

For Opinion See [125 S.Ct. 21](#) , [124 S.Ct. 2301](#) , [124 S.Ct. 1493](#) , [124 S.Ct. 1191](#) , [124 S.Ct. 1124](#) , [124 S.Ct. 860](#) , [124 S.Ct. 384](#)

U.S.,2003.

Supreme Court of the United States.  
ELK GROVE UNIFIED SCH. DIST., et al., Petitioners,  
v.  
Michael A. NEWDOW, et al., Respondents.  
No. 02-1624.  
December 19, 2003.

On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit

Brief Amicus Curiae of the Knights of Columbus in Support of Petitioners

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## \*1 INTEREST OF THE AMICUS

The Knights of Columbus respectfully submits this brief *amicus curiae* in support of Petitioners pursuant to Rule 37.3 of this Court.<sup>[FN1]</sup>

FN1. All parties have consented to the filing of this brief. No counsel for any party authored this brief in whole or in part. No person or entity other than *amicus* and its members made any monetary contributions to the preparation or submission of this brief.

The Knights of Columbus is the largest Catholic laymen's organization with approximately 1.7 million members in a dozen countries. Ever since its beginnings in the basement of a church in New Haven, Connecticut, its members have understood that American concepts of freedom flow from an authority higher than the State, and that the State must respect these freedoms. *Amicus* has thus long been vigilant in defending that principle. *Amicus*, for example, underwrote the litigation in [Pierce v. Society of Sisters](#), 268 U.S. 510 (1925), to make this very point and has underscored that message in a great many cases in a long and distinguished history of litigation before this Court.

*Amicus* has emphasized the same message before the Congress and Executive Branch as well. In fact, *amicus* has a special interest in the amendment to the Pledge of Allegiance at issue here, because *amicus* played an integral role in its adoption. In 1951, the Supreme Board of Directors of the Knights of Columbus amended the Pledge of Allegiance recited at their own meetings by adding the words “under God” after “nation.” See *Amendment of K. of C. for Pledge of Allegiance Adopted by Senate*, New Haven Register, May 13, 1954; “*Under God*” *Under Attack*, Columbia, Sept. 2002, at 8-9. In 1952, the Knights recommended this same action to the President, Vice-\*2 President, and members of both Houses of Congress. See *K. of C. Urged Revised Oath*, New York Journal-American, May 18, 1954.

*Amicus* was motivated by the same purpose as Congress would later be-to emphasize the limited nature of the American Republic, bound as it is to respect the inalienable rights of its people. President Dwight D. Eisenhower recognized this motivation when he thanked the Knights of Columbus for its role in the amendment:

[W]e are particularly thankful to you for your part in the movement to have the words “under God” added to our Pledge of Allegiance. These words will remind Americans that despite our great physical strength we must remain humble. They will help us to keep con-

stantly in our minds and hearts the spiritual and moral principles which alone give dignity to man, and upon which our way of life is founded. For the contribution which your organization has made to this cause, we must be genuinely grateful.

Letter from Dwight D. Eisenhower to Luke E. Hart, Supreme Knight of the Knights of Columbus, Aug. 17, 1954, *reprinted in "Under God" Under Attack, supra*, at 9.

## SUMMARY OF THE ARGUMENT

The judgment below threatens more than just the Pledge of Allegiance. It menaces as well the traditional understanding that fundamental rights must be respected by the State precisely because they are prior to the State.

This is an understanding that has been shared, since the Founding, by all three branches of the federal government. The House of Representatives Report on the joint resolution adding "under God" to the Pledge is a perfect example:

Our American Government is founded on the concept of the individuality and the dignity of the human being. Underlying this concept is the belief that the human person is important because he was created by God and endowed by Him with certain inalienable rights which no civil authority may usurp.

[H.R. Rep. No. 83-1693, at 1-2 \(1954\).](#)

The Executive Branch has also consistently acknowledged that tradition. Presidents from John Adams to William Henry Harrison, from Calvin Coolidge to John F. Kennedy, have insisted that our government is a limited one, bound to respect the inalienable rights of its people. President Kennedy is a good example. In his *Inaugural Address* he explained: "[T]he same revolutionary beliefs for which our forbears fought are still at issue around the globe—the belief that the rights of man come not from the generosity of the state, but from the hand of God." John F. Kennedy, *Inaugural Address* (Jan. 20, 1961), *reprinted in* Davis Newton Lott, *The Presidents Speak: The Inaugural Addresses of the American Presidents from George Washington to George Walker Bush* 306 (M. Hunter & H. Hunter eds., 2002)

This Court's oft-quoted line in [Zorach v. Clauson, 343 U.S. 306, 313 \(1952\)](#), that our institutions presuppose a Supreme Being likewise makes sense only in that context.

