



**CITY OF LODI  
COUNCIL COMMUNICATION**

**AGENDA TITLE:** Provide Direction to Staff on Whether to Return with Legal Analysis of the Proposal to Display the National Motto, "In God We Trust" in the Council Chambers.

**MEETING DATE:** March 29, 2006 Special City Council Meeting

**PREPARED BY:** Steve Schwabauer, *City Attorney*

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**RECOMMENDED ACTION:** That the City Council Provide direction to staff on whether to return with legal analysis of the proposal to Display the National Motto, "In God We Trust" in the Council Chamber.

**BACKGROUND INFORMATION:** On January 26, 2006, the City Clerk was contacted by In God We Trust America, a nonprofit group promoting the display of the National Motto, "In God We Trust" in every council chambers in California. Councilmember Mounce requested that the request be agendized for council consideration, and attached is an example of the type of display Councilmember Mounce envisions. Consistent with past practice staff has prepared a brief report to allow Council direction before significant work is undertaken.

A handwritten signature in black ink, appearing to read "Stephen Schwabauer", written over a horizontal line.

Stephen Schwabauer

City Attorney

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APPROVED:

A handwritten signature in black ink, appearing to read "Blair King", written over a horizontal line.

Blair King, City Manager

IN GOD WE TRUST



On July 30, 1956, President Dwight D. Eisenhower signed a law declaring "In God We Trust" the official motto of the United States. Fifty years later, the City of Lodi officially recognizes the historical significance of our national motto in our country's affairs.



## Display Our National Motto in Every City Hall in America

January 24,2006

Dear City Clerk:

In 2002, the Bakersfield City Council voted in favor of proudly and prominently displaying the national motto of the United States, "In God We Trust", in our Council Chambers at City Hall.

Since that time, I helped to initiate an organization called, "In God We Trust – America", and we have attained 501(c)3 non-profit status. **Our** mission is to encourage every City in California and across the United States of America to follow Bakersfield's lead. I am pleased to inform you that, as of January 2006, 14 cities have voted in favor of joining this important patriotic effort.

We would appreciate it if you would please forward the attached "In God We Trust – America" e-mail packet to each of the following officials in your city: Mayor, City Councilmembers, City Manager, and City Attorney.

Thank you.

Sincerely,

Jacquie Sullivan  
Bakersfield City Councilmember  
"In God We Trust - America", Founder / President

**P.S.** I welcome anyone interested in more information to contact me at (661) 834-4943 or via e-mail: [jacauie@libertvstar.net](mailto:jacauie@libertvstar.net)

We also have volunteers who will be making follow-up telephone calls.

CITY ATTORNEY  
Virginia Gamero

DEPUTY CITY ATTORNEYS  
Alan D. Dwyer  
Allen M. Shaw  
Robert M. Sherry



CITY OF BAKERSFIELD

OFFICE OF THE CITY ATTORNEY  
1501 TRUXTUN AVENUE  
BAKERSFIELD, CA 93301  
TELEPHONE: 661-326-3721  
FACSIMILE: 661-572-2020

July 16, 2004

Ms. Jacquie Sullivan, Council Member, Ward 6  
1501 Truxtun Avenue  
Bakersfield, California, 93301

RE: Patriotic Display of National Motto

Dear Council Member Sullivan and Interested Persons:

In 2002, the City Council of the City of Bakersfield, in the best interest of the citizens of the City of Bakersfield, decided to display the national motto ("In God We Trust") above the seal of the City of Bakersfield located in the Council Chambers. In addition, the Council added the phrase "e pluribus unum" below the same seal. Also, the Council established a "historical documents" display on the wall across from the City Clerk's Office. These actions were all taken by the Council to provide and encourage a spirit of national patriotism within the community.

The original consideration of these actions was a direct result of a concept proposed by Council Member Sullivan, which embodied the spirit of patriotism. While the public discussion which resulted seemed to center on the national motto terminology, the city Council's stated intent consistently has been to encourage patriotism. The quotation marks around the phrase "In God We Trust" were included to signify that the phrase was the national motto and not an entanglement with nor a promoting of religious activity. In furtherance of this intent, the City Council's inclusion of displaying the phrase "e pluribus unum," which reflects the unifying of many states into a national government, was again to signify that the display was to encourage national patriotism.

