

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

House Bill 916
Ways and Means

(Delegate Haddaway, *et al.*)

Education - Expressions of Patriotism Protection Act

This bill allows a teacher, administrator, or librarian to read or post in any school building copies or excerpts of specified national and historic writings and speeches. No censorship based on the religious content of the materials is permitted in public schools and libraries.

The bill is effective July 1, 2004.

Fiscal Summary

State Effect: None.

Local Effect: Any changes to local school procedures or policies could be made with existing resources.

Small Business Effect: None.

Analysis

Bill Summary: Copies or excerpts from the following materials may be posted in any school building regardless of any religious references, quotations, or illustrations:

- the National Motto;
- the Declaration of Independence;
- the Maryland Declaration of Rights;
- any writing, speech, document, or proclamation of the founding fathers of the U.S., civil rights leaders, or presidents of the U.S.;

- the Mayflower Compact;
- the Official State symbols of Maryland;
- the Acts of the General Assembly of Maryland; or
- the Acts of the U.S. Congress.

Current Law: Article 36 of the Maryland Declaration of Rights provides that nothing shall prohibit or require the making reference to belief in, reliance upon, or invoking the aid of God or a Supreme Being in any governmental or public document, proceeding, activity, ceremony, school, institution, or place, nor will these actions constitute an establishment of religion.

Each local board of education establishes the curriculum, subject to State laws and regulations, for public schools in its system. American flags are required in each public elementary and secondary school classroom. Students and teachers are required to recite the Pledge of Allegiance, although they may be excused from the requirement. Local boards of education may provide for other patriotic exercises that are approved by the U.S. government.

Background: In July 2000, Congress passed a resolution resolving to encourage the display of the national motto “In God We Trust” in public buildings throughout the nation. State legislation allowing or mandating the posting of the national motto in public schools has been introduced in at least 20 states. Mississippi became the first state to enact such a law in July 2001.

The national motto, which was adopted by joint resolution of Congress on July 30, 1956 and is placed on all U.S. currency, has survived numerous legal challenges based on the first amendment’s “establishment clause.” Courts have expressed the view on at least three occasions that the motto has the secular purpose of symbolizing the historical role of religion in society and fostering patriotism.

The following states have enacted legislation allowing or requiring that public schools post the national motto and other similar historical or government related materials.

Alabama (<i>resolution</i>)	Kentucky	South Carolina
Arkansas	Louisiana	Tennessee
Arizona	Michigan	Texas
Florida	Mississippi	Utah
Georgia	North Carolina	Virginia

States that have or are currently considering similar laws are Colorado, Indiana, Iowa, Ohio, and New Jersey.

Additional Information

Prior Introductions: HB 885 of 2003, an identical bill, was not reported by the House Ways and Means Committee. A similar bill was introduced in the 2001 session as SB 751 and received an unfavorable report from the Senate Economic and Environmental Affairs Committee.

Cross File: None.

Information Source(s): Maryland State Department of Education, Department of Legislative Services

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lc/hlb

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