

## HOUSE JOINT RESOLUTION NO. 36

INTRODUCED BY PATTISON, ANDERSEN, ANDERSON, BALES, BALYEAT, BARKUS, BARRETT, BITNEY, BLACK, BOHLINGER, BOOKOUT-REINICKE, D. BROWN, R. BROWN, BRUEGGEMAN, BUTCHER, E. CLARK, CURTISS, DEPRATU, DEVLIN, DICKENSON, ESP, EVERETT, FISHER, FUCHS, GEBHARDT, GILLAN, GLASER, GOLIE, GRIMES, HAINES, HAWK, HEDGES, HURWITZ, JACKSON, JACOBSON, JENT, JOHNSON, KASTEN, KAUFMANN, KEENAN, KITZENBERG, LAIBLE, LAKE, LAMBERT, LANGE, LAWSON, LEHMAN, LEWIS, LINDEEN, MAEDJE, MAHLUM, MALCOLM, MCGEE, MCNUTT, MENDENHALL, MOOD, MORGAN, NELSON, O'NEIL, A. OLSON, B. OLSON, PETERSON, RICE, RIPLEY, ROBERTS, ROME, ROSS, SALES, SCHMIDT, SCHRUMPF, SINRUD, SPRAGUE, STAPLETON, STEINBEISSER, STOKER, STORY, TASH, TAYLOR, TESTER, B. THOMAS, F. THOMAS, TROPILA, WAGMAN, WAITSCHIES, WEISS, WITT, YOUNKIN, ZOOK

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE UNITED STATES SUPREME COURT TO OVERTURN THE DECISION BY THE NINTH CIRCUIT COURT OF APPEALS FINDING THAT A TEACHER-LED RECITATION OF THE PLEDGE OF ALLEGIANCE AND THE STATUTE INSERTING THE WORDS "UNDER GOD" INTO THE PLEDGE OF ALLEGIANCE VIOLATED THE ESTABLISHMENT CLAUSE CONTAINED IN THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION.

WHEREAS, section 4 of the Enabling Act for the State of Montana requires that the state Constitution may not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence; and

WHEREAS, the first paragraph of the Declaration of Independence recognizes that people have the right to assume among the powers of the earth the separate and equal station to which the laws of nature and of nature's God entitle them; and

WHEREAS, the second paragraph of the Declaration of Independence recognizes that all people are created equal and are endowed by their Creator with certain unalienable rights; and

WHEREAS, the Constitution of the United States should not be interpreted as restricting the principles articulated in the Declaration of Independence; and

WHEREAS, the Pledge of Allegiance embodies and states the principles enumerated in the Declaration of Independence and the Constitution of the United States.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the United States Supreme Court is urged to overturn the holding in Newdow v. U.S. Congress, 292 F.3d 597 (9th Cir. 2002), that the teacher-led recitation of the Pledge of Allegiance and the statute inserting the words "under God" into the Pledge of Allegiance violate the Establishment Clause contained in the First Amendment to the United States Constitution.

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the United States Supreme Court, the Montana Congressional Delegation, and the President of the United States.

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