You inquired about the legal defensibility of the City Council's actions. While anyone can initiate litigation and assert various challenges to the Council's actions, the record of the City Council's discussions concerning this concept is clear that the City Council was not promoting or becoming entangled in religious activities, but was actively involved in promoting national patriotism. Nothing is 100% sure of being defensible, and when dealing with a constitutional challenge, there is an ever-changing legal case law climate which could, with minimal potential, cause the challenge to the City Council's actions to be successful. However, with the clear record, it is my opinion the ability of the City to advance and display obviously patriotic phrases and documents is constitutionally permissible, and the City arguably has a very defensible position in this issue. The non-existence of the filing of a claim or lawsuit by a citizen of the City of Bakersfield challenging the City Council's action is further evidence the City Council made clear its intention, and was not unconstitutionally entangling itself in promoting or fostering any religious activity.

Very truly yours,

*Virginia Gamero*  
Virginia Gamero  
City Attorney

## The Constitutionality of the National Motto "In God We Trust"

- a In September of 1814 during the British bombardment of Fort McHenry, Francis Scott Key composed the poem "Star Spangled Banner" of which one line of the final stanza is "And this be our motto: 'In God is our trust.'"
  
- a In 1861 The Chief Justice Chase of the Supreme Court wrote the following in a letter to the director of the US Mint: "No nation can be strong except in the strength of God, or safe except in His defense. The trust of our people in God should be declared on our national coins."
  
- In 1866 Congress enacted legislation authorizing the inscription of the phrase "In God We Trust" to be placed on certain coins.
  
- In 1931 Congress passed the act that until today officially designates as the national anthem " the composition of the words and music known as the Star Spangled Banner
  
- In 1955 Congress mandated the inscription of "In God We Trust" on all coins and paper currency.
  
- a A 1956 Congress codified "In God We Trust" as the national motto. Thus, "In God We Trust" has remained our national motto since 1956.
  
- a The United States Code itself contains religious references. For example, Congress has directed the President to " set aside and proclaim a suitable day each year as a National Day of Prayer, on which the people of the United States may turn to God in prayer and meditation at churches, in groups, and as individuals.
  
- By statute the Pledge of Allegiance to the Flag describes the United States as "one Nation under God". Likewise our National Motto, "In God We Trust" is prominently engraved in the wall above the Speaker's dais in the Chamber of the House of Representatives and is reproduced on every coin minted and every dollar printed by the Federal Government.
  
- a The Judicial Branch also acknowledges the central role of religion in our society. All federal courts open sessions with the request that " God save the United States and this honorable Court.
  
- The Ten Commandments are posted in the US Supreme Court Chambers directly above the bench where the nine justices sit.



RESOLUTION NO. 2006-47

A RESOLUTION OF THE LODI CITY COUNCIL  
ADOPTING "LIVABLE, LOVABLE LODI" AS THE  
OFFICIAL MOTTO OF THE CITY OF LODI

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WHEREAS, there is no record of Council approving or officially adopting the motto or slogan of "Livable, Lovable Lodi"; however, it has been used in marketing materials and various resources dating back to 1951.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that "Livable, Lovable Lodi" is hereby adopted as the official motto of the City of Lodi.

Dated: March 29, 2006

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I hereby certify that Resolution No. 2006-47 was passed and adopted by the City Council of the City of Lodi in a special meeting held March 29, 2006, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hansen, Mounce, and  
Mayor Hitchcock

NOES: COUNCIL MEMBERS – Johnson

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON  
City Clerk

filed D-2  
Ken Owen

MY NAME **IS** KEN OWEN; I AM THE DIRECTOR OF CHRISTIAN COMMUNITY CONCERNS. I STARTED THAT ORGANIZATION IN **1985** OUT OF A DEEP CONCERN AND CONVICTION THAT OUR COUNTRY WAS SHOWING SIGNS OF LEAVING OUR MORAL UNDER-PENNINGS. AND OUR GODLY HERITAGE.

THIS COUNTRY WAS FOUNDED ON A BELIEF IN GOD, AND HIS PRINCIPLES, BUT IN THE LAST **50-60** YEARS THERE HAS BEEN A CONTINUAL ERODING **OF** THOSE PRINCIPLES.

