

Court's ruling on 'under God' in pledge seen as 'breath of fresh air'

SAN FRANCISCO - A federal appeals court's ruling upholding the constitutionality of the phrase "one nation under God" in the Pledge of Allegiance is a "breath of fresh air from a court system that has too often seemed to be almost allergic to public references to God," according to the head of the Knights of Columbus.

Carl A. Anderson, supreme knight, also called the March 11 decision by a three-judge panel of the 9th U.S. Circuit Court of Appeals, based in San Francisco, a "victory for common sense."

The Knights of Columbus, which led efforts to persuade Congress to add the phrase to the pledge in 1954, joined the case as defendants when it was filed in 2005 by California atheist Dr. Michael Newdow, a physician with a law degree.

Writing for the majority in the 2-1 opinion, Judge Carlos T. Bea said, "Not every mention of God or religion by our government or at the government's direction is a violation of the Establishment Clause" of the First Amendment to the U.S. Constitution.

"Without knowing the history behind these words, one might well think the phrase 'one nation under God' could not be anything but religious," he said in the 60-page majority opinion. "History, however, shows these words have an even broader meaning, one grounded in philosophy and politics and reflecting many events of historical significance.

"The pledge is constitutional," Bea added. "The Pledge of Allegiance serves to unite our vast nation through the proud recitation of some of the ideals upon which our republic was founded and for which we continue to strive: one nation under God - the founding fathers' belief that the people of this nation are endowed by their Creator."

Newdow had charged that references to God in the pledge disrespected his religious beliefs. In an earlier challenge to the phrase, Newdow had said recitation of the

pledge in public schools violated his daughter's constitutional rights and the 9th circuit court agreed in 2002.

But the U.S. Supreme Court overturned that ruling in 2004 on technical grounds, saying that Newdow lacked standing to sue on behalf of his daughter because he did not have primary custody of her. The second case was brought on behalf of an anonymous student dubbed "Roechild."

"Today, the (9th circuit) court got it absolutely right: Recitation of the pledge is a patriotic exercise, not a religious prayer," Anderson said in a March 11 statement. "Best of all, the court said that the words 'under God' add a 'note of importance which a pledge to our nation ought to have and which in our culture, ceremonial references to God arouse."

In a dissenting opinion, Judge Stephen Reinhardt criticized his fellow judges for failing to fulfill their constitutional obligation and said the ruling "will undoubtedly be celebrated by a large number of Americans as a repudiation of activist, liberal, godless judging."

In a separate decision also announced March 11, the San Francisco court ruled unanimously that Newdow did not have legal standing to challenge the use of the words "in God we trust" on U.S. currency.

"Although Newdow alleges the national motto turned atheists into political outsiders and inflicts a stigmatic injury upon them, an 'abstract stigmatic injury' resulting from such outsider status is insufficient to confer standing," Bea wrote in the majority opinion.