384-91 (1908).

¹⁰¹ *Id.* at 3384 (emphases added).

¹⁰² *Id.* at 3384-85.

1 125. Thus, Rep. Carlin freely admitted that “In God We Trust” represented **the nation’s**
 2 **“faith in the Supreme Ruler of the Universe”** and that placing those words on the
 3 coins was a way “of giving expression to **religious belief.**”¹⁰³

4 126. After stating “**In every Christian heart** there beats the hope that you will by your
 5 action determine that the circulating coin of this country shall carry the knowledge that
 6 **we are a Christian people,**”¹⁰⁴ Rep. Carlin ended his remarks by expressing “the hope
 7 and belief that ... **Christian thought and Christian ideas** will control the hearts and
 8 minds of all men and upon the wall of every home throughout the universe there will
 9 hang, for the enlightenment and encouragement of all who may follow, the sacred
 10 motto, ‘In God We Trust.’”¹⁰⁵

11 127. Next to make a speech was Rep. Ollie M. James (KY), who began by asserting that
 12 “[t]he President of the United States made a great mistake in the judgment of **the**
 13 **Christian people of this Republic.**”¹⁰⁶ Rep. James continued:

14 This country is not only a **Christian nation**, but we are engaged in
 15 sending to foreign countries and to distant people our missionaries
 16 **to preach the religions of Jesus Christ**, and we want our money
 17 so that when this gold that you say is so good goes across the
 18 ocean and is held in the hands of those who do not know of **the**
 19 **existence of the Saviour of the world**, we can say: “Here are the
 20 dollars of the greatest nation on earth, one that does not put its trust
 21 in floating navies or in marching armies, but **places its trust in**
 22 **God.**”¹⁰⁷

23 128. Demonstrating intentional and specific disrespect for the Atheists in his congressional
 24 district, Rep. James included in his oration the Biblical statement, “The fool hath said in
 25 his heart ‘there is no God,’” to which his audience immediately responded with
 26 applause.¹⁰⁸

27 129. He then reinforced the favoritism for his own religion by stating that “**the Christian**
 28 **legions of this nation** will hail with delight favorable action upon this bill.”¹⁰⁹

¹⁰³ 42 Cong. Rec. at 3385 (statement of Rep. Carlin) (emphases added).

¹⁰⁴ *Id.* (emphases added).

¹⁰⁵ *Id.* (emphasis added).

¹⁰⁶ *Id.* (statement of Rep. James) (emphasis added).

¹⁰⁷ *Id.* (emphases added).

¹⁰⁸ *Id.*

¹⁰⁹ *Id.* (emphasis added).

1 130. Although the third speaker in the debate, Rep. Gustav Küstermann (WI), supported
 2 ^o President Roosevelt’s decision to remove the “In God We Trust” inscription, he did so
 3 because “I do not believe in ... any person that always hangs out his shingle ‘**I am a**
 4 **Christian,**’” and because he, too, felt that having the motto on coins was “in effect
 5 irreverence, which comes dangerously close to sacrilege.”¹¹⁰

6 131. The next speaker, Rep. John P. Moore (PA), stated he felt the motto belongs on the
 7 coins “because in my community there was a desire that it should be made known to the
 8 world generally that in this country **we do trust in God.**”¹¹¹

9 132. Rep. Moore then felt it necessary to respond to what he called an “unsavory extract”¹¹²
 10 that he had previously read in a newspaper editorial:

11 “Those who do not believe in God in this country look upon his
 12 removal of that unconstitutional, untruthful, and unwarranted
 13 deific motto from our coinage as one of the most sensible acts ever
 14 performed by the President. They do not trust in God, ... and,
 15 therefore, they do not see why every coin issuing from our mints,
 16 should carry forth to the world an unofficial lie.”¹¹³

17
 18 133. That paragraph (which quite accurately represents the religious views of Plaintiffs here)
 19 was then deemed to be a “challenge” by Atheistic Americans, and “when such a
 20 challenge is put forth, ... then I feel it is time to rise and declare, even by law, that **this**
 21 **is a God-fearing nation,** and that Congress can do no harm in making that declaration
 22 emphatic.”¹¹⁴

23 134. Rep. Morris Sheppard (TX) also felt that affirmative rejection was warranted in regard
 24 to the views of Atheists. Therefore, “the fact that almost every infidel in the country has
 25 openly rejoiced over the removal of this motto”¹¹⁵ was his focus:

26 The fact that the infidels openly object to [the “In God we trust”
 27 phrase’s] restoration, the fact that [its] removal would be used as
 28 an argument to destroy reverence rather than to inculcate it, ought
 29 to prompt Congress unanimously to restore the words, “In God we
 30 trust.”¹¹⁶

¹¹⁰ *Id.* at 3386 (quoting the President) (emphasis added).

¹¹¹ *Id.* (statement of Rep. Moore) (emphasis added).

¹¹² *Id.*

¹¹³ *Id.* (citation not provided by Rep. Moore).

¹¹⁴ *Id.* (emphasis added).

¹¹⁵ *Id.* at 3386-87 (statement of Rep. Sheppard).

¹¹⁶ *Id.* at 3387.

- 1 135. After Rep. Charles Gordon Edwards (GA) spoke of how the motto favored “all
2 ‘churches, all creeds, who have a belief in God,” he offensively proclaimed, “**A man**
3 **who is not sound in his belief in God has no right in high office.**”¹¹⁷
- 4 136. Speaking to his congressional colleagues, Rep. Edwards contended that “[w]e represent
5 **God-fearing people, and we, their representatives, should be God-fearing**
6 **representatives.**”¹¹⁸ Moreover (echoing Rep. James’s earlier claim that the religious
7 message was intended to be spread far beyond our borders, *see supra* ¶ 127), Rep.
8 Edwards also argued that the “In God We Trust” phrase “is a declaration not only to our
9 people at home, but to all peoples, and to all nations, all over the world, that **ours is a**
10 **nation with a firm and steadfast faith in God.**”¹¹⁹
- 11 137. It is noteworthy that Rep. Edwards saw the issue – which, of course, arose solely due to
12 the acts of federal officials – as pitting Atheistic Americans against Americans who
13 believed in God: “The removal of these words was a victory for infidelity. The
14 restoration of them to our coin will be a blow to infidelity and **a victory for the God-**
15 **fearing people** of this great nation.”¹²⁰
- 16 138. Obviously of the latter camp, the congressman was apparently oblivious to the self-
17 contradictory nature of his words when he wrote, “I dare say that every form of religious
18 thought is represented in America, and **yet we are one in the recognition of a supreme**
19 **and all-wise God.**”¹²¹
- 20 139. Rep. Edwards concluded: “Let us not put an ‘infidel money’ out upon the world, but let
21 us put out the coin that says to all the world ‘**Americans are a God-fearing and God-**
22 **loving people.**’”¹²²
- 23 140: Rep. George W. Gordon (TN) followed Rep. Edwards. Like Rep. Küstermann (and the
24 President before him), Rep. Gordon also felt that the words “In God We Trust” were **too**
25 **holy and sacrosanct** to be placed on “a medium of commerce ... [and] of secular, and
26 not sacred, transactions.”¹²³

¹¹⁷ *Id.* (statement of Rep. Edwards) (emphasis added).

¹¹⁸ *Id.* (emphasis added).

¹¹⁹ *Id.* (emphasis added).

¹²⁰ *Id.* (emphasis added).

¹²¹ *Id.* (emphasis added).

¹²² *Id.* at 3389 (emphasis added).

¹²³ *Id.* (statement of Rep. Gordon) (emphasis added).

1 141. The next speaker was the subcommittee chairman, George A. Pearre (MD), who sought
 2 to emphasize that there was not “any suggestion of irreverence or lack of **Christian**
 3 **spirit** upon the part of the President when he took that action.”¹²⁴

4 142. On the contrary, stated Rep. Pearre, “[The President] is a **Christian man** in every
 5 relation of life; and not only a Christian man, but a practical Christian man, both as an
 6 individual and as a public servant, and he has endeavored to impress **Christian**
 7 **principles** upon public affairs.”¹²⁵

8 143. Last to speak was Rep. Washington Gardner (MI). He began by referencing children
 9 who were exposed – *by their parents* – to “literature [with] an avowed purpose to banish
 10 God from the minds of the rising generation.”¹²⁶ Wishing “to put myself on record as
 11 against th[is] purpose,” Rep. Gardner revealed that, to him, those minds should instead
 12 be taught – *by their government* – about “[t]he **ignominious cross** upon which was
 13 consummated the sublimest sacrifice in human history” and “[t]he sacrificial wood upon
 14 which was pinioned **the body of the Nazarene**.”¹²⁷

15 144. According to Rep. Gardner, “In God We Trust” on the nation’s coinage would aid in
 16 this goal because:

17 The teaching influence and the rallying power of emblems and
 18 mottoes have been recognized in all ages and by all nations. As a
 19 rule, they concrete in material form or express in briefest language
 20 some great thought or purpose or movement until they become
 21 dear to the people adopting them. The origin of these mottoes and
 22 emblems is often of greatest interest and lends enduring influence
 23 and value.¹²⁸

24
 25 145. The bill was voted upon after Rep. Gardner spoke. It contained the following language :

26 That the motto “In God we trust,” heretofore inscribed on certain
 27 denominations of the gold and silver coins of the United States of
 28 America, shall hereafter be inscribed upon all such gold and silver
 29 coins of said denominations as heretofore.¹²⁹

¹²⁴ *Id.* (statement of Rep. Pearre) (emphasis added).

¹²⁵ *Id.* (emphases added).

¹²⁶ *Id.* (statement of Rep. Gardner).

¹²⁷ *Id.* (emphases added).

¹²⁸ *Id.*

¹²⁹ *Id.* at 3384.

1 146. It passed overwhelmingly, with the 268 Representatives who were present casting 259
2 yea votes, 5 nay votes, and 4 answering “present.”¹³⁰

3 147. Two months later, on May 18, 1908, President Roosevelt signed the bill into law.¹³¹

4 148. Thus, more than a century after the Framers wrote that “Congress shall make no law
5 respecting an establishment of religion” (and more than seventy-five years after a
6 congressional committee wrote that “the conclusion is inevitable, that the line cannot be
7 too strongly drawn between Church and State”¹³²), the purely religious phrase “In God
8 We Trust” was not only permitted, but mandated to appear on United States money.

9 149. With that action designed to reflect “the ... **religious conviction which underlies**
10 **American citizenship**”¹³³ (which is itself founded “upon a **Christian patriotism,**
11 which, recognize[es] the universal fatherhood of God¹³⁴), it is incontrovertible that
12 Congress not only intended to use the motto to advocate for (Christian) Monotheism,
13 but that it also intended to exclude Atheists from the “We” in that four-word phrase.

14
15 **(4) The Legislative Mandate for “In God We Trust” on All Coins and on the**
16 **Currency**

17
18 150. Because the Act of May 18, 1908, only required “In God we trust” to “be inscribed upon
19 all such gold and silver coins of said denominations as heretofore,”¹³⁵ some coins
20 continued to be minted without that religious language.

21 151. Additionally, the “In God We Trust” phrase was not being used on any of the nation’s
22 currency bills during the early twentieth century.

23 152. This absence (of “In God We Trust” on the currency) was noted by an Arkansas
24 businessman and numismatist named Matthew H. Rothert “as the collection plate was
25 being passed” in church one Sunday in 1953.¹³⁶

¹³⁰ *Id.* at 3391.

¹³¹ Act of May 18, 1908, Pub. L. 60-120, ch. 173, § 1, 35 Stat. 164, 164.

¹³² *See supra* ¶ 62.

¹³³ H.R. Rep. No. 1106, at 1 (1908) (emphasis added).

¹³⁴ *Id.* at 2 (emphasis added).

¹³⁵ *See supra* ¶ 145 (referencing the bill that became the Act of May 18, 1908).

¹³⁶ Fred Petrucelli, *Almighty Dollar Mentions God Because of Arkansan*, Ark. Gazette, Mar. 4, 1955, at 2F.

1 153. Mr. Rothert (acting in a manner not dissimilar to that of Rev. Watkinson nearly a
 2 century earlier, *see supra* ¶ 77) wrote to the Secretary of the Treasury, George M.
 3 Humphrey. In his letter, Rothert suggested placing those religious words on the currency
 4 in order to “**affirm our trust in God** in such a manner that it will be heard around the
 5 world and give moral and spiritual strength to those who realize **a great nation humbly**
 6 **and reverently places its trust in the Almighty.**”¹³⁷

7 154. This matter was also brought to the attention of the president of the Florida Bar, who in
 8 turn informed congressman Charles E. Bennett (FL).¹³⁸

9 155. Rep. Bennett contacted the Department of the Treasury. Upon learning that “In God We
 10 Trust” was not only not required on the currency, but that it was still permissible to mint
 11 some coins without that religious verbiage, Rep. Bennett introduced H.R. 619 (“the
 12 inscription ‘In God We Trust’ ... shall appear on all United States currency and coins”)
 13 on the first day of the first session of the 84th Congress.¹³⁹

14 156. In his remarks explaining his purpose for sponsoring the legislation, Rep. Bennett stated:

15 At the base of our freedom is **our faith in God** and the desire of
 16 Americans **to live by His will and by His guidance**. As long as
 17 this country **trusts in God**, it will prevail. To remind all of us of
 18 this self-evident truth, it is proper that our currency should carry
 19 these inspiring words, coming down to us through our history: “In
 20 God we trust.”¹⁴⁰

21
 22 157. Obviously blind to the sincere beliefs of Atheists, Rep. Bennett later noted, “In God We
 23 Trust” was appropriate because “**the sentiment of trust in God is universal.**”¹⁴¹

24 158. Other legislators similarly disregarded the fact that many Americans hold contrary
 25 religious beliefs. Then-Senator Lyndon B. Johnson, for example, pushed for the Bill in
 26 the Senate, stating that the motto “**reflect[s] the spiritual basis** of our way of life.”¹⁴²

¹³⁷ *Camden Man Asks Treasury to Put Religious Motto on Bills*, Ark. Gazette, Dec. 6, 1953, at 10C (emphases added). It might be noted that when this story was retold in 1987, the author described the use of the motto on the currency as “the affirmation of our nation’s belief in Divine Guidance.” Ed Rochette, *The Man Who Put God’s Trust in Your Pocket*, Antiques & Collecting, July 1987, at 80.

¹³⁸ 101 Cong. Rec. 4384 (1955) (statement of Sen. Bennett).

¹³⁹ *Id.*

¹⁴⁰ *Id.* (emphases added).

¹⁴¹ 101 Cong. Rec. 7796 (1955) (statement of Sen. Bennett) (emphasis added).

¹⁴² 101 Cong. Rec. 9448 (1955) (statement of Sen. Johnson) (emphasis added).

- 1 159. That “spiritual” was synonymous with “(Christian) Monotheistic” is evident from the
 2 words of Sen. Homer Ferguson, who had earlier pressed for a National Day of Prayer.
 3 “We must do something more than marshal our material strength,” the Senator stated.
 4 “We must marshal all of our **spiritual** resources, as well.”¹⁴³ The Senator then asked for
 5 unanimous consent to place in the record an article which had as its first sentence “The
 6 United States is generally classified as a **Christian Nation**.”¹⁴⁴ The article’s second
 7 sentence was “If that means anything at all, it means that **the vast majority of our**
 8 **people accept the basic tenets of the Christian faith**.”¹⁴⁵
- 9 160. In this atmosphere of congressional advocacy for (Christian) Monotheism, the political
 10 disenfranchisement of Atheists, *see also infra* ¶¶ 184-246, was highlighted by the
 11 unanimous passage – in both the House and the Senate – of Rep. Bennett’s resolution
 12 mandating “In God We Trust” on all currency and coins.¹⁴⁶
- 13 161. Accompanying H.R. 619 was a Report of the House Committee on Banking and
 14 Currency.¹⁴⁷ This Report – as well as the key hearing that led to its creation – confirms
 15 (once again) that the use of “In God We Trust” was intended to be religious.
- 16 162. The main portion of the Report was entitled, “**Religious Inscriptions** on Coins in the
 17 United States.”¹⁴⁸ Its prose referenced Rev. Watkinson’s 1861 letter to Treasury
 18 Secretary Chase (stating “**You are probably a Christian**” and decrying the “fact
 19 touching our currency [that] has been seriously overlooked ... **the recognition of the**
 20 **Almighty God** in some form in our coins.”).¹⁴⁹
- 21 163. At the hearing, Rep. Bennett stated, “as far as I know there is no opposition to this
 22 legislation,”¹⁵⁰ suggesting that he had very little exposure to (or interest in) those in his
 23 congressional district who were Atheists.

¹⁴³ 97 Cong. Rec. 5863 (1951) (remarks of Sen. Ferguson) (emphasis added).

¹⁴⁴ *Id.* (emphasis added).

¹⁴⁵ *Id.* (emphasis added).

¹⁴⁶ *Id.*

¹⁴⁷ H.R. Rep. No. 662 (1955).

¹⁴⁸ *Id.* at 2 (emphasis added).

¹⁴⁹ *Id.* (emphases added).

¹⁵⁰ *H.R. 619: United States Currency Inscription, in Miscellaneous Hearings: Hearings Before the Comm. on Banking & Currency, House of Representatives, 84th Cong., 47, 49 (1956).*

1 164. Accordingly, he contended that “this motto ... expresses so tersely and with such dignity
2 **the spiritual basis** of our way of life.”¹⁵¹

3 165. Rep. Bennett then proclaimed that:

4 Most of us agree wholeheartedly with the first advance of this
5 motto, Secretary of the Treasury S. P. Chase, when he said: “No
6 nation can be strong except in the strength of God, or safe except
7 in His defense. **The trust of our people in God should be**
8 **declared** on our national coins.”¹⁵²

9
10 and concluded with:

11 At the base of our freedom is **our faith in God** and the desire of
12 Americans **to live by His will and by His guidance**. As long as
13 **this country trusts in God**, it will prevail.¹⁵³

14
15 166. Rep. Abraham J. Multer (NY) spoke next. After stating “I don’t want to get **into an**
16 **argument on religion**,”¹⁵⁴ he echoed President Roosevelt’s view from 1908:

17 I think **I am as religious as any man** in this House ... but I feel
18 very strongly that it was a mistake to put it on coins in the first
19 place, and this is perpetuating a grievous error. I think it is the base
20 of **all of those who believe in God**; to put anything like that on
21 anything so materialistic as our coins and our currency – I don’t
22 think anybody is made more religious by putting it on the coins
23 and currency. ... If we are going to have **religious concepts** – and
24 I am in favor of them – I don’t think the place to put them is on our
25 currency or on our coins.¹⁵⁵

26
27 167. Of note is that Rep. Multer’s inclusion of “In God We Trust” among “**religious**
28 **concepts**” was disputed by no one at the hearing.

