

Oaths Bill Additional Information

U.S. Supreme Court, Connecticut's 1st Senator, and George Washington

Ruled Unconstitutional by the U.S. Supreme Court: Torcaso v. Watkins (1961)

Wikipedia: https://en.wikipedia.org/wiki/Torcaso_v._Watkins

The Decision by Justice Black: <http://caselaw.findlaw.com/us-supreme-court/367/488.html>

... "The `establishment of religion' clause of the First Amendment means at least this: Neither a state nor [367 U.S. 488, 493] the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or **prefer one religion over another**. Neither can force nor influence a person to go to or to remain away from church against his will or **force him to profess a belief or disbelief in any religion**.

...Nothing decided or written in Zorach [v. Clauson] lends support to the idea that the Court there intended to open up the way for government, state or federal, to **restore the historically and constitutionally discredited policy of probing religious beliefs by test oaths** or limiting public offices to persons who have, or perhaps more properly profess to have, a belief in some particular kind of religious concept.

... We repeat and again reaffirm that **neither a State nor the Federal Government can constitutionally force a person "to profess a belief or disbelief in any religion."** Neither can constitutionally pass laws or impose requirements which aid all religions as against non-believers, and neither can aid those religions based on a belief in the existence of God as against those religions founded on different beliefs.

... This Maryland **religious test for public office unconstitutionally invades the appellant's freedom of belief and religion and therefore cannot be enforced against him.**

Connecticut's 1st Senator and Supreme Court Justice Referenced in Torcaso v. Watkins

In one of his famous letters of "a Landholder," published in December 1787, **Oliver Ellsworth**, a member of the Federal Constitutional Convention and later Chief Justice of this Court, included among his strong arguments against religious test oaths the following statement:

"In short, test-laws are utterly ineffectual: they are no security at all; because men of loose principles will, by an external compliance, evade them. If they exclude any persons, it will be honest men, men of principle, who will rather suffer an injury, than act contrary to the dictates of their consciences. . . ." Quoted in Ford, Essays on the Constitution of the United States, 170. See also 4 Elliot, Debates in the Several State Conventions on the Adoption of the Federal Constitution, 193.

Did George Washington Swear to Defend the Constitution on a Bible?

FFRF corrects Washingtonian inaccuracy

May 31, 2017

An obligation to the truth forces the Freedom From Religion Foundation to rectify a Trump cabinet member's grossly inaccurate remark about our first president.

During the U.S. Coast Guard commencement ceremony on May 17, Homeland Security Secretary John Kelly stated that George Washington added "so help me God" to the Constitution's oath. He did not.

"The words 'so help me God' do not appear in the oath prescribed in the Constitution," FFRF Staff Attorney Andrew Seidel writes to Kelly. "Any president that adds those words is effectively amending the Constitution in the very act of promising to uphold it."

There is no evidence that Washington said the words, nor is such an addition in keeping with his character. The story appears to originate with that master of American mythology, Washington Irving, who also wrote "Rip Van Winkle."

No contemporary accounts of Washington's inauguration mention the phrase. Most serious historians now agree that the addition of "so help me God" did not occur with Washington. "Any attempt to prove that Washington added the words 'so help me God' requires mental gymnastics of the sort that would do credit to the finest artist of the flying trapeze," Edward Lengel, one of the country's foremost experts on Washington, has written.

On the contrary, there is evidence to suggest that Washington would not have used the phrase.

First, when Washington spoke of a god, he did not use that word. His inauguration speech, given just after his oath, used phrases like "benign parent" and "invisible hand."

Second, Washington scrupulously followed etiquette, including at his inauguration. He presided over the debates at Constitutional Convention for four long months and followed the ratification debate in Virginia closely from Mount Vernon. He knew perfectly well the precise wording of the oath laid out in Article 2, §7 and that the Constitution prohibited religious tests for public office in Article 6 §3. It's impossible to think that in the very act of promising to uphold the document, he would violate its terms by amending the carefully chosen language in the oath.

Third, secular oaths were very much in the news at that time. Three days before Washington's inauguration, on April 27, 1789, the House of Representatives passed its first bill, which would later be the first Washington signed. The bill specified the language in their oath of office, omitting God: "I ... do solemnly swear or affirm (as the case may be) that I will support the Constitution of the United States."

And long after Washington, there is no proof that any of the early presidents used the words in the oath. The first reliable, contemporaneous account of any president adding the phrase is with Chester Alan Arthur in 1881. The first verifiable use was by President Franklin Delano Roosevelt on March 4, 1933.

There are some who would claim that we don't know that Washington didn't say the words. But Occam's razor makes quick work of such claims. What can be asserted without evidence can be dismissed without evidence. The claim that Washington said "so help me God" must be dismissed.

"Kelly's statement seems to be part of an insidious project to claim the Founding Fathers in the service of Christianity," notes FFRF Co-President Annie Laurie Gaylor. "But these were secular statesmen."

The Freedom From Religion Foundation is a nonprofit organization that protects the constitutional separation between state and church, representing more 29,000 nonreligious members across the country.