

# Taking on the pledge: "Under God" religiously empty

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A massive public outcry greeted the ruling last month by the Ninth Circuit Court of Appeals declaring that the words "under God" in public school recitations of the Pledge of Allegiance violate the "no establishment of religion" clause of the First Amendment. Congress rushed to condemn the decision. President Bush termed it ridiculous and Senate Majority Leader Tom Daschle called it "just nuts." Some columnists questioned the judges' sanity.

But the ruling makes sense. Imagine hearing a public school teacher leading students in pledging devotion to a nation "under Vishnu." It would be obvious in such a case that the government was endorsing and advancing a particular religion—a clear violation of the Constitution. This was Circuit Judge Alfred Goodwin's point: "A profession that we are a nation 'under God' is identical, for Establishment Clause purposes, to a profession that we are a nation 'under Jesus,' a nation 'under Vishnu,' a nation 'under Zeus' or a nation 'under no god,' because none of these professions can be neutral with respect to religion."

The only way "under God" can be construed as constitutional is by arguing that the words do not really carry the kind of theological weight Goodwin ascribes to them. Probably for many Americans the phrase "under God" in the pledge is not loaded with much religious meaning; it merely lends a pleasant aura of sanctity to the nation and its ideals.

The late Supreme Court Justice William Brennan and some of his colleagues argued in this vein in the 1980s, suggesting that ritual phrases like "under God" in the pledge or "In God we trust" on coins have been drained of specific religious content and are more of a cultural tradition than a theological assertion. Because these phrases are religiously empty, they said, they can be accommodated under the "no establishment" clause. (The dissenting judge on the Ninth Circuit, Ferdinand Fernandez, seemed to follow Brennan's reasoning, arguing that the recital of "under

God” in public schools presents only a “picayune” threat to religious liberty.)

To the extent “under God” has real religious meaning, then, it is unconstitutional. And the phrase is constitutional to the extent that it is religiously innocuous.

Given that choice, we side with the Ninth Circuit. And we see no need—especially not for Christians—to defend hollow references to an innocuous God.