29 168. No speaker showed any consideration for the religious view that God is nonexistent.
30 Rather, Atheists were (at best) totally disregarded. Rep. William E. McVey (IL), for
31 instance, maintained, “I can’t possibly see any objection to having the inscription “In
32 God We Trust” on all of our currency, and I am very glad to support it.”¹⁵⁶

¹⁵¹ *Id.* at 48 (emphasis added).

¹⁵² *Id.* (emphasis added)

¹⁵³ *Id.* at 49 (emphases added). *See also* 101 Cong. Rec. 4384 (1955) (statement of Rep. Bennett).

¹⁵⁴ *H.R. 619, supra* note 150, at 49 (emphasis added).

¹⁵⁵ *Id.* at 50 (emphases added).

¹⁵⁶ *Id.* at 51.

- 1 169. The Committee chairman, Rep. Brent Spence (KY), joined in:
 2 I think if there ever was a nation that has, by its course,
 3 demonstrated that God had a hand in its making and its progress, it
 4 is this country. **I always believe that God was present in the**
 5 **Convention Hall where our Constitution was formed.**¹⁵⁷
 6
- 7 170. The desire to intrude Monotheism into our government was so pervasive that Rep.
 8 Gordon L. McDonough (CA) exclaimed, “I don’t think we can insert that phrase in too
 9 many places in regard to the Government of the United States.”¹⁵⁸
- 10 171. Rep. Herman P. Eberharter (PA) showed his support for the “In God We Trust”
 11 language by placing in the record a resolution passed by the American Legion’s
 12 National Convention that asserted that America “is a **God-fearing country.**”¹⁵⁹
- 13 172. Rep. Eberharter had just recently recovered from an illness. Accordingly, Rep. Barratt
 14 O’Hara (IL) commended him for coming “at great sacrifice to himself, to testify for this
 15 bill, which affirms his faith and **the faith of all others in our country, in God.**”¹⁶⁰
- 16 173. Rep. Oren Harris (AR) stated “It does not take the inscription on our coins for me to
 17 **proclaim my faith and trust in God.**” Then, essentially illuminating how the action
 18 being considered violates the Establishment Clause, he explained that “[w]ith the
 19 inscription on our coins it is another expression, not only individually but collectively,
 20 in this country, **of our faith.**”¹⁶¹
- 21 174. Rep. Harris, who also could “see no objection whatsoever to this further expression of
 22 this quotation on the currency that we use in this country,”¹⁶² placed a Resolution in the
 23 record from the American Numismatic Association. That Resolution stated that “this
 24 legend relating to **the power of Almighty God** shall be placed upon the currency.”¹⁶³
- 25 175. Rep. Lawrence H. Fountain (NC) referred to the motto as one of the “many instances
 26 indicat[ing] **our belief in the existence of God.**”¹⁶⁴

¹⁵⁷ *Id.* (emphasis added).

¹⁵⁸ *Id.* at 52.

¹⁵⁹ *Id.* at 54 (emphasis added).

¹⁶⁰ *Id.* (emphasis added).

¹⁶¹ *Id.* at 55 (emphases added).

¹⁶² *Id.*

¹⁶³ *Id.* at 56 (emphasis added).

¹⁶⁴ *Id.* (emphasis added).

1 176. Rep Fountain further noted that:

2 **The Bible begins** with the words “In the beginning, God” and I
3 think more and more it is essential for us to recognize the fact that
4 we as individuals and as a nation are merely the custodians of the
5 things which **God has so graciously granted** to us.¹⁶⁵

6
7 177. That the motto refers to explicitly religious dogma was further evidenced when Rep.
8 Fountain added that “by having this inscription on our coins and on our currency ... we
9 are indicating ... because of **the goodness of God** we have become a prosperous and
10 powerful nation.”¹⁶⁶

11 178. He continued by contending that “that inscription indicates that even though this coin is
12 necessary, it is not in this coin we trust, but **it is in God that we trust.**”¹⁶⁷

13 179. Rep. Harris spoke once again as the hearing was brought to a close. In signaling his
14 agreement with the previous speaker, Rep. Harris demonstrated that it was not only
15 Monotheism that Congress was endorsing, but Christian Monotheism, as he recalled a
16 “very famous statement of **our Lord and Saviour.**”¹⁶⁸

17 180. Thus, it should be noted that not one person at the key hearing that led to the mandatory
18 inscription of “In God We Trust” on all of the nation’s coins and currency ever even
19 suggested that the phrase was anything other than a “statement of faith [that] has
20 appeared on billions of coins.”¹⁶⁹

21 181. As the House and the Senate both lauded the “**spiritual** basis of our way of life,”¹⁷⁰ the
22 religious views of non-believer Americans were further ignored.

23 182. Thus, “An Act to provide that all United States currency shall bear the inscription ‘In
24 God We Trust’” became the law of the land on July 11, 1955.¹⁷¹

25 183. This Act is now codified at 31 U.S.C. § 5112 (d)(1) (“United States coins shall have the
26 inscription ‘In God We Trust’”) and at 31 U.S.C. § 5114(b) (“United States currency has
27 the inscription ‘In God We Trust’ in a place the Secretary decides is appropriate.”).

¹⁶⁵ *Id.* (emphases added).

¹⁶⁶ *Id.* (emphasis added).

¹⁶⁷ *Id.*

¹⁶⁸ *Id.* (remarks of Rep. Harris) (emphasis added).

¹⁶⁹ S. Rep. No. 1287, at 2 (1954) (remarks of Sen. Ferguson).

¹⁷⁰ See H.R. Rep. No. 662, at 4 (1955) (emphasis added). See also S. Rep. No. 637, at 2 (1955), reprinted in 1955 U.S.C.C.A.N. 2417, 2417. See also *supra* note 159.

¹⁷¹ Act of July 11, 1955, ch. 303, Pub. L. 84-140, 69 Stat. 290.

1 **C. THE LEGISLATIVE MANDATE FOR “IN GOD WE TRUST” ON ALL**
 2 **COINS AND CURRENCY REFLECTED THE (CHRISTIAN) RELIGIOUS**
 3 **FERVOR AND ANTI-ATHEISM OF THE 1950s**
 4

- 5 184. The 1950s were largely characterized by the Cold War and a national desire to
 6 distinguish our nation from the communist Soviet Union.
- 7 185. One of the key distinguishing features involved religious freedom. Whereas the United
 8 States guaranteed this freedom to its people, the Soviets demanded adherence to one
 9 religious view.
- 10 186. Although this difference – i.e., freedom versus totalitarianism – deserved to be
 11 celebrated, the nation actually denigrated the religious liberty upon which we rely by
 12 focusing instead on the Soviets’ specific religious choice: Atheism.
- 13 187. In other words, a favored religious belief (i.e., (Christian) Monotheism) rather than a
 14 favored political principle (i.e., religious freedom) was officially touted by our
 15 governmental agents as the ideological difference between us and our rivals.
 16
- 17 188. President Eisenhower was chief among such agents, as he (like Congress) demonstrated
 18 a total disregard for those Americans who adhere to Atheistic religious belief.
- 19 189. For instance, he placed “**God’s Float**” at the fore in his 1953 inauguration.¹⁷²
- 20 190. He also sought “legislative support for a national day of prayer, attend[ed] annual
 21 presidential prayer breakfasts, and appoint[ed] a minister to a new special presidential
 22 post for religious matters.”¹⁷³
- 23 191. Also on his Monotheistic agenda was participation in the American Legion’s “Back to
 24 God” crusade,¹⁷⁴ where he made the extraordinary statement that:

25 **Recognition of the Supreme Being is the first, the most basic,**
 26 **expression of Americanism. Without God, there could be no**
 27 **American form of government, nor an American way of life.**¹⁷⁵

¹⁷² J. Ronald Oakley, *God’s Country: America in the Fifties* 320 (1986).

¹⁷³ Martin Marty, *Under God, Indivisible, 1941-1960* 302 (1996).

¹⁷⁴ 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 Richard J. Ellis, *To the Flag* 106-07 (2005).

¹⁷⁵ Dwight D. Eisenhower, *Remarks Recorded for the “Back-to-God” Program of the American Legion*, Feb. 20, 1955 (emphasis added), www.presidency.ucsb.edu/ws/index.php?pid=10414.

1
2 192. As one author put it:

3 [The President] often used religious phrases and talked about the
4 need for religious faith and spiritual values. He frequently called
5 on divine aid for himself and his country in speeches, held prayer
6 breakfasts, received church delegations in his office, and had Billy
7 Graham and Norman Vincent Peale as overnight guests at the
8 White House. He also began cabinet meetings with a prayer.¹⁷⁶
9

10 193. Another wrote:

11 His priesthood was part of his role as leader of a “crusade,” as he
12 called it, against “godless Communism” ... “The things that make
13 us proud to be Americans are of the soul and of the spirit,”
14 Eisenhower declared. And being American, for a president who
15 was baptized and who joined a church for the first time after
16 having been elected, meant being a theist.¹⁷⁷
17

18 194. That the motto was a part of this (Christian) Monotheistic religiosity was shown by the
19 first stamp containing the “In God We Trust” phrase, which “was introduced to a
20 nationwide television and radio audience during a 15-minute program in which
21 President Dwight D. Eisenhower, Secretary of State John Foster Dulles and Postmaster
22 General Arthur E. Summerfield participated **with the leaders of the Nation’s three
23 largest religious groups.**”¹⁷⁸

24 195. That 1954 event was described as “[t]he most impressive and most widely publicized
25 ceremony of its kind in the history of the United States Post Office Department,”¹⁷⁹ and
26 it marked “the first time that a **religious tone** ha[d] been incorporated into a regular or
27 ordinary stamp.”¹⁸⁰

28 196. This religious focus might be contrasted with the principles adhered to by Congress (in
29 reference to the Postal Service) more than a century earlier. *See supra* ¶¶ 58-65.

30 197. Unfortunately, this new-found governmental sectarianism (advocating for (Christian)
31 Monotheism) was not limited to the Postal Service.

¹⁷⁶ Oakley, *supra* note 172, at 153.

¹⁷⁷ Marty, *supra* note 173, at 296.

¹⁷⁸ “In God We Trust” – New Postage Stamp to Carry Message to World, The Gideon, May 1954, at 24, 25 (emphasis added), available at http://members.purespeed.com/~mg/images/IGWT_TheGideon195405.pdf.

¹⁷⁹ *Id.* at 24.

¹⁸⁰ *Id.* at 25 (citing Postmaster General Summerfield) (emphasis added).

- 1 198. On the contrary, it pervaded the executive branch. Secretary of State Dulles, for
 2 example, contended, ““there is no way to solve the great perplexing international
 3 problems **except by bringing to bear on them the force of Christianity.**””¹⁸¹
- 4 199. Speaking to the nation’s future servicemen, Deputy Assistant to the President Wilton B.
 5 Persons claimed that the purpose of our military academies was “**to build good, strong,
 6 God-fearing character in men like ourselves** – men who, before long, will have the
 7 job of running this great country of ours.”¹⁸²
- 8 200. Accordingly, President Eisenhower implemented the *Code of Conduct for Members of*
 9 *the Armed Forces*. Under that Code, “all members of the armed forces of the United
 10 States” were required to “**trust in my God and in the United States of America.**”¹⁸³
 11 An Atheist who sought to remain true to his religion, therefore, was essentially
 12 precluded from serving in the military.
- 13 201. In fact, the executive branch was so religious that one writer referred to the Secretary of
 14 Defense as “the only man in the Administration who doesn’t talk about God.”¹⁸⁴
- 15 202. Thus, as it became “un-American to be unreligious,”¹⁸⁵ “Atheists or agnostics were not
 16 tolerated,”¹⁸⁶ and “being a Protestant, a Catholic, or a Jew [wa]s understood as the
 17 specific way, and increasingly perhaps the only way, of being an American and locating
 18 oneself in American society.”¹⁸⁷
- 19 203. In other words, “**in the fifties ... atheists were automatically considered to be**
 20 **unpatriotic, un-American, and perhaps even treasonous.**”¹⁸⁸

¹⁸¹ As quoted in William Lee Miller, *The ‘Moral Force’ Behind Dulles’s Diplomacy*, *The Reporter*, Aug. 9, 1956, at 17, 18 (emphasis added).

¹⁸² Wilton B. Persons, *Your Future: A Stupendous Stimulating Challenge* (May 30, 1954), in *20 Vital Speeches of the Day* 688, 688 (1954) (emphasis added).

¹⁸³ *Executive Order 10631—Code of Conduct for Members of the Armed Forces*, Eisenhower Pres. Libr. Official File Series Box 108 OF 3-R-9 (emphasis added), available at www.presidency.ucsb.edu/ws/?pid=59249. See also 3 C.F.R. 266 (1954-1958).

¹⁸⁴ D.W. Brogan, *Unnoticed Changes in America*, *Harper’s Mag.*, Feb. 1957, at 27, 33.

¹⁸⁵ A. Roy Eckardt, *The New Look in American Piety*, 71 *The Christian Century* 1395, 1396 (1954).

¹⁸⁶ Douglas T. Miller & Marion Nowak, *The Fifties: The Way We Really Were* 92 (1977).

¹⁸⁷ Will Herberg, *Protestant-Catholic-Jew* 53 (1960).

¹⁸⁸ Oakley, *supra* note 172, at 324 (emphasis added).

- 1 204. As can be readily seen by reviewing the statements made by individual legislators,
2 Congress eagerly joined in to take advantage of this religious revival.
- 3 205. Senator Homer Ferguson, for example, claimed in 1954 that “In God We Trust” over the
4 door of the Senate **“recognizes that we believe there is a Divine Power, and that we,
5 our children, and children’s children should always recognize it.”**¹⁸⁹
- 6 206. That same year, Rep. Louis C. Rabaut (MI) placed in the Congressional Record the
7 incredibly offensive claim that **“An atheistic American ... is a contradiction in
8 terms.”**¹⁹⁰ Rep. Rabaut would later argue that **“[w]e cannot afford to capitulate to the
9 atheistic philosophies of godless men.”**¹⁹¹
- 10 207. Also in 1954, Rep. Francis E. Dorn (NY) referenced “In God We Trust” on United
11 States coins by declaring that **“He is the God, undivided by creed, to whom we look,
12 in the final analysis, for the well-being of our Nation.”**¹⁹²
- 13 208. To Rep. Peter Rodino (NJ), the religious motto “expresses the constant attitude of the
14 American people ... that **we wish now, with no ambiguity or reservation, to place
15 ourselves under the rule and care of God.**”¹⁹³
- 16 209. After informing us that **“our citizenship is of no real value ... unless we can open our
17 souls before God** and before Him conscientiously say, ‘I am an American,’” Rep. Hugh
18 J. Addonizio (NJ) proclaimed that **“God is the symbol of liberty to America.”**¹⁹⁴
- 19 210. His colleague, Rep. Charles A. Wolverton (NJ), stated that “In God we trust,” taken “in
20 conjunction” with “under God” in the Pledge of Allegiance, “can be taken as evidence
21 of **our faith in that divine source of strength** that has meant and always will mean so
22 much to us as a nation.”¹⁹⁵
- 23 211. Moreover, contended Rep. Wolverton, **those who deny God purvey “forces of evil.”**¹⁹⁶

¹⁸⁹ 100 Cong. Rec. 7833 (1954) (statement of Sen. Ferguson) (emphasis added).

¹⁹⁰ 100 Cong. Rec. 1700 (1954) (statement of Rep. Rabaut) (emphasis added).

¹⁹¹ 101 Cong. Rec. 8156 (1955) (statement of Rep. Rabaut) (emphasis added).

¹⁹² 100 Cong. Rec. 6085 (1954) (statement of Rep. Dorn) (emphasis added).

¹⁹³ 100 Cong. Rec. 7764 (1954) (statement of Rep. Rodino) (emphasis added).

¹⁹⁴ 100 Cong. Rec. 7765 (1954) (statement of Rep. Addonizio) (emphases added).

¹⁹⁵ 100 Cong. Rec. 14919 (1954) (statement of Rep. Wolverton) (emphasis added).

¹⁹⁶ *Id.* (emphasis added).

1 212. The environment was so infused with (Christian) Monotheism that Vermont's Senator
 2 Ralph Flanders went so far as to propose a Constitutional Amendment stating that "**this**
 3 **nation devoutly recognizes the authority and law of Jesus Christ, Saviour and**
 4 **Ruler of Nations**, through whom are bestowed the blessings of Almighty God."¹⁹⁷

5 213. Although that amendment never came to fruition, a barrage of (Christian) Monotheistic
 6 actions was spatchcocked into government by Congress in the 1950s.

7 214. In 1952, for instance, a National Day of Prayer was instituted.¹⁹⁸

8 215. In 1953 a prayer room was constructed in the United States Capitol Building.¹⁹⁹

9 216. In 1954 (**with "Onward Christian Soldiers" chosen as the music to be played** at the
 10 official ceremony as the flag was being raised²⁰⁰), "under God" was intruded into the
 11 previously secular Pledge of Allegiance.²⁰¹

12 217. In 1955, the inscription of "In God We Trust" was mandated for every coin and
 13 currency bill produced by the Department of the Treasury.²⁰²

14 218. In 1956 the secular *de facto* national motto "E Pluribus Unum" was replaced with an
 15 official motto: "In God we trust."²⁰³

16 219. Of exceptional relevance to the gravamen of this lawsuit, 1956 was also the year that
 17 Defendant Congress authorized and directed the Architect of the Capitol to prepare a
 18 document (produced by the United States Government Printing Office) which succinctly
 19 clarified the purpose and effect of placing "In God We Trust" on the coins: to "**witness**
 20 **our faith in Divine Providence.**"²⁰⁴

¹⁹⁷ William Lee Miller, *Piety Along the Potomac*. The Reporter, Aug. 17, 1954, at 25, 25.

¹⁹⁸ Act of April 17, 1952, Pub. L. 82-324, ch. 216, 66 Stat. 64 (now codified at 36 U.S.C. § 119 (2012)).

¹⁹⁹ H.R. Con. Res. 60, 83d Cong. (1953).

²⁰⁰ 100 Cong. Rec. 8617 (1954).

²⁰¹ Act of June 14, 1954, Pub. L. 83-396, ch. 297, § 7, 68 Stat. 249. As noted, 1954 also marked a new Code of Conduct for the military, requiring every soldier to "trust in my God and in the United States of America," *see supra* ¶ 200, and the first time a religious postage stamp was produced, *see supra* ¶¶ 194-195.

²⁰² Act of July 11, 1955. *See supra* ¶¶ 182-183.

