Q66 – What do we show loyalty to when we say the Pledge of Allegiance?

DOUGLAS GINSBURG, Federal Judge, U.S. Court of Appeals, D.C. Circuit:
When we pledge allegiance to the flag of the United States – we show loyalty to our republic, of which the flag is a symbol. Written by a minister in 1892, the Pledge became the way generations of Americans started their school day.

Classroom: “I pledge allegiance to the flag of the United States of America. And …” But is reciting the Pledge a choice, or a requirement? That very question reached the Supreme Court in 1940, when a family of Jehovah’s Witnesses challenged a Pennsylvania law requiring students in public schools to say the Pledge. They argued that saluting an earthly symbol violated their faith. The Court disagreed, writing that the law was “not aimed at the promotion or restriction of religious beliefs.” Justice Harlan Stone wrote the sole dissent. He argued that the First Amendment guarantees “the freedom of the individual from compulsion as to what he shall think and what he shall say.”
Following the Court’s decision, hundreds of Jehovah’s Witnesses were beaten by mobs as though they were traitors. In the wake of that violence, the Supreme Court did something it rarely does within the span of three years: It changed its mind.
In a landmark case in 1943, the Court held that forcing a student to salute the flag or recite the Pledge violates the Free Speech clause of the First Amendment. Justice Robert Jackson memorably wrote: “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.” Amen to that.