

# California court says pledge not mandatory

Supreme Court likely to see case

BY KAVITA PILLAI  
STATE & NATIONAL EDITOR

Controversy has been reignited about the constitutionality of reciting the pledge of allegiance in public schools, and the case could once again be headed for the U.S. Supreme Court.

U.S. District Court Judge Lawrence Karlton ruled Wednesday in favor of Michael Newdow, of Sacramento, an atheist who claimed that the pledge is unconstitutional.

Newdow, who filed on behalf of three parents and their children, lost a similar case before the Supreme Court last year. The Court dismissed the case because Newdow did not have legal custody of his elementary school daughter.

But Karlton simply was following the 2002 precedent set by the 9th U.S. Circuit Court of Appeals, which ruled in favor of Newdow, said William Marshall, a professor at UNC's School of Law.

"The judge was just doing what he's supposed to do given that his court is within the jurisdiction of the ninth circuit," he said.

"I suppose the judge could have tried to be more creative and find

a way to disregard the ninth circuit precedent."

Ignoring precedent would have been preferable to the Becket Fund for Religious Liberty, a party in the case.

"(The judge) wanted to use the ninth circuit prior opinion to do the dirty work for him," said Derek Gaubatz, director of litigation for the Becket Fund.

He said the organization planned to appeal the decision immediately.

"It's outside of mainstream America, and it's outside of mainstream legal jurisprudence," he said. "If you can't voluntarily recite the pledge then you can't voluntarily recite the Declaration of Independence."

"The pledge reflects political philosophy that has driven our country from the beginning — that our rights come not just from the government but from a higher source."

Gaubatz said that the Becket Fund hopes the circuit court reverses its precedent and that the organization will pursue the case to the Supreme Court if necessary.

But Arnold Loewy, a professor at UNC's School of Law, said the result of the case was the right one, though he hadn't yet read the opinion.

"What's important is not the fact of the pledge, or even that the

*"(The judge) wanted to use the ninth circuit prior opinion to do the dirty work for him."*

DEREK GAUBATZ, THE BECKET FUND

government has the pledge, but that the individual must recite the pledge or, alternatively, single himself out as someone who does not want to recite the pledge," he said.

Loewy said reciting the pledge of allegiance poses more than just the problem of endorsing religion.

"It has the problem of the patriotic atheists appearing nonpatriotic by refusing to participate," he said. "It has all of the problems of school prayer plus."

But Gaubatz, who called the decision "extreme," said the right to recite the pledge has been denied by the ruling.

"The Becket Fund is representing 10 California school children, who have been able to recite the pledge," he said. "And we want their ability to do that preserved."

Contact the State & National Editor at [stntdesk@unc.edu](mailto:stntdesk@unc.edu).

# Leaders stress housing needs

BY TED STRONG  
CITY EDITOR

Speakers at an area roundtable discussion Wednesday said the key to addressing homelessness in Orange County could be disarmingly simple — give them homes.

Several speakers at the event enthused about a new theory called Housing First, which claims many homeless individuals live on the street because conditions in shelters are often less desirable.

Stan Holt, Triangle United Way's community impact specialist on homelessness, characterized the choice facing homeless under the current system:

"Do I choose to be in a shelter with a hundred other people, or do I just choose to be in my tent?"

The most recent data available gathered on Jan. 26 found 230 homeless people in Orange County, 197 of whom were in shelters.

James Newkirk, a local homeless man, also linked some street people's prolonged homelessness to societal indifference.

"(A homeless man) could lay out there and die, and no one would really care," he said. "That's the reason why so many people are homeless, is because no one cares."

Regardless of why people are on the street, Housing First proposes to offer them a space of their own first and then offer them services they may need.

This differs from current procedure, which calls for the homeless to go through a series of programs gradually ramping up to independent living.

"It's very based on medication

and sobriety compliance," said Mary Jean Seyda, assistant director of Community Alternatives for Supportive Abodes, a Wake County group.

Philip Mangano, executive director for the U.S. Interagency Council on Homelessness, said that the problem with traditional solutions to homelessness is that they are not focused on the needs of the homeless, but on what providers want to provide.

"The fresh idea is to be 'consumer-centric,'" he said.

Mangano said that the current array of services, while helpful, is consistently missing certain segments of the affected population.

"We don't want people coming back to the shelter, we don't want people coming back to the street," Seyda said. "Once people are successfully housed, we want to keep them housed."

But Mangano said the 10-year plan the county and towns have adopted requires several factors for success.

