

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 4017 (as reported with amendment)
Sponsor: Representative Sal Rocca
House Committee: House Oversight and Operations
Senate Committee: Government Operations

Date Completed: 10-9-02

RATIONALE

The Pledge of Allegiance is a statement that, when recited, allows individuals in group settings to express together patriotism and dedication to the U.S. flag and to what it represents. The Pledge is, perhaps, the most recognized and memorized statement of support for this nation.

Recently, the Michigan Senate amended its rules to require that the Pledge of Allegiance be included in its daily order of business, and there is a House Resolution proposing to establish this requirement in House rules. Some people feel that the requirement also should be placed in statute.

CONTENT

The bill would amend Public Act 67 of 1877 to require each daily session of each house of the Legislature to include a recitation of the Pledge of Allegiance to the Flag of the United States of America. Public Act 67 of 1877 provides for the organization of the Legislature, and prescribes certain convening times and procedures for each house of the Legislature, and duties of the Secretary of the Senate and the Clerk of the House.

Proposed MCL 4.42a

BACKGROUND

The Pledge of Allegiance reads as follows: "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."

The original Pledge of Allegiance was written in 1892 by Francis Bellamy, a Baptist minister,

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" ("The Pledge of Allegiance--A Short History", John W. Baer). Through the years, the words to the Pledge were changed. In 1923, the first National Flag Conference voted to change the words "my flag" to "the flag of the United States of America". Congress codified this version in Federal statute in 1942. In 1954, an amendment to the statute added the words "under God" to the Pledge.

The Pledge has been the subject of court cases. In 1943, the U.S. Supreme Court held unconstitutional a school district's wartime policy of punishing students who refused to recite the Pledge and salute the flag (*West Virginia State Board of Education v Barnette*, 319 U.S. 624.) A controversial decision was rendered this summer by the U.S. Court of Appeals for the Ninth Circuit. On June 26, 2002, the Court 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, violated the Establishment Clause of the U.S. Constitution (*Newdow v U.S. Congress*, No. 00-16423). The decision is stayed pending appeal. (The Establishment Clause is found in the First Amendment, which reads in part, "Congress shall make no law respecting an establishment of religion...".)

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

For many years, in many classrooms across the country, the day begins with a recitation of the Pledge of Allegiance; likewise, it is commonly used to open local government meetings and community events. The Pledge is easier to recite and less voluminous than the Preamble to the Constitution or the opening paragraphs of the Declaration of Independence, yet powerful in its concise statement of allegiance to the flag and to the ideals of liberty and justice. Reciting the pledge reminds people of their common goal to strive for the ideals of freedom and justice, and to pledge themselves, as individuals, toward attainment of those goals as a united people. As elected officials from across the State, members of the Legislature should set an example for those they represent and include the Pledge of Allegiance in each session day.

Opposing Argument

The bill is unnecessary. If the members of a house of the Legislature wish to include the Pledge of Allegiance as part of each session day, they only need to pass a resolution to do so.

Legislative Analyst: George Towne

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Bill Bowerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.