In sum, all three branches of our federal government have long recognized the premise from which Jefferson argued his Declaration of Independence, namely, that our freedom is grounded in an authority higher than the State. The Ninth Circuit's judgment is fundamentally at odds with that principle. If reciting the Pledge is unconstitutional simply because it refers to a nation "under God," then reciting the Declaration of Independence, which refers to the Creator as the source of rights, is surely cast in doubt. That, in turn, would mean that publicly acknowledging the traditional grounding of our rights somehow violates those very rights. This conclusion would represent an earthquake in our national ethos—one that should not be imposed by the Judicial Branch.

## ARGUMENT

The judgment below threatens not only one patriotic rite and one particular federal statute. It challenges the American principle that fundamental rights are inalienable by the State precisely because they exist prior to the State. This would cause a sea-change in our nation's self-understanding that should not be imposed by judicial order.

At least since the Declaration of Independence was written, our national ethos has held that we have inalienable rights that the State cannot take away, because the source of those inalienable rights is an authority higher than the State. The Pledge, like the Declaration, is a statement of political philosophy, not of theology. Nevertheless, it is a statement of political philosophy that depends for its force on the premise that our rights are only inalienable because they inhere in a human nature that has been "endowed" with such rights by its "Creator."

### I. The Legislative Branch Has Consistently Affirmed the Principle of Limited Government Reflected in the Pledge and the Declaration of Independence.

This Court itself has affirmed that there "is an unbroken history of official acknowledgment by all three

branches of government of the role of religion in American \*5 life from at least 1789.” [\*Lynch v. Donnelly\*, 465 U.S. 668, 674 \(1984\)](#). The Congress that inserted the words “under God” into the Pledge stands squarely within that tradition.

As Congressman Wolverton observed in urging the inclusion of “under God” in the Pledge:

Our American Government is founded on the concept of the individuality and the dignity of the human being. Underlying this concept is the belief that every human being has been created by God and endowed by Him with certain inalienable rights which no civil authority may usurp. Thus, the inclusion of God in our pledge of allegiance ... sets at naught the communistic theory that the State takes precedence over the individual ....

100 Cong. Rec. 7336 (1954) (statement of Rep. Wolverton).

The proponents of adding the phrase “under God” to the Pledge were conscious not only of that tradition generally, but also of the exigencies of their historical moment. As the court below conceded, a prime reason the words “under God” were inserted into the Pledge was to distinguish this country from the Soviet Union.<sup>[FN2]</sup> But this was not some jingoistic exercise in contrasting good believers with bad atheists. It was a serious reflection on the different visions of human nature-and therefore of human freedom-that underlay the two systems. Representative Louis Rabault, who first proposed the change in the House of Representatives, explained his motivation:

FN2. The legislative history is replete with references to “times such as these,” 100 Cong. Rec. 7336 (1954) (statement of Rep. O’Hara); “communism,” *id.* at 7332 (statement of Rep. Bolton); “the conflict now facing us,” *id.* at 7333 (statement of Rep. Rabaut); “a time in the world,” *id.* at 7338 (statement of Rep. Bolton); and “this moment in history,” *id.* at 5750 (statement of Rep. Rabault).

\*6 My reason for introducing this resolution may be very briefly stated. The most fundamental fact of this moment of history is that the principles of democratic government are being put to the test. The theory as to the nature of man which is the keystone in the arch of

American Government is under attack by a system whose philosophy is exactly the opposite.

... Our political institutions reflect the traditional American conviction of the worthwhileness of the individual human being. That conviction is, in turn, 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 which no civil authority may usurp.

100 Cong. Rec. 5750 (1954). The House Report likewise echoed that idea:

At this moment of our history the principles underlying our American Government and the American way of life are under attack by a system whose philosophy is at direct odds with our own. Our American Government is founded on the concept of the individuality and the dignity of the human being. Underlying this concept is the belief that the human person is important because he was created by God and endowed by Him with certain inalienable rights which no civil authority may usurp. The inclusion of God in our pledge therefore would further acknowledge the dependence of our people and our Government upon the moral directions of the Creator. At the same time it would serve to deny the atheistic \*7 and materialistic concepts of communism with its attendant subversion of the individual.

[H.R. Rep. No. 83-1693, at 1-2 \(1954\)](#); *see also* S. Rep. No. 83-1287, at 2 (1954) (describing similar sentiments of Senator Ferguson, author of the Senate proposal); 100 Cong. Rec. 7332 (1954) (statement of Rep. Bolton).

