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Agenda Item: ID#17-665 (4:00 P.M.)

Date: 5/11/17

CITY CLERK, FRESNO, CA

## FRESNO CITY COUNCIL



### Supplemental Information Packet

Agenda Related Item(s) – ID#17-665 (4:00 P.M.)

### **Contents of Supplement: Correspondence from Central Valley Alliance of Atheists and Skeptics**

#### **Item(s)**


RESOLUTION – Implementing the public display of our national motto, “In God We Trust” inside the Fresno City Council Chambers, on the wall behind the dais – Councilmember Bredefeld

#### **Supplemental Information:**

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	<b>CENTRAL VALLEY ALLIANCE OF ATHEISTS AND SKEPTICS</b>		438 E. Shaw #221 Fresno, CA 93710-7602
	A SECULAR VOICE IN THE VALLEY		559-335-3228 info@cvaas.org www.cvaas.org

**Advice to the Fresno City Council from the Central Valley Alliance of Atheists and Skeptics** over item ID17-665 – Resolution to implement the public display of our national motto, “In God we trust” inside the Fresno City Council Chambers, on the wall behind the dias.

Contact: Mark Boyd  
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## SUBJECT

The Central Valley Alliance of Atheists and Skeptics is speaking for the tens of thousands of non-religious citizens of Fresno. We recommend that this resolution NOT be passed because it is divisive, it does not represent ALL of the citizens of Fresno, and because in promoting it as a religious symbol, Mr. Bredefeld has potentially set the city on the path for a costly legal challenge.

## EXECUTIVE SUMMARY

Although the Census is not allowed to determine religious affiliation, it is possible to do so through public polling agencies and statistical studies. This is how we know that there are at least 10,000 atheists within the city of Fresno, and that it is statistically probable that number is as much as 40,000. To use an analogy, there are more atheists in Fresno than there are members of all the Southern Baptist churches in Fresno.

By using this country’s second motto, you are excluding a portion of the city’s population. It is no different than having a motto that excluded the Baptists in Fresno.

Lower court rulings have said that “In God we trust” is lawful because it is a theologically meaningless secular statement of patriotism. “In God we trust” has never been tested in front of the Supreme Court.

However, Mr. Bredefeld’s many public statements that “In God we trust” is a theologically meaningful religious statement contradict these court findings. Mr. Bredefeld’s many religious statements have left Fresno vulnerable to a costly challenge. If Mr. Bredefeld had simply placed this resolution without comment, Fresno would not find itself in this predicament.

## BACKGROUND

### ORIGINAL MOTTO


The ORIGINAL motto of the United States of America can be found on the Great Seal of the United States. This seal was commissioned by the Continental Congress on July 4<sup>th</sup>, 1776. The committee included the founders of our country, and the final seal, our national emblem, was approved by the Continental Congress and first used by Secretary Thomson to verify General George Washington’s exchange of prisoners.

The original motto of the United States of America can be found on this seal, “E Pluribus Unum,” which means, “Out of many, one.”

After the United States Constitution was adopted, the first United States Congress ordered that the Great Seal is the Seal of the United States, in September 1789.

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E Pluribus Unum first appeared on United States coins in 1795 – **69 years** before “In God we trust” was used on money. By law, E Pluribus Unum has appeared on all US coins since 1935.

### IN GOD WE TRUST

In 1861, just after the outbreak of the American Civil War, the minister Reverend Watkinson of Pennsylvania wrote a letter to the Secretary of the Treasury begging that God should be added to coins. He did so because he was afraid that if America was divided by the civil war, history would judge that it was because our nation did not sufficiently recognize God. Secretary Chase agreed and started the process to get Congress to act. In God we trust first appeared on coins in 1864.

In 1956 during the 84th United States Congress, the House and Senate jointly passed **H.J. Resolution 396 to establish a national motto** of the United States, which is declared to be, “In God we trust.” It was codified in law in Title 36, section 302 of U.S Code. This was done to distinguish America from the “Godless Communists” out of fear of the second Red Scare, and as part of McCarthyism during the beginning of the Cold War.

President Theodore Roosevelt thought that putting God on money was a bad thing to do. He wrote a letter published in the New York Times (Nov. 14, 1907)

“My own feeling in the matter is due to my very firm conviction that to put such a motto on coins, or to use it in any kindred manner, not only does no good, but does positive harm, and is in effect irreverence, which comes dangerously close to sacrilege.”

“Any use which tends to cheapen it, and, above all, any use which tends to secure its being treated in a spirit of levity, is from every standpoint profoundly to be regretted.”

“But it seems to me eminently unwise to cheapen such a motto by use on coins, just as it would be to cheapen it by use on postage stamps or in advertisements.”


### COURT CASES ABOUT IN GOD WE TRUST

The courts seem to have agreed with President Roosevelt, but not in the way he had hoped.

*Aronow v. United States* (9th Circuit Court of Appeals) stated that IGWT is not a First Amendment issue since it has nothing to do with the establishment of religion. “Its use is of patriotic or ceremonial character.” It “has no theological or ritualistic impact.” The Supreme Court upheld this ruling by declining to hear its appeal.

