

## **H. Res. 459**

### ***In the House of Representatives, U.S.,***

*June 27, 2002.*

Whereas on June 26, 2002, the Ninth Circuit Court of Appeals held that the Pledge of Allegiance is an unconstitutional endorsement of religion, stating that it “impermissibly takes a position with respect to the purely religious question of the existence and identity of God,” and places children in the “untenable position of choosing between participating in an exercise with religious content or protesting.”;

Whereas the Pledge of Allegiance is not a prayer or a religious practice, the recitation of the pledge is not a religious exercise;

Whereas the Pledge of Allegiance is the verbal expression of support for the United States of America, and its effect is to instill support for the United States of America;

Whereas the United States Congress recognizes the right of those who do not share the beliefs expressed in the Pledge to refrain from its recitation;

Whereas this ruling is contrary to the vast weight of Supreme Court authority recognizing that the mere mention of God in a public setting is not contrary to any reasonable reading of the First Amendment. The Pledge of Allegiance is not a religious service or a prayer, but it is a

statement of historical beliefs. The Pledge of Allegiance is a recognition of the fact that many people believe in God and the value that our culture has traditionally placed on the role of religion in our founding and our culture. The Supreme Court has recognized that governmental entities may, consistent with the First Amendment, recognize the religious heritage of America;

Whereas the notion that a belief in God permeated the founding of our Nation was well recognized by Justice Brennan, who wrote in *School District of Abington Township v. Schempp*, 374 U.S. 203, 304 (1963) (Brennan, J., concurring), that “[t]he reference to divinity in the revised pledge of allegiance \* \* \* may merely recognize the historical fact that our Nation was believed to have been founded ‘under God.’. Thus reciting the pledge may be no more of a religious exercise than the reading aloud of Lincoln’s Gettysburg Address, which contains an allusion to the same historical fact.”; and

Whereas this ruling treats any religious reference as inherently evil and is an attempt to remove such references from the public arena: Now, therefore, be it

*Resolved*, That it is the sense of the House of Representatives that—

(1) the Pledge of Allegiance, including the phrase “One Nation, under God,” reflects the historical fact that a belief in God permeated the founding and development of our Nation;

(2) the Ninth Circuit’s ruling is inconsistent with the United States Supreme Court’s First Amendment jurisprudence that the Pledge of Allegiance and similar

expressions are not unconstitutional expressions of religious belief;

(3) the phrase “One Nation, under God,” should remain in the Pledge of Allegiance; and

(4) the Ninth Circuit Court of Appeals should agree to rehear this ruling en banc in order to reverse this constitutionally infirm and historically incorrect ruling.

Attest:

*Clerk.*