²⁰³ Act of July 30, 1956, Pub. L. 84-851, ch. 795, 70 Stat. 732 (now codified at 36 U.S.C. § 302 (2012)).

²⁰⁴ Architect of the Capitol, *The Prayer Room in the United States Capitol*, H.R. Doc. No. 234, at 5 (1956) (emphasis added), available at <http://digitalcollections.baylor.edu/cdm/compoundobject/collection/cs-vert/id/11518/rec/1>.

1 220. This (Christian) Monotheistic bent can be graphically demonstrated by examining the
 2 entries placed in the Congressional Record. There, the number pertaining to (Christian)
 3 Monotheistic religion increased **fifty-fold** when the five years after 1954 are compared
 4 to the five prior years. *See* Appendix A.

5 221. The Index volumes starting in 1954 show such extraordinary titles as “Meditation,
 6 Christ, our hope,” “Christians in Politics,” “Duty of Christian Politician,” “God’s
 7 Answer to Communism,” “Strengthening America Under God,” “We Pray or We
 8 Perish,” “Drive to Erect World’s Largest Cross,” “God Meant Us To Find Atom,” “God
 9 and U.N.,” “Great Christian,” “Free Government Based on Faith,” “President Honored
 10 for Religious Aim,” “What Did Jesus Believe About Wealth?,” “Who Are Disciples of
 11 Christ?,” “I Speak for Christian Citizenship,” “Communists versus God,” “Seeking
 12 God’s Way for World Peace,” “Eisenhower Should Lead Godly Against Reds,” “Our
 13 Home and God,” “Religious Illiteracy Is Problem for Home,” “Thanks Be to
 14 Providence,” “The Christian Leader and Politics,” “I Met God There,” “Bible ABC
 15 Verses,” “Christ Did Not Wear Crown of Thorns To Teach Appeasement,” “Threats to
 16 Christianity and Democracy,” “Christianity, Patriotism, and Myth of National
 17 Communism,” “Unfair Trial of Jesus,” “Christian Survival at Stake,” “Convert Russia
 18 Through Prayer,” “God’s Time,” “Christian Impact,” “Prayer Is Power,” “Christian
 19 Life,” “Christian and Jew,” “Christ in Marketplace,” “Politics and Christian Service,”
 20 “Millennium of Christianization,” “In the beginning God,” “Why Not Teach Religion?,”
 21 “Errors in trial of Jesus,” “Atheistic Character of Communism,” “Antichrists on Prowl,”
 22 “Moses, Prophets, Jesus Fought To Erase Inequality,” “Speak for Christian citizenship,”
 23 “Subsidy for ministers,” “Reaffirm Christian faith in Middle East crisis,” “139 Joined
 24 Church During Crusade,” “Aggressive Secularism Undermining Nation,” “Can-Do
 25 Christians,” “Christianity or Communism?,” “For God and Country,” “Christian
 26 Philosophy of Civil Government,” “We Believe in Prayer,” “With Faith and Flag They
 27 Called It America,” “Lecture: Existence of God,” “What Faith in God Has Meant to
 28 Me,” “Christ and Politics,” “Power of Prayer,” “Union of Church and State,” “Jesus, the
 29 Perfect Man,” “Washington’s Lady Ambassador for Christ,” “Make yourself a
 30 rubberstamp for God,” “Man Sent From God,” and “Bible: eternal source of strength.”
 31 *See* Appendix A.

- 1 222. Even the judicial branch engaged in this (Christian) Monotheistic religious bias.
- 2 223. Chief Justice Earl Warren, for example, spoke of the United States as “**a Christian land**
3 **governed by Christian principles.**”²⁰⁵
- 4 224. More egregious was the ruling by the Chief Judge for the United States District Court
5 for the District of Hawaii when an Atheist petitioned to become a naturalized citizen.
- 6 225. To Judge J. Frank McLaughlin, belief in God was key among “the principles which
7 delicately support our free government.”²⁰⁶ Thus, when the petitioner attempted to take
8 the oath of citizenship without the “so help me God” language, Judge McLaughlin
9 denied the petition.
- 10 226. Denial, wrote Judge McLaughlin, was appropriate because “**the atheist philosophy**
11 **upon which petitioner predicates his position demonstrates a lack of attachment to**
12 **the United States Government’s first principle: a belief in a Creator.**”²⁰⁷
- 13 227. Particularly relevant to this case is the fact that the judge specifically referenced “the
14 inscription of ‘In God We Trust’ upon the Liberty half-dollar and other United States
15 coins” to support his ruling.²⁰⁸
- 16
- 17 228. Precisely as the Framers of our Constitution feared, this pervasive governmental support
18 for one religious ideology (and denigration of another) helped fuel similar sentiments in
19 the public square. Thus, (Christian) Monotheism was officially supported (and Atheism
20 officially disfavored) as “the conservative fifties saw a major revival of religion. Year
21 after year the statistics pointed to unprecedented increases in church membership.”²⁰⁹
- 22 229. In 1955, “of adult Americans ... 96.9 per cent were found to identify themselves
23 religiously (70.8 per cent Protestants, 22.9 per cent Catholics, 3.1 per cent Jews).”²¹⁰

²⁰⁵ *Eisenhower Joins in a Breakfast Prayer Meeting*, N.Y. Times, Feb. 5, 1954, A10
(emphasis added).

²⁰⁶ *Petition of Plywacki*, 107 F. Supp. 593, 593 (1952), *rev’d* 205 F.2d 423 (9th Cir. 1953).
District Court opinion available at www.leagle.com/xmlResult.aspx?xmlDoc=1952700107FSupp593_1552.xml&docbase=CSLWAR1-1950-1985.

²⁰⁷ *Petition of Plywacki*, 115 F. Supp. 613, 614 (1953) (emphasis added), *available at*
www.leagle.com/xmlResult.aspx?page=3&xmlDoc=1953728115FSupp613_1596.xml&docbase=CSLWAR1-1950-1985&SizeDisp=7.

²⁰⁸ *Plywacki*, 107 F. Supp. at 593.

²⁰⁹ Oakley, *supra* note 172, at 185.

²¹⁰ Herberg, *supra* note 187, at 78, n.2 (citing Pub. Opinion News Serv., Mar. 20, 1955).

- 1 230. From 1949 to 1953, “the distribution of Scripture in the United States increased 140 per
2 cent.”²¹¹
- 3 231. Clergymen – with remarkably successful books, radio shows, television shows, crusades
4 and the like – became increasingly popular and influential.²¹² Thus, Billy Graham,²¹³
5 Fulton Sheen²¹⁴ and Norman Vincent Peale,²¹⁵ for example, became household names.
- 6 232. Whereas religious leaders came in third when Americans were questioned about which
7 groups did the most “good” for the country in 1942, “[n]o other group – whether
8 government, congressional, business, or labor – came anywhere near matching the
9 prestige and pulling power of the men who are the ministers of God” when the question
10 was repeated in the mid-1950s.²¹⁶
- 11 233. The Chairman of the Board of the Chamber of Commerce of the United States spoke
12 unhesitatingly in stating that “our Christian religion and our competitive business
13 system are in themselves the two most revolutionary forces in the world today.”²¹⁷
- 14 234. A new Little League Pledge, beginning with “I trust in God,” was published in the
15 February 1955 issue of the *Little Leaguer* magazine.²¹⁸

²¹¹ *Id.* at 14 (citing *Report of the American Bible Society at Its 138th Annual Meeting*, Time, May 24, 1954).

²¹² Oakley, *supra* note 172, at 321-327.

²¹³ Billy Graham’s masterful crusades are legendary. *See, e.g., Billy Graham: A New Kind of Evangelist*, Time, Oct. 25, 1954, at 54. “Like many other evangelists of the day, [Rev. Graham] also often equated Christianity with Americanism and with anticommunism.” Oakley, *supra* note 172, at 322. As Graham characterized it, “a great sinister and anti-Christian movement masterminded by Satan has declared war upon the Christian God.” Peter Lewis, *The Fifties* 73-74 (1978).

²¹⁴ *Life Is Worth Living*, a TV show with Rev. Fulton J. Sheen, aired from 1952 to 1957. Rev. Sheen “warned that no peace was possible with Russia, the leader of international godless communism.” Oakley, *supra* note 172, at 322-23.

²¹⁵ Peale’s *The Power of Positive Thinking* (1952) “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.” Oakley, *supra* note 172, at 323.

²¹⁶ Polls conducted by Elmo Roper, as reported in Miller & Nowak, *supra* note 186, at 85-86.

²¹⁷ Clement D. Johnston, *The Spiritual Responsibility of American Business and Industry*, 22 Vital Speeches of the Day, Dec. 15, 1955, at 151.

²¹⁸ Little League, *Pledge*, www.littleleague.org/learn/about/pledge.htm (last visited Apr. 17, 2013).

1 235. So great was “the resurgence of religious feeling and practice in America” that the Ideal
2 Toy Company manufactured “praying dolls” with flexible knees for kneeling.²¹⁹

3 236. It should be recalled that the Bible (i.e., the book the (Christian) Monotheistic majority
4 considers most holy) frequently denigrates Atheists. For instance, it:

5 (i) Claims that “[t]he fool hath said in his heart, There is no God. They are
6 corrupt, they have done abominable works, there is none that doeth good.”
7 *Psalms* 14:1.

8 (ii) Associates unbelievers with “wickedness” and “darkness.” *2 Corinthians*
9 6:14.

10 (iii) Decrees that those who deny God’s existence “shall surely be put to
11 death.” *Leviticus* 24:16.

12
13 237. Moreover, the dictionaries of the time included “sinful” and “wicked” among their
14 definitions of “godless”²²⁰ and “ungodly.”²²¹

15 238. Thus, not surprisingly, there was significant antipathy towards Atheists accompanying
16 the era’s pro-Christian, pro-God fervor.

17 239. This antipathy was intensified in the Cold War environment, where, “[b]elieving that
18 ‘atheistic Communism’ threatened America both without and within, Americans saw the
19 world in terms of good and evil, godly and godless.”²²²

20 240. Accordingly, it was believed that “Communists were our mortal enemies and they were
21 atheists. Religion, therefore, came to seem essential in the fight against communism.”²²³

22 241. With media moguls molding public opinion by speaking of “atheism, anarchism and
23 Godless despotism,”²²⁴ data revealed the extent to which Atheists were reviled.

24 242. In 1954, for instance, a poll showed **that 60% of the population felt it was proper to**
25 **deny Atheists the right to express their religious views in a speech.**²²⁵

²¹⁹ *Words and Works*, Time, Sept. 20, 1954, at 65.

²²⁰ See, e.g., *Webster’s New Twentieth Century Dictionary of the English Language – Unabridged* 749 (2d ed. 1956) and *1 Funk & Wagnalls New Practical Standard Dictionary of the English Language* (1956).

²²¹ See, e.g., *2 The New Century Dictionary of the English Language* 2095 (1948).

²²² Miller & Nowak, *supra* note 186, at 82.

²²³ *Id.* at 91.

²²⁴ *William Randolph Hearst: A Portrait in his Own Words* 302-03 (Edmond D. Coblentz ed. 1952).

²²⁵ Samuel Stouffer, *Communism, Conformity, and Civil Liberties: A Cross Section of the Nation Speaks Its Mind* 423-33 (1955) (citing a joint survey conducted in 1954 by Gallup and the Nat’l Op. Res. Ctr. of the Univ. of Chi.).

- 1 243. The same poll showed that **60% favored removing all books on Atheism from the**
2 **public libraries, and that a whopping 84% believed that Atheists should be**
3 **prohibited from teaching in colleges or universities.**²²⁶
- 4 244. In 1958, **more than three-quarters of the population stated they would not vote for**
5 **an otherwise qualified candidate for President if that person were an Atheist.**²²⁷
- 6 245. In a 1962 treatise on the Supreme Court and the Religion Clauses, it was noted that,
7 “Atheism is fair game for the sniper, and overtones of ‘blasphemy’ and ‘sacrilege’ still
8 linger.”²²⁸
- 9 246. In 1965, **27% of the population stated that they didn’t think Atheists should even**
10 **be allowed to vote.** This was more than four times the percentage who felt that basic
11 right of citizenship should be denied to “people who have quit school and never
12 completed high school.”²²⁹
- 13 247. In sum, (Christian) Monotheistic religious fervor, and its associated anti-Atheism,
14 characterized the Cold War era in the middle of the twentieth century. That milieu
15 explains why the presence of “In God We Trust” – already unconstitutionally inscribed
16 on every coin (albeit as a matter of discretion for some) – was mandated for all coins
17 and currency bills in the Act of 1955.

²²⁶ *Id.*

²²⁷ The poll, which included figures for those who would not vote for candidates of other religions (and races as well), is revealing: Would not vote for a: “Baptist” (4%), “Catholic” (27%), “Jew” (29%), “Negro” (54%), “Atheist” (77%). *Id.*

²²⁸ *The Supreme Court on Church and State* xxi (Joseph Tussman ed. 1962).

²²⁹ Am. Inst. of Pub. Op., Gallup Poll conducted July 21, 1965.

1 **D. CURRENT CIRCUMSTANCES ARE LITTLE CHANGED FROM THE 1950s**
 2

3 **(1) “In God We Trust” on the Money Continues to Represent (Christian)**
 4 **Monotheism and to Be Utilized in Religiously Discriminatory Ways**
 5

6 248. The “In God We Trust” phrase has continued to be a tool used to perpetuate favoritism
 7 for (Christian) Monotheism. It has also continued to perpetuate anti-Atheistic bias.
 8

9 **(a) Presidents Continue to Use the Motto to Advocate for (Christian)**
 10 **Monotheism**
 11

12 249. Since President Eisenhower (shortly before he signed into law the congressional
 13 resolution establishing “In God We Trust” as the national motto²³⁰) stated:

14 **Recognition of the Supreme Being is the first, the most basic,**
 15 **expression of Americanism. Without God, there could be no**
 16 **American form of government, nor an American way of life,**²³¹
 17

18 subsequent Presidents have expressed similar sentiments.

19 250. President John F. Kennedy, for instance, stated, “The guiding principle and prayer of
 20 this Nation has been, is now, and ever shall be ‘In God We Trust.’”²³²

21 251. In his 1974 National Day of Prayer proclamation, President Gerald R. Ford began by
 22 stating that “Ours is a Nation built upon a belief in a Creator ... and **faith in that**
 23 **Creator permeates every aspect of our way of life.**”²³³ This statement was followed
 24 by a reiteration of President Eisenhower’s extraordinary words: “**Without God, there**
 25 **could be no American form of government, nor an American way of life.**”²³⁴

26 252. Speaking at a brunch two years later, President Ford contended that “‘In God We Trust’
 27 is much more than a national motto.”²³⁵

²³⁰ Act of July 30, 1956, *see supra* note 203.

²³¹ *See supra* ¶ 191.

²³² As reported in H.R. Con. Res. 13, 112th Cong., at 3 (2011).

²³³ Gerald Ford, *Proclamation 4338 – National Day of Prayer*, [Dec. 5,] 1974 (emphasis added), www.presidency.ucsb.edu/ws/index.php?pid=23888.

²³⁴ *Id.* (emphasis added).

²³⁵ Gerald Ford, *Remarks at the Professional Athletes Prayer Brunch*, Feb. 16, 1976, www.presidency.ucsb.edu/ws/?pid=5492.

- 1 253. President Ford elaborated by speaking of “the religious life for which the ultimate
2 reward is nothing less than a place in the kingdom of God.”²³⁶
- 3 254. During a 1980 town hall meeting, President Jimmy Carter was asked about his being “a
4 born-again Christian.”²³⁷
- 5 255. In answering, the President found it relevant that “‘In God We Trust’ is on our coins,”
6 and added that “It’s not a bad thing for Americans to believe deeply in God.”²³⁸
- 7 256. President Ronald Reagan’s 1981 National Day of Prayer proclamation began by
8 claiming, “**Our Nation’s motto ‘In God We Trust’ ... reflects a basic recognition**
9 **that there is a divine authority in the universe to which this Nation owes**
10 **homage.**”²³⁹
- 11 257. At a subsequent event, President Reagan also referenced the religious verbiage on the
12 money: “**And we are still a nation under God. It says so on our coins—’In God We**
13 **Trust.**”²⁴⁰
- 14 258. George H.W. Bush stated that “we are one nation under God. **And we were placed here**
15 **on Earth to do His work.** And our work has gone on now for more than 200 years in
16 the Nation -- a work **best embodied in four simple words: In God we trust.**”²⁴¹
- 17 259. In his 1997 National Day of Prayer proclamation (just prior to noting that Congress “has
18 called our citizens to reaffirm annually our dependence on Almighty God”), President
19 William J. Clinton asserted, “may our national resolve be matched **by a firm reliance**
20 **on the Author of our lives—for truly it is in God that we trust.**”²⁴²

²³⁶ *Id.*

²³⁷ Jimmy Carter, *Independence, Missouri Remarks and a Question-and-Answer Session at a Townhall Meeting*, Sept. 2, 1980, www.presidency.ucsb.edu/ws/index.php?pid=44975.

²³⁸ *Id.*

²³⁹ Ronald Reagan, *Proclamation 4826 – National Day of Prayer*, [Mar. 19,] 1981 (emphasis added), www.presidency.ucsb.edu/ws/?pid=61699.

²⁴⁰ *Question-and-Answer Session with Students at Farragut High School in Farragut, Tennessee*, June 14, 1983 (emphasis added), www.presidency.ucsb.edu/ws/index.php?pid=41473.

²⁴¹ George Bush, *Remarks at the Annual National Prayer Breakfast*, May 4, 1989 (emphases added), http://bushlibrary.tamu.edu/research/public_papers.php?id=388&year=1989&month=all.

²⁴² William J. Clinton, *Proclamation 6991, National Day of Prayer*, [Apr. 18,] 1997 (emphasis added), www.presidency.ucsb.edu/ws/index.php?pid=54013.

1 260. Commemorating the fiftieth anniversary of the “In God We Trust” phrase as our
 2 national motto, President George W. Bush in 2006 proclaimed that the words
 3 **“recognize the blessings of the Creator.”**²⁴³

4 261. Stating as fact that there is **“a divine plan that stands above all human plans,”**²⁴⁴
 5 President Bush apparently missed the irony – obvious to Atheists such as Plaintiffs here
 6 – of his simultaneous proclamation that “our country stands strong as a beacon of
 7 religious freedom.”²⁴⁵

8
 9 262. Even today, the “In God We Trust” phrase remains a major issue in presidential politics.

