

SUBJECT: Allowing public schools and colleges to display the U.S. national motto

COMMITTEE: State Affairs — committee substitute recommended

VOTE: 8 ayes — Marchant, Madden, B. Cook, J. Davis, Elkins, Gattis, Goodman, Lewis

0 nays

1 absent — Villarreal

WITNESSES: For — Anna L. Trout, Frank P. Williamson

Against — Don Lawrence; (*Registered, but did not testify:*) Andrew Dupuy

BACKGROUND: The original U.S. national motto was “E Pluribus Unum” (Latin for “from many, one”). The phrase “In God We Trust” first appeared on coins during the Civil War and has appeared continuously on various currency since the early 20th century. In 1956, Congress adopted the phrase as the national motto.

Education Code, Chapter 1 contains general provisions applying to all tax-supported educational institutions, including a requirement that they fly the U.S. and Texas flags on all regular school days.

DIGEST: HB 219 would allow public elementary and secondary schools and state colleges and universities to display the national motto in classrooms, auditoriums, and cafeterias, beginning with the 2003-04 school year.

This 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, 2003.

SUPPORTERS SAY: In recent years, a few state and federal courts have ruled against the public use in governmental settings of written or spoken texts containing religious references. The 9th U.S. Circuit Court of Appeals, for example, found the recitation of the pledge of allegiance in public schools unconstitutional based

on the phrase “under God” (*Newdow v. U.S. Congress*, (No. 00-16423, 9th Cir. 2003)). Although none of the decisions have applied to Texas, they have caused public school teachers and administrators concern and uncertainty over the legality of using such texts. HB 219 would help allay these ungrounded fears by granting educators statutory authority to display the national motto in Texas public schools and colleges. Thirteen states have enacted similar legislation.

It is an inescapable fact of American history that this nation was founded on Judeo-Christian principles by God-fearing people. Freedom of religious expression always has played a prominent role in our national life, and continues to do so today. In 2000, the U.S. House of Representatives adopted a resolution encouraging the display of the national motto in public buildings. In November 2002, President Bush signed Public Law 107-293 reaffirming both the motto and the pledge of allegiance. In 2001, the Texas State Board of Education (SBOE) adopted a resolution recognizing the importance of the motto and encouraging schools to preserve students’ constitutional rights to express their patriotism and faith, including voluntary prayer.

The national motto embodies a core value deeply rooted in American civics and Texas history. Imparting such values to school children is an essential function of the state educational system, whose task it is to prepare young people to be responsible citizens and effective leaders. Education Code, sec. 28.002(h) states the primary purpose of the required curriculum as preparing students to be “thoughtful, active citizens who understand the importance of patriotism and can function productively in a free enterprise society with appreciation for the basic democratic values of our state and national heritage.” The 10th U.S. Circuit Court of Appeals, in *Gaylor v. United States*, 74 F.3d 214 (10th Cir. 1996) affirmed the efficacy of the national motto in this regard. The court noted that the motto symbolizes religion’s role in our society and fosters patriotism.

The court added that the motto does not advance religion so much as provide a form of “ceremonial deism” that “cannot be reasonably understood to convey government approval of religious belief.” Hence, criticism that displaying the motto in public schools elevates one faith over all others is misplaced. Rather, such public expressions reflect a deeply held national sentiment that students should be taught to understand and encouraged to

express, if they so choose. Because the displays would not be mandatory, no student would be required to participate or acknowledge agreement, so no one's rights would be infringed or beliefs denigrated.

Motto displays are popular among students at many schools, and opposition, if any, is minuscule. Often students cannot fathom why such a common-sense act is discouraged. Such slogans offer positive reinforcement and can foster only good behavior, perhaps even helping deter school violence.

HB 219 would cost the state or school districts nothing. Private groups and individuals are offering motto posters free of charge to interested school officials.

**OPPONENTS
SAY:**

Forcing students at tax-supported public schools and colleges to view or hear religious messages, even those condoned by elected officials and upheld by the courts, violates the constitutional separation of church and state. It brings an irrelevant issue of faith into what is supposed to be a temple of learning and discriminates against the minority whose lack of belief is made inferior.

HB 219 represents an attempt by religious activists to inject the tenets of their faith into the state's public education curriculum. Teaching about the existence and development of the national motto in conjunction with civics and history courses is acceptable, perhaps even advisable. Using the motto to inculcate religious values, however, is inappropriate at best and an abuse of governmental power at worst.

Our nation may have been settled initially by churchgoers seeking to exercise their own forms of worship, but our government was created primarily by deists believing in divine creation but not divine intervention in human affairs. The founders took great pains to avoid any semblance of official religion or government sanction of religious practices. They recognized that religious belief is a matter of personal conscience, not a basis for a form of government. Many great nations of the past, such as Rome and ancient Egypt, followed religions now deemed ridiculous. Even the theocracy of ancient Israel ultimately collapsed. Our recent war against the Taliban in Afghanistan bears witness to the pitfalls of government-sanctioned religion. Texas schools should not become instruments of federal government propaganda.

Learning should be about intellectual curiosity and tolerance for different ideas, not conformity of thought and adherence to official dogma. Religious instruction, or the lack thereof, is best left to parents; it is not the responsibility of the state of Texas.

OTHER
OPPONENTS
SAY:

HB 219 is not necessary. Nothing prohibits educators from displaying the motto now, and to date no public school displays have been challenged in court. However, this bill could have the unintended consequence of generating litigation. By encouraging more widespread and prominent displays of what some consider an overtly religious message, it could lead to lawsuits based on alleged violations of the establishment clause of the First Amendment to the U.S. Constitution. To reduce this possibility, the bill should require that any display clearly be labeled as the U.S. national motto.

The bill is too narrowly drawn. It should authorize displays not only of the motto but of the pledge of allegiance as well, and the recitation of both. Displays should not be limited to three types of school rooms but should be allowed anywhere administrators see fit.

NOTES:

The substitute differs from the bill as introduced by removing the specification that the motto be displayed on an appropriately framed background at least 11x14 inches in size.

On April 9, the House passed HB 575 by Miller et al., which would allow educators to read from or display several historical documents, including the national motto and pledge of allegiance.

A related bill, HB 793 by Branch, et al., which would require public school students each day to recite the pledge of allegiance to the U.S. flag and the Texas flag, then observe one minute of silence, was reported favorably, as substituted, by the Public Education Committee on April 1. The companion bill, SB 83 by Wentworth, identical to CSHB 793, passed the Senate by 27-4 on April 9 and was referred to the House Public Education Committee on April 14.