

ON THIS DAY IN WEST VIRGINIA HISTORY JANUARY 9



On January 9, 1942, the State Board of Education adopted a resolution mandating the salute to the flag as a regular part of school activities for teachers and students. The following year, the law requiring such a salute was found unconstitutional by the United States Supreme Court.

CSO: SS.8.3, SS.8.25

Investigate the Document: (Charleston Gazette, 9/12/1988; State Board of Education Resolution on Salute to the Flag, West Virginia State Board of Education, Record of Proceedings, July 1, 1940 to June 30, 1942, pp. 323-24, Ar7)

1. Concerns over the infringement of citizens' _____ Amendment rights is repeatedly cited throughout the Resolution. What does this specific Amendment protect?
2. According to the Resolution, what did the West Virginia State Board of Education believe was the basis of national security?
3. Refusal to "salute" the flag during the Pledge of Allegiance was to be viewed as an act of _____.
4. According to the article, what religious group faced harassment and abuse for their refusal to recite and stand for the Pledge of Allegiance. Members of this group were a catalyst for the landmark *West Virginia Board of Education v. Barnette* Supreme Court case which determined that holding that the Free Speech Clause of the First Amendment protects students from being forced to salute the American flag or say the Pledge of Allegiance in public school.

Think Critically: Because the American flag, national anthem, and pledge of allegiance are treated with a high level of respect and patriotism by many, should this impact whether or not individuals are able to take actions seen as disrespectful to these national symbols? Do YOU view this Resolution as a violation of personal liberty? Are there any similarities to the "NFL National Anthem Controversy?" If so, what?

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Flap over pledge was traumatic experience

By David Margolick

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When Marie Snodgrass and Gatha Edmonds of Cross Lanes think of the Pledge of Allegiance, what comes to mind is neither a patriotic ritual nor the 1988 presidential campaign.

Instead, it conjures up indelible childhood memories of traumatic times that helped shape U.S. constitutional law.

Forty-six years ago, as sisters named Barnett, the two girls were expelled from a school in nearby Charleston for refusing to salute and pledge allegiance to the flag (or, to be precise, a picture of one) at the front of their classroom.

As members of Jehovah's Witnesses, they considered the pledge blasphemous, a violation of the biblical injunction to worship no graven images.

They were only two of the 2,000 or so Witness children throughout the country to endure such an experience, many of whose families were victims of violent attacks.

But it was their father, Walter Barnett, a pipefitter for Du Pont who lent his name to the landmark 1943 decision of the U.S. Supreme Court holding compulsory salute laws unconstitutional.

"If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can

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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," Justice Robert H. Jackson wrote in West Virginia Department of Education vs. Barnette (the name was misspelled in court records).

That ruling, along with the history and significance of the pledge itself, has been at the center of a debate in this year's presidential campaign.

It was touched off by Vice President Bush, who assailed the Democratic presidential nominee, Gov. Michael S. Dukakis, for vetoing a Massachusetts bill in 1977 that would have imposed fines on teachers if they did not lead their classes in daily recitations of the pledge.

Dukakis cited an advisory opinion by Massachusetts' highest

court that the bill was unconstitutional. That opinion, in turn, rested on the Barnett case.

But not even the most ringing court rhetoric could lay so volatile an issue to rest.

For young Witnesses like Gatha Edmonds's grandchildren, Kay and Boyd Edmonds, who now stand mute during the pledge much as their grandmother did half a century ago, the taunting by schoolmates and embarrassing visits to the principal remain childhood rites of passage.

What national politicians say or the subject, or any other, does not matter to Snodgrass and Edmonds; like all Witnesses, they don't vote.

Snodgrass said she had not heard about Bush's remarks until a reporter told her about them. As for Edmonds, her husband mentioned seeing something on televi-

sion, but she did not pay much attention.

Bush raised the issue in his acceptance speech at the Republican National Convention in New Orleans in August. "Should public school teachers be required to lead our children in the Pledge of Allegiance?" Bush said. "My opponent says no — but I say yes."

