

One Nation, Under *Law*

By

Robert P. Tucker, Ph.D.

[Minister Emeritus of The Unitarian Universalist Congregation of Lakeland, Florida]

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Let me see a show of hands. How many of you recognize these names? Richard Burton? Richard Nixon? Richard Stands?

You don't know "Richard Stands"? Back in the 1960s everybody knew "Richard Stands," at least they did if they watched *The Art Linkletter Show*. Remember how he used to interview children? One day he asked them to recite "The Pledge of Allegiance." A little boy was doing just fine until he said: "...and to the republic for Richard Stands..." [Burrell, 68; adapted for style here and below by the replacement of "boy" and "girl" where only "children" are mentioned.]

There has always been a lot of confusion in the minds of children about America's "Pledge of Allegiance." In my own case, it was not until I was in the second grade that I realized that the "Pledge" did not end with the word, "Amen"! That was because my first grade teacher had us immediately follow the "Pledge" with "The Lord's Prayer"! (If you think I was confused, just imagine the mental mayhem done to the mind of David—the only Jew in the class!)

Many adults are also confused about "The Pledge." I was reminded of that by what another child said. She was doing just fine until she got to the part that is the focus of this sermon. Her version came out: "...one nation, under guard..." [Burrell, 68]

Her mistake takes my breath away! For ever since September 11, 2001, that is precisely what we have been: one nation, under guard!

In 1961, a Unitarian named **Rod Serling** wrote an episode for his television series, *The Twilight Zone*. It was entitled, "**The Monsters Are Due on Maple Street.**" [Foss, 55; Burrell, 57 paraphrased below] It was an allegory about human depravity. The story went like this: On a beautiful afternoon in America, a bright light flashed across the sky. Suddenly, everything stopped: cars wouldn't start, electricity wouldn't flow, and radios wouldn't work. People gathered in the streets to figure out what was going on. A little boy, who had been reading a sci-fi comic book, said: "That's what happens when the aliens come." That set off a chain reaction: suspicions grew, fingers were pointed, tempers flared, and finally, a mob formed to find the aliens in their midst! By the next morning there was no sign of life. Houses had been burned down and bodies lay strewn about. On a nearby hillside, an alien instructor said to his alien student: "See how it works? Just stop their machines and they do the rest. They pick the most dangerous enemy they can find and it's themselves. All we need to do is sit back and watch."

In the aftermath of 9/11—with Americans still hurt, fearful, and suffering—that's where we are: on "Maple Street" waiting for the monsters who, if we are not careful, will turn out to be ourselves.

One thing which often brings Americans close to forming mobs is discussion of **whether or not our "Pledge of Allegiance" violates this nation's policy on the separation of church and state.** If that is to be prevented, Americans must increase their understanding of that document.

"The Pledge of Allegiance" is an **oath**. Oaths are made up of words. We say them for a purpose which is both worthy and necessary if we are to trust one another enough to live together. That purpose is to establish our integrity by explicitly and formally declaring which values we believe in. "A person is only as good as his or her word," the saying goes, and so it is that people of integrity take oaths very seriously. [Burrell, 52; paraphrased] We Unitarian Universalists shy away from creeds and yet even we recognize that value-laden words define who we really are. Our U.U. "Principles" testify to that! [Singing, x]

Oaths can serve us well not only when they help establish our integrity, but also when they inspire us emotionally through their use in rituals that reinforce the most noble aspects of our existence. “The Hippocratic Oath” taken by physicians is a good example. [Burrell, 53]

But, sometimes, oaths can be harmful. This is especially true if, as time passes, their use undermines the principles they were created to defend. That can happen in different ways because **there are different kinds of oaths**. In relation to “The Pledge,” the two most important types are “**loyalty oaths**” (which state what we promise to do) and “**test oaths**” (which state what we believe). [Burrell, 53, 51]