In short, the political philosophy through which the Congress viewed the world when it amended the Pledge was traditionally and quintessentially Jeffersonian.<sup>[FN3]</sup> It contended simply that people who recognize a higher power than the State live in greater freedom.<sup>[FN4]</sup> By adopting the phrase “under God” in the Pledge, Congress explicitly sought to draw a distinction between the “natural rights” philosophy of \*8 Madison, Jefferson and other Founders, on which the American system is based, and the Soviet view that rights, such as they are, are conferred at the pleasure of the State.<sup>[FN5]</sup>

FN3. The Declaration of Independence is not

the only evidence of Jefferson's consistent argument that God is the source of inalienable rights. For example, shortly before drafting the Declaration of Independence, Jefferson wrote: "The God who gave us life gave us liberty at the same time; the hand of force may destroy, but cannot disjoin them." Thomas Jefferson, *On the Instructions Given to the First Delegation of Virginia to Congress*, in August, 1774, *reprinted in 1 The Writings of Thomas Jefferson* 181, 211 (Albert Ellery Bergh ed., 1904). Later, he questioned: "Can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the gift of God?" Thomas Jefferson, *Notes on Virginia*, Query XVIII (1782), *reprinted in 2 The Writings of Thomas Jefferson*, *supra*, at 1,227.

FN4. The House Report also quotes from two other men who helped shape this country early in its history. William Penn said, "Those people who are not governed by God will be ruled by tyrants." [H.R. Rep. No. 83-1693, at 2 \(1954\)](#); *see also* 100 Cong. Rec. 7333 (statement of Rep. Oakman (quoting William Penn)). George Mason explained: "All acts of legislature apparently contrary to the natural right and justice are, in our laws, and must be in the nature of things considered as void. The laws of nature are the laws of God, whose authority can be superseded by no power on earth." [H.R. Rep. 83-1693, at 2 \(1954\)](#); *see also* 100 Cong. Rec. 7333 (statement of Rep. Oakman (quoting George Mason)).

FN5. The Soviet Union, happily, is a threat no more. And the particular urgency the Congress perceived in the Cold War has passed. Nonetheless, the underlying principle of the inalienability of rights remains fundamental to our tradition. Moreover, the present moment is not without its own exigencies, as we engage entirely different enemies who deny, for different reasons, that liberty is a right given us by the Creator.

## II. The Executive Branch Has Consistently Affirmed

### the Principle of Limited Government Reflected in the Pledge and the Declaration of Independence.

The Executive Branch has also participated in this tradition, most notably in the speeches of our Presidents. For example, with one exception (Washington's brief, second inaugural in 1793), every single presidential inaugural address includes reference to God—whether as the source of rights, of blessing to the country, or of wisdom and guidance. Examples include the following:

- "[M]ay that Being who is supreme over all, the Patron of Order, the Fountain of Justice, and the Protector in all ages of the world of virtuous liberty, continue His blessing upon this nation ...." John Adams, *Inaugural Address* (Mar. 4, 1797), *reprinted in Lott, supra*, at 10, 15.

- "We admit of no government by divine right, believing that so far as power is concerned the Beneficent Creator has made no distinction amongst men; that all are upon an equality ...." William Henry Harrison, *Inaugural Address* (Mar. 4, 1841), *reprinted in Lott, supra*, at 81, 82.

- \*9 • "The American people stand firm in the faith which has inspired this Nation from the beginning. We believe that all men have a right to equal justice under law and equal opportunity to share in the common good. We believe that all men have the right to freedom of thought and expression. We believe that all men are created equal because they are created in the image of God." Harry S. Truman, *Inaugural Address* (Jan. 20, 1949), *reprinted in Lott, supra*, at 280, 289.

- "[T]he same revolutionary beliefs for which our forbears fought are still at issue around the globe—the belief that the rights of man come not from the generosity of the state, but from the hand of God." John F. Kennedy, *Inaugural Address* (Jan. 20, 1961), *reprinted in Lott, supra*, at 306, 306.

- "We are a nation under God, and I believe God intended for us to be free." Ronald Reagan, *First Inaugural Address* (Jan. 20, 1981), *reprinted in Lott, supra*, at 340, 344.

- "[M]ay He continue to hold us close ... one people under God, dedicated to the dream of freedom that He has placed in the human heart, called upon now to pass that dream on to a waiting and hopeful world." Ronald Reagan, *Second Inaugural Address* (Jan. 20, 1985), *reprinted in Lott, supra*, at 345, 350

*Amicus* attaches hereto a complete list of references to God in presidential inaugural addresses, from 1789 to



the present. *See* Appendix A.

References to God are also ubiquitous in important presidential addresses other than inaugurals:

\*10 • “It is ... for us to be here dedicated to the great task remaining before us ... that this nation, under God, shall have a new birth of freedom and that government of the people, by the people, for the people, shall not perish from the earth.” Abraham Lincoln, The Gettysburg Address (Nov. 19, 1863), *reprinted in* 7 The Collected Works of Abraham Lincoln 23, 23 (Roy P. Basler ed., 1953).

