

## 2004 SESSION

INTRODUCED

047437272

### HOUSE JOINT RESOLUTION NO. 179

Offered January 14, 2004

Prefiled January 14, 2004

*Encouraging the United States Supreme Court to uphold a public school district policy that requires teachers to lead willing students in reciting the Pledge of Allegiance.*

Patrons—Cole, Albo, Carrico, Cline, Hugo, Janis, Lingamfelter, Marrs, Marshall, D.W., Oder, Orrock, Pollard, Reese, Rust and Saxman; Senators: Bell, Bolling, Devolites, Houck, Martin, Mims, O'Brien, Obenshain and Rerras

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, the Virginia Senate, 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, on February 28, 2003, the Court issued an amended opinion, declining to rule on the constitutionality of the 1954 law, but affirming its earlier ruling that the school district's policy and practice of teacher-led recitation of the Pledge, with the inclusion of the added words "under God," violates the Establishment Clause; and

WHEREAS, the United States Supreme Court announced on October 14, 2003, that it would review from the Ninth Circuit the case of *Elk Grove Unified School District v. Newdow* and the issue of whether a school district can require teachers to lead "willing students" in reciting the pledge, including the words "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 Supreme Court be encouraged to uphold a public school district policy that requires teachers to lead willing students in reciting the Pledge of Allegiance; 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 Supreme Court, requesting that such Clerk further disseminate copies of this resolution to the Justices of the United States Supreme Court so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

INTRODUCED

HJ179