The death of Sir Thomas More is a classic example. Called *The Man For All Seasons* in Robert Bolt’s 1961 play, More was Lord Chancellor under Britain’s King Henry VIII. Henry wanted to divorce Catherine of Aragon in order to marry Anne Bolyn, but the pope objected. To free himself of papal control, Henry promulgated an “Act of Succession” which would make him the head of the Church of England. For it to take effect, officials like More had to swear an oath. It was not merely a loyalty oath swearing not to interfere with the king’s actions. It was a test oath declaring that one believed that Henry had spiritual superiority to the pope. Thomas More “would have had no objection” to a loyalty oath, but his Roman Catholic faith did not permit him to swear to such a test oath. For his refusal, he was beheaded on July 6, 1535. [Burrell, 51, 55]

Test oaths have a sordid history. Recent examples include Hitler’s use of them to purge Germany of alleged “undesirables,” and Joseph McCarthy’s witch-hunt for American Communists. Such use of test oaths is very costly, not only to the individuals whose lives they ruin or end, but also to their societies. Hitler’s oaths drove out of Germany or to their graves some of the most brilliant minds in the world. McCarthy’s oaths stifled the creative contribution of a whole generation of America’s most talented citizens. [Burrell, 54]

Test oaths arise out of fear. They are created as defenses against real or imagined threats to valued principles. But problems arise when test oaths outlive these fears and become instruments for violating the very freedoms and principles they were designed to protect. As U.S. Supreme Court Justice William O. Douglas declared: “Test oaths are notorious tools of tyranny.” [Burrell, 56]

A good example of this fear factor occurred in 1958 when President Eisenhower set up the National Defense Education Act—America’s first student loan program. It was in response to the paranoia that gripped the U.S. when the Soviet Union launched Sputnik. The program’s purpose was to insure America’s technological superiority. But students had to sign a test oath stating that they had no intention of overthrowing the U.S. government. However, other than intimidation, nothing was achieved by that oath, for no effort was made to prove the students’ truthfulness! [Burrell, 58ff.]

There is an *irony* here that **Brian Burrell** points out in his book, *The Words We Live By*. “What [American] proponents of test oaths usually overlook...is that [this] nation was founded by subversives, and that the Founding Fathers made a point...in the Declaration of Independence that when a regime becomes oppressive, the people have a legitimate right to overthrow it. In a sense, then, the test...oath...is as un-American as the beliefs it supposedly targets. It is an insult to people of conscience, and it denies freedom of thought, of association, and of expression.” Nevertheless, Burrell points out: “When faced with a crisis, a majority of Americans have unhesitatingly supported” test oaths. [Burrell, 59]

The original intent of the Founding Fathers was “to keep the nation as oath-free as possible.” Their experience under British rule and with traitors during the American Revolution had taught them that oaths are not reliable. Benjamin Franklin, for example, declared that oaths are “the last recourse of liars.” In the Constitution, the Founders “saw fit to include [only] a succinct presidential oath, and although they suggested an oath for government service, they did not...write one. They [also] saw no need for a loyalty test oath for citizens, nor for a pledge of allegiance.” **It was not from the nation’s Founders, but from the individual states that loyalty and test oaths appeared for civil servants, and pledges of allegiance for schoolchildren.** [Burrell, 61f.]

Before 1892 the United States did not have a pledge of allegiance. The first version of our current “Pledge” was created by **Francis M. Bellamy**, a staff writer for *The Youth’s Companion* magazine. He and his boss, James Upham, successfully campaigned to have the “Pledge” recited by school children across the U.S. on the opening day of the World’s Columbian Exposition. Blessed by a proclamation from President McKinley, here **are the original words of our “Pledge of Allegiance”** as they were uttered on October 19, 1892: **“I pledge allegiance to my flag and the republic for which it stands; one nation, indivisible, with liberty and justice for all.”** [Burrell, 66]

Bellamy’s “Pledge” was an instant hit! By 1898 New York State legally mandated its use in public schools. Other states soon followed. [Burrell, 66]

In 1923 a National Flag Code Committee was set up to outline proper flag etiquette. It recommended replacing the words, “my flag” with the phrase, “the flag of the United States”; and later it called for adding the words, “of America,” to distinguish *these* united states from *those* of Brazil or Mexico. [Burrell, 66f.]

