

Court Upholds 'Under God' in Pledge

✖ A federal appeals court ruled on Thursday that the phrases “under God” in the Pledge of Allegiance and “In God We Trust” on U.S. currency do not violate the separation of church and state.

In their 2-1 decision, the ninth U.S. Circuit Court of Appeals in San Francisco rejected the argument by atheist Michael Newdow that the references to God disrespect his religious beliefs. The court said federal law does not require students to recite the pledge or the phrase “under God.”

“Not every mention of God or religion by our government or at the government’s direction is a violation of the Establishment Clause,” wrote Judge Carlos T. Bea for the majority, citing tax exemptions for religious groups and Nativity and Ten Commandments displays on government property that have been upheld by the Supreme Court.

“The Pledge is constitutional,” Bea wrote. “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.”

The ninth Circuit ruled in Newdow’s favor in 2002 after he sued his daughter’s school district for having students recite the pledge. The case reached the U.S. Supreme Court, but the court ruled in 2004 that Newdow lacked the legal standing to file the suit because he didn’t have primary custody of his daughter.

Newdow, who is a doctor with a law degree, filed an identical legal challenge on behalf of other parents who objected to

students reciting the pledge at school. In 2005, a federal judge in Sacramento ruled that the pledge was unconstitutional.

In a separate decision Thursday, the ninth Circuit ruled that the inscription of "In God We Trust" on coins and currency also did not violate the First Amendment, saying the phrase is patriotic and not religious.

Other federal appeals courts have upheld schools' right to lead students in reciting the pledge. Both Newdow and supporters of preserving the phrase "under God" have said the unity among the circuit courts on the references to God makes it unlikely that the Supreme Court will again review the decision, the *Los Angeles Times* reported.