

# FREEDOM FROM RELIGION *foundation*

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May 31, 2016

***Sent via U.S. Mail***

The Honorable John F. Kelly  
Secretary of Homeland Security  
Washington, D.C. 20528

Re: George Washington did not add “so help me God” to the Constitution’s oath

Dear Secretary Kelly:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to correct a recent historical misstatement you repeated. **You stated that George Washington added “so help me God” to the Constitution’s oath. He did not.** FFRF is a nationwide nonprofit organization that protects the constitutional separation between state and church. We represent over 29,000 nonreligious members across the country, including more than 1,500 in New York.

During the U.S. Coast Guard commencement ceremony on May 17, 2017, you spoke, at length, about the oath prescribed in the U.S. Constitution:

We are the only country, you are the only people that will take an oath to a concept. Embodied, in a piece of paper, called the U.S. Constitution. So understand first and foremost we are a nation of laws. And if we use that as our guiding document we will never, ever go wrong.

So where did the oath come from? As the story goes it’s generally accurate as I understand it. They were about to inaugurate our very first president, who’d never done that before, George Washington, in our first capital, New York City. They were just about to go out and do it, and someone said, don’t we need an oath? ... So they sat down and wrote up the oath that you generally are about to take and handed it to George Washington before he became President. **The only thing he added to that oath was so help me God.**

So as you take the oath today understand that you are swearing to the American people, to a piece of paper, to uphold the Constitution of the United ...

As you know, the words “so help me God” do not appear in the oath prescribed in the Constitution. Any president that adds those words is effectively amending the Constitution in the very act of promising to uphold it. There is no evidence hinting that Washington said the words, nor is such an addition in keeping with his character. Your history is wrong. This story appears to originate with that master of American mythology, Washington Irving, who also wrote *Rip Van Winkle*.

### **There is no evidence to suggest that Washington used the phrase “so help me God”**

No contemporary accounts of Washington’s inauguration mention the phrase. The French foreign minister, the Comte de Moustier, contemporaneously recorded every word of the oath as he stood next to George Washington during the first inauguration.<sup>1</sup> Moustier’s account does not include the godly phrase, a moment that would surely have been remarkable because the phrase is not in the Constitution.

Tobias Lear was Washington’s personal secretary for 15 years, until Washington died in 1799. Lear’s detailed diary entry does not shy away from mentioning the religious aspects of the day, but fails to mention the oath’s religious verbiage: “He immediately descended from his seat, and advanced through the middle door of the Hall to the balcony. The others passed through the doors on each side. The oath was administered in public by Chancellor Livingston; and, the moment the chancellor proclaimed him President of the United States, the air was rent by repeated shouts and huzzas,—‘*God bless our Washington! Long live our beloved President!*’”<sup>2</sup>

Pennsylvania senator William Maclay’s first hand account also makes no mention of the phrase.<sup>3</sup> The Journal of the Senate omits it.<sup>4</sup> No newspaper accounts of the day mention the words “so help me God.”

*USA Today* published an article on this common misconception, which has even snared experts, like Beth Hahn, historical editor for the U.S. Senate Historical Office.<sup>5</sup> Hahn produced a video that mistakenly claimed the language went back to Washington’s inauguration. Now Hahn agrees that Chester A. Arthur was first to use the phrase: “When I made the video, it was common wisdom that [Washington] said it and I did not check it. After investigating this, I would say there is no eyewitness documentation that he did—or did not—say this.”

Most serious historians now agree that the addition of “so help me God” did not occur with George Washington. Professor of History, Emeritus, at George Mason University and author of *Realistic Visionary: A Portrait of George Washington*, Peter R. Henriques, has written extensively on this subject: “there is absolutely no extant contemporary evidence that President Washington altered the language of the oath...”<sup>6</sup>

Edward Lengel is the chief historian of the White House Historical Association, a Washington biographer, and former editor-in-chief of the George Washington papers and over 60 volumes of Washington’s documents. Nobody knows Washington’s words better. Lengel wrote, “any

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<sup>1</sup> Edward G. Lengel, *Inventing George Washington*, 103 (Harper Collins Publisher, 2011).

<sup>2</sup> Tobias Lear Diary entry for April 30, 1789, *The Writings of George Washington* (Ed. Jared Sparks) page 463, Vol. 10 (Harper & Brothers, 1847), available at <http://tinyurl.com/Lear-4-30-1789>.

<sup>3</sup> April 30, 1789 entry, Journal of William Maclay, page 9 (Ed. Edgar S. Maclay) (Appleton & Co., 1890).

