



128 DORRANCE STREET, SUITE 220  
PROVIDENCE, RI 02903  
401.831.7171 (t)  
401.831.7175 (f)  
[www.riaclu.org](http://www.riaclu.org)

April 29, 2015

Dear Pawtucket City Council Member:

I am writing in response to an apparent controversy, as reported in an article yesterday in the *Valley Breeze*, over a member of the public refusing to stand for the Pledge of Allegiance at the beginning of City Council meetings.

We wish to make sure that all Council members are aware that the resident, Joe Hart, has a clear constitutional right not to stand for the Pledge. In light of some of the comments aimed at Mr. Hart for his conduct, a brief explanation of why protection of this right is important seems in order.

It has been more than 70 years since the U.S. Supreme Court concluded that the First Amendment protects individuals from being forced to salute the flag or say the Pledge of Allegiance. That initial case involved the disciplining of students who were Jehovah's Witnesses, and who considered saluting the flag a form of idolatry. In one of the most cited quotes from a Supreme Court ruling, Justice Robert Jackson wrote in support of their First Amendment rights: "If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can 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."

There are many reasons – religious, moral, philosophical and political – why some individuals refuse to stand for the Pledge. One of the fundamental principles the flag symbolizes is the freedom not to salute it. Compulsory patriotism is a disservice to what the flag represents. We hope that the City Council will forcefully and publicly reject any future efforts to intimidate members of the public who are exercising their First Amendment rights at City Council meetings.\*

Sincerely,

Steven Brown  
Executive Director

cc: Richard Goldstein

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\*The news article quotes Councillor Mark Wildenhain as saying that not standing for the Pledge should be treated the same as flag burning. He is correct, but for the wrong reason. Contrary to his belief, the U.S. Supreme Court has definitively held that the First Amendment also protects the right to burn the American flag.