

# Public Domain

by Steve Krulick, Citizen

## Flagging Enthusiasm (Part 3)

*“Patriotism is aroused in the voluntary devotion of its citizens and not in their being compelled by law to manifest respect for its institutions by daily rituals.”*

– Governor Thomas Dewey, in vetoing a 1950 bill requiring a daily Pledge of Allegiance from all students in New York public schools

Previously, I related the mostly-forgotten history of the *Pledge to the Flag*: a recently-fired socialist minister joins the marketing arm of a popular youth magazine and helps it exploit the 400<sup>th</sup> anniversary of Columbus’s “discovery” of America to expand its program of selling flags to US schools. He writes a brief, universal, secular oath to help instill the virtue of obedience to the state (and develops a salute, apparently later adopted by Nazi Germany).

On Columbus Day, 1892, according to newspaper reports, children marched with “drilled precision” as “one army under the sacred flag,” in an exercise already suffused with militarism and conformity. The Pledge’s rapid and wide adoption reflected anxieties about maintaining an “American” identity in the midst of the latest wave of European immigration and growing nationalistic feelings that would soon express itself in American expansionism overseas.

Nor were “patriotic” groups above using the Pledge to further their own agendas. In the 1920s, the American Legion and the Daughters of the American Revolution further “Americanized” the Pledge’s wording to ensure immigrants wouldn’t think “my Flag” meant their old ones. A reorganized national KuKluxKlan of over four million rallied around the Flag and Pledge as anchors of “100% Americanism.” And, during anti-communist Cold War hysteria, the Knights of Columbus got “under God” added to the Pledge in 1954, for clearly religious reasons.

One side note: the words I previously linked to President Eisenhower may actually have first been stated by US Senate Chaplain Frederick Brown Harris the day Ike signed the law; the president may have simply referred to them. But I’m reminded that President James Madison, primary architect of the Constitution and Bill of Rights, strongly objected to state-supported chaplains in Congress and to the exemption of churches from taxation. He wrote in a letter to Edward Livingston, July 10, 1822: “Religion and government will both exist in greater purity, the less they are mixed together.” Of the “under God” addition, these words of his would surely apply – that it “degrades from the equal rank of Citizens all those whose opinions in Religion do not bend to those of the Legislative authority.” Right on, Jim!

Thomas Jefferson felt likewise. In a letter to the Danbury Baptist Association, January 1, 1802, he wrote of the 1<sup>st</sup> Amendment, “I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should ‘make no law respecting an establishment of religion, or prohibiting the free exercise thereof,’ thus building a wall of separation between church and State.” As President, Jefferson refused to issue Thanksgiving proclamations and such pieties; an iconoclastic Infidel, he wrote to his nephew, “Question with boldness even the existence of a god; because, if there

be one, he must more approve of the homage of reason than that of blindfolded fear.” Right on, Tom!

Alas, the Flag and Pledge were trugged out in the 1988 presidential election. A trailing G. H. W. Bush needed a wedge issue to trip up liberal Michael Dukakis, so he went to a flag factory and attacked the governor’s unsuccessful veto (on 1<sup>st</sup> Amendment grounds) of a Massachusetts bill fining public school teachers \$5 for each day they did not order the Pledge recited in their classrooms; thus began an orgy of Pledge-reciting at campaign stops, reversing Bush’s fortunes. Ironically, Bush had to be coached in memorizing the Pledge; unlike Dukakis, who went to public schools, and whose mother was a public school teacher, Bush exclusively attended private schools where reciting the Pledge *had not been mandatory*... nor would it become so under the bill in question!

Does waving the flag and pledging to it the most really prove who’s most “authentically” patriotic? Politicizing patriotism *and* piety has often punished those who have dared to dissent (or remain silent), whether for political or religious reasons.

In Chicago, in 1916, Hubert Eaves, an 11-year-old black student, was arrested for not demonstrating the “proper respect to the flag.” According to him, it was a symbol of Jim Crow laws and state-approved lynchings: “I am willing to salute the flag as the flag salutes me,” he is quoted as having told others.

Between the World Wars, thousands of Jehovah’s Witnesses were persecuted, and their children expelled from school, for refusing to salute the flag, which they felt was servitude to a graven image, and therefore a violation of their religious beliefs. So, an attempt to encourage loyalty to a nation “with liberty and justice for all” devolved into unquestioning homage to the flag and the suppression of dissent.

In 1943, the Supreme Court ruled an obligatory loyalty oath unconstitutional, putting the law on the side of any student refusing to participate in patriotic or religious rituals. The Court found the salute to be a form of utterance, which therefore makes it capable of disseminating ideas. Justice Robert H. Jackson wrote for the majority, “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 matter of opinion or force citizens to confess by word or act their faith therein.” Indeed, if one truly believes we are “indivisible” and HAVE “liberty and justice for all,” surely that includes the liberty to refrain from any such prescribed impositions, particularly if it unjustly and divisively treats believers of some things differently than those who believe otherwise. In his concurrence, Justice Black described the Pledge as “a form of a test oath, and the test oath has always been abhorrent in the United States.”

I know several people who will say *most* of the Pledge, *but not utter* “under God.” But, given all the above, why still pledge *to a flag* at all? As attorney Andrew Cohen says, “We don’t have a Gospel in public life in America but if we did it would be the Constitution, not the Pledge. To exalt the latter over the former turns our law and our history on its head... You want something to pledge allegiance to? Pledge allegiance to the idea of ‘checks and balances’ and the good and great reasons why the greatest minds of their generation placed them into the Constitution.” Amen.