

SUBJECT: Adding “one state under God” to state flag pledge of allegiance

COMMITTEE: Culture, Recreation, and Tourism — favorable, without amendment

VOTE: 4 ayes — Hilderbran, Homer, O’Day, Phillips
0 nays
3 absent — Kuempel, Dukes, D. Howard

WITNESSES: For — Jonathan Saenz, Freemarket Foundation
Against — None
On — Larry Oaks, Texas Historical Commission

BACKGROUND: Under Government Code, sec. 3100.101, the pledge of allegiance to the state flag is: “Honor the Texas flag; I pledge allegiance to thee, Texas, one and indivisible.”

DIGEST: HB 1034 would add the words “state under God” immediately after the word “one” in the current Texas Pledge of Allegiance.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2007.

SUPPORTERS SAY: HB 1034 would change the Texas Pledge of Allegiance in order to acknowledge the state’s Judeo-Christian heritage. This bill would not be a specific endorsement of any religion but would honor the intentions under which the state of Texas was founded. Early settlers were denied the right to worship freely, so the Texas Constitution specifically enumerated that “all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences.” Words are important, and since the time of the nation’s founding through modern times, the presence and influence of God has been intrinsically associated with the political and social culture of the United States. To that end, on June 14, 1954, President Dwight D. Eisenhower signed legislation providing the

words “under God...” to the Pledge of Allegiance. It is time for Texas to catch up to the national standard.

OPPONENTS
SAY:

HB 1034 would create a statewide endorsement of Judeo-Christian beliefs. By adding “under God” to the Texas Pledge of Allegiance, this bill would operate in violation of the Texas Constitution, which requires that “no preference shall ever be given by law to any religious society or mode of worship.” The Texas Pledge of Allegiance is recited in government institutions daily, including public schools and public meetings, where overt endorsement of Judeo-Christian monotheism may be inappropriate. While the United States added “under God” to its Pledge of Allegiance in 1954, it was to recognize a supreme being and advance religion at a time when the government was publicly inveighing against atheistic communism. More recently, a three-judge panel of the 9th Circuit Court of Appeals ruled the U. S. Pledge of Allegiance unconstitutional as government establishment of religion in 2002. When it reached the Supreme Court in 2004, the court allowed the phrase to remain but fell short of endorsing it in law.

NOTES:

HB 1034 was withdrawn from the Local, Consent, and Resolutions Calendar and transferred to the Calendars Committee.