

US political establishment vilifies "Pledge" plaintiff

Patrick Martin
10 July 2002

Dr. Michael Newdow, the California physician who successfully argued in his own lawsuit that the Pledge of Allegiance is unconstitutional because it includes the words "under God," has been subjected to a vicious campaign of vilification by Democratic and Republican politicians, the leaders of organized religious groups, right-wing talk radio and editorials in virtually every major newspaper. The media has portrayed him as a crank guided by a peculiar obsession against religion, and he has received multiple death threats.

Newdow argued that both his and his daughter's First Amendment rights to be free of a government establishment of religion were violated because she had to "watch and listen as her state-employed teacher in her state-run school leads her classmates in a ritual proclaiming that there is a God, and that ours is 'one nation under God.'" A three-judge panel of the US Ninth Circuit of Appeals issued a 2-1 ruling in his favor late last month.

The US government publicly and officially sanctions and promotes religion in countless ways, in clear violation of the language of the First Amendment, from the phrase "In God We Trust" on US currency to compulsory swearing "so help me God" to testify in a legal proceeding. And now, according to the US Supreme Court, public tax dollars can be used to finance religious indoctrination of children and the purchasing of Bibles.

Fascist-minded Christian fundamentalists are the dominant political force in the Republican Party. President Bush, in a comment that was remarkably ignorant, even for him, declared that the Ninth Circuit decision "points up the fact that we need common-sense judges who understand that our rights were derived from God." Actually, as any competent student of law or constitutional history could explain, the rights of Americans are spelled out in the Constitution and the Bill of Rights or derived from English common law.

The Democratic Party also bows to these reactionary prejudices. Senate Majority Leader Tom Daschle denounced the Pledge of Allegiance decision as "nuts." When the Democratic-controlled US Senate held its first session after the Circuit Court ruling, senators gathered to hear an invocation from the Senate Chaplain, who declared, in a novel interpretation of the First Amendment, "We acknowledge the separation of sectarianism and state, but affirm the belief that there is no separation between God and state."

The most prominent liberal lobbying groups were prostrate before the prevailing Bible-thumping. A spokesman for the

American Civil Liberties Union called the court's decision "correct," while "hastening to add that the ACLU had nothing to do with the lawsuit," according to the *Washington Post*. Ralph G. Neas, head of People for the American Way, portrayed the decision as a backdoor attempt by the Republicans to "get traction and make this an issue." They can't, he argued, "because everyone agrees. The decision was wrong and it will be overturned."

In pursuing the suit—which civil liberties lawyers told him would never prevail in court—Newdow has demonstrated a considerable degree of moral and physical courage. A case in point was his appearance July 3 on the CNN news program "Crossfire."

The format of this program is dreadfully familiar. A rabid reactionary—in this case arch-conservative commentator Robert Novak—is paired with a tepid ex-liberal—in this case former Clinton campaign strategist Paul Begala—in a joint interview with a person in the news. The setup usually guarantees predominance to the right wing, since the liberals invariably lack any conviction and seek to accommodate their "dissent" to the ideology dominant in official Washington.

Newdow, falling entirely outside the official consensus, was targeted by both "left" and right. But he gave rather better than he got.

Novak started off in a bullying tone, citing opinion polls showing 84 percent of the population opposed to the court ruling on the Pledge of Allegiance. Newdow wanted to deprive this overwhelming majority of their rights, he claimed.

Newdow replied: "I'm not saying that at all. They can do anything they want. I encourage them to worship as they please. This lawsuit is against whether—it is to determine whether or not they have the right to use the government to enforce their religious ideas. And that's the question."

Novak claimed that the Pledge of Allegiance did not impose religious ideas and cited the "free exercise" section of the First Amendment. Newdow responded: "You're misinterpreting the rights. There's an establishment clause and there's a free exercise clause. And the free exercise clause is the one that allows anybody to worship as they please. The establishment clause forbids anybody from using the government to have that worship—I shouldn't have used the word enforced—but intruded upon other people."

Former Clinton aide Begala was, if anything, even more vicious in attacking Newdow, sneering at the significance of the issue.

“There are a whole lot of things that I think people on the Left ought to be upset about,” he said, citing pollution, corporate scandals and the anti-democratic policies of Attorney General John Ashcroft. The First Amendment ban on establishment of religion, he made clear, was not one of these things.

