



**For Immediate Release**

**News Release**

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## **THE AMERICAN LEGION FILES MOTION TO INTERVENE IN NEW JERSEY PLEDGE OF ALLEGIANCE LAWSUIT**

Liberty Institute Hopeful That Court Will Grant Motion Allowing Veterans Group  
To Defend Pledge Against Legal Attack

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**MATAWAN, NJ, July 31, 2014** – Today, The American Legion, The American Legion Department of New Jersey and The American Legion Matawan Post 176 filed a motion with the Monmouth County Superior Court of New Jersey to intervene in a lawsuit that challenges the constitutionality of the Pledge of Allegiance under the New Jersey Constitution. The motion to intervene asks the Court to permit the Legion to become a party in *American Humanist Association et al. v. Matawan-Aberdeen Regional School District et al.* to defend the Pledge it has supported and promoted for almost 100 years. The Legion also filed with the Court a motion to dismiss, asserting that the lawsuit has no merit and should be thrown out of court.

Fishkin Lucks LLP and Liberty Institute are two of the law firms leading the Legion's representation in this matter. To view a copy of the motion to intervene and the motion to dismiss online, visit: <http://libertyinstitute.org/njpledge>

"I am surprised and saddened that there are some who are saying the Pledge of Allegiance may be good enough for the U.S. Supreme Court and the rest of the nation, but it is not good enough for the citizens of New Jersey," said Jeff Mateer, Liberty Institute General Counsel.

The American Legion, the largest wartime veterans service organization in the nation with approximately 2.3 million members, has a long-standing interest in the Pledge. The Legion convened the very first National Flag Conference in 1923 as well as the second National Flag Conference in 1924, which amended the Pledge to read "the Flag of the United States of America." The Legion was also active in securing enactment of the Act of June 14, 1954, which added the words "under God" to the Pledge.

"It is unfortunate that the school and the court must waste precious time and resources on an obviously meritless lawsuit," said Roger Byron, Liberty Institute Senior Counsel. "In May, the U.S. Supreme Court yet again used the Pledge of Allegiance as an example of a clearly lawful practice."

The lawsuit began on March 31 when a humanist group filed a complaint alleging that the voluntary recitation of the Pledge in New Jersey schools violates the New Jersey Constitution's equal protection guarantees because the Pledge includes the words "under God."

In 1984, The United States Supreme Court observed that "the language 'One nation under God,' as part of the Pledge of Allegiance to the American flag ... recited by thousands of public school children—and adults—every year" is a "reference to our religious heritage" in the same vein as

“official references to the value and invocation of Divine guidance in deliberations and pronouncements of the Founding Fathers.”

### **About Liberty Institute**

Liberty Institute is a nonprofit legal group dedicated to restoring and defending religious liberty across America – in our schools, for our churches, in the military and throughout the public arena. Liberty Institute’s vision is to reestablish liberty in accordance with the principles of our nation’s founders. Visit [www.LibertyInstitute.org](http://www.LibertyInstitute.org) for more information.

### **About Fishkin Lucks**

Fishkin Lucks is a litigation boutique located in New York City and Newark, NJ, that delivers unparalleled litigation and risk management services in a client-centric, result-oriented manner that stresses efficient, cost-effective solutions. The Firm offers “big law” expertise and talent in matters ranging from significant “one-off” litigations to large inventories of cases around the country. The Firm is also committed to handling significant *pro bono* matters involving issues of national interest.