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NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

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ELK GROVE UNIFIED SCHOOL DISTRICT ET AL. *v.* NEWDOW ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 02–1624. Argued March 24, 2004—Decided June 14, 2004

Petitioner school district requires each elementary school class to recite daily the Pledge of Allegiance. Respondent Newdow's daughter participates in this exercise. Newdow, an atheist, filed suit alleging that, because the Pledge contains the words "under God," it constitutes religious indoctrination of his child in violation of the Establishment and Free Exercise Clauses. He also alleged that he had standing to sue on his own behalf and on behalf of his daughter as "next friend." The Magistrate Judge concluded that the Pledge is constitutional, and the District Court agreed and dismissed the complaint. The Ninth Circuit reversed, holding that Newdow has standing as a parent to challenge a practice that interferes with his right to direct his daughter's religious education, and that the school district's policy violates the Establishment Clause. Sandra Banning, the child's mother, then filed a motion to intervene or dismiss, declaring, *inter alia*, that she had exclusive legal custody under a state-court order and that, as her daughter's sole legal custodian, she felt it was not in the child's interest to be a party to Newdow's suit. Concluding that Banning's sole legal custody did not deprive Newdow, as a noncustodial parent, of Article III standing to object to unconstitutional government action affecting his child, the Ninth Circuit held that, under California law, Newdow retains the right to expose his child to his particular religious views even if they contradict her mother's, as well as the right to seek redress for an alleged injury to his own parental interests.

Held: Because California law deprives Newdow of the right to sue as next friend, he lacks prudential standing to challenge the school district's policy in federal court. The standing requirement derives from

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the constitutional and prudential limits to the powers of an unelected, unrepresentative judiciary. *E.g., Allen* v. *Wright,* 468 U. S. 737, 750. The Court's prudential standing jurisprudence encompasses, *inter alia*, "the general prohibition on a litigant's raising another person's legal rights," *e.g., id.,* at 751, and the Court generally declines to intervene in domestic relations, a traditional subject of state law, *e.g., In re Burrus,* 136 U. S. 586, 593–594. The extent of the standing problem raised by the domestic relations issues in this case was not apparent until Banning filed her motion to intervene or dismiss, declaring that the family court order gave her "*sole* legal custody" and authorized her to "exercise legal control " over her daughter. Newdow's argument that he nevertheless retains an unrestricted right to inculcate in his daughter his beliefs fails because his rights cannot be viewed in isolation. This case also concerns Banning's rights under the custody orders and, most important, their daughter's interests upon finding herself at the center of a highly public debate. Newdow's standing derives entirely from his relationship with his daughter, but he lacks the right to litigate as her next friend. Their interests are not parallel and, indeed, are potentially in conflict. Newdow's parental status is defined by state law, and this Court customarily defers to the state-law interpretations of the regional federal court, see *Bishop* v. *Wood,* 426 U. S. 341, 346–347. Here, the Ninth Circuit relied on intermediate state appellate cases recognizing the right of each parent, whether custodial or noncustodial, to impart to the child his or her religious perspective. Nothing that either Banning or the school board has done, however, impairs Newdow's right to instruct his daughter in his religious views. Instead, he requests the more ambitious relief of forestalling his daughter's exposure to religious ideas endorsed by her mother, who wields a form of veto power, and to use his parental status to challenge the influences to which his daughter may be exposed in school when he and Banning disagree. The California cases simply do not stand for the proposition that Newdow has a right to reach outside the private parent-child sphere to dictate to others what they may and may not say to his child respecting religion. A next friend surely could exercise such a right, but the family court's order has deprived Newdow of that status. Pp. 7–14.

328 F. 3d 466, reversed.

STEVENS, J., delivered the opinion of the Court, in which KENNEDY, SOUTER, GINSBURG, and BREYER, JJ., joined. REHNQUIST, C. J., filed an opinion concurring in the judgment, in which O'CONNOR, J., joined, and in which THOMAS, J., joined as to Part I. O'CONNOR, J., and THOMAS, J., filed opinions concurring in the judgment. SCALIA, J., took no part in the consideration or decision of the case.