

STATE OF KANSAS
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MICHAEL CAPPS
85TH DISTRICT

January 29, 2020

To: Chairman John Barker
House Committee on Federal and State Affairs

Congress established the official motto for the United States as "In God We Trust" in 1956. Despite being the nation's motto for more than 60 years, Francis Scott Key invoked the inspiring words in the final stanza of The Star-Spangled Banner in 1814 with – "And this be our motto: "In God is our trust."

In 2011, the US House of Representatives reaffirmed "In God we Trust" as our National Motto by a landslide bipartisan vote of 396 to 9 and encouraged its display in public buildings throughout America. This congressional reaffirmation solidifies the foundation set by the Founding Fathers, who established this nation on the beliefs that we have certain inalienable rights that are endowed by our creator.

HB 2476 seeks to further the promotion of our nation's motto by displaying an image of our nation's motto – "In God We Trust" with the accompaniment of the flags of Kansas and the United States.

HB 2476 preserves and reinforces what our country has recognized for years, that our National Motto, which neither recognizes any specific religion nor establishes any individual or corporate requirement thereto, may and should continue to be freely displayed as an acknowledgement of our country's history and founding principles. Although some may object to legislation on this topic because they are offended by references to God, this bill does not require their assent to the National Motto or that they take any particular action that might be reasonably be construed as assent. The incidental contact they may have with respect to the National Motto is not a substantial burden.

All of the US Circuit Courts of Appeal have decided cases where the use of the National Motto on US Coins and currency was attacked as an unconstitutional violation of the First Amendment, have upheld the constitutionality of the motto's use. Those cases include the following:

- *New Doe Child #1, et al. v. United States*, 2018 WL 4088462 (8th Cir. 2018);
- *Mayle v. United States*, 891 F.3d 680, 684-86 (7th Cir. 2018);
- *Newdow v. Peterson*, 753 F.3d 105, 108 (2d Cir. 2014) (per curiam);
- *Newdow v. Lefevre*, 598 F.3d 638, 645 (9th Cir. 2010);
- *Kidd v. Obama*, 387 F. App'x 2 (D.C. Cir. 2010) (per curiam);

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- *Gaylor v. United States*, 74 F.3d 214, 217-18 (10th Cir. 1996); and
- *O’Hair v. Murray*, 588 F.2d 1144, 1144 (5th Cir. 1979) (per curiam).

Additionally, although not ruling directly on the issue, in *dicta*, the Supreme Court has repeatedly suggested the same. See e.g., *Lynch v. Donnelly*, 465 U.S. 668, 676, 104 S.Ct. 1355, 79 L.Ed.2d 604 (1984); *Cty. of Allegheny v. ACLU*, 492 U.S. 573, 602-03, 109 S.Ct. 3086, 106 L.Ed.2d 472 (1989).

From the founding of our country and the subsequent growth of our union, 40 states have invoked God in their state constitution – with Kansas stating “We, the people of Kansas, grateful to Almighty God for our civil and religious privileges.”

With passage of HB 2476, Kansas would join 8 other states who have enshrined our nation’s motto into the fabric of daily life – including Alabama, Arizona, Arkansas, Louisiana and Tennessee.

As fiscal stewards of our state’s precious taxpayer dollars, HB 2476 requires no funding from the State General Fund, nor any other taxpayer sources. With enactment of this legislation, all framed images would only be required to be displayed once they were either donated to the building or once the monetary funds are donated for the purchase of the framed images – which cost approximately \$2.50 each.

As a commitment to the promotion of our nation’s motto throughout our state, I have pledge 100 framed images to be donated to USD 259 in my house district with enactment of HB 2476.

John Adams said, “Statesmen may plan and speculate for Liberty, but it is Religion and Morality alone, which can establish the Principles upon which Freedom can securely stand.”

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Capps".

Michael Capps
State Representative