<sup>4</sup> Thursday, April 30, 1789, Journal of the Senate of the United States of America, 1789-1793, available at <https://www.loc.gov/item/pin0102/>.

<sup>5</sup> Cathy Lynn Grossman, *USA Today*, “No proof Washington said ‘so help me God’ will Obama?” (Jan. 7, 2009) available at [http://usatoday30.usatoday.com/news/religion/2009-01-07-God-oath\\_N.htm](http://usatoday30.usatoday.com/news/religion/2009-01-07-God-oath_N.htm).

<sup>6</sup> Peter R. Henriques, “‘So Help Me God’: A George Washington Myth that Should Be Discarded, *George Mason University History News Network* (January 11, 2009) available at <http://hnn.us/article/59548#sthash.wMkUNviB.dpuf>

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.”<sup>7</sup>

### **There is evidence to suggest that Washington would *not* have used the phrase**

Not only is there no evidence that Washington said the phrase, but other evidence refutes the claim.

First, when Washington spoke of a god, he did not use the word “god.” In fact, his inauguration speech, given just after his oath, used phrases like “Almighty Being who rules the Universe,” “Great Author,” “benign parent,” and “invisible hand.” Making it unlikely he used that particular phrase and not more characteristic language.

Second, Washington scrupulously followed etiquette. He even wrote a book on the subject, *Rules of Civility & Decent Behavior In Company and Conversation*.<sup>8</sup> Washington presided over the debates at Constitutional Convention for four long months and followed the ratification debate in Virginia closely from Mt. Vernon. He knew perfectly well the precise wording of the oath laid out in Art. 2, §7 and that the Constitution prohibited religious tests for public office in Art. 6 §3. Washington followed protocol meticulously during every aspect of the inauguration. 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 their first bill, which would later be the first Washington signed. The bill specified the language in their oath of office. Our first official, congressionally-passed law is an oath that omits god: “I, A.B. do solemnly swear or affirm (as the case may be) that I will support the Constitution of the United States.”

This may have been the oath you attempted to mention in your speech, the oath written at about the same time as Washington’s inauguration. The oath in the Constitution itself, which you referenced in your speech, was proposed with the final language of that document on September 17, 1787—nineteen and a half months before Washington’s inauguration.

Thus, not only is there a total absence of evidence suggesting Washington *did* use the words, his own actions and character suggest that he would not have used the words.

### **Where does the story come from?**

Apparently, we have Washington Irving, the man responsible for many early American myths such as *The Legend of Sleepy Hollow* and *Rip Van Winkle*, to thank for this myth too. The earliest claims date to nearly 70 years after the event, Rufus Griswold’s *The republican court; or, American society in the days of Washington* (1856) and Washington Irving’s *Life of Washington* (1857). Both accounts rely on Washington Irving’s childhood recollection—he was

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<sup>7</sup> Edward G. Lengel, *Inventing George Washington*, 105 (Harper Collins Publisher, 2011).

<sup>8</sup> Rule #82 in his *Rules of Civility* has some bearing on the oath too, “Undertake not what you cannot perform but **be careful to keep your promise**.” Washington’s word was important, he wouldn’t swear to “preserve, protect, and defend” a document only to amend it moments later.

six years old at the time—as their sole source.<sup>9</sup> According to Griswold, the six-year-old Irving viewed the balcony inauguration “from the corner of New street and Wall street.”<sup>10</sup>

That a short child could hear and remember the final words of this oath—which no closer adults contemporaneously recording the event noted—through an “innumerable throng” of adults, over a distance of more than 200 feet, uttered by a notoriously soft-spoken man, without the aid of modern technology is simply not to be believed.

Like Washington, there is no evidence to suggest that any of the early presidents used the words in the oath. Adams, Jefferson, Madison, Monroe, Quincy Adams—no evidence exists that they used the phrase. The first reliable, contemporaneous account of any president adding the phrase is Chester A. Arthur in 1881. The first verifiable use was FDR on March 4, 1933.

There are some who would foolishly 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.

We trust in the future you will not repeat this fiction.

Sincerely,



Andrew L. Seidel  
Staff Attorney  
Freedom From Religion Foundation

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<sup>9</sup> Rufus Griswold, *The republican court; or, American society in the days of Washington*, 142 (Appleton & Co. 1856) available at <http://quod.lib.umich.edu/m/moa/aan8036.0001.001/170?rgn=full+text;view=image;q1=recollections>

<sup>10</sup> *Id.*