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**NEWS RELEASE**



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## **Alaska Joins 49 Other States in Signing Amicus Brief in *Newdow* Pledge of Allegiance Case**

(Juneau, AK) – Attorney General Gregg Renkes announced today that Alaska signed on to an amicus curiae, or “friend of the court” brief, filed with the United States Supreme Court by Texas Attorney General Greg Abbott. The brief urges the court to uphold the constitutionality of reciting the Pledge of Allegiance in schools.

“The Pledge of Allegiance is a symbol of our country’s heritage and every state in the nation agrees that the Court should protect it,” Attorney General Renkes said. “Every child shall have the right to recite the Pledge in school or refrain from participating.”

All 50 states joined the brief which addresses a case involving a California man who contends that public school children reciting the Pledge of Allegiance violates the U.S. Constitution because the Pledge contains the words “under God.” The Elk Grove Unified School District appealed the case to the Supreme Court after the Ninth Circuit Court of Appeals ruled the words “under God” violate the First Amendment’s clause prohibiting establishment of a state religion.

The states argue that the words “under God” acknowledge the country’s religious heritage, and do not establish a religion. The brief states, “From the time of the Founding, our Nation has recognized her religious heritage, and the Constitution has never been understood to prohibit those acknowledgments.”

“The Pledge is an acknowledgement of the respect that our country has for one of the most important symbols of our freedom; a symbol that many men and women died for,” Attorney General Renkes stated. “The Ninth Circuit decision turns its back on the generally accepted understanding of our country’s religious heritage.”

The states further argue that virtually every Supreme Court reference to the Pledge of Allegiance, both by the Court as a whole and repeatedly by individual justices, all concur that the Pledge is entirely consistent with the First Amendment.

Justice Brennan wrote in *School District of Abington Township v. Schempp*, “The reference to divinity in the revised pledge of allegiance...may merely recognize the historical fact that our Nation was believed to have been founded ‘under God.’ Thus reciting the pledge may be no

more of a religious exercise than the reading aloud of Lincoln’s Gettysburg Address, which contains an allusion to the same historical fact.”

The Court’s decision in the current case, *Elk Grove Unified School District v. Newdow*, will directly impact the laws of at least 43 states, including Alaska. An Alaska statute requires students to recite the Pledge, unless they prefer not to participate. The statute also states that no one can use a student or employee’s desire to refrain from saying the Pledge to evaluate them.

After an early version first appeared in a youth publication in 1892, the Pledge of Allegiance grew in notoriety and changed form until Congress officially adopted it in 1942. Congress added the words “under God” in 1954.

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