

In Massachusetts, atheists lose 'under God' fight

by [Kimberly Winston](#) in the [June 11, 2014](#) issue

The highest court in Massachusetts upheld the legality of the phrase "under God" in the Pledge of Allegiance on May 9, dealing a blow to atheist groups who challenged the pledge on antidiscrimination grounds.

The Massachusetts Supreme Judicial Court said the daily, teacher-led recitation of the pledge in state public schools does not violate the state's equal rights amendment and is not discriminatory against the children of atheists, humanists, and other nontheists.

"Participation is entirely voluntary," the court wrote as a whole in the decision of *Doe v. Acton-Boxborough Regional School District*, brought by an anonymous humanist family.

"All students are presented with the same options; and one student's choice not to participate because of a religiously held belief is, as both a practical and a legal matter, indistinguishable from another's choice to abstain for a wholly different, more mundane, and constitutionally insignificant reason."

The ruling marks the second legal loss for atheists within a week. On May 5, the U.S. Supreme Court ruled that sectarian prayers given before government meetings were not a violation of the First Amendment's guarantee of separation of church and state.

Secular activists were quick to condemn the Bay State ruling.

"This would have been a groundbreaking case for atheists and humanists, but the court's decision today simply reaffirms the status quo," said Edwina Rogers, executive director of Secular Coalition for America, an umbrella organization of atheist, humanist, and other secular groups. "Today's decision tells our children that love for our country must be linked to a god belief, and that in and of itself is discriminatory."

The loss is also a setback for a new legal strategy that secular groups employed after a string of challenges to the “under God” phrase. They argued that “under God” violated the state constitution’s guarantee against discrimination rather than the U.S. Constitution’s promise of separation of church and state.

Since the addition of the phrase “under God” in 1954, the pledge has faced repeated challenges. In 2004, one case reached the Supreme Court but ultimately failed, as have all previous challenges.

—RNS