10 263. Just this past fall, when Florida Senator Marco Rubio introduced presidential candidate
 11 Mitt Romney at the Republican National Convention, the audience heard of **“[o]ur
 12 national motto, ‘in God we trust’, reminding us that faith in our creator is the most
 13 important American value of them all.”**²⁴⁶

14 264. Not to be outdone, the Democrats altered their party platform (which had not included
 15 any (Christian) Monotheistic material). The alteration followed former Ohio Governor
 16 Ted Strickland’s statement that **“I am here to attest and affirm that our faith and
 17 belief in God is central to the American story and informs the values we’ve expressed
 18 in our party’s platform.”**²⁴⁷

19 265. The fact that the Democratic Party platform was initially set up without homage to God
 20 remained a major issue.

21 266. For instance, candidate Mitt Romney later stated, **“I will not take ‘God’ off our coins,
 22 and I will not take God out of my heart. We’re a nation bestowed by God.”**²⁴⁸

²⁴³ George W. Bush, *50th Anniversary of Our National Motto, “In God We Trust,”* [July 27,] 2006 (emphasis added), <http://georgewbushwhitehouse.archives.gov/news/releases/2006/07/20060727-12.html>.

²⁴⁴ *Id.* (emphasis added).

²⁴⁵ *Id.*

²⁴⁶ *Transcript of Marco Rubio’s Speech at the RNC*, FoxNews, Aug. 30, 2012 (emphasis added), www.foxnews.com/politics/2012/08/30/transcript-marco-rubio-speech-at-rnc/.

²⁴⁷ Jessica Yellin, *Just In: Democrats Update Platform with Jerusalem, God Reference*, CNN Politics (Sept. 5, 2012) (emphasis added), <http://politicalticker.blogs.cnn.com/2012/09/05/just-in-democrats-to-update-platform-with-jerusalem-reference/>.

²⁴⁸ Ashley Parker, *In Romney’s Hands, Pledge of Allegiance is Framework for Criticism*, N.Y. Times (Sept. 9, 2012), at A16 (emphasis added), available at www.nytimes.com/2012/09/09/us/politics/romney-uses-pledge-of-allegiance-to-criticize-obama.html.

1 **(b) Congress Continues to Use the Motto to Advocate for (Christian)**
 2 **Monotheism**

3 **i. Congress’s Motto “Reaffirmations” Reveal that Our Legislators**
 4 **Continue to Believe the Motto Stands for (Christian) Monotheism**

5
 6 267. The House of Representative recently passed a “reaffirmation” of the motto.²⁴⁹

7 268. That “reaffirmation” contended that “in times of national challenge or tragedy, **the**
 8 **people of the United States have turned to God as their source for sustenance,**
 9 **protection, wisdom, strength, and direction.**”²⁵⁰

10 269. Of course, only some of “the people of the United States” have done this, just as only
 11 some have turned to Jesus, the Koran or the myriad other religious figures and texts that
 12 are both inclusive and exclusive in terms of religious belief and practice.

13 270. Recalling the remarkably exclusionary statement of President Eisenhower (later
 14 repeated by President Ford) that, “**Without God, there could be no American form of**
 15 **government, nor, an American way of life,**”²⁵¹ that “reaffirmation” also resolved that
 16 Defendant Congress “supports and encourages the public display of [‘In God we trust’]
 17 in all public buildings, public schools, and other government institutions.”²⁵²

18 271. Although Rep. Jerrold Nadler of New York noted that “this country is a country for all
 19 people—whether they are religious or not, whether they believe in God or not, whether
 20 they believe in one God or not,”²⁵³ Rep. Lamar Smith of Texas contended that it was
 21 important “to show that we still believe and recognize” that ““God intended for us to be
 22 free,”” that “**“the rights of man come not from the generosity of the state, but from the**
 23 **hand of God,**”” and that ““upon the spirit of God shall our democracy be founded.””²⁵⁴

24 272. Rep. Daniel Lungren of California spoke of “**the God in whom we trust.**”²⁵⁵

25 273. Rep. Jeff Miller of Florida reminded his colleagues that ““if we ever forget that **we are**
 26 **one nation under God,** that we will then be one nation gone under.””²⁵⁶

²⁴⁹ H.R. Con. Res. 13, 112th Cong. (2011).

²⁵⁰ 157 Cong. Rec. H7169 (daily ed. Nov. 1, 2011) (emphasis added).

²⁵¹ *Id.* (emphasis added).

²⁵² *Id.*

²⁵³ *Id.* at H7170 (remarks of Rep. Nadler).

²⁵⁴ *Id.* at H7171 (remarks of Rep. Smith) (citations omitted) (emphases added).

²⁵⁵ *Id.* (remarks of Rep. Lungren) (emphasis added).

²⁵⁶ *Id.* at H7172 (remarks of Rep. Miller) (citation omitted) (emphasis added).

- 1 274. “[I]n God we must continue to trust now,” stated Rep. Ted Poe of Texas.²⁵⁷
- 2 275. Speaking of the motto representing “Judeo-Christian principles” and “the inclusion of
3 these [Judeo-Christian] principles into our government,” Rep. Gregg Harper of
4 Mississippi asserted that “we are indeed endowed by our Creator with certain
5 inalienable rights,”²⁵⁸ and seemed to take pride in being “**constantly surrounded by the**
6 **reminders of God’s presence**” in the “Nation’s Capitol.”²⁵⁹
- 7 276. Rep. Paul Broun of Georgia felt the motto should be reaffirmed because “**we must**
8 **continue to affirm that God has a place in blessing our government**, in guiding our
9 lawmakers, and that He has the ability to lead our Nation back to a path of righteousness
10 and prosperity.”²⁶⁰
- 11 277. Oklahoma Rep. James Lankford’s support for the motto “reaffirmation” stemmed from
12 his claim that “[w]e as Americans believe our rights are from God. It is in God we
13 trust.”²⁶¹
- 14 278. Insulting Plaintiffs here and millions of other Americans, Rep. Trent Franks of Arizona
15 stated:
- 16 If man is God, then an atheist state is as brutal as the thesis that it
17 rests upon and there is no longer any reason for us to gather here in
18 this place. We should just let anarchy prevail because, after all, we
19 are just worm food. So indeed we have the time **to reaffirm that**
20 **God is God and in God do we trust.**²⁶²
- 21
- 22 279. Under the version of history adhered to by Alabama’s Rep. Robert B. Aderholt, “the
23 Founding Fathers ... fully endorsed the idea of the acknowledgement of God.”²⁶³ That
24 version also presumes that those Founding Fathers sought to create “**a Christian and**
25 **godly Nation.**”²⁶⁴

²⁵⁷ *Id.* at H7173 (remarks of Rep. Poe) (emphasis added).

²⁵⁸ *Id.* at H7173 (remarks of Rep. Harper).

²⁵⁹ *Id.* (emphasis added).

²⁶⁰ *Id.* (remarks of Rep. Broun) (emphasis added).

²⁶¹ *Id.* (remarks of Rep. Lankford) (emphasis added).

²⁶² *Id.* (remarks of Rep. Franks) (emphasis added).

²⁶³ *Id.* at H7174 (remarks of Rep. Aderholt).

²⁶⁴ *Id.* (emphasis added).

1 280. Meanwhile, Rep. Nadler noted that the resolution served “to make people who may not
2 agree with it feel that they’re not as American as we are.”²⁶⁵

3 281. After the resolution’s chief sponsor, Rep. Randy Forbes of Virginia, responded to Rep.
4 Nadler, Indiana’s Rep. Mike Pence thanked Rep. Forbes “for his tireless and ongoing
5 **defense of America’s Christian heritage.**”²⁶⁶

6 282. According to Rep. Pence, one cannot “adequately explain the near boundless prosperity
7 and advancement of the United States of America since 1776 other than the hand of
8 Providence.”

9 283. Rep. Sheila Jackson Lee of Texas apparently missed the oxymoron involved in
10 contending that the “In God we trust” phrase “reflects our nation’s rich history of
11 religious freedom and tolerance” and “is an acknowledgement of our nation’s
12 unwavering commitment to religious freedom.”²⁶⁷

13 284. After referencing “**the Supreme Being, the creator and ruler of the universe,**” Rep.
14 Jackson Lee extolled the virtues of our nation’s diversity, with its “many different
15 religions, faiths and customs.”²⁶⁸ Unfortunately, Americans such as Plaintiffs here –
16 whose religious beliefs specifically deny the existence of any “creator” or “Supreme
17 Being” – are apparently outside of the Representative’s diversity community:

18 Reaffirming ‘In God We Trust’ as the national motto is a
19 reaffirmation of faith, a reaffirmation of a creator and Supreme
20 Being, and uniting all religions under the comfort this brings.²⁶⁹
21

22 285. Rep. Mike McIntyre of North Carolina argued that “as our country faces a fatigued
23 economy, high unemployment, and a challenging budget situation, our continued trust in
24 God is critical and must not wane” and that “**our faith in God must remain steadfast**
25 **through the dark times.**”²⁷⁰ He followed this by citing to a Thanksgiving proclamation
26 made by the Continental Congress in 1777, which spoke “**of that kingdom which**
27 **consisteth in righteousness, peace and joy in the Holy Ghost.**”²⁷¹

²⁶⁵ *Id.* (remarks of Rep. Nadler).

²⁶⁶ *Id.* (remarks of Rep. Pence) (emphasis added).

²⁶⁷ *Id.* (remarks of Rep. Jackson Lee).

²⁶⁸ *Id.* (emphasis added).

²⁶⁹ *Id.*

²⁷⁰ *Id.* at H7174-75 (remarks of Rep. McIntyre) (emphasis added).

²⁷¹ *Id.* at H7175 (emphasis added).

- 1 286. Of note is that the actual “reaffirmation” itself had seven historical (Christian)
2 Monotheistic references juxtaposed to the motto to show its propriety.
- 3 287. Similar “reaffirmations” of the “In God we trust” phrase – with similar (Christian)
4 Monotheistic religious juxtapositions – were passed by the Senate in 2006, and by both
5 the House and the Senate in 2002.²⁷²
- 6 288. In the 2002 “reaffirmation,” the motto was supported by juxtaposing eight historical
7 (Christian) Monotheistic references.²⁷³
- 8 289. In 2006 (while writing that “the success of civil government relies firmly on the
9 protection of divine Providence”) the Senate opted to “commemorate, celebrate, and
10 reaffirm” the motto by juxtaposing thirteen historical (Christian) Monotheistic
11 references to it.²⁷⁴
- 12 290. The Supreme Court, however, has written that “juxtaposing ... other documents with
13 highlighted references to God as their sole common element [reveals an] unstinting
14 focus ... on religious passages, showing ... an impermissible purpose.”²⁷⁵
- 15 291. Thus, certain members of the House Committee on the Judiciary that considered the
16 2011 “reaffirmation” determined that the resolution “transgressed the clear line between
17 government and religion in violation of the Establishment Clause.”²⁷⁶
- 18 292. Furthermore:
- 19 H. Con. Res. 13 does prefer religion over non-religion, which
20 violates the Constitution. Second, **it endorses a specific type of**
21 **religion, monotheism, over other religions**, which likewise is
22 unconstitutional.²⁷⁷
- 23
- 24 293. Accordingly, the view that “In God We Trust” is constitutional was expressly refuted by
25 members of Congress.

²⁷² Other bills that were proposed but not passed also demonstrate the religious essence of the “In God we trust” phrase. For instance, a House concurrent resolution that was referred to the Subcommittee on the Constitution in 2005 highlighted that “belief in a Supreme Power and the virtue of seeking strength and protection from that Power is ... inscribed on our currency.” H.R. Con. Res. 253, 109th Cong. (2005).

²⁷³ An Act to Reaffirm the Reference to One Nation Under God in the Pledge of Allegiance, Pub. L. No. 107-293, 116 Stat. 2057 (2002).

²⁷⁴ S. Con. Res. 96, 109th Cong. (2006).

²⁷⁵ *McCreary County v. ACLU of Kentucky*, 545 U.S. 844, 870 (2005).

²⁷⁶ H.R. Rep. 112-47 (2011) (“Dissenting Views”) at 6.

²⁷⁷ *Id.* (“Dissenting Views”) at 8 (emphasis added).

1 **ii. “In God We Trust” Clearly Has a (Christian) Monotheistic Meaning to**
 2 **Congress’s Chaplains**

3
 4 294. Those who are arguably the religious deans of the nation – Congress’s chaplains – often
 5 employ the “In God We Trust” language to further (Christian) Monotheistic messages.

6 295. A good example is the February 16, 2011, prayer offered by that day’s guest chaplain,
 7 Rev. Bill Shuler. Before reaching his **“In Jesus’ name”** conclusion, he stated:

8 Heavenly Father, we ... worship You, for **You are an awesome**
 9 **and personal God.** Make us ever mindful of the words engraved
 10 over the Speaker’s chair, **“In God We Trust.”** ... It is in You we
 11 trust. You are the God who founded our Nation, the God who gave
 12 us liberty, and **it is by turning to You that we are blessed.**²⁷⁸

13
 14 296. Two months later, Bishop Henry Fernandez (who also used the **“In Jesus’ name”**
 15 conclusion) addressed his **“Heavenly Father”** by saying, “And let Your peace rest upon
 16 them and this great Nation, as we continue to live out the words written over the chair of
 17 the Speaker of the House: **“In God we trust.”**²⁷⁹

18 297. Even when not using the precise “In God We Trust” language, trust in God is an
 19 exceedingly common theme in the Congressional prayers. Later in 2011, for instance,
 20 Rev. Roger Schoolcraft resonated with “Move us also to acknowledge and trust Your
 21 presence among us daily.”²⁸⁰ Speaking to the God he obviously believes is represented
 22 in the motto, his expressed hope was “that the choices made here would result in our
 23 country united, an economy restored, and **hearts grateful for Your loving care**
 24 **through Jesus Christ, our Lord.**”²⁸¹

25 298. The official Senate Chaplain, Dr. Barry C. Black, similarly started a recent prayer with
 26 **“Eternal God, sovereign of the nations, we place our trust in You.”**²⁸²

27 299. In the middle of his tenure, Rev. Daniel P. Coughlin (the official House Chaplain from
 28 2000 to 2011) claimed that “this Chamber proclaims what America prays: ‘In God we
 29 trust’ now and forever.”²⁸³

²⁷⁸ 157 Cong. Rec. H949 (daily ed. Feb. 16, 2011) (prayer by Rev. Shuler) (emphases added).

²⁷⁹ 157 Cong. Rec. H2334 (daily ed. Apr. 6, 2011) (prayer by Bishop Fernandez) (emphases added).

²⁸⁰ 157 Cong. Rec. H8199 (daily ed. Dec. 7, 2011) (prayer by Rev. Schoolcraft).

²⁸¹ *Id.* (emphasis added).

²⁸² 159 Cong. Rec. S19 (daily ed. Jan. 4, 2013) (prayer by Chaplain Black) (emphases added).

1 300. Moreover, speaking specifically about money, Rev. Coughlin inquired, “[W]hat is the
2 meaning of money? Does money really talk? In the United States the dollar bill says “In
3 God we trust.” So be it now and forever. Amen.”²⁸⁴

4 301. When the Chaplain of the House of Representatives includes in his official prayers, “As
5 Americans we say, ‘In God We Trust’”²⁸⁵ and “We proclaim once again to all who
6 would hear and understand, as we pray, ‘In God We Trust.’ Amen,”²⁸⁶ there is no
7 question that the motto is being used in a purely Monotheistic religious manner.
8

9 **iii. The Sequence of Events Regarding Edge-Incusion Demonstrates that**
10 **the Motto has Preeminently Religious Meaning to Our Legislators**

11
12 302. Further evidence of the unique religious importance of the motto can be seen in the
13 sequence of events regarding the edge-incusion design for the Presidential \$1 coins,
14 introduced pursuant to the Presidential \$1 Coin Act of 2005:

15 In order to revitalize the design of United States coinage and return
16 circulating coinage to its position as not only a necessary means of
17 exchange in commerce, but also as an object of aesthetic beauty in
18 its own right, it is appropriate to move many of the mottos and
19 emblems, the inscription of the year, and the so-called “mint
20 marks” that currently appear on the 2 faces of each circulating
21 coin to the edge of the coin, which would allow larger and more
22 dramatic artwork on the coins reminiscent of the so-called
23 “Golden Age of Coinage” in the United States, at the beginning of
24 the Twentieth Century, initiated by President Theodore Roosevelt,
25 with the assistance of noted sculptors and medallic artists James
26 Earle Fraser and Augustus Saint-Gaudens.²⁸⁷

27
28 303.. Accordingly, it was decided that “[t]he inscription of the year of minting or issuance of
29 the coin and the inscriptions ‘E Pluribus Unum’ and ‘In God We Trust’ shall be edge-
30 incused into the coin.”²⁸⁸

31 304. What turned out to be “reminiscent” of the Roosevelt and Saint-Gaudens era were the
32 objections to the lack of prominence of the “In God We Trust” phrase.

²⁸³ 151 Cong. Rec. H6386 (daily ed. July 25, 2005) (prayer by Rev. Coughlin).

²⁸⁴ 153 Cong. Rec. H2674 (daily ed. Mar. 20, 2007) (prayer by Rev. Coughlin).

²⁸⁵ 153 Cong. Rec. H9659 (daily ed. Aug. 3, 2007) (prayer by Rev. Coughlin).

²⁸⁶ 154 Cong. Rec. H9087 (daily ed. Sept. 24, 2008) (prayer by Rev. Coughlin).

²⁸⁷ Publ. L. 109-145, 119 Stat. 2664, 2665 (2005), § 101(10).

²⁸⁸ *Id.* at 2666, § 102(n)(2)(C)(i).

1 305. For instance, Rep. Dan Burton of Indiana complained about “people in this country who
2 have tried to get ... **belief in God** taken off of all ... coins and currency.”²⁸⁹

3 306. Decrying the notion of “putting ‘In God We Trust’ in an obscure place on coins so that
4 people can’t read it,” he continued by stating “This country was formed with a firm
5 reliance on God Almighty, and **when we start taking God out of everything, as some**
6 **people want to do, we run the risk of having him turn his back on us.**”²⁹⁰

7 307. Rep. Burton thus introduced legislation to “demand or mandate that ‘In God We Trust’
8 be maintained and retained on our coinage in a prominent place.”²⁹¹

9 308. As a result, that phrase is no longer permitted to be edge-incused: “The design **on the**
10 **obverse or the reverse** shall bear the inscription ‘In God We Trust’.”²⁹²

11

12 (c) **Society Continues to Use the Motto for (Christian) Monotheistic Advocacy**

13

14 309. Endorsing (Christian) Monotheism is how society sees the motto as well.

