

Display of National Motto in Public Schools

National Conference of State Legislatures

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Background

“In God we trust” became the national motto by act of the U.S. Congress in 1956.¹ After the terrorist attacks of September 11, 2001, states began requiring the display of the national motto in public spaces, particularly in public schools.² By September 2019, at least **19 states** had enacted laws that either allow or require the display of the national motto in public buildings, including school buildings. Of these 19 states, **nine** have statutory language stating that public buildings **may** display the National Motto. **Nine states** contain language specifying that schools **shall** display the National Motto. **Ohio** requires the display of the national motto if a copy of it is donated to a public school.

An exhaustive review of each statute below revealed no specific litigation challenging the display of the national motto in public schools. In 2018, the Arkansas Attorney General provided a written opinion that the state’s newly adopted law requiring the display of the motto in public schools would pass constitutional scrutiny.³

Judicial review of statutes requiring students in public schools to recite the pledge of allegiance is far more replete with examples from federal appellate courts, namely the [Fourth](#), [Fifth](#), [Seventh](#) and [Ninth Courts](#). In each instance, the appellate courts suggested the pledge’s invocation of “God” did not violate the federal constitution’s Establishment Clause. The U.S. Supreme Court has yet to adjudicate the question squarely on its merits, but [its dicta indicate a tolerance](#) for recitations of the pledge in public schools.

Table: State Statutes Addressing the National Motto in Public Spaces and Schools

STATE	MAY / SHALL	STATUTE AND DESCRIPTION	CITATION
ALABAMA	May	The governing body of any political subdivision of the state or any state agency may display the national motto of “In God We Trust” in and on public buildings and public vehicles, including, but not limited to any of the following: (1) School classrooms. (2) Courthouses. (3) Libraries. (4) Office buildings. (5) Law enforcement or service vehicles.	Ala. Code § 1-2B-30 (Added by Act 2018-272, § 2.)
ARIZONA	May	A teacher or administrator in any school in this state may read or post in any school building copies or excerpts of the following materials: 1. The national motto “in God we trust”.	Ariz. Rev. Stat. Ann. § 15-717 (Added by Laws 1993, Ch. 125, §

¹ REAFFIRMATION—REFERENCE TO ONE NATION UNDER GOD IN THE PLEDGE OF ALLEGIANCE, PL 107–293 (2002).

² Kimberly M. Hammond, *Recent Legislative Developments*, 2003 UTAH L. REV. 826 (2003).

³ LESLIE RUTLEDGE, *The Honorable Les Eaves*, 2017 ARK. OP. ATTY. GEN. 101 (2018).

2. The national anthem.
3. The pledge of allegiance.
4. The preamble to the constitution of this state.
5. The declaration of independence.
6. The mayflower compact.
7. Writings, speeches, documents and proclamations of the founding fathers and the presidents of the United States.
8. Published decisions of the United States supreme court.
9. Acts of the United States Congress.
10. The state motto "Ditat Deus", which means "God enriches".

1. Amended by Laws 2018, Ch. 167, § 1.)

ARKANSAS	Shall	<p>(a)(1) If funds under subsection (b) of this section are available, local school superintendents, local building administrators, or chief administrators of the public schools in this state, or institutions of higher education, or their respective designees, and the administrative officials of state agencies, or their respective designees, shall prominently display in a conspicuous place in a location described in subdivision (a)(2) of this section a durable poster or framed copy containing:</p> <p>(A)(i) The national motto of the United States, "In God We Trust".</p> <p>(ii) The national motto shall:</p> <p>(a) Be easily readable on a poster or framed copy of at least eleven inches (11') by fourteen inches (14');</p> <p>(b) Be the central focus of the poster or framed copy; and</p> <p>(c) Be displayed in a large font size;</p>	<p>Ark. Code Ann. § 1-4-133 (<u>Acts of 2017, Act 911, § 1, eff. Aug. 1, 2017; Acts of 2019, Act 910, § 6052, eff. July 1, 2019; Acts of 2019, Act 604, § 1, eff. July 24, 2019.</u>)</p>
FLORIDA	Shall	<p>(4) Each district school board shall adopt rules to require, in all of the schools of the district and in each building used by the district school board, the display of the state motto, "In God We Trust," designated under s. 15.0301, in a conspicuous place.</p>	<p>Fla. Stat. Ann. § 1003.44 (Added by <u>Laws 2018, c. 2018-6, § 22, eff. July 1, 2018</u>)</p>
GEORGIA	May	<p>(a) Local school superintendents of the public schools in this state and the appropriate administrative officials of the various institutions and agencies of this state, provided that sufficient funds or the items themselves are available as provided in subsection (b) of this Code section, are authorized to place a durable poster or framed copy representing the following which may be displayed in each public elementary and secondary school library and classroom in this state and in each public building or facility in this state which is maintained or operated by state funds:</p>	<p>Ga. Code Ann. § 50-3-4.1 (Added by Laws 1982, p. 913, § 1; Laws 1982, p. 913, § 2)</p>

