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ALLOW DISPLAY OF NATIONAL MOTTO

House Bill 5091 as introduced
First Analysis (10-11-01)

Sponsor: Rep. Stephen Ehardt
Committee: House Oversight and
Operations

THE APPARENT PROBLEM:

The original motto of the United States was “E Pluribus Unum”, Latin for “One from many” or “One from many parts”. It was included in the first design for the Great Seal of the United States, submitted by John Adams, Benjamin Franklin, and Thomas Jefferson. A different version of the seal, but including the motto “E Pluribus Unum”, was eventually adopted by Congress in 1782, and the motto was first used on some federal coins in 1795.

According to information from the U.S. Department of Treasury, increased religious sentiment during the Civil War prompted some citizens to appeal for a recognition of God on United States coins. The motto “In God We Trust” was first placed on a U.S. coin following an 1864 act of Congress. The motto first appeared on several coins minted from 1864 to 1873. Since 1938, all U.S. coins bear the inscription. In 1956, the 84th Congress passed a joint resolution declaring “In God We Trust” to be the national motto of the United States. The motto began appearing on paper currency in 1957.

The use of the phrase “In God We Trust” on U.S. money, and as a motto appearing in public places, has been somewhat controversial. It has been challenged on the grounds that it violates the Establishment Clause of the First Amendment to the United States Constitution. (“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.”) However, these lawsuits have generally been unsuccessful. The U.S. Court of Appeals, Tenth Circuit, found in 1996 that “a reasonable observer, aware of the purpose, context, and history of the phrase, ‘In God we trust,’ would not consider its use or its reproduction on U.S. currency to be an endorsement of religion.” The U.S. Supreme Court refused to review this ruling. (In related cases, the Supreme Court has used a three-part test [the “Lemon” test] to determine whether a challenged statute is permissible under the Establishment Clause: “First, the statute must have a

secular legislative purpose; second, its principal or primary effect must be one that neither advances nor inhibits religion . . .; finally, the statute must not foster ‘an excessive government entanglement with religion.’”)

Those who encourage the increased acknowledgement of religious faith in public settings are engaged in promoting the display of the motto “In God We Trust” in public places. The American Family Association promotes the display of the motto by distributing posters to individuals and to elected officials. The Colorado State Board of Education voted in July 2000 to encourage the display of the motto in public schools and other public buildings. Several proposals have been introduced in state legislatures to encourage or require the posting of the national motto in public places.

Legislation has been introduced to permit state agencies and local governments in Michigan to post the national motto.

THE CONTENT OF THE BILL:

The bill would create a new act to allow a state agency or a unit of local government to place the national motto “In God We Trust” in a public building owned or occupied by that agency or unit.

Under the bill, “state agency” is defined to mean a department, board, commission, office, agency, authority, or other unit of state government, and also would include a state institution of higher education. “Unit of local government” would mean a political subdivision of the state, if the political subdivision has as its primary purpose the providing of local government service for citizens in a geographically limited area of the state, and has the power to act primarily on behalf of that area. A unit of local government would specifically include a school district, community college district, intermediate

House Bill 5091 (10-11-01)

school district, public school academy, city, village, township, county, and authority.

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the bill has no fiscal implications for state or local government. (10-1-01)

ARGUMENTS:

For:

The bill would specifically permit state agencies and local governments to post the national motto, “In God We Trust”, in public places. That there should even be debate about the appropriateness of posting it seems, to many, to be farfetched. The phrase *is*, after all, the national motto, adopted by an act of Congress, and its use has been upheld as constitutional. “In God We Trust” has a long and distinguished history as a motto and a statement of faith. It is derived from the line, “And this be our motto: ‘In God is our trust’, which occurs in the final stanza of the national anthem, “The Star Spangled Banner”, whose words were written by Francis Scott Key in 1814. As Key’s poem itself was inspired out of the passion and hope of wartime, the motto “In God We Trust” has been embraced by Americans particularly in times of crisis, first appearing on U.S. coins during the Civil War, and adopted as the national motto during the Cold War years. As Americans again face a period of national crisis, it seems fitting for the legislature to encourage citizens to embrace the national motto.

Against:

Despite the 1996 appeals court ruling, which dealt with the use of the motto on currency, the phrase “In God We Trust” has a religious meaning and connotation to many, and this type of legislation would indeed seem to imply the legislature’s endorsement of this religious sentiment. This is troubling to those who are concerned about the rights of religious minorities, or those of no religious persuasion, and it is particularly troubling in the public school setting. Many feel that public schools should not be inculcating children with religious values, and that rather than uniting the citizenry in a time of crisis, such a proposal may indeed be divisive. If the aim is to promote patriotism, rather than religion, a more appropriate motto to encourage would be “E Pluribus Unum” (one from many), or “United We Stand”.

POSITIONS:

Citizens for Traditional Values supports the bill (10-4-01)

The ACLU of Michigan opposes the bill. (10-10-01)

Analyst: D. Martens

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.