

APPENDIX G

Subj: FFCP

Date: 11/27/04 3:56:16 PM Pacific Standard Time

From: First Amendmist

To: bickfbrd@gwu.edu

Dear Ms. Bickford:

By way of introduction, I am the person who brought the Pledge of Allegiance case, heard by the Supreme Court last term. One of the most interesting facts applicable to that case was that the First Congress actually removed the two references to God in the oath of office that they, themselves, took on Wednesday, April 8, 1789. However, my research has turned up nothing regarding why they did that.

Do you have any information on this matter? If so - or if you have any other information on God as the colonials thought "He" pertained to our government, I would appreciate your insights.

Thank you very much for your time and consideration.

Sincerely,

- Mike

Mike Newdow
PO Box 233345
Sacramento, CA 95823

Phone: 916-427-6669
Fax: 916-392-7382
E-mail: FirstAmendmist@cs.com

Subj: Re: God and the First Congress
Date: 11/29/04 12:47:57 PM Pacific Standard Time
From: bickford@gwu.edu
To: FirstAmendmist@cs.com
Received from Internet: [click here for more information](#)

Dear Mike,

Interestingly this issue of oaths has come up in another context recently. The director of the White House Historical Society asked what the source for the "fact" that Washington added "So help me God" to the end of the Constitutionally required oath at his inauguration. After much back and forth with the editors of the "Papers of George Washington" and research in the sources that we have here, we were unable to locate any contemporary account that reported that he said those words. In fact, the only contemporary account that repeats the oath, a letter of the French consul, Comte de Moustier, states only the constitutional oath. We now believe that Washington consciously (he rarely did something that wasn't very calculated) repeated only the prescribed oath with no reference to God to show his strict adherence to the Constitution. The first report that we have located that says he concluded with "So help me God" is secondhand from someone who would have been about 8 years old when he attended the inauguration.

As to the Congress, the situation is mixed. Interestingly, the Senators waited to take the oath until after the passage of the Oath Act (HR-1]. I suppose that their actions in April and May of 1789 could have been challenged because they had not taken the oath. . . On the other hand, the House of Reps. jumped to pass a resolution on April 6 and this resolution mentions both the "Almighty God" and "So help me God." Interestingly the only newspaper report that repeats the oath that they took on April 8 states only the constitutional oath and nothing about GOD. I've gone back through the legislative history and debates on the Oath Act to see if there is any evidence that the bill as introduced in the House had any mention of God (unfortunately the actual document no longer exists), but no luck. We do know that there were enough amendments during the House consideration that a substitute bill was created on April 25. Alas, so often we find the evidence is missing. . .Anyway, the bill as it passed the House did not have any mention of God. It did exempt the House members that had already taken the oath on April 28 from taking the oath again--I find it

odd that they bothered to do this legislatively. Other oaths prescribed by the FFC are without mention of God, except the oaths in the Judiciary Act [S-1] which have the "So help me God" language. S-1 exempts those who affirm from saying the phrase. Even though military oaths during the Revolution commonly had the "so help me God" phrase, All of this makes me wish that we had indexed God in the legislative histories so that this question could have been answered quickly and definitively.

Hope that this helps.
Best, Charlene Bickford

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

From: FirstAmendmist@cs.com
Date: Saturday, November 27, 2004 6:59 pm
Subject: God and the First Congress

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