15 310. The 2012 Honorary Chairman of the National Task Force, for example (in his official
16 prayer that ended “[i]n the name of Your Son, and our Savior”), noted that “[o]ur
17 currency proclaims ‘**In God We Trust,**’”²⁹³

18 311. In God We Trust~America, another advocacy group, seeks to have “Elected Officials to
19 ‘Vote Yes’ to Legally Display Our Congressionally Approved National Motto *IN GOD*
20 *WE TRUST* In Every City, County Chamber and State Capitol In America.”²⁹⁴

21 312. The group explained its purposes: “to keep God’s name in America, and acknowledge
22 and affirm the role that **faith in God** plays in the public lives of the citizens in this
23 country, and in the core values of our nation.”²⁹⁵

²⁸⁹ 153 Cong. Rec. H10311 (daily ed. Sept. 7, 2007) (statement of Rep. Burton) (emphasis added). It is noteworthy that this snippet speaks of “belief in God” and not “Godly heritage.”

²⁹⁰ *Id.* (emphasis added).

²⁹¹ *Id.*

²⁹² 31 U.S.C. § 5112 (2012). *See also* Consolidated Appropriations Act of 2008, Pub. L. 110-161, § 623(a)(2), 121 Stat. 1844 (2007).

²⁹³ Baptist Press, *Day of Prayer May Have Been Largest Ever* (May 3, 2012) (emphases added), www.bpnews.net/BPFirstPerson.asp?ID=37756.

²⁹⁴ In God We Trust~America, *Our Mission*, <http://0168828.netsolhost.com/ingodwetrust/our-mission/> (last visited Apr. 17, 2013).

²⁹⁵ *Id.* (emphasis added).

- 1 313. Congressional Prayer Caucus Foundation, Inc. is yet one more organization that uses the
 2 motto to serve religious ends. For its members, the “In God We Trust” phrase means
 3 “that **God our Creator is still the foundation of our nation’s trust**, not man.”²⁹⁶
- 4 314. The Family Research Council (FRC) states its mission is “to advance faith, family and
 5 freedom in public policy and the culture **from a Christian worldview**.”²⁹⁷
- 6 315. In an email sent on September 14, 2012, FRC president Tony Perkins wrote about the
 7 organization’s recent “Value Voters Summit.” Under the heading “Value Voters Accept
 8 God to their Platform,” Perkins wrote: “I opened our “Values Voters Convention” by
 9 amending our theme of “Limit government, reduce spending, champion traditional
 10 values and protect America” by adding at the end – “**No apologies: In God We**
 11 **Trust**.”²⁹⁸
- 12 316. This amendment was “approved following three unanimous votes by those gathered in
 13 the hall.”²⁹⁹
- 14 317. Internet searches of “‘In God We Trust’ products” show overwhelming use of that
 15 phrase related to (Christian) Monotheistic religious products proffered by (Christian)
 16 Monotheistic enterprises.
- 17 318. Internet searches of “‘In God We Trust’ books” show overwhelming use of that phrase
 18 related to (Christian) Monotheistic religious books by (Christian) Monotheistic authors.
- 19 319. In 2005, the undersigned (Michael Newdow) brought a legal challenge to “In God We
 20 Trust” on his own behalf in the Ninth Circuit.³⁰⁰
- 21 320. Seven organizations filed *amicus curiae* briefs in that case. Of those seven
 22 organizations, six were patently religious.³⁰¹

²⁹⁶ Congressional Prayer Caucus Foundation, Inc., *About the Cause: Why Is This Significant?*
www.ingodwetrustmotto.us/about-the-cause (emphasis added) (last visited Apr. 17, 2013).

²⁹⁷ Family Research Council, <http://www.frc.org/mission-statement> (emphasis added) (last
 visited Apr. 17, 2013).

²⁹⁸ Emphasis added. Email in files of the undersigned (Michael Newdow).

²⁹⁹ *Id.*

³⁰⁰ See *Newdow v. Lefevre*, 598 F.3d 638 (9th Cir. 2010). The matter was decided against
 Newdow on the basis of binding precedent.

³⁰¹ The religious persuasion of the other *amicus* (i.e., the United States Justice Foundation)
 can likely be surmised by noting some of the commentaries on its website, such as “*Can One
 Be a True Democrat and a True Christian?*” [https://usjf.net/2012/06/can-one-be-a-true-
 democrat-and-a-true-christian/](https://usjf.net/2012/06/can-one-be-a-true-democrat-and-a-true-christian/) (last visited Apr. 17, 2013).

1 **(2) In Extolling (Christian) Monotheism, “In God We Trust” Contributes to a**
 2 **Culture That Denigrates Atheism and Atheists**
 3

4 321. By espousing the motto “In God We Trust” and placing it on every coin and currency
 5 bill, Defendants contribute to the fact that Atheists are viewed unfavorably by more than
 6 half of their fellow Americans merely on the basis of their deeply felt religious views.³⁰²

7 322. The (Christian) Monotheistic coinage is also partly responsible for the astounding 57%
 8 of the population holding the view that nonbelievers are incapable of being moral.³⁰³

9 323. In fact, research has shown that our society finds that Atheists – solely on the basis of
 10 their disbelief in God – are felt to be less trustworthy than rapists!³⁰⁴

11 324. The environment created by the pervasive and persistent governmental employment of
 12 “In God We Trust” has also helped create “symbolic boundaries that clearly and sharply
 13 exclude atheists in both private and public life.”³⁰⁵

14 325. “[N]ot only [are] atheists ... less accepted than other marginalized groups but ...
 15 attitudes toward them have not exhibited the marked increase in acceptance that has
 16 characterized views of other racial and religious minorities over the past forty years.”³⁰⁶

17 326. This notion was corroborated by a recent Gallup poll which found that (as has been the
 18 case since the question was first asked by the Gallup organization in 1958) fewer people
 19 would vote for a generally well-qualified Atheist than for a member of any other
 20 religious minority.³⁰⁷ A full 43% stated they would not vote for such a person.³⁰⁸

³⁰² Pew Forum on Religious & Pub. Life, *Public Expresses Mixed Views of Islam, Mormonism* (Sept. 25, 2007), <http://pewforum.org/Public-Expresses-Mixed-Views-of-Islam-Mormonism.aspx> (last visited on Apr. 17, 2013).

³⁰³ Pew Res. Ctr., *The Pew Global Attitudes Project 33*, Oct. 4, 2007, <http://pewglobal.org/files/pdf/258.pdf> (last visited Apr. 17, 2013).

³⁰⁴ Will M. Gervais et al., *Do You Believe in Atheists? Distrust Is Central to Anti-Atheist Prejudice*, 101 *J. of Personality & Soc. Psychol.* 1189, 1195-96 (2011).

³⁰⁵ Penny Edgell et al., *Atheists as “Other”: Moral Boundaries and Cultural Membership in American Society*, 71 *Am. Soc. Rev.* 211, 212 (2006).

³⁰⁶ *Id.*

³⁰⁷ Jeffrey M. Jones, Gallup, *Atheists, Muslims See Most Bias as Presidential Candidates* (June 21, 2012), www.gallup.com/poll/155285/Atheists-Muslims-Bias-Presidential-Candidates.aspx (citing a poll conducted June 7-10, 2012) (last visited Apr. 17, 2013).

³⁰⁸ *Id.*

1 327. This marginalization of Atheists, perpetuated by the inscription of “In God We Trust”
 2 on the coins and currency, is also responsible for the persistence – in the year 2013 – of
 3 patently discriminatory anti-Atheistic provisions **in the constitutions** of eight states.³⁰⁹

4 328. Surely no state constitutional provision discriminating in a similar manner against Jews,
 5 Catholics, women, blacks, Latinos, Asians, or any other minority group would ever be
 6 proposed, and, were such provisions in place, none would ever be tolerated.

7 329. Only such bigotry against Atheists – signaled as permissible by the pervasive national
 8 motto – is deemed acceptable.

9
 10 **(3) Pursuant to Their Religious Beliefs, Plaintiffs Are Burdened by “In God We**
 11 **Trust” on the Money**

12
 13 330. The U.S. Code states that “it is important that the Nation’s coinage and currency bear
 14 dignified designs of which the citizens of the United States can be proud ...”³¹⁰

15 331. Atheists such as Plaintiffs are anything but proud to have “In God We Trust” inscribed
 16 on every coin and currency bill produced by their government.

17 332. This is especially true when the “In God We Trust” phrase is inextricably linked with
 18 the Bible (as James Pollock’s “King of Kings and Lord of Lords” reference, *see supra*
 19 note 62, demonstrates is the case).

³⁰⁹ Ark. Const. art. XIX, § 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.”); Md. Const. art. XXXVII (“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.”); Miss. Const. art. XIV, § 265 (“No person who denies the existence of a Supreme Being shall hold any office in this state.”); N.C. Const. art. VI, § 8 (“The following persons shall be disqualified for office: First, any person who shall deny the being of Almighty God.”); Pa. Const. art. I, § 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.”); S.C. Const. art. XVII, § 4 (“No person who denies the existence of a Supreme Being shall hold any office under this Constitution.”); Tenn. Const. art. IX, § 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.”); Tex. Const. art. I, § 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.”).

³¹⁰ 31 U.S.C. § 3112 (t)(3)(E) (2012).

1 333. In addition to the insulting and threatening language previously noted, *see supra* ¶ 236,
 2 that book – deemed to be holy and worshipped by the (Christian) Monotheistic majority
 3 responsible for the use of the phrase on our money – states “Trust in the LORD with all
 4 your heart and lean not on your own understanding.” *See Proverbs 3:5*.

5 334. Trust in some “Lord” (i.e., God) represents the antithesis of Plaintiffs’ religious ideals.

6 335. To Plaintiffs, trust in God was largely responsible for the slavery that stains our nation’s
 7 history.³¹¹

8 336. To Plaintiffs, trust in God allowed the United States Supreme Court to deny women the
 9 right to practice law.³¹²

10 337. To Plaintiffs, trust in God allowed the people of Virginia to criminalize interracial
 11 marriage.³¹³

12 338. To Plaintiffs, trust in God has also led to the hugely embarrassing fact that currently
 13 some 46% of Americans believe “God created human beings pretty much in their
 14 present form at one time within the last 10,000 years or so.”³¹⁴

15 339. Thus, rather than pride, Plaintiffs sense shame in having “In God We Trust” displayed
 16 on the money, and they bridle at the fact that they must bear that motto as they engage in
 17 the routine commercial transactions that occur in daily life.

18 340. Moreover, they are constantly placed in the position of either abstaining from those
 19 transactions, undergoing the burden of finding alternatives to using the sole legal coins
 20 and currency bills provided by their government, or violating their religious tenets.

21 341. Accordingly, “In God We Trust” on the money substantially burdens Plaintiffs in the
 22 free exercise of their religious beliefs.

³¹¹ *See* Raymund Harris, *Scriptural Researches on the Licitness of the Slave-Trade, Shewing Its Conformity with the Principles of Natural Religion, Delineated in the Sacred Writings of the Word of God* (1788).

³¹² “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 (1873) (Bradley, J., concurring).

³¹³ “Almighty God created the races white, black, yellow, malay and red, and he placed them on separate continents. ... The fact that he separated the races shows that he did not intend for the races to mix.” *Loving v. Virginia*, 388 U.S. 1, 3 (1967) (quoting Judge Leon Bazile).

³¹⁴ Frank Newport, Gallup Politics, *In U.S., 46% Hold Creationist View of Human Origins* (June 1, 2012) (citing a Gallup poll conducted May 3-6, 2012, www.gallup.com/poll/155003/Hold-Creationist-View-Human-Origins.aspx).

1 342. Such burdening of religious beliefs violates 42 U.S.C. § 2000bb through § 2000bb-4, the

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

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

6
7 § 2000bb(b)(1) and (b)(2): “The purposes of this chapter are ... to
8 restore the compelling interest test ... and to guarantee its
9 application in all cases where free exercise of religion is
10 substantially burdened; and ... to provide a claim or defense to
11 persons whose religious exercise is substantially burdened by
12 government.”

13
14 § 2000bb-1(b)(1) and (b)(2): “Government may substantially burden a
15 person’s exercise of religion only if it demonstrates that
16 application of the burden to the person ... is in furtherance of a
17 compelling governmental interest; and ... is the least restrictive
18 means of furthering that compelling governmental interest.”

19
20 343. To do as Defendants have done, forcing individuals to bear a religious message that is
21 contrary to what they believe to be religious truth, unquestionably burdens them in the
22 exercise of their religion.

23 344. As Rep. Emanuel Cleaver of Missouri stated earlier this year, “**no respectable atheist**
24 **would walk around with something in his pocket that said ‘In God We Trust.’”**³¹⁵

25 345. Rep. Cleaver apparently recognized that just as there would be substantial burdens on
26 the exercise of religion for Jews forced to bear the message “Jesus is Our Saviour,” for
27 Catholics forced to bear “Abhor that arrant whore of Rome,”³¹⁶ or for Monotheists to
28 bear “God is a Myth,” Atheists are substantially burdened in the exercise of their
29 religion by being forced to bear the message “In God We Trust.”³¹⁷

³¹⁵ *Can a Public Servant be a Non-Believer*, CNN Belief Blog (Apr. 9, 2012) (emphasis added), <http://religion.blogs.cnn.com/2012/04/09/can-a-public-servant-be-a-non-believer/?iref=allsearch> (last visited Apr. 17, 2013).

³¹⁶ This phrase comes from what was the nation’s most commonly-used schoolbook. *See Sabbath Sch. Soc., New England Primer, or, An Easy and Pleasant Guide to the Art of Reading: Adorned with Cuts; to Which is Added, the Catechism* 25 (rev. ed. 1843). Thus, it is part of our nation’s history and “heritage.” *See infra* ¶¶ 0-374 and 501-511.

³¹⁷ Rep. Cleaver, a United Methodist pastor, was one of the very few congressmen to vote against last year’s motto reaffirmation. Reaffirming “In God We Trust” as the Official Motto of the United States: Roll Vote No. 816, 157 Cong. Rec. H7186 (Nov. 1, 2011), <http://clerk.house.gov/evs/2011/roll816.xml>.

1 346. Atheists are also substantially burdened by being forced to proselytize for this religious
2 claim that is completely contrary to their personal religious beliefs.

3 347. This unwilling proselytization occurs when they engage in foreign travel. (Plaintiffs
4 Newdow, Bronstein and Woodward, for example, all do this. *See supra* ¶¶ 7, 8 and 11.)

5 348. This proselytization is both expected and desired by Defendants, as can be seen in a
6 number of the statements they have made.

7 349. More than a century ago, for instance, Rep. Ollie M. James stated that “we are engaged
8 in sending to foreign countries and to distant people our missionaries to **preach the**
9 **religions of Jesus Christ,**” and sending the nation’s money “across the ocean” will
10 teach others that “**Here are the dollars of the greatest nation on earth, one that does**
11 **not put its trust in floating navies or in marching armies, but places its trust in**
12 **God.**”³¹⁸

13 350. At the same hearing, Rep. Charles G. Edwards similarly maintained that the “In God We
14 Trust” phrase “is a declaration not only to our people at home, but to all peoples, and to
15 all nations, all over the world, that **ours is a nation with a firm and steadfast faith in**
16 **God.**”³¹⁹

17 351. When Matthew H. Rothert first wrote to the Secretary of the Treasury, he noted that
18 placing “In God We Trust” on the currency would “**affirm our trust in God** in such a
19 manner that it will be heard around the world.”³²⁰

20 352. At a hearing before the House Banking and Currency Committee (on Mr. Rothert’s
21 proposal), Rep. Herman P. Eberharter (PA) echoed this idea:

22 [T]he American dollar travels all over the world, into every
23 country of the world, and frequently gets behind the Iron Curtain,
24 and if it carries this message in that way I think it would be very
25 good. I think that is one of the most compelling reasons why we
26 should put it on our currency.³²¹

27
28 353. Rep. Eberharter then sought permission to place in the record “[a] resolution which was
29 unanimously passed by the American Legion Convention.”³²²

³¹⁸ *See supra* ¶ 127 (emphases added).

³¹⁹ *See supra* ¶ 136 (emphasis added).

³²⁰ *See supra* ¶ 153 (emphasis added).

³²¹ *United States Currency Inscription, supra* note 150, at 53.

³²² *Id.* at 54.

1 354. When that permission was granted, the resolution’s contention that “the principles laid
2 down by God and the teachings of our way of life should be kept alive in the hearts and
3 minds of our friends enslaved behind the Iron Curtain” was entered into the
4 Congressional Record as well.³²³

5 355. Advocating also for global diffusion of the religious ideals incorporated within the “In
6 God We Trust” language, Rep. Lawrence Fountain (NC) stated that “that inscription ...
7 indicates **to the world that ... the material is not the thing upon which we should**
8 **rely, but it is God.**”³²⁴

9 356. Barely a decade ago, the idea of proselytization was reiterated yet once more in the
10 United States Mint Annual Report:

11 Wherever United States coins travel, they serve as reminders of the
12 values that **all Americans share**. The words and symbols that
13 define us as Americans have a permanent place in our coins:
14 “Liberty” ... **“In God We Trust”** ... “E Pluribus Unum”

15
16 Our coins are small **declarations of our beliefs**. They showcase
17 how we see ourselves and our sense of sovereign identity. And
18 they serve as ambassadors of American values and ideals.³²⁵

19
20 357. Thus, it is again seen that Defendants consider “In God We Trust” as being one of the
21 **“declarations of our beliefs.”**

22 358. Moreover, Defendants ignore Atheists such as Plaintiffs by viewing the motto as being a
23 declaration **“that all Americans share.”** Plaintiffs definitely do not share the belief that
24 there is a God or that they trust in such an entity.

25 359. Above all, Plaintiffs do not wish to proselytize for such a declaration of belief.

26 360. For the foregoing reasons – especially when the “In God We Trust” inscriptions further
27 the anti-Atheist prejudices they have been forced to endure in this alleged “beacon of
28 religious freedom”³²⁶ – Plaintiffs are substantially burdened.

³²³ *Id.*

³²⁴ *Id.* at 56 (emphases added).

³²⁵ U.S. Mint, *2003 United States Mint Annual Report*, inner front cover, available at www.usmint.gov/downloads/about/annual_report/2003AnnualReport.pdf (first two ellipses in original) (emphases added).

³²⁶ See *supra* ¶ 261. As noted, “Atheists – solely on the basis of their disbelief in God – are felt to be less trustworthy than rapists!” See *supra* ¶ 323.

1 361. Defendants have no compelling interest to justify these burdens they have imposed.

2 362. ^bThis is readily seen by noting that the currency of myriad other nations functions just
3 fine without religious advocacy.

4 363. This is also seen by noting that this nation's money functioned just fine, as well, for
5 more than seventy years without the motto having ever been inscribed.

6 364. Additionally, during the subsequent ninety-plus years (through the 1955 mandate that
7 required the motto's inscription on all coins and currency bills), there was no
8 dysfunction resulting from the secular coinage and bills that Defendants continued to
9 manufacture.