		<p>(1) Our national motto, “In God We Trust”;</p> <p>(2) A true and correct representation of the American flag, which shall be centered under the national motto; and</p> <p>(3) A true and correct representation of the Georgia state flag.</p>	
INDIANA	May	<p>Sec. 3. (a) This section applies to the following writings, documents, and records:</p> <p>(1) The Constitution of the United States.</p> <p>(2) The national motto.</p> <p>(3) The national anthem.</p> <p>(4) The Pledge of Allegiance.</p> <p>(5) The Constitution of the State of Indiana.</p> <p>(6) The Declaration of Independence.</p> <p>(7) The Mayflower Compact.</p> <p>(8) The Federalist Papers.</p> <p>(9) “Common Sense” by Thomas Paine.</p> <p>(10) The writings, speeches, documents, and proclamations of the founding fathers and presidents of the United States.</p> <p>(11) United States Supreme Court decisions.</p> <p>(12) Executive orders of the presidents of the United States.</p> <p>(13) Frederick Douglas' Speech at Rochester, New York, on July 5, 1852, entitled “What to a Slave is the Fourth of July?”.</p> <p>(14) <i>Appeal</i> by David Walker.</p> <p>(15) Chief Seattle's letter to the United States government in 1852 in response to the United States government's inquiry regarding the purchase of tribal lands.</p> <p>(b) A school corporation may allow a principal or teacher in the school corporation to read or post in a school building or classroom or at a school event any excerpt or part of a writing, document, or record listed in subsection (a).</p>	<p>Ind. Code Ann. § 20-30-5-3 (Added by <u>P.L.1-2005, SEC.14</u>)</p>
KENTUCKY	Shall	<p>(1) (a) Beginning in the 2019-2020 school year, local boards shall require each public elementary and secondary school to display the national motto of the United States, “In God We Trust,” in a prominent location in the school.</p> <p>(b) The display required in paragraph (a) of this subsection may take the form of but is not limited to a mounted plaque or student artwork.</p> <p>(c) For purposes of this section, “prominent location” means a school entryway, cafeteria, or common area where students are likely to see the national motto.</p>	<p>Ky. Rev. Stat. Ann. § 158.195 (Added by <u>2019 c 82, § 1, eff. 6-27-19</u>)</p>
LOUISIANA	Shall	<p>(2) Not later than the 2019-2020 school year, the program of instruction on patriotic customs required</p>	<p>La. Stat. Ann. § 17:262 (Added</p>