*O’Hair v. Blumenthal* (5th District Court, Austin Texas) it was ruled that the motto “In God we trust” “is of a patriotic or ceremonial character and bears no true resemblance to a governmental sponsorship of a religious exercise.” “the primary purpose of the slogan was secular; it served a secular ceremonial purpose.”

*Town of Greece v. Galloway* (SCOTUS) The Supreme Court ruled that it was lawful for a town to open its board meetings with a prayer – but only if the town did not intentionally discriminate against minority

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faiths or non-Christians. It is lawful only when the town “maintains a policy of nondiscrimination,” and “represent[s] that it would welcome a prayer by any minister or layman who wishe[s] to give one.”

### USE IN CALIFORNIA CONSTITUTION

“God” is mentioned only once in the California Constitution. In the preamble. No authority is granted to, or by God. The authority of the constitution is granted by “We, the People of the State of California”

Article 1, Section 4 states: “Free exercise and enjoyment of religion without discrimination or preference are guaranteed. This liberty of conscience does not excuse acts that are licentious or inconsistent with the peace or safety of the State. The Legislature shall make no law respecting an establishment of religion.”

### SECULAR DEMOGRAPHICS OF FRESNO

- The US Census says that there are over **360,000 adult citizens** of the city of Fresno.
- Based on statistical evidence given a 2014 study by the Pew Research Center, and according to a recent University of Kentucky study published in the journal Social Psychological and Personality Science, it is statistically certain that there are AT LEAST 10,000 atheists in Fresno, and HIGHLY PROBABLE that there are **OVER 40,000 atheists in Fresno.**
- According to City-Data.com, over 48% of the County of Fresno do not identify with any religion. The largest religious population (31%) is Catholic.
- Atheists in Fresno easily outnumber all the adherents of the Methodist Church, and may rival the numbers of all the members of mainline protestant churches in Fresno.
- **If atheism were counted as a religion, atheists could be the fourth largest denomination in the City of Fresno.**

### THIS PROPOSAL IS EVIDENTLY DIVISIVE

As we have seen from our news cycle, this issue is self-evidently a divisive one.

Our country’s FIRST motto includes everyone. Our nation’s strength comes from our diversity. “E Pluribus Unum” leaves out no citizen of Fresno, while “In God we trust” excludes a large portion of Fresno’s population.

Mr. Bredefeld invites those secular citizens of Fresno to exclude themselves from praying, from being offended by “In God we trust”. He invites us to divide ourselves from our citizenship.

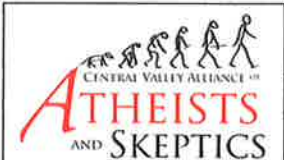
### MR BREDEFELD’S MISTAKE MAY BE COSTLY FOR FRESNO

Mr. Bredefeld’s mistake is that he has very publicly made this a religious issue.

If Mr. Bredefeld had instead quietly made his proposal, and it was then passed without comment by the City Council, then this would not have become an Establishment Clause violation.

However, Mr. Bredefeld’s own statements have made this issue into one that may be successfully challenged in the courts.

In his video, in the Fresno Bee, in radio interviews, Mr. Bredefeld has said the following:

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- It's about faith. It's about faith in God. It's about patriotism. It's about making sure we are always reminded in the Peoples Chamber that we consider God and those values when we're making important decisions affecting this city.
- IGWT is about faith.
- The more we've gotten away from God and faith and values, the more our country and society have slipped backwards," Bredefeld said this week. "The point I'm making (in the video) is that the more we think about things larger than ourselves, the more we incorporate faith and consider God, I personally believe the better that all of us who are in positions of leadership and responsibility will make decisions that affect our community.

We can see from Mr. Bredefeld's words that he disagrees with court rulings that "In God we trust" is merely a patriotic statement with no theological impact. Instead, his words demonstrate a clear preference that this is a deeply meaningful theological statement about religion.

The courts have also ruled in *American Humanist Association v United States* that under the Equal Protection Clause of the Fourteenth Amendment, the Establishment Clause of the First Amendment must also apply to the non-religious.

"the touchstone of the Establishment Clause was 'the principle that the First Amendment mandates government neutrality between religion and religion, and **between religion and nonreligion**."

By insisting that "In God we trust" is about God and faith, Mr. Bredefeld is demonstrating a preference of religion over nonreligion. If he had merely said that this was a patriotic statement, it would have been in harmony with court decisions.

Mr. Bredefeld's statements lack court-mandated neutrality and have opened Fresno for the potential of litigation.

#### **POTENTIAL LITIGATION AGAINST THE CITY OF FRESNO**

The Central Valley Alliance of Atheists and Skeptics is a small organization. We have no legal team, or resources to support such.

However, CVAAS is aware that national secular organizations are looking for promising cases to take before the Supreme Court. And our organization and its members have standing in this matter.

It may be financially prudent for Fresno to allow a different city to have the honor of defending "In God we trust" in the courts.

Hasn't Mr. Bredefeld cost the citizens of Fresno enough money already?