As Cold War paranoia intensified, waves of patriotism and pietism rolled across the land. In 1953, a congressman proposed adding the words “under God” to the “Pledge”. [Burrell, 67] The Roman Catholic Knights of Columbus led a campaign in support. [“Leave”] President Eisenhower’s own minister blessed the proposal as necessary to distinguish God-fearing Americans from their God-less enemies. Without such a change, he said, he could imagine hearing “little Muscovites repeat[ing] a similar pledge to their hammer-and-sickle flag in Moscow.” [Burrell, 67]

On **June 14, 1954**, Eisenhower signed into law a bill that established the first “Flag Day” and made official the **modified version of the “Pledge.”** His ambivalence showed, however, in his statement that “our form of government has no sense unless it is founded on a deeply felt religious belief—and *I don’t care what it is!*” [Burrell, 67; emphasis added]

The addition of “under God” resulted in court challenges. But, before that, the compulsory use of the “Pledge” and flag salute as test oaths had already been challenged. In 1940, two Jehovah’s Witness children went to court over being expelled from school for refusing to salute the flag and recite the “Pledge.” According to their religion, doing so was forbidden as a form of worshipping a graven image. The Supreme Court, however, ruled against their religious challenge. [Burrell, 68]

In contrast, in 1943 the Supreme Court ruled in favor of other Jehovah’s Witness children. The Court declared that remaining silent during the “Pledge” is a form of expression protected by the Constitution. Justice Robert Jackson wrote: “Compulsory unification of opinion achieves only the unanimity of the graveyard.” Thus were school children freed from having to say the “Pledge.” [Burrell, 68] It took yet another Supreme Court decision, in 1972, to establish the same freedom for teachers. [Burrell, 64f., 69]

Since then, the Supreme Court has gone “out of its way to interpret” the words “under God” in the “Pledge” as a “nonreligious statement.” [Burrell, 69f.] Indeed, “in the 1980s several Supreme Court justices...said the pledge and the ‘In God We Trust’ phrase on currency and coins were immune from church-state separation doctrines because their significance had been lost through rote repetition.” [“Leave”]

I believe such a position amounts to judicial waffling in the face of public opposition to “tampering” with the “under God” phrase in the “Pledge.”

In June, 2002, the 9th U.S. Circuit Court of Appeals declared the “Pledge” to be an unconstitutional governmental endorsement of monotheistic religion in violation of the American doctrine of separation of church and state due to the presence in it of the words “under God” which it argued have blatantly “religious” meaning. That case arose on behalf of Dr. Michael A. Newdow who objected to his daughter being compelled to listen to her second grade class recite the “Pledge.”

Not surprisingly, politicians seeking re-election have always vigorously opposed such court decisions and both the Newdow’s and that court’s justices received hate messages and death threats. [Kravets (both articles); “Leave”]

The Newdow case was appealed all the way to the **U.S. Supreme Court** which, in 2004, ruled that because Newdow was not married to the mother of the girl he fathered, he did not have legal standing to bring the case. The Court also ruled that the Pledge is a “commendable patriotic observance” and as such does not violate the First Amendment’s prohibition of the state’s establishment of religion. (Newdow’s most recent efforts have met with similar failure.) [CNN.com. See Chea source for updated developments.]

What the Supreme Court *should* have done was to bow to truth, not to pressure, and admit what is obvious: “God” is a *religious* term, and its use in a government document *does* violate the separation of church and state and is thereby unconstitutional.

If that is ever to happen, people must recognize just how the word “God” is used in the “Pledge.”