		by this Section shall include instruction on the national motto, “In God We Trust”, and each public school governing authority shall display the national motto in each building it uses and in each school under its jurisdiction. The nature of the display shall be determined by each governing authority with a minimum requirement of a paper sign.	by <u>Acts 2018, No. 410, § 1, eff. May 23, 2018</u>)
MICHIGAN	May	Sec. 2. This state strongly encourages each state agency and unit of local government to exercise their constitutional ability to place the national motto “In God We Trust” in or on public buildings or land owned or occupied by that state agency or unit of local government. ... (b) “Unit of local government” means a political subdivision of this state, including school districts, community college districts, intermediate school districts, public school academies	Mich. Comp. Laws Ann. §§ 2.161 & 2.162 (Added by <u>P.A.2001, No. 184, § 2, Imd. Eff. Dec. 21, 2001</u>)
MISSISSIPPI	Shall	(2) Principals and teachers in each public elementary and secondary school of each school district in this state shall display on an appropriately framed background with minimum dimensions of eleven (11) inches by fourteen (14) inches, the following motto of the United States of America in each classroom, school auditorium and school cafeteria under his or her supervision: “IN GOD WE TRUST.” For purposes of this provision, “classroom” shall mean any room of a public school where instruction takes place.	Miss. Code. Ann. § 37-13-163 (Added by <u>Laws 2001, Ch. 485, § 2, eff. July 1, 2001</u>)
NORTH DAKOTA	May	The motto of the United States of America “IN GOD WE TRUST” may be displayed in each public school.	N.D. Cent. Code Ann. § 15.1-06-17.2 (Added by <u>S.L. 2003, ch. 149, § 1</u>)
OHIO	Shall (if display is donated)	(A) Except as provided in division (B) of this section, if a copy of the official motto of the United States of America “In God We Trust” or the official motto of Ohio “With God, All Things Are Possible” is donated to any school district, or if money is donated to the district specifically for the purpose of purchasing such material, the board of education of the school district shall accept the donation and display the motto in an appropriate manner in a classroom, auditorium, or cafeteria of a school building in the district....	Ohio Rev. Code Ann. § 3313.801 (Added by <u>2006 H 184, eff. 10-12-06</u>)

OKLAHOMA	May	A. Principals and teachers in each public school in this state may display in each classroom, school auditorium, and school cafeteria under their supervision the following motto of the United States of America: “E PLURIBUS UNUM (Out of Many One)” and “IN GOD WE TRUST”. For purposes of this subsection, “classroom” means any room of a public school where instruction takes place.	Okla. Stat. Ann. tit. 70, § 24-106.1 (Added by <u>Laws 2004, c. 197, § 4, eff. July 1, 2004</u> ; amended by <u>Laws 2009, c. 100, § 1, eff. July 1, 2009</u>)
SOUTH CAROLINA	May	(A) Notwithstanding another provision of law, each municipality, county, or other political subdivision of this State including, but not limited to, a school board, is authorized to post the Foundations of American Law and Government display, as described in this section, in a visible, public location in the public buildings of this State and its political subdivisions. (B) The Foundations of American Law and Government display must include: (1) The Ten Commandments; (2) The Magna Carta; (3) The Mayflower Compact, 1620; (4) The Declaration of Independence; (5) “The Star-Spangled Banner” by Francis Scott Key; (6) The Bill of Rights of the United States Constitution; (7) The Preamble to the South Carolina Constitution; (8) The Nineteenth Amendment to the United States Constitution; (9) The national motto “In God We Trust”; (10) The image of Lady Justice; (11) The Lord's Prayer; (12) The Emancipation Proclamation, 1863; and (13) Martin Luther King, Jr.'s “I Have a Dream” speech.	S.C. Code Ann. § 10-1-168 (Added by <u>2008 Act No. 340, § 2</u>)
SOUTH DAKOTA	Shall	Beginning in the 2019-2020 school year, the national motto of the United States, “In God We Trust,” shall be displayed in each public school. The display shall be located in a prominent location within each public school. The display may take the form of a mounted plaque, student artwork, or any other appropriate form as determined by the school principal. The display shall be easily readable and may be no smaller than twelve inches wide by twelve inches high.	S.D. Codified Laws § 13-24-23 (Added by <u>SL 2019, ch 82, § 1</u>) <i>See also</i> S.D. Codified Laws § 13-24-24.
TENNESSEE	Shall	(a) Beginning in the 2018-2019 school year, an LEA shall require all schools within the LEA to display the national motto of the United States, “In God We	Tenn. Code Ann. § 49-6-2502 (Added by <u>2018</u>)

