



Atheists. Agnostics. Humanists. Americans.

August 20, 2021

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The Honorable Mike Braun
United States Senate
Washington, D.C. 20510

Dear Senator Braun,

We appreciate your support for the Pledge of Allegiance and the basic love of country for which it stands, as exemplified in S. Res. 309. The American flag is indeed a symbol of hope and perseverance across the world, as you stated on the Senate floor, and pledging allegiance to that flag has been a hallmark of education in this country for decades. When Rev. Francis Bellamy wrote the Pledge in 1892 as part of a student salute to Columbus Day, he hoped it would help the immigrant students swelling the nation's schools to assimilate.

However, we have concerns about S. Res. 309. You said that the Pledge is "one of our most powerful expressions of national unity" but for millions of Americans the phrase "under God" undercuts that sense of unity by stating that the nation is under a God in which they do not believe. You said that S. Res. 309 "simply expresses support for our Pledge of Allegiance" but much of the resolution outlines the legal and cultural history of the Pledge, demonstrating that its religious implications have been an issue for eight decades. And the final line of S. Res. 309 says the Senate strongly supports the constitutionality of the Pledge, a legal proclamation that is much different from a simple affirmation of support.

The Pledge of Allegiance and surrounding controversies have always reflected the times. Rev. Bellamy's motivations derived from the Nativist sentiment prevalent in the 1890s. Justice Felix Frankfurter's opinion in the ruling that Jehovah's Witnesses, and therefore others, could be compelled to recite the Pledge despite their religious beliefs was written during the fall of Dunkirk. "We are dealing with an interest inferior to none in the hierarchy of legal values," he wrote. "National unity is the basis of national security." Just three years later the Court reversed this violation of the Establishment Clause in *West Virginia State Board of Education v. Barnette* (1943).

The words "under God" were added in 1954 when the Red Menace was front and center in American life, the McCarthy hearings had just wrapped up the previous week and showing that we could stand up to the godless communists was considered paramount. Some courts may have concluded that "under God" has been drained of its religious content but for millions, that is not true or acceptable. If Rev. Bellamy, a Baptist minister and a Christian Socialist, did not see the need for the phrase "under God," an originalist view of the Pledge would conclude that there was never a reason to add it.

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It seems as though it should be possible to construct a Resolution that celebrates the Pledge of Allegiance without relitigating the 80 years of controversy it has created and without emphasizing the addition to the Pledge that millions of Americans do not agree with. When you prepare next July's Senate Resolution, perhaps the words of Justice Robert Jackson could serve as a guide. He delivered the opinion for the majority in *Barnette*:

"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. If there are any circumstances which permit an exception, they do not now occur to us."

Signed,

American Atheists

American Humanist Association

Atheist Alliance of America

Black Nonbelievers

Cultural and Secular Jewish Organization (CSJO)

Ex-Muslims of North America

Foundation Beyond Belief

Freedom From Religion Foundation

Hispanic American Freethinkers

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The Clergy Project

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