



FACE . . .

Christians and the Pledge of Allegiance: Yes to “...Under God”

WALTER SUNDBERG

“Just nuts”: That is what Senator Tom Daschle, Democratic majority leader, called the June 26th decision of a three-judge panel from the Ninth Federal Circuit to ban the pledge of allegiance in public schools. The court argued that the phrase “under God” in the pledge violated the establishment clause of the first amendment. The public outcry forced Judge Alfred T. Goodwin, who wrote the majority opinion, to stay the decision the following day.

Was the opinion “just nuts”? At first glance it would seem so. Michael Newdow, who brought the suit on behalf of his daughter, an elementary school student in Elk Grove, California, has played no role whatsoever in his daughter’s upbringing. He never married the child’s mother and does not even have visitation arrangements. The mother has no objection to her daughter reciting the pledge in class nor is she afraid to expose the child to religious instruction in general. The federal court nevertheless gave the father standing to bring the suit, thereby allowing him to use a small child for ideological purposes and making the daughter and her mother, neither of whom wanted to be part of the suit, suffer the consequences of negative publicity in the community in which they live. Such a failure of responsibility on the part of the court to protect the wishes of mother and child is inexcusable; it is “just nuts.” The dissenting judge in the 2-1 opinion, Ferdinand Fernandez, asserted that the phrase “under God,” like the phrase “in God we trust” found on our currency, cannot reasonably be construed as “a tendency to establish religion.” If that were true, he observed, Americans ought to be barred from singing “God bless America” at all publicly sponsored events. That would be “just nuts.”

Unfortunately, however, the decision of the ninth circuit was not “just nuts,” but part of the inexorable, arid logic of Supreme Court decisions on separation of church and state going back over half a century. It is part of Justice Hugo Black’s doctrine, first enunciated in 1947, that neither the federal government nor the states can pass laws that aid one religion, all religions, or prefer one religion over another. Using language from Thomas Jefferson (taken out of context), Black declared a “wall of separation between church and state” that could not, under any circumstances, be breached. Black’s doctrine was put in force by forbidding “released time” religious education in public schools (*McCullum v. Board of Education*, 1948). In *McCullum*, the argument of the majority was so sweeping in its implications that Justice Stanley F. Reed in his lone dissent asked how a “wall of sepa-

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TO FACE

Christians and the Pledge of Allegiance: Accruing “Among the Nations”

GARY SIMPSON

“Oh, what a tangled web we weave,
When first we practice to conceive!” —Sir Walter Scott, with apologies

Conceiving the pledge rapidly resembled Scott’s tangled web from the start. Re-conceiving it over the decades has repeatedly proven the point. Word weavers everywhere are dressing their looms in worldwide-web-proportioned sweatshops to sort out the ruling by the Ninth Circuit Court of Appeals of California. The assessments, valuable when thoughtful, remain nonetheless captive to the mutually exclusive poles of either retaining or excising. The Heritage Foundation (www.heritage.org) typifies retaining sympathies. The Pledge of Allegiance Restoration Project (www.secular.ws/pledge) exemplifies excising ones.

Those for retaining the words “under God” in the pledge often see themselves reprimanding a nation progressively slouching toward the privatization or, to use Stephen Carter’s term, the trivialization of religion (*The Culture of Disbelief* [Basic Books, 1993]). Of course, the concern to retain the phrase is not restricted to the religious right. Yet as Garry Wills reminds us, “to the religious Right, the flag is *not* a secular symbol....To evangelicals...the words in the pledge are a bastion they must rally to defend... [s]ince the removal of prayer from public schools” (*Under God* [Simon and Schuster, 1990] 81).

Some religious Americans find themselves on the side of excising the phrase out of concern that such civic religious expressions effectively proclaim a generic “God,” thereby fostering even more meaningless god-talk in a culture already knee-deep in the dumbing-down doldrums. We would render greater honor, the argument goes, by invoking “God” oriented by the particularities of rich and public traditions where the truth of God’s identity, name, and reputation is feared, loved, and trusted. The argument may have a point: in 2001 the Sixth Circuit Court noted that retaining such civic invocations of God is premised precisely on a defanged deity that makes “ceremonial deism immune to establishment clause challenges” (*ACLU v. Capitol Square Review and Advisory Board*).