10 365. In fact, Defendant Congress just recently acknowledged that "it is appropriate to move
11 many of the mottos and emblems, the inscription of the year, and the so-called 'mint
12 marks' that currently appear on the 2 faces of each circulating coin to the edge of the
13 coin, which would allow larger and more dramatic artwork" *See supra* ¶ 302.

14 366. This acknowledgement, too, demonstrates that there is no compelling interest to having
15 "In God We Trust" on the money.

16

17 367. Even if there were a compelling interest, Defendants would need to show they furthered
18 that interest in the least restrictive manner. This is another requirement that Defendants
19 have never met.

20 368. Whatever the compelling interest Defendants may claim, it is likely that some other
21 motto would serve it without burdening Plaintiffs' religious exercise.

22 369. For instance, the European Union's motto, "United in Diversity,"³²⁷ serves its purposes
23 without infringing upon the religious rights of anyone within its very large jurisdiction.

24 370. In fact, even limiting the motto to the current format, a virtually endless number of
25 nonreligious choices exist. "In Equality We Trust," "In Liberty We Trust," "In Diversity
26 We Trust," and so on, all embrace the noble principles underlying our governmental
27 structure without compromising (or even implicating) constitutional mandates.

³²⁷ Wikipedia, *Symbols of Europe*, http://en.wikipedia.org/wiki/European_symbols#Motto
(last visited Apr. 17, 2013).

1 371. It is likely that Defendants will claim (as Rep. Pence did two years ago, *see supra* ¶ 281)
 2 that the government’s endorsement of “In God We Trust” is justified because it reflects
 3 “America’s Christian heritage.”

4 372. Even if this “heritage” argument were to be accepted, the fact that this particular
 5 heritage item was chosen from the thousands that exist is problematic. America has a
 6 “heritage” of discovery, innovation, foreign aid, exploration of space, the welcoming of
 7 immigrants and a host of other heritage items (including such things as slavery, denial of
 8 suffrage for the poor, racial discrimination, pollution, and the absence of property rights
 9 for married women).

10 373. That only belief in God was chosen from among the myriad potential candidates
 11 indicates that it was not merely “heritage” (or history) that led to the selection of “In
 12 God We Trust.”

13 374. On the contrary, “In God We Trust” was chosen because it supports and advances a
 14 particular “heritage” – namely, the heritage of the specific religious belief that there
 15 exists a (Christian) god.

16
 17 375. Defendants are surely aware that many citizens find this choice highly objectionable.

18 376. This awareness is apparent on the Treasury Department’s website, where it is written
 19 that “[t]his use of the national motto has been challenged in court many times over the
 20 years that it has been in use”³²⁸

21 377. Despite this awareness, Defendant Lew’s Treasury Department has been almost defiant
 22 as it snubs those who seek nothing more than to have their fundamental rights of
 23 religious liberty and equal protection upheld: “The Department of the Treasury and the
 24 Department of Justice intend to actively defend against challenges to the use of the
 25 national motto.”³²⁹

26 378. This attitude, expressed while acknowledging that “[t]he motto IN GOD WE TRUST
 27 was placed on United States coins largely **because of ... increased religious**
 28 **sentiment,**”³³⁰ highlights the need for putting an end to this constitutional violation.

³²⁸ Bureau of Engraving & Printing, U.S. Dep’t of the Treas., *Category: U.S. Currency*,
<http://moneyfactory.gov/faqlibrary.html> (last visited Apr. 17, 2013).

³²⁹ *Id.*

³³⁰ U.S. Dep’t of the Treas., *supra* note 43 (emphasis added).

1 **CLAIMS FOR RELIEF**

2
3 **CLAIM 1. DEFENDANTS HAVE PLACED RELIGIOUS VERBIAGE ON THE**
4 **NATION'S MONEY WITHOUT ANY ENUMERATED POWER**
5 **AUTHORIZING THAT ACTIVITY**

6 379. The allegations set forth in the preceding paragraphs are realleged herein.

7 380. This cause of action is pled against each and all Defendants.

8 381. "If no enumerated power authorizes Congress to pass a certain law, that law may not be
9 enacted" *National Federation of Independent Business v. Sebelius*, No. 11-393, slip
10 op. at 3 (U.S. June 28, 2012).³³¹

11 382. Thus, "[t]he Federal Government ... must show that a constitutional grant of power
12 authorizes each of its actions." *Id.*

13 383. No constitutional grant of power authorizes Defendants to make religious claims.

14 384. By inscribing "In God We Trust" on the nation's coins and currency bills, Defendants
15 are making the religious claims that (i) there is a "God," and (ii) the people of this nation
16 do (and should) "trust" in that "God."

17 385. Thus, by inscribing "In God We Trust" on the nation's coins and currency bills,
18 Defendants have violated the Constitution under the "enumerated power" test.

19
20 **CLAIM 2. DEFENDANTS HAVE VIOLATED PLAINTIFFS' EQUAL**
21 **PROTECTION RIGHTS**

22 386. The allegations set forth in the preceding paragraphs are realleged herein.

23 387. This cause of action is pled against each and all Defendants.

24 388. Under the Establishment Clause, government and its agents are required to show equal
25 respect for all lawful religious views.

26 389. By placing "In God We Trust" on the money, Defendants are disrespecting Plaintiffs'
27 religious views, while supporting the majority's Monotheistic religious belief.

28 390. Thus, by inscribing "In God We Trust" on the nation's money, Defendants have violated
29 the Equal Protection component of the Due Process Clause of the Fifth Amendment.
30 *Adarand Constructors, Inc. v. Mineta*, 534 U.S. 103, 105 (2001).

³³¹ Available at www.supremecourt.gov/opinions/11pdf/11-393c3a2.pdf.

1 **CLAIM 3. DEFENDANTS HAVE ESTABLISHED MONOTHEISM**

2 391. The allegations set forth in the preceding paragraphs are realleged herein.

3 392. This cause of action is pled against each and all Defendants.

4 393. Establishment Clause cases have generally focused on the “respecting” aspect of the
5 First Amendment’s first clause (i.e., “Congress shall make no law **respecting** an
6 establishment of religion ...”).

7 394. This case goes well beyond that prohibition. The official declaration of a religious belief
8 as the nation’s motto is, in fact, an establishment per se.

9 395. Defendants have officially decreed: “‘In God we trust’ is the national motto.” 36 U.S.C.
10 § 302. They have mandated that motto’s inscription on every coin, 31 U.S.C. §
11 5112(d)(1), and currency bill, 31 U.S.C. § 5114(b), they produce.

12 396. A motto is “a sentence, phrase, or word inscribed on something as appropriate to or
13 indicative of its character or use” and/or “a short expression of a guiding principle.”³³² A
14 nation’s motto, therefore, is a phrase indicative of that nation’s character and expresses
15 its guiding principle.

16 397. In short, by definition, a religious claim officially decreed as a nation’s motto is an
17 establishment of religion.

18 398. That this argument is correct can be immediately recognized by considering the
19 constitutionally equivalent motto: “In Jesus Christ We Trust.”

20 399. Just as that phrase would be stating that belief in Jesus Christ is indicative of the
21 nation’s character and its “guiding principle,” “In God We Trust” states that belief in
22 God is indicative of the nation’s character and its “guiding principle.”

23 400. In other words, just as the former motto would be an absolute establishment of
24 Christianity, the latter is an absolute establishment of Monotheism.

25 401. Thus, by inscribing “In God We Trust” on the nation’s coins and currency bills,
26 Defendants have violated the First Amendment by establishing Monotheism as the
27 official religious belief of the nation.

³³² *Merriam-Webster, Dictionary*, www.merriam-webster.com/dictionary/motto (last visited Apr. 17, 2013).

1 **CLAIM 4. DEFENDANTS HAVE ACTED WITH A RELIGIOUS PURPOSE**

2 402. The allegations set forth in the preceding paragraphs are realleged herein.

3 403. This cause of action is pled against each and all Defendants.

4 404. On November 13, 1861, a “Minister of the Gospel” wrote to the Secretary of the
5 Treasury requesting that “the recognition of the Almighty God” be placed upon the
6 nation’s coins. *See supra* ¶ 77.

7 405. Within a week, the Secretary of the Treasury responded by contending that “The trust of
8 our people in God should be declared on our national coins.” *See supra* ¶ 80.

9 406. The Director of the Mint wrote (in the official annual Mint Director’s Report) that “We
10 claim to be a Christian nation. ... Our national coinage ... should declare our trust in
11 God -- in Him who is the ‘King of Kings and Lord of Lords.’” *See supra* ¶ 86.

12 407. The Director of the Mint then made suggestions which the Treasury Secretary modified
13 slightly, so that “In God We Trust” became the chosen phrase. *See supra* ¶¶ 91-92.

14 408. As evidenced by the foregoing (and by the extensive record that exists relating to the
15 removal of those words from a coin in 1908, *see supra* ¶¶ 105-149; by the record
16 relating to the placement of those words on the currency bills, *see supra* ¶¶ 150-183; and
17 by the blatant religious advocacy which pervaded Defendant Congress’s halls when that
18 placement occurred, *see supra* ¶¶ 204-221), the unequivocal purpose of having “In God
19 We Trust” on the nation’s money was to promote (Christian) Monotheism.

20 409. In this case, “no legislative recitation of a supposed secular purpose can blind us to that
21 fact.” *Stone v. Graham*, 449 U.S. 39, 41 (1980).

22 410. Under the Establishment Clause, government is prohibited from “abandoning neutrality
23 and acting with the intent of promoting a particular point of view in religious matters.”
24 *Corporation of Presiding Bishop v. Amos*, 483 U.S. 327, 335 (1987).

25 411. In other words, “[t]he Establishment Clause of the First Amendment ... prevents
26 [government] from enacting laws that have the ‘purpose’ ... of advancing or inhibiting
27 religion.” *Zelman v. Simmons-Harris*, 536 U.S. 639, 648-49 (2002).

28 412. Thus, by inscribing “In God We Trust” on the nation’s coins and currency bills,
29 Defendants have violated the Establishment Clause of the Constitution under the
30 “purpose” test.

1 **CLAIM 5. CONSISTENT WITH THEIR RELIGIOUS PURPOSE, DEFENDANTS'**
2 **ACTS HAVE RELIGIOUS EFFECTS**

3 413. The allegations set forth in the preceding paragraphs are realleged herein.

4 414. This cause of action is pled against each and all Defendants.

5 415. "In God We Trust" on the money – at its inception – was intended to have the effect of
6 furthering "the recognition of the Almighty God," of declaring "[t]he trust of our people
7 in God," and of declaring "our trust in ... Him who is the 'King of Kings and Lord of
8 Lords.'" *See supra* ¶¶ 404-406.

9 416. Defendants have since reported that the challenged phrase has that effect. Congress, for
10 example, has noted that the phrase "reflects the reverent and religious conviction which
11 underlies American citizenship." H.R. Rep. No. 1106, at 1 (1908) (emphases added).

12 417. Defendant Peterson's Mint (just a decade ago) wrote in its official Annual Report that,
13 by being placed into the circulation, our coins "serve as reminders of the values that all
14 Americans share." *See supra* note 325.

15 418. Specifically mentioning "In God We Trust," the Report continued by noting that the
16 coins convey "declarations of our beliefs ... [and] serve as ambassadors of American
17 values and ideals." *Id.*

18 419. Clearly, then, the challenged practice "viewed in its totality by an ordinary, reasonable
19 observer, convey[s] the view that the [government] favor[s] or disfavor[s] certain
20 religious beliefs." *Galloway v. Town of Greece*, 681 F.3d 20, 29 (2012). Specifically,
21 "In God We Trust" shows governmental favoritism for belief (and trust) in God.

22 420. Simultaneously, that phrase shows disfavor for disbelief in such a religious entity.

23 421. "The Establishment Clause of the First Amendment ... prevents [government] from
24 enacting laws that have the ... 'effect' of advancing or inhibiting religion." *Zelman*, 536
25 U.S. at 648-49.

26 422. Thus, by inscribing "In God We Trust" on the nation's coins and currency bills,
27 Defendants have violated the Establishment Clause of the Constitution under this
28 "effects" test.

1 **CLAIM 6. DEFENDANTS HAVE VIOLATED THE NEUTRALITY REQUIRED**
2 **BETWEEN “RELIGION” AND “NONRELIGION”**

3 423. The allegations set forth in the preceding paragraphs are realleged herein.

4 424. This cause of action is pled against each and all Defendants.

5 425. The Supreme Court – specifically referencing belief in God as it applies to the
6 Establishment Clause – has announced that “[t]he touchstone for our analysis is the
7 principle that the ‘First Amendment mandates governmental neutrality between ...
8 religion and nonreligion.’” *McCreary County v. ACLU of Kentucky*, 545 U.S. 844, 860
9 (2005) (citation omitted).

10 426. It is obvious that, by placing “In God We Trust” on the nation’s coins and currency bills,
11 Defendants have shown a preference for belief in God (i.e., “religion”) over disbelief in
12 God (i.e., “nonreligion.”).

13 427. Phrased alternatively, Defendants have shown a preference for Monotheism over
14 Atheism.

15 428. Thus, by inscribing “In God We Trust” on the nation’s coins and currency bills,
16 Defendants have violated the Establishment Clause of the Constitution under this
17 “neutrality touchstone” test.

18
19 **CLAIM 7. DEFENDANTS HAVE ENDORSED THE RELIGIOUS BELIEF THAT**
20 **THERE EXISTS A GOD**

21 429. The allegations set forth in the preceding paragraphs are realleged herein.

22 430. This cause of action is pled against each and all Defendants.

23 431. The Supreme Court has referenced “endorsement” as relevant for determining whether
24 or not a governmental practice is constitutional under the Establishment Clause.

25 432. The Establishment Clause “does preclude government from conveying ... a message
26 that ... a particular religious belief is favored or preferred. Such an endorsement
27 infringes the religious liberty of the nonadherents” *Wallace v. Jaffree*, 472 U.S. 38,
28 70 (1985) (O’Connor, J., concurring).

29 433. The “particular religious belief” that there exists a God (plus the notion that “we”
30 Americans “trust” in “Him”) is clearly favored and preferred by placing “In God We
31 Trust” on each coin and currency bill.

1 434. Although this favoritism is obvious from the motto's verbiage, a poll was commissioned
2 in 1994 to quantify the percentage of Americans who recognize this favoritism.

3 435. Phrasing the issue in terms of "endorsement," the pollsters found that, by a 3:1 margin,
4 Americans overwhelmingly hold the opinion that the "In God We Trust" phrase
5 "endorses a belief in God." See Appendix B.

6 436. An added "endorsement" concern relates to children:

7 An important concern of the effects test is whether the symbolic
8 union of church and state effected by the challenged governmental
9 action is sufficiently likely to be perceived by adherents of the
10 controlling denominations as an endorsement, and by the
11 nonadherents as a disapproval, of their individual religious choices.
12 The inquiry into this kind of effect must be conducted with
13 particular care when many of the citizens perceiving the
14 governmental message are children in their formative years.

15
16 *Grand Rapids School District v. Ball*, 473 U.S. 373, 390 (1985).

17
18 437. Plaintiffs Doe-Children, Roe-Children and Coe-Children are all "children in their
19 formative years."

20 438. Thus, by inscribing "In God We Trust" on the nation's coins and currency bills,
21 Defendants have violated the Establishment Clause of the Constitution under this
22 "endorsement" test.

23
24 **CLAIM 8. DEFENDANTS' ACTS TURN PLAINTIFFS INTO POLITICAL**
25 **OUTSIDERS ON THE BASIS OF THEIR RELIGIOUS BELIEFS**

26 439. The allegations set forth in the preceding paragraphs are realleged herein.

27 440. This cause of action is pled against each and all Defendants.

28 441. James Madison's *Memorial and Remonstrance*³³³ (described as "the most important
29 document explaining the Founders' conception of religious freedom"³³⁴) has been cited
30 by the Supreme Court in more than thirty Establishment Clause cases.

³³³ James Madison, *A Memorial and Remonstrance, Presented to the General Assembly of the State of Virginia, at Their Session in 1785, in Consequence of a Bill Brought into That Assembly for the Establishment of Religion by Law* (1786).

³³⁴ Michael W. McConnell, *Symposium: New Directions in Religious Liberty: "God is Dead and We Have Killed Him!"*: *Freedom of Religion in the Post-Modern Age*, 1993 *BYU L. Rev.* 163, 169 (1993).

1 442. That document spoke on religion in society. In it, Madison referred to equality no less
2 than thirteen times. He argued that governmental association with and/or support for any
3 religious idea is impermissible because it “degrades from the equal rank of Citizens all
4 those whose opinions in religion do not bend to those of the Legislative Authority.”
5 Madison, *supra* note 333, at 9.

6 443. The Supreme Court has referred to this situation by warning that “[governmental]
7 sponsorship of a religious message is impermissible because it sends the ancillary
8 message to members of the audience who are nonadherents ‘that they are outsiders, not
9 full members of the political community’” *Santa Fe Independent School District v.*
10 *Doe*, 530 U.S. 290, 309-10 (2000) (citation omitted).

11 444. Plaintiffs, who specifically deny that there exists a god (and who find it offensive to be
12 included among those who would trust in what they believe is a pure fiction) have been
13 “degrade[d] from the equal rank of citizens” and turned into “outsiders, not full
14 members of the political community” by Defendants’ inscriptions of the opposite
15 religious belief on the nation’s coins and currency bills.

16 445. These damaging effects can be shown, for example, by the countless incidents – to be
17 shown at trial – where those among the (Christian) Monotheistic majority point to the
18 “In God We Trust” phrase on the money as justification for telling Plaintiffs they should
19 leave the country on account of their religious beliefs.

20 446. More egregiously, it can also be shown by the verbiage used to extol the supposed
21 virtues of faith in God. Obviously, Plaintiffs – who specifically do **not** trust in God –
22 cannot possibly be included among the “We” in “In God We Trust.” Accordingly, by its
23 inherent nature, the motto turns Plaintiffs into outsiders.

24 447. As Justice Kennedy has noted, “it borders on sophistry to suggest that the ““reasonable””
25 atheist would not feel less than a ““full membe[r] of the political community”” ... [as a
26 result of seeing ‘In God We Trust’] reproduced on every coin minted and every dollar
27 printed by the Federal Government.” *Allegheny County v. Greater Pittsburgh ACLU*,
28 492 U.S. 573, 673 (1989) (Kennedy, J., concurring in part and dissenting in part).

29 448. Thus, by inscribing “In God We Trust” on the nation’s coins and currency bills,
30 Defendants have violated the Establishment Clause of the Constitution under the
31 “outsider” test.