THE SIGNS WERE SUBTLE AT FIRST, BUT TODAY **THEY** ARE OBVIOUS TO ANYONE AND EVERYONE.

- CHRISTMAS BREAK **IS** NOW CALLED WINTER BREAK
- EASTER BREAK **IS** NOW CALLED SPRING BREAK
- MERRY CHRISTMAS **IS** NOW HAPPY HOLIDAYS
- MICHAEL NEWDOW ATTEMPTED TO REMOVE ONE NATION UNDER GOD FROM THE PLEDGE OF ALLEGIANCE. HE FAILED IN THAT ATTEMPT.
- HE NOW WANTS OUR NATIONAL MOTTO "ONE NATION UNDER G O D REMOVED FROM OUR CURRENCY.

ROGER BALDWIN THE FOUNDER OF THE ACLU STATED THAT THEIR GOAL WAS TO ELIMINATE RELIGION IN AMERICA ENTIRELY, AND THAT THEY WOULD USE AMERICA'S BELIEF IN CIVIL LIBERTIES, AND FREEDOM OF SPEECH TO TURN AMERICA AGAINST IT'S OWN TRADITIONS.

WE **ARE** HERE TONIGHT TO PETITION THIS COUNCIL TO HELP PUT A STOP TO THE EROSION OF OUR NATIONAL HISTORY, AND GODLY HERITAGE.

JACQUE SULLIVAN A CITY COUNCIL MEMBER IN BAKERSFIED HAS LED THE WAY FOR US BY PETITIONING THAT COUNCIL TO DISPLAY OUR NATIONAL MOTTO "IN GOD WE TRUST" IN THE COUNCIL CHAMBERS OF THAT CITY. THE VOTE **WAS 6-1** IN FAVOR **OF** THE MOTION.

SINCE THAT TIME 13 OTHER CITIES HAVE VOTED TO PROUDLY DISPLAY **THE** MOTTO IN THEIR COUNCIL CHAMBERS.

THE MEASURES TO DISPLAY THE MOTTO HAVE MET LITTLE OR NO RESISTANCE IN EACH CITY, WITH NEAR UNANIMOUS SUPPORT FROM EACH OF THE CITY COUNCILS.

JACQUIE HAS SENT LETTERS TO EVERY CITY COUNCIL MEMBER IN CALIFORNIA ASKING THEM TO FOLLOW SUIT.

OUR OWN COUNCIL MEMBER JOANNE MOUNCE RESPONDED TO THAT LETTER AND HAS PICKED UP THE MANTLE TO HAVE "IN GOD WE TRUST" DISPLAYED IN LODI, AND I APPLAUD HER FOR THAT.

I ENCOURAGE AND STRONGLY URGE EACH ONE OF YOU TO JOIN WITH THESE PATRIOTS IN ALLOWING OUR NATIONAL MOTTO TO BE DISPLAYED IN LODI.

WE'RE NOT ASKING YOU TO DISPLAY A CROSS, OR A STAR OF DAVID, OR ANY PARTICULAR SECT OF RELIGIOUS DENOMINATION.

WE'RE SIMPLY ASKING YOU TO DISPLAY OUR NATIONAL MOTTO "IN GOD WE TRUST" WHICH WAS PASSED BY CONGRESS, AND SIGNED INTO LAW BY THEN PRESIDENT DWIGHT D. EISENHOWER ON JULY 30, 1956.

MOTTOS AND SYMBOLISMS ARE VERY IMPORTANT IN PRESERVING VALUES AND GOALS, BUT THEY SELDOM REFLECT REALITY.

FOR INSTANCE: THE SACRAMENTO KINGS HAVE A LION AS THEIR MASCOT. WE ALL KNOW THAT THE LION IS THE KING OF THE JUNGLE. SAD TO SAY THE KINGS HAVE NEVER BEEN THE KING OF THE BASKETBALL COURT, BUT IT'S A CONSTANT REMINDER OF WHAT THEY WANT TO BECOME.

LIVABLE. LOVABLE, LODI IS FAR FROM REALITY, BUT IT'S WHAT WE WANT TO BECOME.

EUREKA; OUR STATE MOTTO MEANS I HAVE FOUND IT, BUT MANY WHO ARE LEAVING THE STATE ARE SAYING I HAVE LOST IT.

