

SJR

10

## SENATE COMMITTEE REPORT First Committee of Referral

DATE: 3/10/03

FURTHER:

Date of 5-Day Notice: 3/13/03  
(in accordance with Uniform Rule 23)

DATE TURNED  
IN TO OFFICE: 3/19/03

State Affairs Committee considered SENATE JOINT RESOLUTION NO. 10

### SJR 10 PLEDGE OF ALLEGIANCE RESOLUTION

Relating to the Pledge of Allegiance.

and recommends:

be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)

adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)

attached amendment(s)

adopt Letter of Intent by \_\_\_\_\_ Committee

further referral to \_\_\_\_\_ Committee

**Senate Bill:**

same title

new title

**House Bill:**

same title

technical title

new: SCR # \_\_\_\_\_

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#
STA	3/19/03		✓	1

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>John J. Caudery</i>	✓			
<i>Paul J. ...</i>	✓			
<i>Paul J. ...</i>	✓			
CHAIR: <i>[Signature]</i>	✓			

# FISCAL NOTE

**STATE OF ALASKA**  
**2003 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: SJR 10  
 (S) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: \_\_\_\_\_  
 Title Pledge of Allegiance Resolution BRU \_\_\_\_\_  
 Component \_\_\_\_\_  
 Sponsor Senator Green Component No. \_\_\_\_\_  
 Requester Senate State Affairs Committee

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2003) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

Prepared by: SENATE STATE AFFAIRS COMMITTEE Phone 465-4522  
 Division \_\_\_\_\_ Date/Time 3/14/03 3:11 PM  
 Approved by: Senator Gary Stevens, Chair Date 3/14/2003  
 Agency \_\_\_\_\_

# ALASKA STATE LEGISLATURE



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Wasilla, Alaska 99654  
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## SENATOR LYDA GREEN SENATE DISTRICT G

### SPONSOR STATEMENT Senate Joint Resolution 10

#### "Relating to the Pledge of Allegiance"

Senate Joint Resolution 10 resolves that the Alaska State Legislature supports a review by the United States Supreme Court of the *Newdow V. U.S. Congress* decision.

In *Newdow vs. United States Congress*, a panel of the Ninth Circuit decided that the recitation of the Pledge of Allegiance in public schools was unconstitutional. The Ninth Circuit Court of Appeals confirmed this decision and granted a 90 day stay to the California School District to appeal to the Supreme Court. If this decision is not reviewed, public schools in nine western states, including Alaska, will be banned from reciting the pledge.

SJR 10 expresses the support of the Alaska State Legislature for the review of *Newdow vs. U.S. Congress* by the United States Supreme Court and of our firm belief of the principles and ideals stated in our nation's Pledge of Allegiance.

I ask for your support in the passage of this resolution.

108TH CONGRESS  
1ST SESSION

# S. RES. 71

Expressing support for the Pledge of Allegiance.

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## IN THE SENATE OF THE UNITED STATES

MARCH 4, 2003

Ms. MURKOWSKI (for herself, Mr. McCONNELL, Mr. GREGG, Mr. HATCH, Mr. ALLEN, Mr. ALEXANDER, Mr. ALLARD, Mr. BENNETT, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. CHAFEE, Mr. CHAMBLISS, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEWINE, Mrs. DOLE, Mr. ENSIGN, Mr. FITZGERALD, Mr. GRAHAM of South Carolina, Mr. HAGEL, Mrs. HUTCHISON, Mr. INHOFE, Mr. KYL, Mr. LOTT, Mr. LUGAR, Mr. MCCAIN, Mr. NICKLES, Mr. ROBERTS, Mr. SANTORUM, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. WARNER, Mr. SESSIONS, and Ms. LANDRIEU) submitted the following resolution; which was ordered held at the desk

MARCH 4, 2003

Considered, amended, and agreed to

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## RESOLUTION

Expressing support for the Pledge of Allegiance.

Whereas a 3-judge panel of the Ninth Circuit Court of Appeals has ruled in *Newdow v. United States Congress* that the words "under God" in the Pledge of Allegiance violate the Establishment Clause when recited voluntarily by students in public schools;

Whereas the Ninth Circuit has voted not to have the full court, en banc, reconsider the decision of the panel in Newdow;

Whereas this country was founded on religious freedom by the Founding Fathers, many of whom were deeply religious;

Whereas the First Amendment to the Constitution embodies principles intended to guarantee freedom of religion both through the free exercise thereof and by prohibiting the Government establishing a religion;

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

Whereas Congress, in 1954, added the words "under God" to the Pledge of Allegiance;

Whereas the Pledge of Allegiance has for almost 50 years included references to the United States flag, the country, to our country having been established as a union "under God" and to this country being dedicated to securing "liberty and justice for all";

Whereas Congress in 1954 believed it was acting constitutionally when it revised the Pledge of Allegiance;

Whereas the 107th Congress overwhelmingly passed a resolution disapproving of the panel decision of the Ninth Circuit in Newdow, and overwhelmingly passed legislation recodifying Federal law that establishes the Pledge of Allegiance in order to demonstrate Congress's opinion that voluntarily reciting the Pledge in public schools is constitutional;

Whereas the Senate believes that the Pledge of Allegiance, as revised in 1954 and as recodified in 2002, is a fully constitutional expression of patriotism;

Whereas the National Motto, patriotic songs, United States legal tender, and engravings on Federal buildings also refer to "God"; and

Whereas in accordance with decisions of the United States Supreme Court, public school students are already protected from being compelled to recite the Pledge of Allegiance: Now, therefore, be it

1       *Resolved*, That the Senate—

2           (1) strongly disapproves of a decision by a  
3       panel of the Ninth Circuit in *Newdow*, and the deci-  
4       sion of the full court not to reconsider this case en  
5       bane; and

6           (2) authorizes and instructs the Senate Legal  
7       Counsel either to seek to intervene in the case to de-  
8       fend the constitutionality of the words "under God"  
9       in the Pledge, or to file an *amicus curiae* brief in  
10       support of the continuing constitutionality of the  
11       words "under God" in the Pledge.

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