

I Do Not Pledge Allegiance®

Clarence Williams, February 2, 2007

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On November 2, I entered the local elementary school to cast my vote and was interrupted by a loud crackle from the loudspeaker followed by a voice ordering, "Attention, everyone." I straightened, mostly in surprise but also out of respect for this authority. In a practiced tone she continued, "Student leaders (two names were identified) will now lead us in the Pledge of Allegiance." Two young voices confidently recited the Pledge of Allegiance, a task lasting about 10 seconds. The command voice returned, mouthed a simple, "Thank you," then the loudspeaker resoundingly clicked off. I voted then climbed into my car, full of thoughts concerning my first run-in with Colorado's new law requiring daily recitation of the Pledge of Allegiance in all public schools (with a voluntary excusal provision)... and vowing to work for its repeal.

West Virginia in 1943 came to mind. Americans were dying in WWII and the nation was swollen with patriotism. Even so, some school children refused to salute the flag and recite this oath penned in 1892 by Baptist Minister and socialist Francis Bellamy: "I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands; one nation, indivisible, with liberty and justice for all." Public oaths of any kind violated their religious beliefs, and the children were expelled.

A courageous Supreme Court said West Virginia's law violated the First Amendment's Freedom of Religion Clause (*West Virginia State Board of Education v. Barnette*, 319 U.S. 624, 1943), and Justice Jackson's words delivered on behalf of an 8-1 majority are profound:

"We set up government by consent of the governed, and the Bill of Rights denies those in power any legal opportunity to coerce that consent. The case is made difficult not because the principles of its decision are obscure but because the flag involved is our own. To believe that patriotism will not flourish if patriotic ceremonies are voluntary and spontaneous instead of a compulsory routine is to make an unflattering

estimate of the appeal of our institutions to free minds. If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.

The very purpose of the Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One's right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome of no election."

In 1954, Congress changed the Pledge to read, ". . . one nation under God, indivisible . . .," and their intent was obvious, as sampled below:

"The significant import of our action today . . . is that we are officially recognizing . . . this Nation's adherence to our belief in a divine spirit, and that henceforth millions of our citizens will be acknowledging this belief every time they pledge allegiance to our flag."

"This measure . . . goes to the very fundamentals of life and creation. It recognizes that all things which we have in the way of life, liberty, constitutional government, and rights of man are held by us under the divine benediction of the Almighty."

"One thing separates free peoples of the Western World from the rabid Communist, and this one thing is a belief in God. In adding this one phrase to our pledge of allegiance to our flag, we in effect declare openly that we denounce the pagan doctrine of communism."

"This joint resolution recognizes that we believe there is a Divine Power, and that we, our children, and children's children should always recognize it, as we do also in engraving the words 'In God We Trust' over the principal entrance to this chamber."

Clearly, Congress was rejecting atheism. Since the very definition of religion is belief in supernatural guidance, this addition to the Pledge endorses religion, which contradicts the First Amendment's Establishment Clause ("Congress shall make no law respecting an establishment of religion"). It makes no difference if a universal, non-sectarian God is

claimed to be represented (a ludicrous assertion at any rate; affirming Christianity was their intent), because the Constitution treats the non-believer as equal to those believing in a Supreme Being (*Torcaso v. Watkins*, 367 U.S. 488, 1961).

Many agree with President Bush's Justice Department, that the new Pledge is simply a "patriotic exercise . . . acknowledging the role that faith in God has played in the formation, political foundation, and continuing development of this Country." Children, they say, can be taught about this heritage in History classes, so it is permissible to acknowledge it in the Pledge. The dishonesty in this assertion is palpable. Furthermore, the claim misrepresents our shared heritage. In pious colonial Massachusetts, Quakers were hung, Catholic priests hunted down and banished, and Baptists' ears cut off. In early Virginia, Baptist parents were jailed for following their canons and refusing to have their children baptized. In post-colonial America, Native Americans either converted to Christianity or were allowed to starve on their reservations. All Connecticut citizens paid taxes for Congregationalist churches until 1818, while Massachusetts and New Hampshire required all localities to pay for "Protestant teachers." South Carolina's constitution established the Protestant religion, and Maryland's afforded equal protection only "to those professing the Christian religion." Slavery and then state-sanctioned racial discrimination persisted thanks to Christian dogma, to which this Congressman's 1867 testimony attests: "The . . . edict of God Almighty is stamped against . . . social equality between the black race and the white." Is this an American tradition worth remembering through daily oath?

The heritage American schoolchildren should celebrate began with the end of "Anglo-Protestant" control over all public and private affairs. Native Americans with their pagan beliefs were the Continent's first inhabitants, then Jews, Buddhists, Hindus, Confucians, Moslems and a host of others were welcomed by the Statue of Liberty's inscription, "Give me your tired, your poor, Your huddled masses yearning to breathe free . . ." Religion flourished in America after being freed from state endorsement, whereas countries clinging

to state-sanctioned religions have experienced the opposite fate (the Lutheran Church was Sweden's official state religion until 2000, and their population is now largely secular).

