



Written by [Joe Wolverton, II, J.D.](#) on March 7, 2011

Supreme Court Refuses to Hear “In God We Trust” Challenge

On Monday the Supreme Court of the United States refused to take up a case challenging the U.S. government’s official references to deity.

Specifically, the Court declined an appeal request from Michael Newdow, an atheist who avers that governmental references to “God” violate the First Amendment’s prohibition against a Congressional “establishment of religion,” known colloquially as the “Establishment Clause.”

Specifically, Newdow’s complaint alleges that the motto unconstitutionally places the government’s imprimatur on a belief in a monotheistic God. Newdow further alleges the national motto turns him and other atheists into political outsiders by reinforcing the “twin notions that belief in God is ‘good,’ and disbelief in God is ‘bad.’ ”



The appeal and the underlying issue were superbly summarized early this year by [The New American](#)’s own Dave Bohon:

Michael Newdow is at it again. The self-appointed spokesman for America’s atheists has once more appealed to the U.S. Supreme Court to order the removal of the phrase “In God We Trust” from the nation’s currency.

On January 11, Newdow filed a brief with the High Court arguing that use of the phrase, which the nation has claimed as its official motto since 1957, violates the Constitution’s supposedly required separation of church and state. “Devout atheists are forced to choose between not using what is often the only available legal tender and committing what they consider blasphemy,” declared Newdow in an apparently unintentional confession of his own religious persuasion.

Following its hearing on the matter, the 9th Circuit Court of Appeals in San Francisco in a rare moment of restraint and rationality, [held](#) that the phrase is ceremonial, patriotic, and “has nothing whatsoever to do with the establishment of religion.”

It was an appeal of this decision that the Supreme Court refused to hear.

There is historical proof for the 9th Circuit’s opinion on the nature of the phrase. While “In God We Trust” did not become the official motto of the United States until 1956, the sentiment was expressed much earlier by Francis Scott Key in the final stanza of The Star-Spangled Banner: “...And this be our motto: ‘In God is our trust.’ ”

Furthermore, the motto first appeared on American coins on a two-cent piece minted in 1864. Following a law passed in 1865 permitting such, in 1866, the motto was pressed onto the nickel, the quarter, the half dollar, the silver dollar, and the gold dollar. Similar laws were passed in the years following (of particular note is the law passed in 1908), and since 1938 all coins minted in the United States have the motto inscribed on them.

With regard to paper currency (the legality of which is a topic for another article), Public Law 84-140 was signed into law by President Dwight Eisenhower on July 30, 1956. Within a decade, all money minted or printed in the United States bore the motto.



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The phrase became the official motto of the United States of America following passage and enactment of Public Law 84-851 in 1956. The law, as currently listed in the United States Code declares: “‘In God we trust’ is the national motto.”

Predictably, the wording (if not the sentiment) of the motto enjoys broad based support among the American public. According to a Gallup Poll conducted in 2003, 90 percent of respondents approved of the engraving of the motto on American coins.

Among that 10 percent or so who oppose the inscription, there have been a few vociferous challengers, before *Newdow* came along.

The earliest legal challenge to the motto was the case of *Aronow v. United States*, filed in 1970. In a ruling similar to that handed down in the *Newdow* case, the 9th Circuit Court of Appeals held:

It is quite obvious that the national motto and the slogan on coinage and currency ‘In God We Trust’ has nothing whatsoever to do with the establishment of religion. Its use is of patriotic or ceremonial character and bears no true resemblance to a governmental sponsorship of a religious exercise. *Aronow*, 432 F.2d at 243

Interestingly, the decision in *Aronow* was cited in an earlier suit of Michael *Newdow*’s, filed in 2004, making a similar “Establishment Clause” challenge to the mention of God in the Pledge of Allegiance (see [Elk Grove Unified School District v. Newdow](#)).

Two Supreme Court cases have addressed the underlying issue: the use of a name for deity in the official motto of the United States.

The first case on the point was [Zorach v. Clauson](#), decided in 1952. In a 6-3 majority decision, Justice William O. Douglas wrote that America’s “institutions presuppose a Supreme Being” and that Congress’s recognition of such did not violate the stricture against the establishment of religion that our Founding Fathers included in the Bill of Rights.

In its ruling in the latest legal challenge to reach their bench, [Lynch v. Donnelly](#) (1984), the High Court held that the motto “lost through rote repetition any significant religious content.” The Court further decided that such instances of “ceremonial deism” have lost their “history, character, and context.”

The rejection of the appeal sought by *Newdow* upholds the 9th Circuit’s opinion.

In its [holding](#), the 9th Circuit Court further ruled that the national motto is of a “patriotic or ceremonial character,” has no “theological or ritualistic impact,” and does not constitute “governmental sponsorship of a religious exercise. In his concurring opinion, liberal Judge [Stephen Reinhardt](#) agreed that the 9th Circuit’s earlier decision in *Aronow* controlled in this matter.



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