

Testimony in strong opposition of HB 1222

Dear Chairman and Members of the Committee,

Recitation of the Pledge of Allegiance has been a patriotic exercise in North Dakota schools for many, many decades. Every so often, over the years, the urge arises in some to force people to perform this particular outward display of patriotism. They just can't stomach the idea of others having different ways to celebrate their freedom. We are clearly in such a time period, where fervent nationalism is again in the water.

In 1943, the Supreme Court of the United States ruled that forced recitation of the Pledge or punishment for not reciting the Pledge is in violation of the Constitution.

In this bill, there is again an attempt at forced patriotism. The phrase "permit students to recite the pledge" is struck and language is added that "a student of a public school shall recite the pledge of allegiance at the beginning of EACH schoolday" (emphasis mine). The student can only be excused by written consent from a parent or guardian and is still required to stand at attention with the right hand over the heart.

This written consent clause does not remove the free speech rights of minors. Per the Supreme Court, free speech extends to minors and can not be compelled. Thus, this bill, as written, violates the free speech rights of North Dakota students.

Further, the bill does not specify a penalty for any student who refuses to participate in the pledge in any way, without consent of their parent. What will happen to a 17-year-old who remains seated? Will they be dragged out of the room? Yelled at? Those are all acts that led to the 1943 Supreme Court decision.

If this bill passes, North Dakota taxpayers will again have to pick up the tab for the legal defense of the indefensible. Why should North Dakotans absorb this cost?

The entire idea that patriotism should somehow be instilled by force is anathema to the founding documents of this nation. It is anathema to freedom. We have a great constitution, it is time we pay attention to all its parts, not just those we personally like. Freedom, in America, also includes the freedom of those people who think differently from yourself. I know that this concept is currently under assault nationwide, but it does stand.

Again, I strongly urge you to throw out this misguided bill.

Sincerely,

Alex Deufel – District 40