

## With Liberty and Justice for All . . .



Francis Bellamy was born in Mount Morris, New York, and graduated from the University of Rochester and Rochester Theological seminary. In 1892, he penned a version of what we now call the Pledge of Allegiance: *I pledge allegiance to my Flag and the Republic for which it stands: one Nation indivisible, with Liberty and Justice for all.*

The Pledge of Allegiance spread in popularity, and by the early twentieth century was commonly recited on a daily basis in schools across the country. In fact, many states *required* that students participate in the daily recital of the Pledge. But not everyone was in favor of this. The Jehovah's Witnesses, for example, declined to have their children participate in the recital of the Pledge at school, and challenged laws requiring students to participate. This led the Supreme Court to issue its famous decision in *West Virginia State Board of Education v. Barnette* (1943). Two sides to this issue emerged, even on the Supreme Court.

**Read the excerpts from the *Barnette* decision below, and consider which viewpoint you agree with more.**

### Viewpoint 1:

I cannot bring my mind to believe that the 'liberty' secured by the [Constitution] gives this Court authority to deny to the State . . . the attainment of that which we all recognize as a legitimate legislative end, namely, the promotion of good citizenship . . . .

The constitutional protection of religious freedom . . . is freedom from conformity to religious dogma, not freedom from conformity to law because of religious dogma . . . . Otherwise each individual could set up his own censor against obedience to laws conscientiously deemed for the public good by those whose business it is to make laws.

The individual conscience may profess what faith it chooses. It may affirm and promote that faith—in the language of the Constitution, it may "exercise" it freely—but it cannot thereby restrict community action through political organs in matters of community concern, so long as the action is not asserted in a discriminatory way either openly or by stealth. One may have the right to practice one's religion and at the same time owe the duty of formal obedience to laws that run counter to one's beliefs.

. . . Of course patriotism cannot be enforced by the flag salute. But neither can the liberal spirit be enforced by judicial invalidation of illiberal legislation.

### Viewpoint 2:

We can have intellectual individualism and the rich cultural diversities that we owe to exceptional minds only at the price of occasional eccentricity and abnormal attitudes. When they are so harmless to others or to the State as those we deal with here, the price is not too great. But freedom to differ is not limited to things that do not matter much. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the heart of the existing order.

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 . . . .

We think the action of the local authorities in compelling the flag salute and pledge transcends constitutional limitations on their power and invades the sphere of intellect and spirit which it is the purpose of the First Amendment to our Constitution to reserve from all official control.

