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A Communication From
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To: Representative Craig Johnson, Chair
House Rules Committee

Fr: Representative Bob Lynn

Re: Court Opinions on use of "In God We Trust" in Government Documentation

"There is an unbroken history of official acknowledgment by all three branches of government of the role of religion in American life from at least 1789."

-Chief Justice Warren Burger, *Lynch v. Donnelly*, 465 U.S. 668 (1984)

"...government declaration of Thanksgiving as a public holiday, **printing of 'In God We Trust' on coins**, and opening court sessions with 'God save the United States and this honorable court.' Those government acknowledgments of religion serve... the legitimate secular purposes of solemnizing public occasions, expressing confidence in the future, and encouraging the recognition of what is worthy of appreciation in society. For that reason, and because of their history and ubiquity, **those practices are not understood as conveying government approval of particular religious beliefs.**"

-Justice Sandra Day O'Connor, *Lynch v. Donnelly*, 465 U.S. 668 (*concurring*) [emphasis added]

"The government violates [the Establishment Clause] if it **endorses or disapproves** of religion."

-Justice Sandra Day O'Connor, *County of Allegheny v. ACLU*, 492 U.S. 573 [emphasis added]

"['In God We Trust'] symbolizes the historical role of religion in our society...formalizes our medium of exchange...fosters patriotism...and expresses confidence in the future.

The motto's primary effect is not to advance religion; instead, it is a form of 'ceremonial deism' which through historical usage and ubiquity cannot be reasonably understood to convey government approval of religious belief...We conclude, therefore, that the statutes establishing 'In God We Trust' as our national motto and providing for its reproduction on United States currency do not violate the Establishment Clause."

-Senior Circuit Judge Deanell Reece Tacha, *Gaylor v. United States*, 74 F.3d 214, U.S. Circuit Court of Appeals for the Tenth Circuit

These opinions highlight the federal courts' history of upholding the constitutionality of our national motto. While none of these cases relates directly to the use of "In God We Trust" on license plates, it seems implausible that the courts would apply a stricter constitutional standard to license plates than to the currency. Citizens wishing to participate in our economy have no choice but to utilize the national currency, but drivers would only receive this license plate if they requested and paid for it. In addition, public funds are utilized to operate the Treasury and print currency containing the national motto, but these license plates will be paid for through user fees.

For more information on the constitutionality of the phrase "In God We Trust" or for copies of the cases cited in this memo, please contact Thomas Reiker at 465-4965 or thomas_reiker@legis.state.ak.us.