

STATE OF ALASKA THE LEGISLATURE

2003

Source
HCS SJR 10(JUD)

**Legislative
Resolve No.**
20



Relating to the Pledge of Allegiance.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS this country was founded on religious freedom by founders, many of whom were deeply religious; and

WHEREAS the First Amendment to the United States Constitution embodies principles intended to guarantee freedom of religion both through the free exercise of religion and by prohibiting the government's establishing a religion; and

WHEREAS the Pledge of Allegiance was written by Francis Bellamy, a Baptist minister, and was first published in the September 8, 1892, issue of Youth's Companion; and

WHEREAS, in 1954, the United States Congress added the words "under God" to the Pledge of Allegiance; and

WHEREAS President Eisenhower, in adding these words, said "These words will remind Americans that despite our great physical strength we must remain humble. They will help us to keep constantly in our minds and hearts the spiritual and moral principles which alone give dignity to man, and upon which our way of life is founded."; and

WHEREAS, for nearly 50 years, the Pledge of Allegiance has included references to

the United States flag and the country; this country has been established as a union "under God," being dedicated to securing "liberty and justice for all"; and

WHEREAS, in 1954, the United States Congress believed it was acting constitutionally when it revised the Pledge of Allegiance; and

WHEREAS patriotic songs, engravings on United States legal tender, engravings on federal buildings, and the Preamble to the Constitution of the State of Alaska also contain general references to "God"; and

WHEREAS, in accordance with decisions of the United States Supreme Court, public school students cannot be forced to recite the Pledge of Allegiance without violating their First Amendment rights; and

WHEREAS a three-judge panel of the United States Court of Appeals for the Ninth Circuit has ruled in *Newdow v. U.S. Congress* that the words "under God" in the Pledge of Allegiance violate the Establishment Clause when recited by students in public schools; and

WHEREAS the Ninth Circuit Court of Appeals has voted not to have the full court, en banc, reconsider the decision of the panel; and

WHEREAS the Senate of the 108th United States Congress strongly disapproves of a decision by a panel of the Ninth Circuit in *Newdow v. U.S. Congress*, and the decision of the full court not to reconsider this case en banc; and resolves to authorize and instruct the Senate Legal Counsel either to seek to intervene in the case to defend the constitutionality of the words "under God" in the Pledge of Allegiance, or to file an amicus curiae brief in support of the continuing constitutionality of the words "under God" in the Pledge of Allegiance;

BE IT RESOLVED that the Alaska State Legislature concurs with and supports review by the United States Supreme Court of the decision *Newdow v. U.S. Congress*.

COPIES of this resolution shall be sent to the Honorable George W. Bush, President of the United States; the Honorable Richard B. Cheney, Vice-President of the United States and President of the U.S. Senate; the Honorable Theodore B. Olson, Solicitor General of the United States; the Honorable Ted Stevens, President Pro Tempore of the U.S. Senate and member of the Alaska delegation in Congress; the Honorable J. Dennis Hastert, Speaker of the U.S. House of Representatives; and to the Honorable Lisa Murkowski, U.S. Senator, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.