No deity in any religion is named “God.” Every religion’s deity has a particular name which distinguishes him or her or them from the deities of other religions. [cf. Jordon] Only someone ignorant of the history of world religions or intentionally deceitful would claim that all people worship the same deity under different names.

This means the word “**God**” is being used as a “**stealth term**” to conceal which deity the supporters of “**under God**” have in mind. To expose their deception we must show which deity they really mean. Here’s how: If the words in the “Pledge” were changed to say “under Zeus,” no American would recite it. If they said, “under Shiva” no non-Hindu American would say it. If they said, “under Allah” no Jewish or Christian American would say it. If they said “under Jehovah,” no Muslim American would say it. If they said “under Yahweh” many Fundamentalist Christians (who falsely believe that the Bible’s deity’s name is “Jehovah”) would not say it. [On Jehovah/Yahweh, cf. Anderson, 60-66. The court also argued thusly, Kravets (both).]

America is not one nation under Zeus, under Shiva, under Allah, or under any other particular deity, and if the “Pledge” specified which deity it really meant, some of those Americans who do not worship that deity would go to the Supreme Court and argue that the “Pledge” is clearly a religious creed in constitutional violation of the separation of church and state. **It is only because the ambiguous word “God” is used that the Court has been able to pretend that the “Pledge” is non-religious. But in fact, it is religious and its use of “under God” is designed to refer secretly to only one deity—the Bible’s deity. The Court ought to admit that and stop pandering to the Jewish/Christian majority, since it is thereby thumbing its nose at all Americans who belong to any other religion or who practice no religion at all.**

That is the negative side of things.

There is also a positive side.

America is a great nation! But its greatness is not based upon its being religious. Many other nations are just as religious, and some are far more religious and have made religion and government inseparable—remember the theocracies of Iran and Afghanistan?! They could truly say of themselves, “one nation, under Allah”! But are they great nations? Hardly.

What has made America great is not religion, but *law*—a Constitution that applies equally to all of our citizens. That foundation had cracks in it when it was laid. Blacks, women and others had to struggle to fix those weaknesses that threatened to topple the whole structure of our nation’s greatness. But over time amendments were added to fill in those cracks, so that the Constitution could evenly and equally apply to all Americans. As time goes on, more cracks may appear and more amendments may be needed. But that is our real foundation—the Constitution, one of the most profound, eloquent and sacred documents ever written.

When “Old Glory” waves in the sky, what it symbolizes above all else is the freedom and equality that are the goals and ideals of that Constitution.

America’s greatness arose, not because we believed in some ambiguous anonymous deity whose name we refused to utter. It came instead from the Constitution that Unitarian Thomas Jefferson and others laid down as our legal foundation. [Foss, 36]

Therefore, when holidays such as the Fourth of July come and patriotism fills the air, it is appropriate for Americans to salute their flag, and it is proper for Americans to recite their “Pledge of Allegiance.”

I believe in the “Pledge of Allegiance”!

But I also believe in the wisdom of a man named **Jesus** who said, “**Render to Caesar the things that are Caesar’s and to God the things which are God’s.**” [Mark 12:17] **It is my patriotic duty as an American citizen to pledge my allegiance to this flag and to the nation for which it stands.** But we live in a secular, religiously pluralistic democracy, and **our government has no right to dictate what any citizen believes religiously.** It is not proper, therefore for a government pledge to compel me to swear anything about any deity. That right does not belong to Caesar.

When it comes time to recite the “Pledge,” I do so proudly and fervently, but—in the place of those two religious words—I *substitute two other words, two secular words, two constitutional words which do, in fact, affirm what made this nation great.* If you listen, you will hear me say: **I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation, under law, indivisible, with liberty and justice for all.**

That is what the “Pledge” would say if it truly represented all Americans. As we have slowly but surely brought the Constitution around to better reflecting all of our citizens, maybe someday we will do the same to the “Pledge.” If we do not, then we will have arrived on “Maple Street” and the enemy that will have destroyed us will have been ourselves.

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