

## 2003 SESSION

INTRODUCED

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### HOUSE JOINT RESOLUTION NO. 609

Offered January 8, 2003

Prefiled January 7, 2003

*Encouraging the United States Court of Appeals for the Ninth Circuit to uphold the Pledge of Allegiance in its current form.*

Patrons—Cole, Cosgrove, Joannou, Johnson, Marshall, D.W., Petersen, Phillips and Stump

Referred to Committee on Rules

WHEREAS, the Pledge of Allegiance to the Flag of the United States of America in its current form was officially adopted by the United States Congress with the concurrence of the President of the United States in 1954; and

WHEREAS, the Declaration of Independence and many other founding documents of the United States of America acknowledge and make reference to God; and

WHEREAS, the United States Congress, the Virginia House of Delegates, and many other legislative and governing bodies in the United States begin sessions with prayer seeking Divine blessing on their deliberations; and

WHEREAS, the Supreme Court of the United States begins each of its sessions with "God save the United States and this honorable court"; and

WHEREAS, the official motto of the United States of America is "In God We Trust"; and

WHEREAS, the Virginia Declaration of Rights guarantees that all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and

WHEREAS, the First Amendment to the Constitution of the United States forbids the United States Congress from prohibiting the free exercise of religion or abridging the freedom of speech; and

WHEREAS, on June 26, 2002, a three-judge panel for the United States Court of Appeals for the Ninth Circuit declared the current Pledge of Allegiance unconstitutional because it contains the phrase "under God"; and

WHEREAS, a prohibition of the recitation of the phrase "under God" in the Pledge of Allegiance could be considered a violation of the First Amendment to the Constitution and the Virginia Declaration of Rights and not in keeping with the established tradition of the United States and the Commonwealth of Virginia; and

WHEREAS, the Virginia House of Delegates, and many other legislative and governing bodies and schools in the United States routinely recite the Pledge of Allegiance to the Flag of the United States; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the United States Court of Appeals for the Ninth Circuit be encouraged to uphold the Pledge of Allegiance in its current form; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the Clerk of the United States Court of Appeals for the Ninth Circuit, requesting that such Clerk further disseminate copies of this resolution to the United States Court of Appeals for the Ninth Circuit so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

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