• “I leave you, hoping that the lamp of liberty will burn in your bosoms until there shall no longer be a doubt that all men are *created free and equal*.” Abraham Lincoln, Speech at Chicago, Ill. (July 10, 1858) (emphasis added), *reprinted in* 2 The Collected Works of Abraham Lincoln, *supra*, at 484, 502.

• “Our government rests upon religion. It is from that source that we derive our reverence for truth and justice, for equality and liberty, and for the rights of mankind. Unless the people believe in these principles they cannot believe in our government. There are only two main theories of government in the world. One rests on righteousness, the other rests on force. One appeals to reason, the other appeals to the sword. One is exemplified in a republic, the other is represented by a despotism.” Calvin Coolidge, Speech at the Unveiling of the Equestrian Statue of Bishop Francis Asbury (Oct. 15, 1924), *reprinted in* Calvin Coolidge, Foundations of the Republic: Speeches and Addresses 149-50 (1968).

• “[W]e have always instinctively sensed that God's purpose was bound up with the cause of liberty. The Founders understood this. As Jefferson put it, ‘Can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are the gift of God?’ ” George H.W. Bush, Remarks to the \*11 National Association of Evangelicals in Chicago, Ill. (Mar. 3, 1992), *available at* <http://bushlibrary.tamu.edu/papers/1992/92030301.html>.

Thus, to find that the mere acknowledgement of a Supreme Being amounts to an “establishment of religion” within the meaning of the First Amendment would be to disregard the continuous and consistent interpretation of that constitutional language by the Executive Branch since virtually the Founding.

### III. The Judicial Branch Has Consistently Affirmed the Principle of Limited Government Reflected in the Pledge and the Declaration of Independence.

This Court has joined its sister branches in reflecting and reinforcing the tradition that the source of inalienable rights is above the State. That is the very real insight in what is too often assumed to be a throw-away line by Justice Douglas: Our “institutions” do indeed “presuppose a Supreme Being,” *Zorach v. Clauson*, 343 U.S. 306, 313 (1952), because they presuppose the existence of a source of rights that is prior to the State.

This Court has also recounted in detail how the Framers did not view references to or invocations of God, such as the foregoing, as an “establishment” of religion. *See, e.g., County of Allegheny v. ACLU Greater Pittsburgh Chapter*, 492 U.S. 573, 671-73 (1989) (opinion of Kennedy, J.); *Lynch v. Donnelly*, 465 U.S. 668, 675-78 (1984); *Marsh v. Chambers*, 463 U.S. 783, 792 (1983). Government expression may *acknowledge* or *reflect* the broader culture, including its religious elements, *Marsh*, 463 U.S. at 792 (permitting government religious expression as “acknowledgment of beliefs widely held among the people of this country”), so long as it does not *establish* religion. That is, government may freely recognize the role of religion in \*12 society, so long as it does not proselytize for or “endorse” it. *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 306-08 (2000).

Justice Goldberg put the matter succinctly forty years ago:

Neither government nor this Court can or should ignore the significance of the fact that a vast portion of our people believe in and worship God and that many of our legal, political and personal values derive historically from religious teachings.

*School Dist. of Abington Tp. v. Schempp*, 374 U.S. 203, 306 (1963) (Goldberg, J., concurring, joined by Harlan, J.).

The decision below is at war with this principle. If voluntarily reciting the Pledge is now suddenly unconstitutional because it refers to a nation “under God,” then voluntarily reciting the Declaration of Independence, which similarly refers to the Creator as the source of our rights, must at least be suspect. That turns the American theory of rights exactly on its

head. To affirm the decision below would be to impose, by order of the Judicial Branch, a drastic change in our national ethos. Instead, the Judicial Branch should respect not only that ethos, but the consistent interpretation of the Establishment Clause reflected in the expression and conduct of both coordinate branches.

### \*13 CONCLUSION

For the foregoing reasons, the judgment of the Court of Appeals should be reversed.

### APPENDIX A

#### REFERENCES TO GOD IN THE INAUGURAL ADDRESSES OF THE PRESIDENTS, 1789 TO PRESENT

Note that Presidents who were not directly elected to the office, but instead came to it after the death or resignation of their predecessor, did not give Inaugural Addresses. These Presidents include: John Tyler, Millard Fillmore, Andrew Johnson, Chester Arthur, and Gerald Ford. All of the quotes below were obtained from Davis Newton Lott, *The Presidents Speak: The Inaugural Addresses of the American Presidents from George Washington to George Walker Bush* 10, 15 (M. Hunter & H. Hunter eds., 2002).

