



Written by [Dave Bohon](#) on September 17, 2013

Federal Judge Dismisses Atheists' Lawsuit Against "In God We Trust"

A federal judge in New York State has dismissed a lawsuit filed by a group of atheists demanding that "In God We Trust" be removed from the America's currency. In his September 9 decision, Judge Harold Baer, Jr. ruled that the presence of the national motto on coins and paper money had not created a "substantial burden" on the atheists and humanists involved in the suit, who included members of the New York City Atheists and the Freedom From Religion Foundation.



"While Plaintiffs may be inconvenienced or offended by the appearance of the motto on currency," wrote Baer, "these burdens are a far cry from the coercion, penalty, or denial of benefits required under the 'substantial burden' standard."

The case, *Newdow, et al., v. U.S. Treasury*, was initiated by atheist Rosalyn Newdow, whose son Michael filed a high-profile 2002 lawsuit against the federal government charging that the phrase "under God" in the Pledge of Allegiance was a violation of the First Amendment's supposed "separation of church and state," and injurious to his atheist daughter, who was exposed to the religious wording during the Pledge's regular recital at her school. The case dragged on for two years before the U.S. Supreme Court dismissed it in 2004 on procedural grounds.

Atheists have complained about the existence of "In God We Trust" on currency since it was added in 1955, a year after President Eisenhower signed legislation adding the phrase "under God" to the Pledge.

Baer noted that in the federal judiciary's extensive history of hearing cases on the constitutionality of the national motto, judges have considered whether its presence on currency tends to advance religion and whether it represents an excessive government entanglement with religion. "The Supreme Court has repeatedly assumed the motto's secular purpose and effect, and all circuit courts that have considered this issue — namely the Ninth, Fifth, Tenth, and D.C. Circuit — have found no constitutional violation in the motto's inclusion on currency," Baer wrote. He added that every circuit court "that has considered the issue found no Establishment Clause violation in the motto's placement on currency, finding ceremonial or secular purposes and no religious effect or endorsement."

The [American Center for Law and Justice](#) (ACLJ) provided an amicus brief in the case in defense of the national motto, pointing out that the wording "simply echoes the principle found in the Declaration of Independence that our freedoms come from God and not the state. The national motto was adopted for the express purpose of reaffirming America's unique understanding of this truth.... The Establishment Clause was never intended as a guarantee that a person will not be exposed to religion or religious symbols on public property, and the Supreme Court has rejected previous attempts to eradicate all symbols of this country's religious heritage from the public's view."



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Jay Sekulow, the ACLJ's chief counsel, called Baer's ruling "welcomed and well-reasoned. Time after time, flawed legal challenges like this one are brought by atheists. And time after time, the courts soundly reject their attempts to change the historical and cultural landscape of America. In our amicus brief on behalf of members of Congress and nearly 90,000 Americans, we argued that the national motto poses no constitutional violations and must be dismissed. We're extremely pleased that the court did just that."



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