1 **CLAIM 9. DEFENDANTS' ACTS PLACE THE POWER, PRESTIGE AND**
2 **FINANCIAL SUPPORT OF GOVERNMENT BEHIND THE**
3 **PARTICULAR RELIGIOUS BELIEF THAT THERE EXISTS A GOD**

4 449. The allegations set forth in the preceding paragraphs are realleged herein.

5 450. This cause of action is pled against each and all Defendants.

6 451. Not only does "In God We Trust" on the money turn Plaintiffs into political outsiders, it
7 sends "an accompanying message to adherents that they are insiders, favored members
8 of the political community." *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O'Connor,
9 J., concurring).

10 452. This message is particularly strong when "the power, prestige and financial support of
11 government is placed behind a particular religious belief" *Engel v. Vitale*, 370 U.S.
12 421, 431 (1962).

13 453. In this case, "the power, prestige and financial support of government is placed behind
14 [the] particular religious belief" that there exists a "God."

15 454. Thus, by inscribing "In God We Trust" on the nation's coins and currency bills,
16 Defendants have violated the Establishment Clause of the Constitution under this
17 "power, prestige and financial support" test.

18
19 **CLAIM 10. DEFENDANTS HAVE DETERMINED THE PLAUSIBILITY OF THE**
20 **RELIGIOUS CLAIM THAT "GOD" EXISTS**

21 455. The allegations set forth in the preceding paragraphs are realleged herein.

22 456. This cause of action is pled against each and all Defendants.

23 457. "Repeatedly and in many different contexts, we have warned that courts must not
24 presume to determine ... the plausibility of a religious claim." *Employment Div. v.*
25 *Smith*, 494 U.S. 872, 887 (1990).

26 458. By asserting that "In God We Trust," Defendants are, of necessity, claiming that "God"
27 exists. Accordingly, they are determining the plausibility of that religious claim.

28 459. Specifically, by attributing the trust in God to the people of the nation, Defendants have
29 determined (at a minimum) that God's existence is plausible.

30 460. Thus, by inscribing "In God We Trust" on the nation's coins and currency bills,
31 Defendants have violated the Constitution under the "religious claim plausibility" test.

1 **CLAIM 11. DEFENDANTS HAVE LENT THEIR POWER TO ONE SIDE IN WHAT**
2 **IS ARGUABLE THE GREATEST CONTROVERSY OVER RELIGIOUS**
3 **DOGMA**

4 461. The allegations set forth in the preceding paragraphs are realleged herein.

5 462. This cause of action is pled against each and all Defendants.

6 463. The Supreme Court has written that “[t]he government may not ... lend its power to one
7 or the other side in controversies over religious ... dogma.” *Employment Div. v. Smith*,
8 494 U.S. at 877 (citations omitted).

9 464. Whether there does or does not exist a “God” is perhaps the greatest controversy of all
10 over religious dogma.

11 465. By claiming “In God We Trust” on every coin and currency bill they manufacture,
12 Defendants have lent their power to the side of that religious controversy that says
13 “God” does exist.

14 466. Thus, by inscribing “In God We Trust” on the nation’s coins and currency bills,
15 Defendants have violated the Constitution under the “lent governmental power to one
16 side” test.

17
18 **CLAIM 12. DEFENDANTS’ ACTS PLACE GOVERNMENT’S IMPRIMATUR ON**
19 **THE RELIGIOUS IDEA THAT THERE EXISTS A GOD**

20 467. The allegations set forth in the preceding paragraphs are realleged herein.

21 468. This cause of action is pled against each and all Defendants.

22 469. Government violates the Establishment Clause when it is “perceived as conferring the
23 imprimatur of the State on religious doctrine or practice” *Westside Community Bd.*
24 *of Ed. v. Mergens*, 496 U.S. 226, 264 (1990) (Marshall, J., concurring).

25 470. Defendants’ inscription of “In God We Trust” on every coin and currency bill places
26 government’s imprimatur on the religious doctrine that there exists a God (and that the
27 United States’ citizens trust in that God).

28 471. Thus, by inscribing “In God We Trust” on the nation’s coins and currency bills,
29 Defendants have violated the Establishment Clause of the Constitution under this
30 “imprimatur” test.

1 **CLAIM 13. DEFENDANTS' ACTS APPLY COERCION TO PLAINTIFFS IN**
2 **REGARD TO THEIR RELIGIOUS BELIEFS**

3 472. The allegations set forth in the preceding paragraphs are realleged herein.

4 473. This cause of action is pled against each and all Defendants.

5 474. The motto unquestionably has religiously coercive effects.

6 475. This is perhaps best demonstrated by an admission made during its latest congressional
7 "reaffirmation." The day after the House voted on the resolution, one of its most
8 politically powerful members, Rep. Charles Rangel (NY), stated, "Yesterday, the House
9 overwhelmingly passed a bill that would support the motto 'In God We Trust.' I
10 reluctantly supported it because I didn't want anyone to believe that I didn't trust God.
11 157 Cong. Rec. H7215 (daily ed. Nov. 2, 2011).

12 476. This sentiment is hardly surprising. After all, as the history documented in this
13 Complaint makes abundantly clear, "In God We Trust" was placed on the money as "an
14 attempt to employ the machinery of the State to enforce a religious orthodoxy." *Lee v.*
15 *Weisman*, 505 U.S. 577, 592 (1992).

16 477. Such coercive effects are especially problematic when children are involved, since
17 "nonconformity is not an outstanding characteristic of children. The result is an obvious
18 pressure upon children" *McCollum v. Board of Education*, 333 U.S. 203, 227
19 (1948) (Frankfurter, J., concurring).

20 478. Accordingly, "even devout children may well avoid claiming their right and simply
21 continue to participate in exercises distasteful to them because of an understandable
22 reluctance to be stigmatized as atheists" *Abington School District v. Schempp*, 374
23 U.S. 203, 290 (1963) (Brennan, J., concurring). *See also Lee*, 505 U.S. at 593 ("This
24 pressure, though subtle and indirect, can be as real as any overt compulsion.").

25 479. The Doe, Roe and Coe children in this case are all especially susceptible to these
26 coercive effects because they are "impressionable youngsters." *Grand Rapids School*
27 *District v. Ball*, 473 U.S. 373, 385 (1985).

28 480. Thus, by inscribing "In God We Trust" on the nation's coins and currency bills,
29 Defendants have violated the Establishment Clause of the Constitution under this
30 "coercion" test.

1 **CLAIM 14. DEFENDANTS' ACTS VIOLATE PLAINTIFFS' FREE EXERCISE**
2 **RIGHTS**

3 481. The allegations set forth in the preceding paragraphs are realleged herein.

4 482. This cause of action is pled against each and all Defendants.

5 483. Defendants have repeatedly stated that they have placed "In God We Trust" on the
6 money for the purpose of furthering (Christian) Monotheistic religious belief.

7 484. Moreover, the text, the legislative history and the actual effect of having those words on
8 the money show that the statutes at issue are neither religiously neutral nor of general
9 applicability.

10 485. Due to Defendants' actions, Plaintiffs have only two alternatives to simply using the
11 nation's sole legal tender: (i) Utilize a relatively burdensome alternative method, or (ii)
12 Bear a religious message they believe to be untrue and completely contrary to their
13 sincerely held religious beliefs.

14 486. Thus, by inscribing "In God We Trust" on the nation's coins and currency bills,
15 Defendants have violated Plaintiffs' Free Exercise rights.

16
17 **CLAIM 15. DEFENDANTS' ACTS SUBSTANTIALLY BURDEN PLAINTIFFS'**
18 **EXERCISE OF RELIGION IN VIOLATION OF RFRA**

19 487. The allegations set forth in the preceding paragraphs are realleged herein.

20 488. This cause of action is pled against each and all Defendants.

21 489. Pursuant to 42 U.S.C. § 2000bb through § 2000bb-4, the Religious Freedom Restoration
22 Act of 1993 (RFRA), government may not substantially burden any individuals in the
23 exercise of their religious beliefs.

24 490. RFRA was intended to prevent government from substantially burdening religious
25 exercise when government has acted in a religiously neutral manner. In this case,
26 Defendants have gone far beyond that expected reach of RFRA, having acted (as both
27 history and the text "In God We Trust" incontrovertibly make clear) in a purely
28 (Christian) Monotheistic religious manner.

29 491. By placing "In God We Trust" on the nation's coins and currency bills, Defendants have
30 forced Plaintiffs to bear a religious message that is the antithesis of what they believe is
31 religious truth.

1 492. By placing “In God We Trust” on the nation’s coins and currency bills, Defendants have
 2 forced Plaintiffs – especially those who travel to foreign countries – to proselytize for a
 3 religious claim that is completely contrary to their personal religious beliefs.

4 493. By placing “In God We Trust” on the nation’s coins and currency bills, Defendants have
 5 forced Plaintiffs to further the anti-Atheist religious prejudices that pervade this nation’s
 6 society.

7 494. Defendants have no compelling interest to justify these burdens.

8 495. Thus, by inscribing “In God We Trust” on the nation’s coins and currency bills,
 9 Defendants have violated the Religious Freedom Restoration Act.

10
 11 **CLAIM 16. ANY AND ALL SECULAR JUSTIFICATIONS FOR DEFENDANTS’**
 12 **ACTS ARE SHAMS AND/OR PRETEXTS**

13 496. The allegations set forth in the preceding paragraphs are realleged herein.

14 497. This cause of action is pled against each and all Defendants.

15 498. “[A]lthough a legislature’s stated reasons will generally get deference, the secular
 16 purpose required has to be genuine, not a sham, and not merely secondary to a religious
 17 objective.” *McCreary County v. ACLU of Kentucky*, 545 U.S. 844, 864 (2005).

18 499. The history provided in this Complaint shows that there has been an exclusively
 19 religious purpose behind Defendants’ inscriptions of “In God We Trust” on each of the
 20 nation’s coins and currency bills.

21 500. Any proffered non-religious objective is a sham and/or a pretext.

22 501. For instance, Defendants may contend that “In God We Trust” is on the money not for
 23 religious purposes, but to honor our nation’s “heritage.” *See, e.g., supra* ¶¶ 0-373.

24 502. Yet, in the edge-incision episode, *see supra* ¶¶ 302-308, for example, not one of the
 25 congressmen complained about the edge-incision of “[t]he inscription of the year of
 26 minting or issuance of the coin.” *See supra* ¶ 303.

27 503. The year, of course, has a “heritage” of placement on the obverse or reverse of every
 28 coin minted since 1792. *See supra* ¶¶ 70-71.

29 504. Nor did any congressman complain about the edge-incision of “E Pluribus Unum.” *See*
 30 *supra* ¶ 303.

- 1 505. The “heritage” of “E Pluribus Unum” dates back to **July 4, 1776**, when a committee was
 2 created “to bring in a device for a seal for the United States of America.” *5 Journals of*
 3 *the Continental Congress 1774-1789*, at 517-18 (1904).³³⁵
- 4 506. That committee was comprised of none other than **Benjamin Franklin, Thomas**
 5 **Jefferson and John Adams. *Id.***
- 6 507. Those three giants in the creation of this nation proposed “E Pluribus Unum” as the
 7 motto on August 20, 1776. *Id.* at 690.³³⁶
- 8 508. “E pluribus Unum” was officially recognized as the motto on “the great seal for the
 9 United States in Congress assembled” on June 20, 1782. *22 Journals of the Continental*
 10 *Congress 1774-1789*, at 338-39 (1914).³³⁷ It became the *de facto* motto of this nation
 11 after its formation in 1789, and remained as such until “In God We Trust” was made the
 12 official motto in 1956. *See* Act of July 30, 1956, Pub. L. 84-851, 70 Stat. 732 (now
 13 codified at 36 U.S.C. § 302).
- 14 509. Thus, of the three edge-incused items, Congress chose only the one with the least claim
 15 to being a reminder of our “heritage” – i.e., the one that shows favoritism for the
 16 religious beliefs of the (Christian) Monotheistic majority – to move to a more prominent
 17 location on the Presidential \$1 coins.
- 18 510. This choice reveals that the claim that “In God We Trust” is on the money to exalt our
 19 nation’s “heritage” is a sham and/or a pretext. So, too, are all other non-religious reasons
 20 given for having the motto on the money. As has been abundantly shown in this
 21 Complaint, “In God We Trust” is on the money for its religious meaning and purposes.
- 22 511. By inscribing “In God We Trust” on the nation’s coins and currency bills and claiming
 23 that the inscriptions have been made to honor our nation’s “heritage” (or for any other
 24 secular reason), therefore, Defendants have violated the Establishment Clause of the
 25 Constitution under the “cannot be a sham and/or a pretext” test.

³³⁵ Available at <http://memory.loc.gov/cgi-bin/ampage?collId=lljc&fileName=005/lljc005.db&recNum=101&itemLink=r%3Fammem%2Fhlaw%3A%40field%28DOCID%2B%40lit%28jc0051%29%29%230050001&linkText=1>.

³³⁶ Available at http://memory.loc.gov/cgi-bin/ampage?collId=lljc&fileName=005/lljc005.db&recNum=274&itemLink=D?hlaw:2:/temp/~ammem_jTdf::%230050274&linkText=1.

³³⁷ Available at <http://memory.loc.gov/cgi-bin/ampage?collId=lljc&fileName=022/lljc022.db&recNum=348&itemLink=r%3Fammem%2Fhlaw%3A%40field%28DOCID%2B%40lit%28jc0221%29%29%230220001&linkText=1>.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request relief and judgment as follows:

- I. To declare that the inscription of “In God We Trust” on the nation’s coins and currency (pursuant to 31 U.S.C. § 5112 (d)(1) and 31 U.S.C. § 5114(b)) violates the Establishment Clause of the United States Constitution;
- II. To declare that the inscription of “In God We Trust” on the nation’s coins and currency (pursuant to 31 U.S.C. § 5112 (d)(1) and 31 U.S.C. § 5114(b)) violates the Free Exercise Clause and 42 U.S.C. § 2000bb through § 2000bb-4, the Religious Freedom Restoration Act (RFRA).
- III. To permanently enjoin Defendants from minting coins and/or printing currency on which is engraved “In God We Trust”;
- IV. To allow Plaintiffs (pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 (2012), and as may otherwise be allowed by law) to recover all reasonable costs, expert witness fees, attorney fees, and other expenses; and
- V. To provide such other and further relief as the Court may deem proper.

Respectfully submitted,

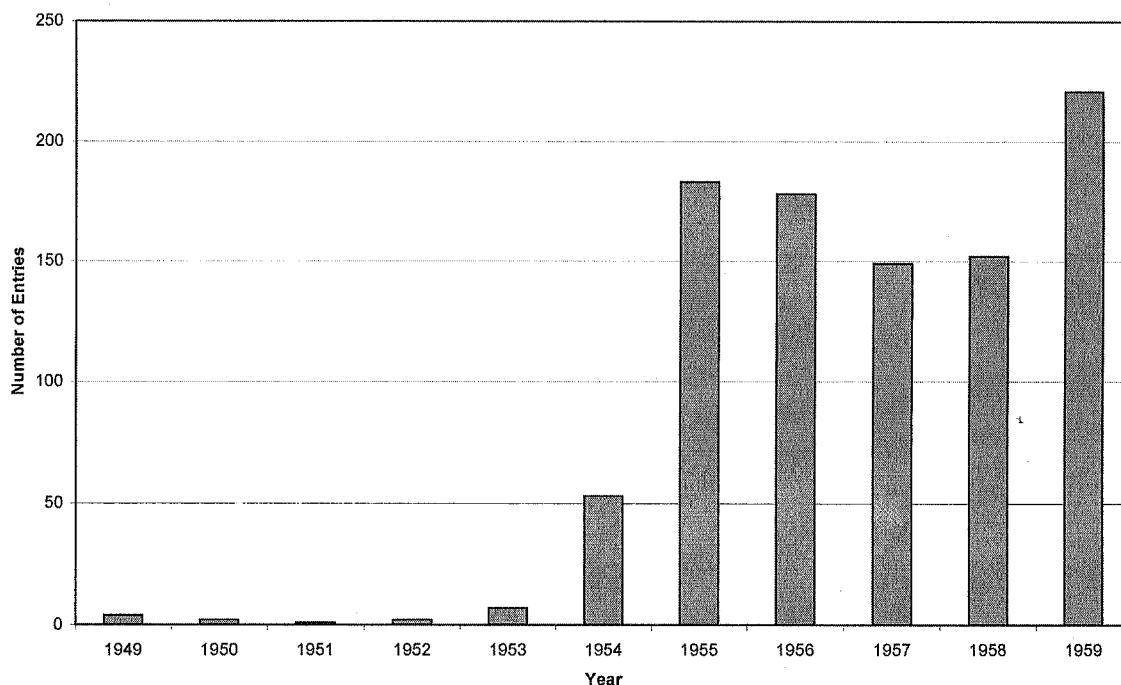


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APPENDIX A

APPENDIX A**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 ¹ | (38) President Honored for Religious Aim ³⁸ |
| (2) Celebration, 300 years of Protestantism ² | (39) What Did Jesus Believe About Wealth? ³⁹ |
| (3) Thank God for Freedom ³ | (40) Who Are Disciples of Christ? ⁴⁰ |
| (4) City Under God ⁴ | (41) Effect of Spiritual Guidance ⁴¹ |
| (5) Religion Versus Communism ⁵ | (42) I Speak for Christian Citizenship ⁴² |
| (6) Threats to Christianity and Democracy ⁶ | (43) One Nation Under God ⁴³ |
| (7) Faith Versus Fear ⁷ | (44) Communists versus God ⁴⁴ |
| (8) "Under God" this Nation lives ⁸ | (45) Atheists misquote George Washington ⁴⁵ |
| (9) For God and Country ⁹ | (46) God: acknowledge in the Constitution ⁴⁶ |
| (10) Meditation, Christ, our hope ¹⁰ | (47) Erection of Giant Cross ⁴⁷ |
| (11) Ninety-first Psalm ¹¹ | (48) Religion in American Life ⁴⁸ |
| (12) Proceedings of Dedicatory Prayer Breakfast ¹² | (49) This I Believe ⁴⁹ |
| (13) Dedication of Crucifix in Gary, Ind. ¹³ | (50) Christian Impact ⁵⁰ |
| (14) Christian in Politics ¹⁴ | (51) Christian Life ⁵¹ |
| (15) Christians in Politics ¹⁵ | (52) Love of Neighbor Is God's Guided Missile to Peace ⁵² |
| (16) Duty of Christian Politician ¹⁶ | (53) Need for Spiritual Values in These Times ⁵³ |
| (17) Faith in Our Time ¹⁷ | (54) Our Holy Father ⁵⁴ |
| (18) Faiths of Our Presidents ¹⁸ | (55) Place of God In Education ⁵⁵ |
| (19) Free Government Based on Faith ¹⁹ | (56) Religion Should Accompany Student ⁵⁶ |
| (20) God's Answer to Communism ²⁰ | (57) Seeking God's Way for World Peace ⁵⁷ |
| (21) No Coexistence of Religion and Communism ²¹ | (58) Spiritual Statesmanship ⁵⁸ |
| (22) One Hundred Years of Spiritual Blessing ²² | (59) Spiritual Strength in Cold War ⁵⁹ |
| (23) Strengthening America Under God ²³ | (60) Supplying Education with Religious Spirit ⁶⁰ |
| (24) This Nation Under God ²⁴ | (61) This Nation Under God ⁶¹ |
| (25) We Pray or We Perish ²⁵ | (62) World Must Choose Between Religion and Ruin ⁶² |
| (26) With Faith and Flag They Called It America ²⁶ | (63) Christian and Jew ⁶³ |
| (27) Beloved Man of God ²⁷ | (64) Eisenhower Should Lead Godly Against Reds ⁶⁴ |
| (28) Christian and Debt ²⁸ | (65) Man Who Sees Inside Heaven ⁶⁵ |
| (29) Congressmen Get Prayer Room ²⁹ | (66) Our Home and God ⁶⁶ |
| (30) Drive to Erect World's Largest Cross ³⁰ | (67) Prayer - Exposure to God ⁶⁷ |
| (31) God Meant Us To Find Atom ³¹ | (68) Religious Illiteracy Is Problem for Home ⁶⁸ |
| (32) God and U.N. ³² | |
| (33) Great Christian ³³ | |
| (34) Harvesting Lord's Acre ³⁴ | |
| (35) Has Your Home a Prayer Room? ³⁵ | |
| (36) Our Father's God to Thee ³⁶ | |
| (37) Our Prayers Could Change World ³⁷ | |

