

House OKs bill to block court rulings on 'under God' Onslaught of court-stripping proposals: Onslaught of court-stripping proposals

News in the [October 19, 2004](#) issue

The U.S. House approval of a bill that would prevent courts from ruling on whether “under God” belongs in the Pledge of Allegiance has prompted a quick response from groups concerned about religious freedom and what critics called a series of “court-stripping” bills.

By a vote of 247-173, the House on September 23 passed the legislation that could affect the Supreme Court as well as lower federal courts. It would prohibit them from hearing cases involving the recitation of the pledge and prevent federal courts from striking the words “under God” from it.

The Baptist Joint Committee, a Washington-based group that endorses church-state separation, called the Pledge Protection Act “a dangerous attack on our country’s religious freedom and our system of government.” Said Barry Lynn, executive director of Americans United for Separation of Church and State, “The supporters of this bill have shown callous disregard for longstanding constitutional principles.”

In June the Supreme Court dismissed a case involving a dispute over the two words in the pledge when it determined that a California atheist had no standing to challenge the phrase. That decision reversed a lower court ruling from 2002 that found “under God” unconstitutional.

Christian conservative groups cheered the House vote. Said Tom Minnery, vice president of public policy for Focus on the Family, “We need to send a strong message to the courts that they must stop trying to redefine our culture in ways the voters would never approve.”

Consideration of the “pledge” legislation in the Senate is not likely this year, but critics said the bill is ominous because it represents a preemptive measure to prevent future court challenges.

Democrats said that the onslaught of court-stripping proposals vindicated their earlier warnings about the danger of the so-called Marriage Protection Act.

“If this debate was really about whether ‘under God’ was going to be in the Pledge of Allegiance, I’d be right there” with the bill’s supporters, said Democratic Congressman Mel Watt of North Carolina. “But this debate is about much, much more than that. It’s about whether there’s going to be a constitutional framework under which we operate.”

The move came just a few weeks after the House approved a similar “court-stripping” bill that would remove from federal judicial review cases involving the Defense of Marriage Act. In addition, according to Associated Baptist Press, a broader court-stripping bill that would remove from the federal courts authority to decide a much wider array of cases involving governmental endorsement of religion remains in the House’s legislative pipeline.