George Washington (1789)

“[I]t would be peculiarly improper to omit in this first official act my fervent supplications to that Almighty Being who rules over the universe, who presides in the councils of nations, and whose providential aids can supply every human defect, that His benediction may consecrate to the liberties and happiness of the people of the United States a Government instituted by themselves for these essential purposes, and may enable every instrument employed in its administration to execute with success the functions allotted to his charge....

“No people can be bound to acknowledge and adore the Invisible Hand which conducts the affairs of men more than those of the United States. Every step by which they have advanced to the character of an independent nation seems to have been distinguished by some token of providential agency.”

John Adams (1797)

“[A]n overruling Providence [has] so signally protected this country from the first.

“And may that Being who is supreme over all, the Patron of Order, the Fountain of Justice, and the Protector in all ages of the world of virtuous liberty, continue His blessing upon this nation and its Government and give it all possible success and duration consistent with the ends of His providence.”

Thomas Jefferson (1801)

“And may that Infinite Power which rules the destinies of the universe lead our councils to what is best, and give them a favorable issue for your peace and prosperity.”

Thomas Jefferson (1805)

“I shall need, too, the favor of that Being in whose hands we are, who led our fathers, as Israel of old, from their native land and planted them in a country flowing with all the necessities and comforts of life; who has covered our infancy with His providence and our riper years with His wisdom and power, and to whose goodness I ask you to join in supplications with me that He will so enlighten the minds of your servants, guide their councils, and prosper their measures that whatsoever they do shall result in your good, and shall secure to you the peace, friendship, and approbation of all nations.”

James Madison (1809)

“In these my confidence will under every difficulty be best placed, next to that which we have all been encouraged to feel in the guardianship and guidance of that Almighty Being whose power regulates the destiny of nations, whose blessings have been so conspicuously dispensed to this rising Republic, and to whom we are bound to address our devout gratitude for the past, as well as our fervent supplications and best hopes for the future.”

James Madison (1813)

“From the weight and magnitude now belonging to

[this office of President] I should be compelled to shrink if I had less reliance on the support of an enlightened and generous people, and felt less deeply a conviction that the war with a powerful nation, which forms so prominent a feature in our situation, is stamped with that justice which invites the smiles of Heaven on the means of conducting it to a successful termination.”

James Monroe (1817)

“If we persevere in the career in which we have advanced so far and in the path already traced, we can not fail, under the favor of a gracious Providence, to attain the high destiny which seems to await us....

“I enter on the trust to which I have been called by the suffrages of my fellow-citizens with my fervent prayers to the Almighty that He will be graciously pleased to continue to us that protection which He has already so conspicuously displayed in our favor.”

James Monroe (1821)

“[T]he liberty, prosperity, and happiness of our country will always be the object of my most fervent prayers to the Supreme Author of All Good....

“With full confidence in the continuance of that candor and generous indulgence from my fellow-citizens at large which I have heretofore experienced, and with a firm reliance on the protection of Almighty God, I shall forthwith commence the duties of the high trust to which you have called me.”

John Quincy Adams (1825)

“I appear, my fellow-citizens, in your presence and in that of Heaven to bind myself by the solemnities of religious obligation to the faithful performance of the duties allotted to me in the station to which I have been called....

“Knowing that ‘except the Lord keep the city the watchman waketh but in vain,’ with fervent supplications for His favor, to His overruling providence I commit with humble but fearless confidence my own fate and the future destinies of my country.”

Andrew Jackson (1829)

“And a firm reliance on the goodness of that Power whose providence mercifully protected our national infancy, and has since upheld our liberties in various vicissitudes, encourages me to offer up my ardent supplications that He will continue to make our beloved country the object of His divine care and gracious benediction.”

Andrew Jackson (1833)

“Finally, it is my most fervent prayer to that Almighty Being before whom I now stand, and who has kept us in His hands from the infancy of our Republic to the present day, that He will so overrule all my intentions and actions and inspire the hearts of my fellow-citizens that we may be preserved from dangers of all kinds and continue forever a united and happy people.”

Martin Van Buren (1837)

“I should not dare to enter upon my path of duty ..., above all, did I not permit myself humbly to hope for the sustaining support of an ever-watchful and beneficent Providence....

“I only look to the gracious protection of the Divine Being whose strengthening support I humbly solicit, and whom I fervently pray to look down upon us all. May it be among the dispensations of His providence to bless our beloved country with honors and with length of days. May her ways be ways of pleasantness and all her paths be peace!”

William Henry Harrison (1841)

“I too well understand the dangerous temptations to which I shall be exposed from the magnitude of the power which it has been the pleasure of the people to commit to my hands not to place my chief confidence upon the aid of that Almighty Power which has hitherto protected me and enabled me to bring to favorable issues other important but still greatly inferior trusts heretofore confided to me by my country....

