

108TH CONGRESS
1ST SESSION

S. RES. 71

Expressing support for the Pledge of Allegiance.

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

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 banc; 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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