

109TH CONGRESS
1ST SESSION

S. RES. 243

Expressing Support for the Pledge of Allegiance.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 15, 2005

Mr. TALENT (for himself, Mr. FRIST, Mr. SANTORUM, Mr. MCCONNELL, Mr. CORNYN, Mr. BROWNBACK, Mr. LOTT, Mr. GRASSLEY, Mr. MARTINEZ, Mr. BUNNING, Mr. ALLEN, Mr. BURNS, Mr. STEVENS, Mr. DEMINT, Mr. THUNE, Mr. ENSIGN, and Mr. KYL) submitted the following resolution; which was considered and agreed to

RESOLUTION

Expressing Support for the Pledge of Allegiance.

Whereas on June 26, 2002, a 3-judge panel of the Ninth Circuit Court of Appeals ruled in *Newdow v. United States Congress* that the words “under God” in the Pledge of Allegiance violate the Establishment Clause of the United States Constitution when recited voluntarily by students in public schools;

Whereas on March 4, 2003, the United States Senate passed a resolution disapproving of the Ninth Circuit’s decision in *Newdow* by a vote of 94–0;

Whereas on June 14, 2004, the Supreme Court of the United States dismissed the case, citing the plaintiff’s lack of standing;

Whereas on January 3, 2005, the same plaintiff and 4 other parents and their minor children filed a second suit in the Eastern District of California challenging the words “under God” in the Pledge of Allegiance;

Whereas on September 14, 2005, the Eastern District of California declined to dismiss the new Newdow case, holding that the Ninth Circuit’s earlier ruling that the words “under God” in the Pledge of Allegiance violate the Establishment Clause was still binding precedent;

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

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

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

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

Whereas the Pledge of Allegiance has for more than 50 years included references to the United States flag, 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 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, as recodified in 2002, and as recognized in a resolution in 2003, 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,*

2 SEC. 1. That the Senate strongly disapproves of the
3 September 14, 2005, decision by the United States Dis-
4 trict Court for the Eastern District of California in
5 *Newdow, et al. v. The Congress of the United States of*
6 *America, et al.*

7 SEC. 2. That the Senate authorizes and instructs the
8 Senate Legal Counsel to continue to cooperate fully with
9 the Attorney General in this case in order to vigorously
10 defend the constitutionality of the Pledge of Allegiance.

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