

State of Illinois  
OFFICE OF THE GOVERNOR  
Springfield, Illinois 62706

George H. Ryan  
GOVERNOR

July 3, 2002

To the Honorable Members of  
The Illinois Senate  
92nd General Assembly

I am proud to sign Senate Bill 1634, which amends the School Code to require that our nation's Pledge of Allegiance be offered daily in secondary schools that are supported in some part by public funds.

On the eve of our nation's 226th birthday, it is important to remember that our children and grandchildren live at a time when our liberty and way of life are under the constant threat of attack from elements that do not cherish freedom or the God-given inalienable rights of all people. It is therefore proper that the Pledge of Allegiance - a voluntary act of American patriotism - be offered daily in our high schools as a reminder of the ideals and values our country stands for.

This law merely expands that State's current statutes regarding the Pledge of Allegiance to include pupils in secondary educational institutions. Current law already covers pupils in elementary schools.

It is inevitable, and regrettable, that my enactment of this bill will become involved in the current national debate over the constitutionality of the Pledge of Allegiance that has arisen out of the U.S. 9th Circuit Court of Appeals in California. In my opinion, the ruling of the 9th Circuit is a tempest in a teapot. The Pledge of Allegiance has survived previous court challenges and will survive this court challenge. The Pledge of Allegiance will continue to stand as a strong individual affirmation of personal belief.

The 7th Circuit Court of Appeals has upheld the Illinois Statue (105 ILCS 5/27-3) and the expansion of the Illinois law required in Senate Bill 1634 does not contravene the ruling of the 7th Circuit Court.

In Illinois, our statute does not - and should not - require students to recite the Pledge of Allegiance against their will. The current law simply calls upon pupils in certain elementary educational institutions to recite the Pledge of Allegiance on school days. This provision does not mandate that "all" pupils comply and does not prescribe a penalty for noncompliance.

As background, please note that in 1943, the U.S. Supreme Court in *West Virginia State Board of Education v. Barnette et al.*, 319 U.S. 624, held unconstitutional a resolution in that state concerning the Pledge of Allegiance. In that case, the Supreme Court invalidated the board-of-education's mandate that "all" pupils shall recite the pledge or else be subject to expulsion for an act of insubordination. Similarly, a bill vetoed in May of this year by the Governor of Minnesota specifically required that "all" students recite the Pledge of Allegiance.

In *Sherman v. Community Consolidated School District 21 of Wheeling Township*, 980 F.2d 437 (Illinois 1992), the 7th Circuit Court of Appeals held the Illinois law to be constitutional and distinguished the statute from the U.S. Supreme Court's 1943 holding. The Court held that Illinois' pledge statute only applied to "willing" students and further held that the words "under God" were constitutional. The U.S. Supreme Court declined to hear the appeal from the 7th Circuit's holding, 508 U.S. 950 (1993), so this decision is still valid for the Illinois law.

In conclusion, I believe that it is important for those pupils willing to participate to say the Pledge of Allegiance everyday in order to instill a sense of patriotism in our young people, who are the future of our State and our country. For these reasons, I have signed Senate Bill 1634.

Sincerely,  
George H. Ryan  
GOVERNOR