

Atheist again seeks to stop prayers, God references at inauguration

WASHINGTON – An atheist who has lost legal challenges to references to God in the Pledge of Allegiance and previous inaugurations has revived his legal effort to strip the presidential inauguration ceremony of its invocation, benediction and the oath's reference to God.

Michael Newdow filed suit Dec. 29 in U.S. District Court in Washington seeking to stop the Presidential Inaugural Committee from including prayers in the inauguration ceremony. The suit also seeks to bar Chief Justice John Roberts, who will administer the oath of office, from including the phrase "so help me God."

Mr. Newdow filed similar suits twice before, targeting the 2001 and 2005 inauguration ceremonies. He also lost a 2004 Supreme Court challenge to the words "under God" in the Pledge of Allegiance.

After hearing arguments for Mr. Newdow's claim that it violated his daughter's rights to have to utter the words "under God" when the pledge is recited at school, the court tossed out the case, saying he had no standing to sue on her behalf because he did not have legal custody of the girl.

Both his previous inauguration-related efforts were rebuffed by federal courts. They found little merit to Mr. Newdow's claims that it would violate his rights to be subjected to prayer and references to God while watching the inauguration on television or in person. Judges also noted that Mr. Newdow's request for an injunction barring the president from praying during the ceremony would constitute an unacceptable and unnecessary incursion by the courts into the executive branch of government.

In his latest lawsuit, Mr. Newdow, a dozen individuals and another dozen atheist organizations argue that allowing an invocation, benediction and reference to God in the oath will harm them by worsening their social condition as "outsiders," because they don't believe in God.

It notes that if President-elect Barack Obama “feels that the verbiage formulated by the founders is so inadequate he needs to interlard his oath with a purely religious phrase deemed unnecessary by the first 20 presidents, plaintiffs have no objection at this time.” However, their willingness to allow the president that expression of his rights under the Free Exercise clause of the Constitution don’t extend to the chief justice who administers the oath, they said.

The full text of the oath in the Constitution reads: “I do solemnly swear (or affirm) that I will faithfully execute the office of president of the United States, and will to the best of my ability preserve, protect and defend the Constitution of the United States.” Most, but not all, presidents have added the words “so help me God.”

The suit names the chief justice, the chairmen of the Presidential Inaugural Committee, the Joint Congressional Committee on Inaugural Ceremonies and the Armed Forces Inaugural Committee, and the two ministers tapped to give the invocation and benediction, the Rev. Rick Warren and the Rev. Joe Lowery, respectively, as plaintiffs.

The inauguration ceremony will be Jan. 20 in Washington.