Dukakis responded by suggesting that Bush did not understand the Constitution. "If the vice president is saying he'd sign an unconstitutional bill, then in my judgment he's not fit to hold the office," Dukakis said. "It's a violation of the law and he knows it."

The Barnett sisters have little doubt what his latest round of flag-fervor means.

In the 1940s, they were called "traitors," "Nizis," "Japs," "Fifth Columnists" or worse; but at least then, they note, the country was at war.

This time, they believe it signifies something far more profound than war hysteria: a prelude to Armageddon, when, according to their reading of the Bible, God will destroy all corrupt worldly governments and replace them with his own.

"We believe the end is coming very near, and this is one more sign," Snodgrass explained. "That's the only thing I can think."

STATE BOARD OF EDUCATION

CHARLESTON, W. VA.

323

January 9-10, 1942

RESOLUTION ON SALUTE TO THE FLAG

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WHEREAS, The West Virginia State Board of Education holds in highest regard those rights and privileges guaranteed by the Bill of Rights in the Constitution of the United States of America, and in the Constitution of West Virginia, specifically the first amendment to the Constitution of the United States as restated in the Fourteenth Amendment to the same document and in the guarantee of religious freedom in Article III of the Constitution of this State, and

WHEREAS, The West Virginia State Board of Education honors the broad principle that one's convictions about the ultimate mystery of the universe and man's relation to it is placed beyond the reach of law; that the propagation of belief is protected whether in church or chapel, mosque or synagogue, tabernacle or meeting-house; that the Constitutions of the United States and of the State of West Virginia assure generous immunity to the individual from imposition of penalty for offending, in the course of his own religious activities, the religious views of others, be they a minority or those who are dominant in the government, but

WHEREAS, The West Virginia State Board of Education recognizes that the manifold character of man's relations may bring his conception of religious duty into conflict with the secular interests of his fellowman; that conscientious scruples have not, in the course of the long struggle for religious toleration, relieved the individual from obedience to the general law not aimed at the promotion or restriction of the religious beliefs; that the mere possession of convictions which contradict the relevant concerns of political society does not relieve the citizen from the discharge of political responsibility, and

WHEREAS, The West Virginia State Board of Education holds that national unity is the basis of national security; that the flag of our Nation is the symbol of our national unity transcending all internal differences, however large within the framework of the Constitution; that the flag is the symbol of the Nation's power, the emblem of freedom in its truest, best sense; that it signifies government resting on the consent of the governed, liberty regulated by law, protection of the weak against the strong, security against the exercise of arbitrary power, and absolute safety for free institutions against foreign aggression, and

WHEREAS, The West Virginia State Board of Education maintains that the public schools, established by the legislature of the State of West Virginia under the authority of the Constitution of the State of West Virginia and supported by taxes imposed by legally constituted measures, are dealing with the formative period in the development in citizenship that the flag is an allowable portion of the program of schools thus publicly supported,

Therefore, be it RESOLVED, That the West Virginia State Board of Education does hereby recognize and order that the commonly accepted salute to the flag of the United States--the right hand is placed upon the breast and the following pledge repeated in unison: "I pledge allegiance to the flag of the United States of America and to the Republic for which it stands; one Nation, indivisible, with liberty and justice for all"--now become a regular part of the program of activities in the public schools, supported in whole or in part by public funds, and that all teachers as defined by law in West Virginia and pupils

STATE BOARD OF EDUCATION

CHARLESTON, W. VA.

January 9-10, 1942

324

in such schools shall be required to participate in the salute honoring the Nation represented by the flag; provided, however, that refusal to salute the flag be regarded as an act of insubordination, and shall be dealt with accordingly.

On motion of Thelma B. Loudin, seconded by Lydia C. Hearne, that the foregoing motion be received, entered upon the records and made the order of the Board, the motion passed.