“I deem the present occasion sufficiently important and solemn to justify me in expressing to my fellow-citizens a profound reverence for the Christian religion and a thorough conviction that sound morals,



religious liberty, and a just sense of religious responsibility are essentially connected with all true and lasting happiness; and to that good Being who has blessed us by the gifts of civil and religious freedom, who watched over and prospered the labors of our fathers and has hitherto preserved to us institutions far exceeding in excellence those of any other people, let us unite in fervently commending every interest of our beloved country in all future time.”

James Knox Polk (1945)

“In assuming responsibilities so vast I fervently invoke the aid of that Almighty Ruler of the Universe in whose hands are the destinies of nations and of men to guard this Heaven-favored land against the mischiefs which without His guidance might arise from an unwise public policy. With a firm reliance upon the wisdom of Omnipotence to sustain and direct me in the path of duty which I am appointed to pursue, I stand in the presence of this assembled multitude of my countrymen to take upon myself the solemn obligation ‘to the best of my ability to preserve, protect, and defend the Constitution of the United States.’ ...

“I enter upon the discharge of the high duties which have been assigned me by the people, again humbly supplicating that Divine Being who has watched over and protected our beloved country from its infancy to the present hour to continue His gracious benedictions upon us, that we may continue to be a prosperous and happy people.”

Zachary Taylor (1849)

“In conclusion I congratulate you, my fellow-citizens, upon the high state of prosperity to which the goodness of Divine Providence has conducted our common country. Let us invoke a continuance of the same protecting care which has led us from small beginnings to the eminence we this day occupy, and let us seek to deserve that continuance by prudence and moderation in our councils.”

Franklin Pierce (1853)

“Let it be impressed upon all hearts that, beautiful as our fabric is, no earthly power or wisdom could ever reunite its broken fragments. Standing, as I do, almost within view of the green slopes of Monticello, and, as

it were, within reach of the tomb of Washington, with all the cherished memories of the past gathering around me like so many eloquent voices of exhortation from heaven, I can express no better hope for my country than that the kind Providence which smiled upon our fathers may enable their children to preserve the blessings they have inherited.”

James Buchanan (1857)

“In entering upon this great office I must humbly invoke the God of our fathers for wisdom and firmness to execute its high and responsible duties in such a manner as to restore harmony and ancient friendship among the people of the several States and to preserve our free institutions throughout many generations....

“I shall now proceed to take the oath prescribed by the Constitution, whilst humbly invoking the blessing of Divine Providence on this great people.”

Abraham Lincoln (1861)

“If the Almighty Ruler of Nations, with His eternal truth and justice, be on your side of the North, or on yours of the South, that truth and that justice will surely prevail by the judgment of this great tribunal of the American people....

“Intelligence, patriotism, Christianity, and a firm reliance on Him who has never yet forsaken this favored land are still competent to adjust in the best way all our present difficulty.”

Abraham Lincoln (1865)

“Both read the same Bible and pray to the same God, and each invokes His aid against the other. It may seem strange that any men should dare to ask a just God's assistance in wringing their bread from the sweat of other men's faces, but let us judge not, that we be not judged. The prayers of both could not be answered. That of neither has been answered fully. The Almighty has His own purposes. ‘Woe unto the world because of offenses; for it must needs be that offenses come, but woe to that man by whom the offense cometh.’ If we shall suppose that American slavery is one of those offenses which, in the providence of God, must needs come, but which, having continued through His appointed time, He now wills to remove,

and that He gives to both North and South this terrible war as the woe due to those by whom the offense came, shall we discern therein any departure from those divine attributes which the believers in a living God always ascribe to Him? Fondly do we hope, fervently do we pray, that this mighty scourge of war may speedily pass away. Yet, if God wills that it continue until all the wealth piled by the bondsman's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said 'the judgments of the Lord are true and righteous altogether.'

"With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations."

Ulysses S. Grant (1869)

"In conclusion I ask patient forbearance one toward another throughout the land, and a determined effort on the part of every citizen to do his share toward cementing a happy union; and I ask the prayers of the nation to Almighty God in behalf of this consummation."

Ulysses S. Grant (1873)

"Under Providence I have been called a second time to act as Executive over this great nation....

"I believe that our Great Maker is preparing the world, in His own good time, to become one nation, speaking one language, and when armies and navies will be no longer required."

Rutherford B. Hayes (1877)

"Looking for the guidance of that Divine Hand by which the destinies of nations and individuals are shaped, I call upon you, Senators, Representatives, judges, fellow-citizens, here and everywhere, to unite with me in an earnest effort to secure to our country the blessings, not only of material prosperity, but of

justice, peace, and union...."

