

(LIMITED RUN FOR ALL ADDITIONAL SPONSORSHIPS)

**HOUSE CS FOR SENATE JOINT RESOLUTION NO. 10(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 5/7/03

Referred: Rules

Sponsor(s): SENATORS GREEN, Bunde, Cowdery, Dyson, Ogan, Seekins, Ben Stevens, Gary Stevens, Taylor, Therriault, Wagoner, Wilken, Davis, Ellis, Elton, French, Lincoln, Olson, Guess

REPRESENTATIVES Lynn, Wilson, Holm, Samuels, McGuire, Dahlstrom, Wolf, Seaton, Weyhrauch, Chenault, Heinze

**A RESOLUTION**1 **Relating to the Pledge of Allegiance.**2 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**3 **WHEREAS** this country was founded on religious freedom by founders, many of  
4 whom were deeply religious; and5 **WHEREAS** the First Amendment to the United States Constitution embodies  
6 principles intended to guarantee freedom of religion both through the free exercise of religion  
7 and by prohibiting the government's establishing a religion; and8 **WHEREAS** the Pledge of Allegiance was written by Francis Bellamy, a Baptist  
9 minister, and was first published in the September 8, 1892, issue of Youth's Companion; and10 **WHEREAS**, in 1954, the United States Congress added the words "under God" to the  
11 Pledge of Allegiance; and12 **WHEREAS** President Eisenhower, in adding these words, said "These words will  
13 remind Americans that despite our great physical strength we must remain humble. They will  
14 help us to keep constantly in our minds and hearts the spiritual and moral principles which  
15 alone give dignity to man, and upon which our way of life is founded."; and16 **WHEREAS**, for nearly 50 years, the Pledge of Allegiance has included references to

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

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

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

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

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

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

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

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

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