In this he was sounding the same theme as the *New York Times* and the *Washington Post*. Both newspapers published editorials deploring the Pledge of Allegiance decision as a diversion from more important matters that would inflame popular prejudices and thus strengthen the far right. The *Times* said the ruling would be overturned, adding, “the sort of rigid overreaction that characterized it will not make genuine defense of the First Amendment any easier.”

Such criticism has no legitimacy, since the liberals have long since abandoned any defense of democratic rights and social progress on the other, supposedly more important, political issues. All support the shredding of the Constitution by Bush, Ashcroft & Co. in pursuit of the global “war on terrorism.”

The *Post* said the ruling “could hardly have produced a more provocative holding than striking down the Pledge of Allegiance while this country is at war. We believe in strict separation between church and state, but the pledge is hardly a particular danger spot crying out for judicial policing.” This last claim was contradicted by a subsequent *Post* editorial supporting the Supreme Court decision that approved the use of vouchers for religious schools.

Newdow responded to this baiting with a robust affirmation of the rights of the non-religious. “First of all,” he said, “I don’t think people understand—atheists are really a disenfranchised minority in this country. There are six constitutions right now—state constitutions—that say things like what South Carolina says, that ‘No person who denies the existence of a supreme being shall hold any office under this Constitution.’ Can you imagine somebody having—a state having no person could—no Jew could hold an office under this constitution, no black? Atheists are just very disenfranchised and I think that people need to stand up for their rights.”

Then the following exchange took place, which reduced Begala to sputtering frustration:

Begala: Mr. Newdow, I’ll read back to you a comment that was quoted to you in the *San Francisco Chronicle* where you apparently said—quote—“It may seem like a far stretch, but if you do this incrementally this is what causes people to get killed. A man flew a plane into a very tall building in New York believing he was doing it for God.” You’re not blaming religion for the mass murders of September 11th, are you, sir?

Newdow: Absolutely. Are you denying that’s what it was about?

Begala: Yes—absolutely. The terrorists who blew up the Oklahoma City building were atheists. Am I going to blame you, another atheist, for killing 168 innocent souls in Oklahoma City?

Newdow: I don’t know that they were atheists, but they didn’t do it in the name of atheism. This man did it in the name of Allah.

Begala was incapable of refuting Newdow’s assertion, although it is certainly an oversimplification, because that would require a more serious discussion of the causes of September 11, above all, a critical examination of the role of US foreign policy in fomenting

hatred of the United States among oppressed peoples all over the world.

A final exchange with Novak seemed to put the right-wing pundit on the brink of apoplectic collapse:

Novak: Mr. Newdow, I just wonder how far you plan to go, if you’ve thought that out. Every—we have on our currency “In God We Trust.” We have that as the motto in the House of Representatives. We have prayers in the House of Representatives. In the Senate we have chaplains. We have a military chaplain. The president takes an oath on a Bible. Many officers take an oath on a Bible. The Supreme Court starts every session saying, “God save this honorable court.”

Newdow: Pretty horrible for an atheist, don’t you think?

Novak: Are you going to bring suit about all of those things...

Newdow: Absolutely.

Novak:... against all of those practices?

Newdow: If I win here I’ll keep going—yes. Can you imagine if we had all of those things with Allah or David Koresh or someone else that you don’t agree with? The Reverend Sung Myung Moon? You’re comfortable with it because it’s your religion. I’m uncomfortable with it. And I’m American and I’m supposed to be protected just like you.

Novak: But 84 percent of Americans believe there is a difference between David Koresh and God.

Newdow: That’s right. That’s the point.

Novak: Does that seem credible to you?

Newdow: No—but the point is that we don’t do this based on majorities. This is the Bill of Rights. This is how to uphold the minority right. That’s why we have the Bill of Rights...

Novak: You’re the one who’s trying to silence them.

Newdow: I’m not silencing anybody. I’m silencing the government, which is what the establishment clause says.

Novak: But you’re...

Newdow: Congress shall make no law respecting an establishment of religion.

Novak: There’s no establishment of religion because to do anything...

Newdow: You just said—you just listed six different things where there’s God all over the place. That’s a religious establishment—that’s theism. Just like the judge said in the—in the opinion. That’s an establishment. Because it’s not a specific one religion—that’s not—that’s not the issue. The issue is: is any sort of religion being established? Yes—theism.

All in all, a breath of fresh air, politically and culturally.



To contact the WSWs and the Socialist Equality Party visit:

wsws.org/contact