



Written by [Dave Bohon](#) on June 15, 2012

Massachusetts Judge Affirms “Under God” in Pledge of Allegiance

A Massachusetts judge has ruled against an atheist couple who sued the school district where their children go to school, seeking to have the words “under God” struck from the Pledge of Allegiance, which is voluntarily recited by students in the district. The couple, who were represented by the [American Humanist Association](#) (AHA), argued that the God-affirming phrase amounts to a “religious truth” that violates their own atheist non-belief. But Middlesex County Superior Court Judge S. Jane Haggerty disagreed with the couple, ruling that the phrase is not religious, but is instead meant to “inculcate patriotism” and to “instill a recognition of the blessings conferred by orderly government under the constitutions of the state and nation.”



The anonymous couple, who had three children attending Acton Public Schools and the Acton-Boxborough Regional School District, filed the suit in February with the help of the AHA, which promised to appeal the ruling. “No child should go to school every day, from kindergarten to grade twelve, to be faced with an exercise that defines patriotism according to religious belief,” complained AHA president David Niose, following the ruling. “If conducting a daily classroom exercise that marginalizes one religious group while exalting another does not violate basic principles of equal rights and nondiscrimination, then I don’t know what does.”

Niose argued that having children recite the Pledge is nothing less than religious indoctrination. “The flag-salute is how we define patriotism for children on a daily basis,” he said. “When we define patriotism with a religious truth claim — that the nation is in fact under a god — we define nonbelievers as less patriotic.”

But in her ruling Judge Haggerty emphasized that the Pledge “is a voluntary patriotic exercise, and the inclusion of the phrase ‘under God’ does not convert the exercise into a prayer.” She noted that as recently as 2002, “Congress reaffirmed the terms of the Pledge, making findings that support the conclusion that including the phrase ‘under God’ did not transform the Pledge into a religious exercise but rather was intended to reflect the history and political philosophy of the United States.”

Stephen Mills, superintendent of the Acton-Boxborough schools, applauded the judge’s ruling. “The court upheld the school district’s longstanding practice of leading children in the Pledge of Allegiance, which is also required under our state law,” he said. “The school districts have maintained throughout this lawsuit that we have not engaged in unlawful discrimination against its students, specifically with respect to their religious beliefs as was alleged in this case.”



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In 2011 the [Becket Fund for Religious Liberty](#) represented another couple, Daniel and Ingrid Joyce, whose children attended school in the same district and who wanted the recitation of the Pledge of Allegiance, with the words “under God,” preserved in the schools. Diana Verm, legal counsel for the Becket Fund, emphasized at that time that there were many individuals and families who valued the Pledge and didn’t want its words edited. “We intervened in the lawsuit because we wanted our clients’ voices to be heard,” she said, “that there are people who value the Pledge and its political meaning and they want to continue saying it.”

On its website the Becket Fund reported that the latest litigation was the fourth major lawsuit targeting the phrase “under God” in the Pledge of Allegiance, and the fourth time that courts have ruled in favor of retaining the phrase. “Basically, this is a message to schools that as long as no one is being forced to say the Pledge of Allegiance, they’re doing it right,” Verm said of the latest ruling. “Secular atheists, anyone can disagree with the philosophy of the Pledge of Allegiance, but they can’t stop others from participating in it.”

The words “under God” were added in 1954 to the Pledge of Allegiance, which reads in full: “I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.”

Mathew Staver, founder and chairman of [Liberty Counsel](#), noted that the “Pledge of Allegiance’s proclamation that America is united as one nation under God is consistent with the Declaration of Independence. The Judeo-Christian values that formed the foundation of America are the reason for American exceptionalism. When we say the Pledge, we are not Republicans or Democrats. We are Americans.”



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