

# FEDERAL REPORTER

*Second Series*



**Volume 588 F.2d**

*Cases Argued and Determined  
in the*

**UNITED STATES COURTS OF APPEALS**

**UNITED STATES COURT OF CLAIMS**

**UNITED STATES COURT OF CUSTOMS**

**AND PATENT APPEALS**

**AND**

**TEMPORARY EMERGENCY COURT OF APPEALS**

**ST. PAUL, MINN.**

**WEST PUBLISHING CO.**

1979

**Madalyn Murray O'HAIR,**  
**Plaintiff-Appellant,**

v.

**Jon MURRAY et al., Plaintiffs,**

v.

**W. Michael BLUMENTHAL, Secretary of  
 the Treasury, et al.,  
 Defendants-Appellees.**

**No. 78-2101  
 Summary Calendar.\***

United States Court of Appeals,  
 Fifth Circuit.

Feb. 5, 1979.

Appeal from the United States District  
 Court for the Western District of Texas;  
 Jack Roberts, Judge.

Madalyn Murray O'Hair, pro se.

Jon Garth Murray, pro se.

Paul D. Funderburk, Austin, Tex., for  
 plaintiff-appellant.

Barbara Allen Babcock, Asst. Atty. Gen.,  
 Dept. of Justice, Washington, D. C., Ronald

R. Glancz, Mauricio A. Flores, Attys., Jamie  
 C. Boyd, U. S. Atty., San Antonio, Tex., for  
 defendants-appellees.

Patton G. Lochridge, Austin, Tex., David  
 J. Anderson, Dept. of Justice, Washington,  
 D. C., John L. Hill, Atty. Gen., State of  
 Texas, Austin, Tex., for intervenor.

Before THORNBERRY, GODBOLD and  
 RUBIN, Circuit Judges.

**PER CURIAM:**

Plaintiffs question the constitutionality  
 of 36 U.S.C. § 186 making "In God We  
 Trust" a national motto; of 31 U.S.C.  
 §§ 324 and 324(a) requiring the imprinting  
 of the motto on the coin and currency of  
 the United States; and of 18 U.S.C. §§ 331  
 and 333, which provide criminal penalties  
 for removal of the national motto from  
 United States coin and currency.

Premitting the issues of standing and  
 case or controversy, which are not free  
 from doubt, we affirm on the opinion of the  
 district court, *O'Hair et al v. Blumenthal et  
 al.*, 462 F.Supp. 19 (W.D.Tex., 1978).

\* Rule 18, 5 Cir.; see *Isbell Enterprises, Inc. v. Citizens Casualty Co. of New York et al.*, 5 Cir.,  
 1970, 431 F.2d 409, Part I.