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Bill creates shield for pledge

House OKs barring federal jurists from ruling on 'under God' issue

By Jim Abrams

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WASHINGTON — The U.S. House, citing the nation's religious origins, voted Wednesday to protect the Pledge of Allegiance from federal judges who might try to stop schoolchildren and others from reciting it because of the phrase "under God."

The legislation, a priority of social conservatives, passed 260-167. It now goes to the Senate, where its future is uncertain.

"We should not and cannot rewrite history to ignore our spiritual heritage," said Rep. Zach Wamp, R-Tenn. "It surrounds us. It cries out for our country to honor God."

Opponents said the legislation, which would bar federal courts from ruling on the constitutional validity of the pledge, would undercut judicial independence and would deny access to federal courts to religious minorities seeking to defend their rights.

"We are making an all-out assault on the Constitution of the United States which, thank God, will fail," said Minority Leader Nancy Pelosi, D-Calif.

The pledge bill would deny jurisdiction to federal courts, and appellate jurisdiction to the Supreme Court, to decide questions pertaining to the interpretation or constitutionality of the pledge. State courts could still decide whether the pledge is valid within the state.

9th Circuit ruling reversed

The legislation grew out of a 2002 ruling by the 9th U.S. Circuit Court of Appeals that the pledge is unconstitutional when recited in public schools.

The Supreme Court in 2004 reversed that decision on a technicality, saying Sacramento atheist Michael Newdow did not have legal standing to sue on behalf of his daughter because the mother had custody of the child.

Newdow has since revived the case, and last year a U.S. District judge ruled in his favor.

Newdow, an attorney and medical doctor, said in an interview that he hoped the bill would pass to expose the aims of its supporters. "They're willing to ruin this country so they can keep their God in our country. I love the fact that they are having a vote." He said he expected a final ruling in his case in about a year.

Supporters argued that the "under God" phrase, added to the pledge in 1954, was intrinsic to the nation's heritage and traditions and must be shielded from unelected judges.

The Senate has a companion bill, but it is unclear whether it will be addressed this session.

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- Democrats Raúl Grijalva and Ed Pastor, and Republican Jeff Flake, opposed the measure.

SOURCE: The Associated Press

Arizona votes

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