- (69) Supping With Devil⁶⁹
 (70) Thanks Be to Providence⁷⁰
 (71) The Christian Leader and Politics⁷¹
 (72) Worship and Work⁷²
 (73) World Day of Prayer⁷³
 (74) "I Met God There"⁷⁴
 (75) Christian amendment flier⁷⁵
 (76) Bible ABC Verses⁷⁶
 (77) Christ Did Not Wear Crown of Thorns
 To Teach Appeasement⁷⁷
 (78) Christianity, Patriotism, and Myth of
 National Communism⁷⁸
 (79) Faith That Built America⁷⁹
 (80) Role of Church in American Politics⁸⁰
 (81) Unfair Trial of Jesus⁸¹
 (82) Appeal to Churches⁸²
 (83) Apostolic Blessing⁸³
 (84) Christian in Politics⁸⁴
 (85) Christian Survival at Stake⁸⁵
 (86) Church Versus Dictatorships⁸⁶
 (87) Convert Russia Through Prayer⁸⁷
 (88) Cross Against Sky⁸⁸
 (89) Direction of Our Gratitude⁸⁹
 (90) Faith Is Target⁹⁰
 (91) God's Time⁹¹
 (92) Ideas Are God's Weapons for New
 World⁹²
 (93) Prayer Is Power⁹³
 (94) Why Not Teach Religion?⁹⁴
 (95) Church of Christ⁹⁵
 (96) Mobilizing religious influence⁹⁶
 (97) Prayer breakfast: proceedings⁹⁷
 (98) Amendment to Constitution recognizing
 God⁹⁸
 (99) Christian Reformed Church in
 America⁹⁹
 (100) Errors in trial of Jesus¹⁰⁰
 (101) Power of prayer¹⁰¹
 (102) Proceedings of sixth annual presidential
 prayer breakfast¹⁰²
 (103) Atheistic Character of Communism¹⁰³
 (104) Church-Related Colleges¹⁰⁴
 (105) Importance of Easter and Good
 Friday¹⁰⁵
 (106) Modern Delusions and God's Design¹⁰⁶
 (107) Politics and Christian Service¹⁰⁷
 (108) Antichrists on Prowl¹⁰⁸
 (109) Christ in Marketplace¹⁰⁹
 (110) Churches Under Open Skies¹¹⁰
 (111) Contemporary Church Heraldry in
 America¹¹¹
 (112) Has My Church Left Me?¹¹²
 (113) Holy Week Holds the Answer¹¹³
 (114) Moses, Prophets, Jesus Fought To
 Erase Inequality¹¹⁴
 (115) Opposes Asking God's Aid for United
 States¹¹⁵
 (116) 139 Joined Church During Crusade¹¹⁶
 (117) Presidential Prayer Breakfast¹¹⁷
 (118) Religious Imperatives and Foreign
 Aid¹¹⁸
 (119) Religious Overseas Aid¹¹⁹
 (120) Uriel, Flame of God¹²⁰
 (121) World Day of Prayer¹²¹
 (122) Yes; My Church Has Left Me - Thank
 God¹²²
 (123) Faith of our forefathers¹²³
 (124) Speak for Christian citizenship¹²⁴
 (125) Subsidy for ministers¹²⁵
 (126) Voting according to religious
 precepts¹²⁶
 (127) Spiritual faith of our fathers¹²⁷
 (128) Catholicism and politics¹²⁸
 (129) God, peace, and you¹²⁹
 (130) Protestantism speaks on justice and
 integration¹³⁰
 (131) Reaffirm Christian faith in Middle
 East crisis¹³¹
 (132) Essay: Christian Principles and
 Citizenship¹³²
 (133) Proceedings at presidential prayer
 breakfast¹³³
 (134) Aggressive Secularism Undermining
 Nation¹³⁴
 (135) Can-Do Christians¹³⁵
 (136) Catholic President?¹³⁶
 (137) Christian Amendment Resolution¹³⁷
 (138) Faith¹³⁸
 (139) Faith and Learning¹³⁹
 (140) For God and Country¹⁴⁰
 (141) In Remembrance of Him¹⁴¹
 (142) Our Religious Heritage¹⁴²

- (143) Religion Today¹⁴³
- (144) Religious Acknowledgements in Political Documents¹⁴⁴
- (145) Religious Education and Democracy¹⁴⁵
- (146) Spirituality and Prayer: Weapons Against Communism¹⁴⁶
- (147) Ten Commandments¹⁴⁷
- (148) Catholic Can Become President¹⁴⁸
- (149) Catholic in Politics¹⁴⁹
- (150) Christianity or Communism?¹⁵⁰
- (151) Christ United Church of Christ¹⁵¹
- (152) Christian Philosophy of Civil Government¹⁵²
- (153) Everybody Prays at Sholl's¹⁵³
- (154) Ex-Coach Blaik Believes in Prayer¹⁵⁴
- (155) Foreign Policy and Christian Conscience¹⁵⁵
- (156) Jesuit Denounces Racism as Pagan¹⁵⁶
- (157) Let's Not Forget Power of Faith¹⁵⁷
- (158) Man Sent From God¹⁵⁸
- (159) Our Religious Heritage¹⁵⁹
- (160) Sunday Change Shocks God Fearing¹⁶⁰
- (161) Will Science Ever Replace God?¹⁶¹
- (162) God and Mr. Dulles¹⁶²
- (163) Khrushchev, Nikita: minute of silent prayer to greet¹⁶³
- (164) American spiritual values versus Lenin and Marx¹⁶⁴
- (165) Lord's Day Observance¹⁶⁵
- (166) Vaughn Bible Class¹⁶⁶
- (167) We Believe in Prayer¹⁶⁷
- (168) We Pay Taxes for Sin¹⁶⁸
- (169) Lecture: Existence of God¹⁶⁹
- (170) Proceedings at Presidential Prayer breakfast¹⁷⁰
- (171) Text on broadcast on Christian amendment¹⁷¹
- (172) Christian amendment¹⁷²
- (173) Christ and Politics¹⁷³
- (174) Dedication of "In God We Trust" Plaque in Post Offices¹⁷⁴
- (175) Power of Prayer¹⁷⁵
- (176) Union of Church and State¹⁷⁶
- (177) Apostate Clergymen Battle for God-Hating Communist China¹⁷⁷
- (178) Christianity and Capital Punishment¹⁷⁸
- (179) Did God Attend the Summit?¹⁷⁹
- (180) Guide to Atheism¹⁸⁰
- (181) How Much God Is There in Government¹⁸¹
- (182) Jesus, the Perfect Man¹⁸²
- (183) Millennium of Christianization¹⁸³
- (184) Washington's Lady Ambassador for Christ¹⁸⁴
- (185) What Faith in God Has Meant to Me¹⁸⁵
- (186) Christian Citizenship¹⁸⁶
- (187) Faith by William Jennings Bryan¹⁸⁷
- (188) Shrine of the Immaculate Conception¹⁸⁸
- (189) Make yourself a rubberstamp for God¹⁸⁹
- (190) Religious qualifications for the Presidency¹⁹⁰
- (191) Spiritual values are our basic need¹⁹¹
- (192) Revised Standard Version of the Holy Bible: adoption of¹⁹²
- (193) World Day of Prayer¹⁹³
- (194) Bible: eternal source of strength¹⁹⁴
- (195) Bible: light that illumines the pathway¹⁹⁵
- (196) Good Shepherd and the abundant life¹⁹⁶
- (197) Holy Week¹⁹⁷
- (198) In the beginning God¹⁹⁸
- (199) Prayer rooms, U.S. Capitol¹⁹⁹
- (200) Psalm 23²⁰⁰

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

⁴⁹ 101-a Cong. Rec. 6603 (1955).
⁵⁰ 102-a Cong. Rec. A1957 (1956).
⁵¹ 102-a Cong. Rec. A6037 (1956).
⁵² 102-a Cong. Rec. A1589 (1956).
⁵³ 102-a Cong. Rec. A542 (1956).
⁵⁴ 102-a Cong. Rec. A4893 (1956).
⁵⁵ 102-a Cong. Rec. A2131 (1956).
⁵⁶ 102-a Cong. Rec. A2659 (1956).
⁵⁷ 102-a Cong. Rec. 2272 (1956).
⁵⁸ 102-a Cong. Rec. 4547 (1956).
⁵⁹ 102-a Cong. Rec. 9454 (1956).
⁶⁰ 102-a Cong. Rec. A4122 (1956).
⁶¹ 102-a Cong. Rec. A3533 and 9277 (1956).
⁶² 102-a Cong. Rec. A429 (1956).
⁶³ 102-a Cong. Rec. A2803 (1956).
⁶⁴ 102-a Cong. Rec. A452 (1956).
⁶⁵ 102-a Cong. Rec. A5129 (1956).
⁶⁶ 102-a Cong. Rec. 6895 (1956).
⁶⁷ 102-a Cong. Rec. A1493 (1956).
⁶⁸ 102-a Cong. Rec. A1650 (1956).
⁶⁹ 102-a Cong. Rec. A5842 and A6209 (1956).
⁷⁰ 102-a Cong. Rec. A3960 (1956).
⁷¹ 102-a Cong. Rec. 8031 (1956).
⁷² 102-a Cong. Rec. A5366 (1956).
⁷³ 102-a Cong. Rec. 2751 (1956).
⁷⁴ 102-a Cong. Rec. 1519 (1956).
⁷⁵ 102-a Cong. Rec. A700 (1956).
⁷⁶ 103-a Cong. Rec. A4891 (1957).
⁷⁷ 103-a Cong. Rec. A2221 (1957).
⁷⁸ 103-a Cong. Rec. A291 (1957).
⁷⁹ 103-a Cong. Rec. A4008 (1957).
⁸⁰ 103-a Cong. Rec. A4184 (1957).
⁸¹ 103-a Cong. Rec. 8121 (1957).
⁸² 103-a Cong. Rec. A4124 (1957).
⁸³ 103-a Cong. Rec. A45 (1957).
⁸⁴ 103-a Cong. Rec. A4236 (1957).
⁸⁵ 103-a Cong. Rec. A532 (1957).
⁸⁶ 103-a Cong. Rec. A5220 (1957).
⁸⁷ 103-a Cong. Rec. A1008 (1957).
⁸⁸ 103-a Cong. Rec. A3083 (1957).
⁸⁹ 103-a Cong. Rec. A1512 (1957).
⁹⁰ 103-a Cong. Rec. A2671 (1957).
⁹¹ 103-a Cong. Rec. A1357 (1957).
⁹² 103-a Cong. Rec. A4515 (1957).
⁹³ 103-a Cong. Rec. A3467 (1957).
⁹⁴ 103-a Cong. Rec. A7212 (1957).
⁹⁵ 103-a Cong. Rec. A154 (1957).
⁹⁶ 103-a Cong. Rec. 8249 (1957).
⁹⁷ 103-a Cong. Rec. 2085 (1957).
⁹⁸ 103-a Cong. Rec. 234 (1957).
⁹⁹ 103-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 1954¹

“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.”²

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

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

“From the root of atheism stems the evil weed of communism.”³

“An atheistic American ... is a contradiction in terms.”³

“[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.’”³

“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.’”³

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

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

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

“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.”⁵

¹ Most of these quotations relate to Congress’s decision to intrude “under God” into the Pledge of Allegiance, which was another in the series of (Christian) Monotheistic acts that transpired in the early 1950s. See Complaint ¶¶ 214-19. They, as well, reveal the political climate of that era and how Congress was intent on bolstering the (Christian) Monotheism that was permeating society.

² 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)

³ 100 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)

⁴ 100 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.”⁶

“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.”⁶

“[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.”⁷

“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.”⁷

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

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

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

“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.’”⁸

“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.”⁹

⁵ 100 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)

⁶ 100 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)

⁷ 100 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)

⁸ 100 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)

⁹ 100 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.”¹⁰

“We are asking that only two words be added to the Pledge of Allegiance, but they are very significant words.”¹¹

“[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.”¹¹

“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.”¹¹

“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.”¹¹

“[The Pledge] is not only a pledge of words but also of belief.”¹¹

“[B]elief in God is part of our very lives.”¹¹

“The United States is one of the outstanding nations of the world standing foursquare on the principle that God governs the affairs of men.”¹²

“Billy Graham [said,] ‘We have dropped our pilot, the Lord Jesus Christ, and are sailing blindly on without divine chart or compass.’”¹²

“[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.”¹²

“[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.”¹³

¹⁰ S. Rep. No. 1287, 83rd 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)

¹¹ 100 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)

¹² 100 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)

¹³ 100 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.”¹³

“Now that pagan philosophies have been introduced by the Soviet Union, there is a necessity for reaffirming belief in God.”¹⁴

“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.”¹⁵

“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.”¹⁵

“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.”¹⁶

“How fitting that we here today should take action to once more affirm our belief in ... the guidance of a divine spirit.”¹⁶

“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.”¹⁶

“[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.”¹⁷

“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.”¹⁷

“Fortify our youth in their allegiance to the flag by their dedication to ‘one nation under God.’”¹⁸

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.”)

¹⁴ 100 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.)

¹⁵ 100 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.)

¹⁶ 100 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.)

¹⁷ 100 Cong. Rec. 6, 7758 (June 7, 1954) (Statement of Rep. Brooks in support of the joint resolution to amend the previously secular Pledge.)

¹⁸ 100 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 20th century can rediscover our own value and the solid basis on which it rests.”¹⁹

“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.”²⁰

“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.”²¹

“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.’”²²

“This [is a] victory for God and country.”²²

“[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.”²³

“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.”²³

“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.”²³

“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.”²³

¹⁹ 100 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.)

²⁰ 100 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.)

²¹ 100 Cong. Rec. 6, 7760 (June 7, 1954) (Statement of Rep. Keating in support of the joint resolution to amend the previously secular Pledge.)

²² 100 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.)

²³ 100 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.”²³

“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.”²³

“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.”²³

“[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.”²⁴

“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.”²⁴

“[W]e wish now, with no ambiguity or reservation, to place ourselves under the rule and care of God.”²⁴

“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.”²⁴

“[W]e do well to once more publicly and officially affirm our faith.”²⁵

“[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.’”²⁶

“God is the symbol of liberty to America.”²⁶

“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.’”²⁶

²⁴ 100 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.”)

²⁵ 100 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.)

²⁶ 100 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.”²⁶

“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.”²⁶

“A child’s belief in spiritual values is beautiful to behold.”²⁶

“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.”²⁷

“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.”²⁷

“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.”²⁸

“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.”²⁹

“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.”²⁹

“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.”³⁰

“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.”³¹

²⁷ 100 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.)

²⁸ 100 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.)

²⁹ 100 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.)

³⁰ 100 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.”)

³¹ 100 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!’”³¹

“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.”³²

“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.’”³³

“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.”³⁴

“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.”³⁴

“Today we express ... our national dependence upon almighty God by pledging, as a nation, our allegiance to the Stars and Stripes.”³⁵

“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.”³⁵

“[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.”³⁵

“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.”³⁶

³² 100 Cong. Rec. 7, 8618 (June 22, 1954) (Statement by President Dwight D. Eisenhower, as reported by Sen. Ferguson.)

³³ 100 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.)

³⁴ 101 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.)

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

³⁶ 101 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.”³⁶

“The further men move from God and His principles, the worse it will be for America.”³⁶

“Our people without God would be a people reading the death warrant to real American freedom.”³⁶

“[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.”³⁶

“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.”³⁶

“Only God-fearing men can guarantee to America her greatness, her survival, and her continued blessings.”³⁶

“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.”³⁷

“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.”³⁷

“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.”³⁷

“These principles of the worthwhileness of the individual human being are meaningless unless there exists a Supreme Being.”³⁸

“‘Under God’ in the pledge of allegiance to the flag expresses, aptly and forcefully, a grateful nation’s attitude of dependence upon Almighty God.”³⁸

“For under God this Nation lives.”³⁸

“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.”³⁸

³⁷ 100 Cong. Rec. 11, 14918-14919 (Aug. 17, 1954) (Remarks of Rep. Wolverton entitled “One Nation – Under God.”)

³⁸ 100 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 B

APPENDIX B

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.

AFFIDAVIT OF SHARON R. CHAMBERLAIN

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 = ±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%

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

Civil Action No. 13-CV-741

NEWDOW et al. v. CONGRESS OF THE UNITED STATES et al.

Certificate of Service

I, Michael Newdow, certify that on April 18, 2013, I served Michael J. Byars, counsel for all defendants, a copy of Plaintiffs' **AMENDED COMPLAINT** by electronic mail addressed to Michael.Byars@usdoj.gov (pursuant to Mr. Byars' written permission – see Rule 5(b)(2)(E) of the Federal Rules of Civil Procedure).

Mr. Byars will also assumedly be served by the CM/ECF system of this Court.

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



Executed on April 18, 2013

Michael Newdow
PO Box 233345
Sacramento, CA 95823
(916) 273-3798
NewdowLaw@gmail.com

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