James Garfield (1881)

"[Our children] will surely bless their fathers and their fathers' God that the Union was preserved, that slavery was overthrown, and that both races were made equal before the law."

Grover Cleveland (1885)

"And let us not trust to human effort alone, but humbly acknowledging the power and goodness of Almighty God, who presides over the destiny of nations, and who has at all times been revealed in our country's history, let us invoke His aid and His blessings upon our labors."

Benjamin Harrison (1889)

"Surely I do not misinterpret the spirit of the occasion when I assume that the whole body of the people covenant with me and with each other to-day to support and defend the Constitution and the Union of the States, to yield willing obedience to all the laws and each to every other citizen his equal civil and political rights. Entering thus solemnly into covenant with each other, we may reverently invoke and confidently expect the favor and help of Almighty God-that He will give to me wisdom, strength, and fidelity, and to our people a spirit of fraternity and a love of righteousness and peace....

"God has placed upon our head a diadem and has laid at our feet power and wealth beyond definition or calculation. But we must not forget that we take these gifts upon the condition that justice and mercy shall hold the reins of power and that the upward avenues of hope shall be free to all the people."

Grover Cleveland (1893)

"Above all, I know there is Supreme Being who rules the affairs of men and whose goodness and mercy have always followed the American people, and I know He will not turn from us now if we humbly and reverently seek His powerful aid."

William McKinley (1897)

“Our faith teaches that there is no safer reliance than upon the God of our fathers, who has so singularly favored the American people in every national trial, and who will not forsake us so long as we obey His commandments and walk humbly in His footsteps.”

William McKinley (1901)

“As heretofore, so hereafter will the nation demonstrate its fitness to administer any new estate which events devolve upon it, and in the fear of God will ‘take occasion by the hand and make the bounds of freedom wider yet.’ ”

Theodore Roosevelt (1905)

“My fellow-citizens, no people on earth have more cause to be thankful than ours, and this is said reverently, in no spirit of boastfulness in our own strength, but with gratitude to the Giver of Good who has blessed us with the conditions which have enabled us to achieve so large a measure of well-being and of happiness.”

William Taft (1909)

“I invoke the considerate sympathy and support of my fellow-citizens and the aid of the Almighty God in the discharge of my responsible duties.”

Woodrow Wilson (1913)

“The feelings with which we face this new age of right and opportunity sweep across our heartstrings like some air out of God's own presence, where justice and mercy are reconciled and the judge and the brother are one....

“I summon all honest men, all patriotic, all forward-looking men, to my side. God helping me, I will not fail them, if they will but counsel and sustain me!”

Woodrow Wilson (1917)

“I pray God I may be given the wisdom and the prudence to do my duty in the true spirit of this great people.”

Warren G. Harding (1921)

“America is ready to encourage, to initiate, anxious to participate in any seemly program likely to lessen the probability of war, and promote that brotherhood of mankind which must be God's highest conception of human relationship.”

“But with the realization comes the surge of high resolve, and there is reassurance in belief in the God-given destiny of our Republic.”

Calvin Coolidge (1925)

“Here stands our country, an example of tranquility at home, a patron of tranquility abroad. Here stands its Government, aware of its might but obedient to its conscience. Here it will continue to stand, seeking peace and prosperity, solicitous for the welfare of the wage earner, promoting enterprise, developing waterways and natural resources, attentive to the intuitive counsel of womanhood, encouraging education, desiring the advancement of religion, supporting the cause of justice and honor among the nations. America seeks no earthly empire built on blood and force. No ambition, no temptation, lures her to thought of foreign dominions. The legions which she sends forth are armed, not with the sword, but with the cross. The higher state to which she seeks the allegiance of all mankind is not of human, but of divine origin. She cherishes no purpose save to merit the favor of Almighty God.”

Herbert Hoover (1929)

“I assume this trust in the humility of knowledge that only through the guidance of Almighty Providence can I hope to discharge its ever-increasing burdens.”

Franklin D. Roosevelt (1933)

“In this dedication of a Nation we humbly ask the blessing of God. May He protect each and every one of us. May He guide me in the days to come.”

Franklin D. Roosevelt (1937)

“While this duty rests upon me I shall do my utmost to speak their purpose and to do their will, seeking Divine guidance to help us each and every one to give light to them that sit in darkness and to guide our feet

into the way of peace.”

Franklin D. Roosevelt (1941)

“We do not retreat. We are not content to stand still. As Americans, we go forward, in the service of our country, by the will of God.”

Franklin D. Roosevelt (1945)

“The Almighty God has blessed our land in many ways. He has given our people stout hearts and strong arms with which to strike the mighty blows for freedom and truth. He has given to our country a faith which has become the hope of peoples in an anguished world.