He said that without support throughout the community, spanning from business owners to police and social services to government officials the initiative will fail.

Many in the community, including some government officials, are already on board. But other groups are less secure in their support.

"We need all sectors of the community involved," said Billie Guthrie with Orange-Person-Chatam Area Program. "Our government needs to engage them, and they need to be ready to jump in."

But she said that some groups,

like the University and local businesses could be more involved.

"I don't feel the University did anything to make me aware of the problem," said Emily Rangel, a student intern for the program.

"I think that my experience was limited to my experience on Franklin (Street)."

Also key is the availability of affordable housing, something that's somewhat scarce locally.

Robert Dowling, director of the Orange Community Housing and Land Trust, said that the need for housing ranges from homeless people looking for basic shelter to teachers trying to live in the communities in which they work.

"Affordable is \$400,000 in some of our communities," Mangano said.

But once housing is found for the core of homeless who are continually on the street, more funds will be freed up to help those who are not habitual denizens of the street.

"When cost savings accumulate, they need to be invested," Mangano said.

To that end, he said he tries to work with municipal executives to point out ways that funding in one area can lead to savings in another.

In the end, though, Seyda noted, it is key to keep the issue in people's minds.

"Part of getting people employed is an advocacy piece," she said.

"If we do advocate for system changes ... we're going to keep spinning our wheels like we have."

Contact the City Editor at [citydesk@unc.edu](mailto:citydesk@unc.edu).

## THE EMBERS!!

Live at the Great Hall!

### SWING & SHAG DANCE PARTY



Sunday, September 18th  
7:00pm-11:00pmpm  
Shag lesson at 6:30  
\$5 in advance  
(sold at Union Box Office)  
\$8 at the door

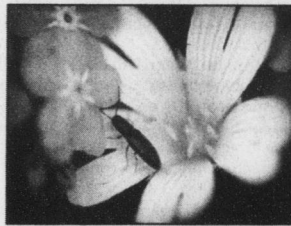
CO-SPONSOR BY UNC & DUKE BALLROOM DANCE CLUBS  
FUNDED FOR BY ROBERTSON SCHOLARS PROGRAM

Questions? - [lpope@email.unc.edu](mailto:lpope@email.unc.edu) • [www.unc.edu/student/orgs/ballroom](http://www.unc.edu/student/orgs/ballroom)

### WOMEN IN ACTION INFO SESSIONS

THURSDAY SEP. 15 | 5:00PM CWC & 6:00PM 142 CRAIGE NORTH

If you are looking for a way to volunteer on campus, check out Women In Action, a student organization dedicated to assisting campus women. For more information, email Ashley Walker at [awalker@email.unc.edu](mailto:awalker@email.unc.edu).



carolinawomen'scenter THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL

### Take a 30-minute study break.



Student Membership  
**\$99**  
Per Semester

Finally, a place to work out that fits a small student budget and a busy student schedule. Curves is 30-minute fitness, commonsense weight loss, and all the support you need to achieve your goals.

**Curves**

The power to amaze yourself.™

[curvesinternational.com](http://curvesinternational.com)

(919) 932-3202  
1129 Weaver Dairy Rd., Ste. V  
Chapel Hill, NC 27514

(919) 968-3202  
1042 Hwy. 54 West  
Carrboro, NC 27510

Over 5,000 locations worldwide.

\*No travel/transfer privileges. Membership includes service fee. Valid only at participating locations. Not valid with any other promotional offer.

## GRAND OPENING



FOR THE  
**NEW BAR  
AT COSMIC  
CANTINA**  
SEPTEMBER 16<sup>th</sup>



Guaranteed Open Until 4AM

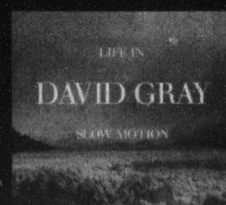
The man who took you to BABYLON with WHITE LADDER is back!

# DAVID GRAY LIFE IN SLOW MOTION

Featuring the hit THE ONE I LOVE



IN STORES NOW



Also available: LIFE IN SLOW MOTION DualDisc. One Disc—Two Experiences. Featuring entire album in Enhanced Stereo, "Life In Slow Motion" Documentary, Photo Gallery & complete song lyrics.

Available at **iht** **AVD** **RCA** **BORDERS**

Produced by Marius de Vries with Gray/McClune/Polson  
[DAVIDGRAY.COM](http://DAVIDGRAY.COM) | [ATORECORDS.COM](http://ATORECORDS.COM) | [RCARECORDS.COM](http://RCARECORDS.COM)