



**House
Legislative
Analysis
Section**

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**RECITE PLEDGE OF ALLEGIANCE
BEFORE LEGISLATIVE SESSION**

**House Bill 4017 as introduced
First Analysis (7-2-02)**

**Sponsor: Rep. Sal Rocca
Committee: House Oversight and
Operations (discharged)**

THE APPARENT PROBLEM:

On June 26, 2002, the Ninth Circuit of the U.S. Court of Appeals ruled that the 1954 act of Congress that added the words “under God” to the pledge of allegiance, and a school district’s policy and practice of teacher-led recitation of the pledge, violates the Establishment Clause of the U.S. Constitution (*Newdow v. U.S. Congress*). The decision is stayed pending appeal.

Many people are outraged by this decision, which has prompted an outpouring of support for the pledge of allegiance. In response to the ruling, members of the U.S. Congress publicly recited the pledge on the steps of the Capitol. Similarly, members of the Michigan legislature recited the pledge of allegiance together and have called for the reversal of the ruling.

Prior to the court decision, legislation was introduced to require that legislative sessions begin with a recitation of the pledge of allegiance.

THE CONTENT OF THE BILL:

The bill would amend Public Act 67 of 1877 (“An act relative to the organization of the meetings of the legislature”) to add a new section to require each daily session of each house of the legislature to begin with a recitation of the pledge of allegiance to the flag of the United States of America.

MCL 4.42a

BACKGROUND INFORMATION:

The pledge of allegiance. The pledge reads: “I pledge allegiance to the flag of the United States of America and to the republic for which it stands; one nation under God, indivisible, with liberty and justice for all”.

History of the pledge of allegiance. According to published reports, the original pledge of allegiance

was written in 1892 by Francis Bellamy for “The Youth’s Companion” magazine. The original wording of the pledge was, “I pledge allegiance to my flag and the Republic for which it stands – One nation indivisible – with liberty and justice for all”. On October 12, 1892, some 12 million American school children recited it to commemorate the 400-year anniversary of Columbus’ voyage. In 1923, the first National Flag Conference voted to change the words “my flag” to “the flag of the United States of America”. Congress officially recognized the pledge of allegiance in 1942, and in 1943, the U.S. Supreme Court ruled that public school students could not be required to recite it (*West Virginia State Board of Education v. Barnette et al.*). The words “under God” were added by Congress in 1954, at the urging of President Eisenhower, who stated at the time, “In this way we are reaffirming the transcendence of religious faith in America’s heritage and future; in this way we shall constantly strengthen those spiritual weapons which forever will be our country’s most powerful resource in peace and war”.

FISCAL IMPLICATIONS:

The House Fiscal Agency reports that the bill has no fiscal implications. (10-23-01)

ARGUMENTS:

For:

As elected officials, members of the legislature should lead by example and incorporate the pledge of allegiance into their session day routine. At present, the pledge is recited in many school classrooms each day, and often it is used to open local government meetings and community events. The pledge provides an affirmation of the shared sense of purpose of the citizenry of the United States, and serves as a reminder of the spirit of unity that has been so recently invoked in response to the tragedy of terrorist attacks. It should be noted that a majority of

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the members of the House have cosponsored House Resolution 223, which encourages all public schools to say the pledge of allegiance before class begins on each day of school.

Against:

This is a matter more appropriately addressed in the rules of the House and the Senate, rather than in statute.

What is more, to enact this bill in response to the court decision sends a message to nonbelievers “that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members of the political community” (*Lynch v Donnelly*, cited in *Newdow v U.S. Congress*).

POSITIONS:

The ACLU of Michigan opposes the bill. (7-2-02)

Analyst: D. Martens

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.