“So we pray to Him now for the vision to see our way clearly—to see the way that leads to a better life for ourselves and for all our fellow men—to the achievement of His will to peace on earth.”

Harry S. Truman (1949)

“The American people stand firm in the faith which has inspired this Nation from the beginning. We believe that all men have a right to equal right to justice under law and equal opportunity to share in the common good. We believe that all men have the right to freedom of thought and expression. We believe that all men are created equal because they are created in the image of God.”

Dwight D. Eisenhower (1953)

“Almighty God, as we stand here at this moment my future associates in the executive branch of government join me in beseeching that Thou will make full and complete our dedication to the service of the people in this throng, and their fellow citizens everywhere.

“Give us, we pray, the power to discern clearly right from wrong, and allow all our words and actions to be governed thereby, and by the laws of this land. Especially we pray that our concern shall be for all the people regardless of station, race, or calling.

“May cooperation be permitted and be the mutual aim of those who, under the concepts of our Constitution,

hold to differing political faiths; so that all may work for the good of our beloved county and Thy glory. Amen.”

Dwight D. Eisenhower (1957)

“Before all else we seek, upon our common labor as a nation, the blessings of Almighty God. And the hopes in our hearts fashion the deepest prayers of our whole people.”

John F. Kennedy (1961)

“For man holds in his mortal hands the power to abolish all forms of human poverty and all forms of human life. And yet the same revolutionary beliefs for which our forbears fought are still at issue around the globe— the belief that the rights of man come not from the generosity of the state, but from the hand of God....

“With a good conscience our only sure reward, with history as the final judge of our deeds, let us go forth to lead the land we love, asking His blessing and His help, but knowing that here on earth God's work must truly be our own.”

Lyndon B. Johnson (1965)

“But we have no promise from God that our greatness will endure. We have been allowed by Him to seek greatness with the sweat of our hands and the strength of our spirit. [subheading *The American Belief*]

Richard Nixon (1969)

“The laws have caught up with our conscience. What remains is to give life to what is in the law: to ensure at last that as all are born equal in dignity before God, all are born equal in dignity before man....

“Our destiny offers, not the cup of despair, but the chalice of opportunity. So let us seize it, not in fear, but in gladness—and ‘riders on the earth together,’ let us go forward, firm in our faith, steadfast in our purpose, cautious of the dangers; but sustained by our confidence in the will of God and the promise of man.”

Richard Nixon (1973)

“We shall answer to God, to history, and to our conscience for the way in which we use these years.”

Jimmy Carter (1977)

“[A] timeless admonition from the ancient prophet Micah:

“He hath showed thee, O man, what is good; and what doth the Lord require of thee, but to do justly, and to love mercy, and to walk humbly with thy God.” (Micah 6:8)”

Ronald Reagan (1981)

“We are a nation under God, and I believe God intended for us to be free. It would be fitting and good, I think, if on each Inauguration Day in future years it should be declared a day of prayer.”

Ronald Reagan (1985)

“It is the American sound. It is hopeful, big-hearted, idealistic, daring, decent and fair. That's our heritage; that is our song. We sing it still. For all our problems, our differences, we are together as of old, as we raise our voices to the God who is the Author of this most tender music. And may He continue to hold us close as we fill the world with our sound-sound in unity, affection, and love-one people under God, dedicated to the dream of freedom that He has placed in the human heart, called upon now to pass that dream on to a waiting and hopeful world.”

George H.W. Bush (1989)

“For we are given power not to advance our own purposes, nor to make a great show in the world, nor a name. There is but one just use of power, and it is to serve people. Help us to remember it, Lord. Amen.”

William Clinton (1993)

“When our founders boldly declared America's independence to the world and our purpose to the Almighty, they knew that America, to endure, would have to change.”

William Clinton (1997)

“Our rich texture of racial, religious and political diversity will be a Godsend in the 21<sup>st</sup> century. Great rewards will come to those who can live together, learn together, work together, forge new ties that bind together.”

George W. Bush (2001)

“And this is my solemn pledge: I will work to build a single nation of justice an opportunity. I know this is within our reach, because we are guided by a power larger than ourselves, who creates us equal in His image....

“But the themes of this day he [Jefferson] would know: our nation's grand story of courage, and its simple dream of dignity.

“We are not this story's author, who fills time and eternity with His purpose. Yet His purpose is achieved in our duty; and our duty is fulfilled in service to one another.”

ELK GROVE UNIFIED SCH. DIST., et al., Petitioners, v. Michael A. NEWDOW, et al., Respondents. 2003 WL 23011469 (U.S. ) (Appellate Brief )

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