Rationalists like James Madison and Thomas Jefferson recalled the ugly side of America's Christian heritage when they wrote the U.S. Constitution and formed a secular federal government. Former Supreme Court Justice Joseph Story's acclaimed 1833 history notes that the U.S. Constitution ". . . cut off for ever every pretence of any alliance between church and state in the federal government. The framers of the constitution were fully sensible of the dangers from this source, marked out in the history of other ages and countries; and not wholly unknown to our own. They knew that bigotry was unceasingly vigilant . . . and that intolerance was ever ready to arm itself with all the terrors of the civil power to exterminate those, who doubted its dogmas, or resisted its infallibility."

The Bill of Rights originally applied only to the federal government, so only it was charged with a secular mandate. In fact, secularism was defined by the First Amendment's Religion Clauses, whose absolute nature is amply described by Joseph Story's quote above. The states were free to continue as essentially Christian theocracies. During and after the Civil War, states continued violating their citizens' basic rights—both whites and African-Americans were denied free speech, assembly and press. Congress acted and in 1868 the Fourteenth Amendment was ratified by the requisite number of state legislatures, thereby requiring state governments to meet the same secular standard applied to the federal government.

Putting God in the Pledge is intended as religious indoctrination, and a voluntary excusal provision does not make the required recital Constitutional or ethically worthy, but makes it threatening and tantamount to a requirement. The Supreme Court has faced voluntary excusal seven times since 1948 and ruled consistently. In *Abington School District v. Schempp*, 374 U.S. 203, announced in 1963, Justice Brennan said, "*The excusal procedure . . . infringe[s] the rights of free exercise of those children who wish to be excused. First, by requiring what is tantamount in the eyes of teachers and schoolmates to a profession of disbelief, or at least nonconformity, the procedure*

may well deter those children who do not wish to participate for any reason based upon the dictates of conscience from exercising an indisputably constitutional right to be excused. Thus the excusal provision . . . subjects them to a cruel dilemma. In consequence, even devout children may well avoid claiming their right and simply continue to participate in exercises distasteful to them because of an understandable reluctance to be stigmatized as atheists or nonconformists simply on the basis of their request. Such reluctance to seek exemption seems all the more likely in view of the fact that children are disinclined at this age to step out of line or to flout 'peer-group norms.' Such is the widely held view of experts who have studied the behaviors and attitudes of children."

Children develop through the socialization process, and their peers are not only influential but usually outside parental control. Ask any parent with a sexually active, smoking, drug-taking or drinking teenager about the power of peer pressure. What parent would disagree that children require extraordinary protection in this regard? It is seductive to ask, "Why should the majority be silenced simply to avoid the objector's minor inconvenience of remaining silent or excusing themselves?" First, voluntary prayer is not banned, but only that perceived as state-sanctioned. Furthermore, children are required to attend school, are impressionable and especially vulnerable to coercion. The child either attests, "under God," perhaps against their parent's teachings, or slinks from the classroom, pronounced a non-conformer, while those who stay are favored children. Or worse, the child silently suffers the conflict between her beliefs and those of her peers, probably damaging her self-esteem in the process. In 1992's decision, *Lee v. Weisman*, 505 U.S. 577, Justice Kennedy said, "*What to most believers may seem nothing more than a reasonable request that the nonbeliever respect their religious practices, in a school context may appear to the nonbeliever or dissenter to be an attempt to employ the machinery of the State to enforce a religious orthodoxy.*"

The nation is stronger and its citizens more unified if we stick to liberty's fundamentals. What allegiance is worthy if it must be coerced? What oath is worth its breath when you cannot weigh a person's heart? The Constitution prohibits a religious test for these reasons.

Upon cool deliberation, most reasonable Americans see the dangerous implications in allowing local school boards to divert from their educational mandate and require affirmations of social or political allegiances, especially those violating a student's freedom of conscience. Some school boards might like to add to the U.S. flag salute one honoring the Confederate flag. Others might like all children to officially disavow the nation's use of force against... whomever. Still others might want to expand the Pledge, and include religious words enjoyed by the community's dominant faith, which could be Islam.

I may hold a minority opinion, but the Constitution is firmly on my side; no government institution is permitted to endorse religion, especially in the manner of requiring an allegiance to God. It is unconscionable to use schoolchildren as pawns in the secular/sectarian struggle. The Christian majority has the option of passing an amendment altering the Bill of Rights, thus codifying the post-1954 Pledge and demanding that even our laws recognize only one religion. But our Founding Fathers intentionally made the amendment process difficult (two-thirds vote in both Congress and state legislatures) so the majority could not readily abridge minority rights, especially regarding matters addressed in the Bill of Rights. I suspect cooler heads would prevail if such an amendment were offered, as they did when the Constitution omitted any reference to God or religion (except when saying "no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States"). I suspect most good Christians would realize that a multicultural America is a strong America, and remember the real history of American religious freedom; when state and religion were separated American church attendance soared.

Daily recitation of the Pledge of Allegiance in our schools is a bad idea. Please join me in urging your State representatives to repeal this onerous legislation and return religious freedom to our public schools.