WHAT DO YOU THINK OF WHEN YOU SEE THE AMERICAN EAGLE, OUR FLAG, IWO JIMA, THE NATIONAL MONUMENT, OR THE PLEDGE OF ALLEGIANCE, MOUNT RUSHMORE. AND OUR NATIONAL MOTTO?

IF THESE SYMBOLS ARE EXPUNGED FROM OUR NATIONAL HISTORY, WHAT KIND OF A LEGACY ARE WE GOING TO LEAVE TO OUR CHILDREN?

I WANT YOU TO THINK HARD ABOUT THAT

LET ME CLOSE WITH THIS QUOTE FROM OUR 38<sup>TH</sup> PRESIDENT GERALD FORD.  
WITHOUT GOD THERE COULDBE NO AMERICAN FORM OF GOVERNMENT, NOR AN  
AMERICAN WAY OF LIFE, RECOGNITION OF THE SUPREME IS THE FIRST-THE  
MOST BASIC-EXPRESSION OF AMERICANISM, THUS THE FOUNDING FATHERS  
OF AMERICA SAW IT, AND THUS WITH GOD'S HELP, IT WILL CONTINUE TO BE.

DECEMBER 5<sup>TH</sup>, 1974

WHAT HE WAS SAYING IS THIS: IF WE EXPUNGE GOD FROM OUR HISTORY  
AND SYMBOLISMS, WE WILL CEASE TO BE THE NATION THAT OUR  
FOUNDING FATHERS INVISIONED. IT MAY STILL BE CALLED AMERICA, BUT  
ALL OF THE SUBSTANCE OF WHAT WE HAVE STOOD FOR OVER THE LAST 230  
YEARS WILL BE LONE.

THAT'S WHY WE'RE HERE TONIGHT TO PRESERVE WHAT ONLY 1% OF THE  
PEOPLE WANT TO TAKE AWAY FROM US.

D-2

**Susan Blackston**

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**From:** Susan Blackston  
**Sent:** Tuesday, March 28, 2006 9:23 AM  
**To:** 'John Mead'  
**Cc:** City Council; Blair King; Steve  
**Subject:** RE: No to "In God We Trust"

Dear John Mead:

This reply is to confirm that your message was received by the City Clerks Office and each member of the City Council. In addition, by copy of this e-mail, we have forwarded your message to the following departments for informational purposes: 1) City Manager and 2) City Attorney.

Thank you for expressing your views

/s/ Susan J. Blackston, City Clerk

-----Original Message-----

**From:** John Mead [mailto:jtmead@pacbell.net]  
**Sent:** Tuesday, March 28, 2006 12:41 AM  
**To:** Susan Blackston; Susan Hitchcock; Bob Johnson; JoAnne Mounce; John Beckman; Larry Hansen  
**Subject:** No to "In God We Trust"

Lodi City Council:

I am sending this email to voice my opposition to displaying the motto "In God We Trust" in the Council Chamber. It was added 50 years ago to the pledge-of-allegiance as a divisive issue by right-wing Christians. Yes, our fore-fathers used "God" in their writings but they also owned slaves too... **Let's** don't take a step backward because of the squeaky-wheel Christians. We don't want to become the Taliban...

John Mead  
301 W. Oak  
Lodi, CA

D-2

**Susan Blackston**

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**From:** Susan Blackston  
**Sent:** Wednesday, March 29, 2006 9:42 AM  
**To:** 'Mike and Colleen Lusk'  
**Cc:** City Council; Steve Schwabauer; Blair  
**Subject: RE:** City Motto

Dear Mike and Colleen Lusk.

This reply is to confirm that your message was received by the City Clerks Office and each member of the City Council. In addition, by copy of this e-mail, we have forwarded your message to the City Manager and City Attorney for informational purposes.

Thank you for expressing your views

/s/ Susan J. Blackston, City Clerk

-----Original Message-----

**From:** Mike and Colleen Lusk [mailto:mclusk@softcom.net]

**Sent:** Wednesday, March 29, 2006 9:30 AM

**To:** Susan Blackston; Susan Hitchcock; Bob Johnson; JoAnne Mounce; John Beckman; Larry Hansen

**Subject:** City Motto

Council Members:

We believe in the separation of church and state and do not wish to have in god we trust as the city motto.

Thank you

Mike and Colleen Lusk.