

# U1 Text 1; The Pledge of Allegiance

Directions; During Silent Reading, Read and Mark the following:

## ***Origins of the Pledge of Allegiance***

In 1892 ceremonies were being planned for the 400th anniversary of Columbus' discovery of the New World. The popular Youth's Companion magazine made a lot of money selling magazines to schools. For each magazine subscription they bought, they received a flag for the classrooms. As magazines and flag sales slowed it was decided that the magazine would take part in the Columbus' celebrations. They created a ceremony that would honor both Columbus and the Flag. The ceremony would include a flag salute and a pledge to the flag, the instructions for it would be available through sales of the magazine. Francis Bellamy, a Baptist minister and Christian-Socialist wrote the original "Pledge of Allegiance" to promote American **nationalism**, the loyalty and devotion to one's nation. Bellamy's original **pledge**, a binding promise or agreement to do something, read as follows: *I pledge allegiance to my Flag and the Republic for which it stands, one nation indivisible, with liberty and justice for all.* The other part of the ceremony included the raising of the arm with the open palm facing out.

After the Columbus Day celebration, the combination pledge and flag ceremony became so popular, that by 1923, a National Flag Conference was held and called for the words "my Flag" to be changed to "the Flag of." This was directed to any new immigrants, to not confuse their loyalties my flag from back home to the flag of their new home. In 1924 another meeting was held and the words "of America" were added in 1924. In 1942 the U.S. Congress officially recognized the Pledge, by passing the Flag Code as *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.* The Flag Code also made some practices disrespectful to the flag, the national anthem, and the pledge illegal, but provided no punishment for any violations.

## ***Addition of "under God"***

Louis A. Bowman was the first to initiate the addition of "under God" to the Pledge. At a meeting held for Lincoln's birthday, on February 12, 1948, he led the meeting with swearing of the Pledge with two words added, "under God." He stated that the usage came from Lincoln's Gettysburg Address when Lincoln said "that this nation, under God, shall have a new birth of freedom."

On February 7, 1954, with President Dwight D. Eisenhower sitting in Lincoln's pew of the New York Avenue Presbyterian Church, the pastor, George Docherty, delivered a sermon based on the Gettysburg Address including the words under God. Docherty convinced Eisenhower to do something to add the words to the Pledge and the next day, February 8, 1954, Rep. Charles Oakman, introduced a bill, that was passed, and Eisenhower signed the bill into law on Flag Day, June 14, 1954. Many believed it appropriate to add the words as a way to differentiate the U.S. from the **atheism**, the disbelief in the existence of a god, by our Cold War enemy the Communist Soviet Unions. Now the pledge said "I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation *under God*, indivisible, with liberty and justice for all."

## **The Pledge and Constitutional Controversy**

Requiring or promoting the Pledge, a binding promise or agreement to do something, by the government has drawn much criticism and legal challenges. Most of these stem from the Constitution's 1st amendment's right to free speech and freedom of religion.

In a democratic-republican form of government, one where the citizens decide issues of power through elected representatives, is built on the principle of freedom of **dissent**, the right to differ in opinion with others. In a government like this a citizens should not be required to pledge "**allegiance**", the devoting of, or giving of one's loyalty to a person, group, cause, or government. They argued that the First Amendment to the United States Constitution protects one's right to refrain from speaking, or even standing, as standing for the pledge can be seen to mean that you agree with the pledge even one does not.

The 1<sup>st</sup> Amendment right to the freedom of religion is based on its two **clauses**, the independent parts of the writing. The first part is called the "free exercise clause" the right to practice ones beliefs without

government interference The second part is the “establishment clause” which prohibits the government from trying to impose a specific religious belief view on its citizens.

Another objection was that the people who are most likely to be forced to recite the Pledge every day were small children in schools who could not really give their **consent**, their informed permission, or even completely understand the meaning of pledge they are taking.

### ***Continuing Legal Action and Court Decisions***

In **1940** the Supreme Court, in the case of *Minersville School District v. Gobitis*, the Gobitis family argued that forcing their children to take a pledge to a flag was, under their Jehovah Witnesses belief, to be a form of **idolatry**, the worship of a physical object as a god, and by the government compelling them to swear a Pledge to be a violation of their first amendment rights of religious freedom. The court ruled that students in public schools, including those in that case could be compelled to Pledge to the Flag.

In **1943** the Supreme Court reversed the Minersville Case, ruling in *West Virginia v. Barnette* that public school students are not required to say the Pledge, saying that the pledge required a "**compulsory unification of opinion**" the making of everyone to believe the same thing and violates the 1<sup>st</sup> Amendment. They said the right to free speech includes the right to speak and to not speak. Later, the Court would rule that students could not be required to stand for the Pledge as standing could be inferred to mean agreement with the words in the pledge.

A **2002** case was brought by an atheist whose daughter was taught and required to recite the Pledge in school, the 9<sup>th</sup> Circuit Court of Appeals ruled the phrase "under God" to be an unconstitutional endorsement of monotheism, the belief in one god, and violated the establishment clause. In **2004**, the Supreme Court reversed the lower court decision saying that schools teaching and conducting the pledge did not violate an individuals rights.

On January 3, **2005**, a new suit was filed which resulted in a court order stating that, upon proper motion, the school district would be **enjoined**, or stopped, from continuing their practices of leading children in the Pledge pending a legal challenge. In response to this in Congress introduced a bill which would have stripped the Supreme Court and most federal courts, of their power to consider any legal challenges to the government requiring or promoting the Pledge of Allegiance. Passed by the House, this bill failed in the Senate's. Supporters of the bill argued that the Constitution gives Congress' the power to regulate the **jurisdiction**, the official power to make legal decisions and judgments or what cases they can hear, of the federal courts. Opponents questioned whether Congress has the authority to prevent the Supreme Court from hearing any claims based on the violation of the Bill of Rights.

In **2006**, in the Florida case *Frazier v. Alexandre*, a federal district court ruled that a 1942 state law requiring students to stand and recite the Pledge of Allegiance violates the 1st and 14th Amendments of the U.S. Constitution. As a result, a Florida school district was ordered to pay \$32,500 to a student who chose not to say the pledge and was ridiculed and called "unpatriotic" by a teacher.

In **2009**, a Montgomery County, Maryland, teacher berated and had school police remove a 13-year-old girl who refused to say the Pledge of Allegiance in the classroom. The student's mother, sued and received an apology from the teacher, as state law and the school's student handbook both prohibit students from being forced to recite the Pledge.

In **2010**, the U.S. Court of Appeals, upheld the words "under God" In the case of *Newdow v. Rio Linda Union School District* a 2–1 decision, ruled that the words were of a "ceremonial and patriotic nature" and did not constitute an establishment of religion. One judge dissented, writing that "the state-directed, teacher-led daily recitation in public schools of the amended 'under God' version of the Pledge of Allegiance...violates the Establishment Clause of the Constitution." Also in 2010, in a unanimous decision, another federal appeals court affirmed a ruling by a New Hampshire federal court, that the reference to God doesn't violate a students' rights. A U.S. Supreme Court appeal of this decision was denied in June 2011 **affirming** or agreeing with the lower court.

The Supreme Court has issued the following rules about the pledge, no person can be forced to say it nor be required to stand during it, but no person can interfere with a person right to say it in any setting to include public schools. About half the states, including Georgia, have laws requiring the daily conducting of the pledge at schools.