		Trust,” in a prominent location in each school.	<u>Pub.Acts, c. 640, § 1, eff. April 2, 2018)</u>
TEXAS	May	A public elementary or secondary school or an institution of higher education as defined by Section 61.003 may display the United States national motto, “In God We Trust,” in each classroom, auditorium, and cafeteria.	Tex. Educ. Code Ann. § 1.004 (Added by <u>Acts 2003, 78th Leg., ch. 412, § 1, eff. June 20, 2003)</u>)
UTAH	Shall	(6) Public schools shall display “In God we trust,” which is declared in 36 U.S.C. 302 to be the national motto of the United States, in one or more prominent places within each school building.	Utah Code Ann. § 53G-10-302 (Added by <u>Ch. 124, 2002 Utah Laws 412, 583)</u>)
VIRGINIA	Shall	This uncodified statute provides: § 1. Posting of certain statement in the public schools. All school boards in Virginia shall prominently post the statement “In God We Trust ‘the National Motto, enacted by Congress in 1956’”, in a conspicuous place in each of their schools for all students to read.	Va. Acts of Assembly, ch. 895, HB 108, SB 608 (approved May 17, 2002); see <u>Myers v. Loudoun County Sch. Bd., 251 F. Supp. 2d 1262, 1264 (E.D. Va. 2003).</u>

Case Law

Supreme Court of the United States

Lynch v. Donnelly, 465 U.S. 668, 716 (1984): “While I remain uncertain about these questions, I would suggest that such practices as the designation of ‘In God We Trust’ as our national motto, or the references to God contained in the Pledge of Allegiance can best be understood, in Dean Rostow’s apt phrase, as a form a ‘ceremonial deism,’ protected from Establishment Clause scrutiny chiefly because they have lost through rote repetition any significant religious content. See *Marsh v. Chambers, supra*, 463 U.S., at —, 103 S.Ct., at 3346 (BRENNAN, J., dissenting.”

Fourth Circuit Court of Appeals

Myers v. Loudoun County Public Schools, 418 F.3d 395, 405, 200 Ed. Law Rep. 581 (4th Cir. 2005): rejecting challenge to Virginia’s Recitation Statute noting that “[w]e have ‘an unbroken history of official acknowledgment by all three branches of government of the role of religion in American life from at least 1789’” and reasoning that “if the founders viewed legislative prayer and days of thanksgiving as consistent with the Establishment Clause, it is difficult to believe they would object to the Pledge, with its limited reference to God” as “[t]he Pledge is much less of a threat to establish a religion than legislative prayer, the open prayers to God found in Washington’s prayer of thanksgiving, and the Declaration of Independence”) (quoting in part *Lynch v. Donnelly*, 465 U.S. 668, 674, 104 S. Ct. 1355, 79 L. Ed. 2d 604 (1984)).

Fifth Circuit Court of Appeals

Croft v. Perry, 604 F. Supp. 2d 932, 938 (N.D. Tex. 2009), *aff'd*, 624 F.3d 157 (5th Cir. 2010): “Although some individual legislators may have religious motives, an analysis under *Lemon*'s purpose prong only considers the overall legislative purpose of the allegedly unconstitutional provision, not a particular legislator's motive in supporting it. See *Bd. of Educ. of Westside Cmty. Schs. v. Mergens*, 496 U.S. 226, 249, 110 S.Ct. 2356, 110 L.Ed.2d 191 (1990) (“[W]hat is relevant is the legislative *purpose* of the statute, not the possibly religious *motives* of the legislators who enacted the law.”)

Seventh Circuit Court of Appeals

Sherman v. Community Consol. School Dist. 21 of Wheeling Tp., 980 F.2d 437, 79 Ed. Law Rep. 396 (7th Cir. 1992): holding that schools may lead the Pledge of Allegiance daily, so long as objecting pupils were not compelled to participate, and that the phrase “under God” did not violate the Establishment Clause because ceremonial invocations of God serve the legitimate secular purpose of solemnizing occasions and were endorsed frequently by the drafters of the First Amendment.

Ninth Circuit Court of Appeals

Newdow v. Rio Linda Union School Dist., 597 F.3d 1007, 1014, 254 Ed. Law Rep. 544 (9th Cir. 2010): “We hold that the Pledge of Allegiance does not violate the Establishment Clause because Congress’ ostensible and predominant purpose was to inspire patriotism and that the context of the Pledge-its wording as a whole, the preamble to the statute, and this nation’s history-demonstrate that it is a predominantly patriotic exercise” and thus “the phrase ‘one Nation under God’ does not turn this patriotic exercise into a religious activity.”

For more information, contact:

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