

SCR 10, As adopted by Senate, March 24, 2004

Senators Birkholz, Hardiman, Patterson, Bishop, Brown, Jelinek, Sanborn, Cassis, Kuipers, Goschka and Garcia offered the following concurrent resolution:

Senate Concurrent Resolution No. 10.

A concurrent resolution to urge the United States Supreme Court to reverse the decision of the Ninth United States Circuit Court of Appeals regarding the constitutionality of the Pledge of Allegiance with the phrase "under God."

Whereas, On February 28, 2003, the San Francisco-based Ninth United States Circuit Court of Appeals decided not to revisit an earlier decision by a three-judge panel regarding the unconstitutionality of the Pledge of Allegiance with the phrase "under God." In doing so, this court has turned down the President's request to rehear the case and turned away from considering factors that prove the appropriateness of the words "under God" in this revered declaration of loyalty to the flag and our republic; and

Whereas, The notion that the nonspecific two-word reference of "under God" constitutes an endorsement of a state religion or any religion at all is difficult to fathom. Americans have pledged their allegiance to the flag of the United States of America, with this contested phrase, for nearly five decades. It should be clear to all that, in that time, the freedom to worship, or not worship, has not been diminished in any way; and

Whereas, The public outcry in reaction to the court's refusal to reconsider the earlier ruling reflects the strong feelings that people in Michigan and across the country have for the Pledge of Allegiance. Americans have recited this affirmation of loyalty, with these two words, proudly for fifty years. The ruling is in direct conflict with patriotic references to a deity that have been part of our nation since the Declaration of Independence; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the United States Supreme Court to reverse the decision of the Ninth United States Circuit Court of Appeals regarding the constitutionality of the Pledge of Allegiance with the phrase "under God". We urge the nation's highest court to act quickly to affirm the status of the Pledge of Allegiance as we have recited it for the past five decades; and be it further

Resolved, That copies of this resolution be transmitted to the United States Supreme Court.