Among the non-religious who argue for excising, the rationale often highlights the matter of coercion. This is the position advanced by Michael Newdow on behalf of his school-age daughter. Of course, coercion most often and most effectively happens not in the words themselves but in the coercive environs, ranging from blatant to subtle, in which the pledge is offered—or required. Newdow argued that his daughter, though not required to recite the pledge, was required to

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ration” could be erected when both Congress and the military employ the services of paid chaplains and religious services are held at Annapolis and West Point. Even Justice Robert H. Jackson, who agreed with the majority, worried that the Court’s decision might lead to the banning of all reference to religion in public school teaching. Will a high school choir be banned from singing Vivaldi’s *Gloria*? Will art history be forced to ignore DaVinci’s *Lord’s Supper*? In *Lee v. Weisman* (1992), the Court used the doctrine to ban non-sectarian prayer at graduation ceremonies, accepting the argument of the petitioner that standing for prayer in respectful silence was damaging because it was psychologically coercive. This ruling vacated a tradition that went back to the first graduation ceremony of the first American public high school in 1868. In his dissent, Justice Anthony Scalia warned that the logic of the Court’s opinion would lead a federal court to disallow the pledge of allegiance. Ten years later his warning became a reality. In his dissent, Scalia also observed that respect for religious observance “is a fundamental civic virtue that government (including public schools) can and should cultivate.” The discomfort (either real or imagined) of a contentious individual should not be allowed automatically to trump “the government’s interest in fostering respect for religion generally.”

Mainline religious leaders are often ready to make common cause with malcontents like Michael Newdow because they have a reflexive suspicion of patriotic rituals or because they are contemptuous of civil religion. This is a mistake. The lifting of a communal voice in praise and prayer to the Creator is a fundamental religious act that is basic to the civilized instinct of any nation. That it can be and has been misused is not an argument to dispense with it altogether. If the misuse of faith were the criterion then every denomination on the globe should disband immediately! Rather, religious leaders should seek to encourage the religious instinct and be stewards of its proper use. They should never seek knowingly to imprison religious activity in the murky world of private life. Especially as Christians we should encourage every opportunity to acknowledge God in the public realm, drawing on that bold confidence so well expressed by St. Paul: “Some proclaim Christ from envy and rivalry, but others from goodwill....What does it matter? Just this, that Christ is proclaimed *in every way*, whether out of false motives or true; and in that I rejoice” (Phil 1:15, 18, my emphasis).

May this “every way” include something like the phrase “under God” in the pledge of allegiance? I believe it may. I pray that the decision against the phrase is reversed. ⊕

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hear her teacher and other students recite it, and thus the classroom became a coercive environment.

Such are the basic arguments for either retaining or excising “under God” from the pledge. But are these the only options? Are there no other possibilities as our nation weaves its way into the future or, if you will, as it is being woven into the future? The history of the pledge suggests otherwise. Indeed, neither retaining nor excising has been the warp and woof of the pledge. The pattern rather has been “accruing.”

The pledge originally had twenty-two words. Presently, it has thirty-one. Francis Bellamy (1855-1931), a Baptist minister who wrote the original pledge in August 1892, was a Christian socialist who put into words the socialist ideas of his brother, Edward Bellamy. Francis worked for entrepreneurs who published *The Youth's Companion* magazine. In the patriotic spirit of their masonic beliefs they published Francis's pledge on October 11, 1892, the quadricentennial celebration of Columbus Day. They used twenty-three words. On June 14, 1923, and again on June 14, 1924, words were added clarifying to which flag allegiance was being pledged. In 1942 the United States Congress included the pledge of allegiance in the U.S. flag code. A year later the U.S. Supreme Court ruled that school children could not be forced to recite the pledge at school. On June 14, 1954, President Eisenhower approved adding “under God” after the phrase “one nation.” The original idea came in 1951 from the Roman Catholic Knights of Columbus in an anti-communism campaign. They took Abraham Lincoln's “this nation, under God” from the Gettysburg Address as their inspiration. Remarkably, Protestants and Catholics, Republicans and Democrats had all gotten on board during the McCarthy era recalling God for active duty to thwart godless communism. Much has changed since then, much hasn't. Domestic and global contexts mean as much now as then.

Does “under God” tacitly assume divine protection, destiny, providential power, blessing, direction, guidance, judgment, all of the above? “It depends,” is surely the biblical response! And there is the rub, leaving the sacred phrase vulnerable to the wax-nose syndrome. Still, the biblical God stays determined to hallow God's own name and fame even when people, especially godly people, threaten to *hollow* it for self-serving ends, even if only partially.

Why not seize the day for accruing? As we have seen, that is the pledge's own pattern after all. Perhaps a pledge acknowledging “one nation *among the nations* under God” more nearly meets the post-September 11 realities. Accruing these three words will not solve issues that we have already raised. Still, adding “among the nations” would position our republican ideals and practices in a global civil society with mounting mutual responsibility and accountability. “Liberty and justice for all” would begin to match the growing numbers who acknowledge postnationalist identities. Surely catholic Christians confess such an identity and our Republic rightly recognizes the limit evidenced in the words “among the nations.” ⊕

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