

Legislative Analysis



PLEDGE OF ALLEGIANCE TO U.S. FLAG

Mary Ann Cleary, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4934 (Substitute H-2)
Sponsor: Rep. Kevin Cotter

Senate Bill 637 (Substitute H-1)
Sponsor: Sen. Roger Kahn, MD
Committee: Education

First Analysis (6-13-12)

BRIEF SUMMARY: Senate Bill 637 would require that every public school classroom have a United States flag, and House Bill 4943 would require that an opportunity to recite the pledge of allegiance to the flag be offered each school day to all students in every school.

FISCAL IMPACT: The bills would impose additional costs on districts, intermediate districts, and public school academies to the extent that they would be required to acquire additional U.S. flags in order to have a flag available in each room where the pledge is to be recited.

THE APPARENT PROBLEM:

While Section 1347 of the Revised School Code requires a school district to prominently display a large United States flag on a staff at each school building in the district, there is no requirement in Michigan law that there be a flag in every classroom. Neither is there a requirement that students be offered an opportunity to recite the pledge of allegiance to the flag each day.

The Pledge of Allegiance to the United States flag is perhaps the most recognized and memorized statement of support for this nation. See **Background Information**. School children in many classrooms in Michigan and across the country say the Pledge as part of their daily activities.

Together with their classmates, school children nationwide stand, place their right hands over their hearts, and recite, as follows: "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."

Reportedly, 43 states require public schools to offer a daily recitation of the Pledge (only Michigan, Nebraska, Vermont, Wyoming, Hawaii, Iowa, and Maine do not).

Legislation has been introduced to require Michigan's public schools to give students an opportunity to recite the Pledge of Allegiance each school day; and to display a U.S. flag in each school classroom.

THE CONTENT OF THE BILLS:

House Bill 4934 (H-2) would amend the Revised School Code (MCL 380.1347) to require that every school board of a public school district and every board of directors of a charter

school ensure that an opportunity to recite the pledge of allegiance to the flag of the United States is offered each school day to all students in each public school it operates.

The bill specifies that a student would not be compelled to recite the pledge of allegiance against the student's objections, or against the objections of the student's parent or legal guardian.

The bill would also require that the governing boards of school districts and charter schools ensure that students are not subject to any penalty or bullying at school as a result of not reciting the pledge of allegiance.

Finally, the bill specifies that "pledge of allegiance to the flag of the United States" means the pledge of allegiance prescribed in federal law at 4 USC 4.

Senate Bill 637 (H-1) would amend the Revised School Code (MCL 380.1347) to require that a U.S. flag be displayed in each classroom or other instructional site where the pledge of allegiance is offered to students. Currently, a school district is required under the law to display a U.S. flag (measuring at least 4 feet 2 inches by 8 feet in size) on a flag staff in a prominent and conspicuous place on each public school building or on a conspicuous place on the school grounds.

HOUSE COMMITTEE ACTION:

The House Committee on Education reported out an H-1 substitute for Senate Bill 637. Like the Senate-passed version of the bill, the H-1 substitute requires that an American flag be displayed in each public school classroom. The requirement that students be given an opportunity to recite the pledge of allegiance each day was eliminated in Senate Bill 637(H-1). Instead, the requirement that students be able to recite the pledge of allegiance, daily, while in public school is embodied in House Bill 4934 (H-2), a companion bill to Senate Bill 637.

BACKGROUND INFORMATION:

The original Pledge of Allegiance was written in 1892 by Francis Bellamy, a Baptist minister, for "The Youth's Companion" magazine. The original wording of the Pledge was, "I pledge allegiance to my flag and the Republic for which it stands, one nation, indivisible, with liberty and justice for all" ("The Pledge of Allegiance--A Short History", John W. Baer). Through the years, the words to the Pledge were changed. In 1923, the first National Flag Conference voted to change the words "my flag" to "the flag of the United States of America." Congress codified this version in federal statute in 1942. In 1954, an amendment to the statute added the words "under God" to the Pledge.

ARGUMENTS:

For:

The Pledge of Allegiance is commonly used to open local government meetings and community events and, in many schools, the day begins with a recitation of the Pledge. Easier to recite and less voluminous than the Preamble to the Constitution or the opening paragraphs of the Declaration of Independence, the Pledge is powerful in its concise statement of allegiance to the flag and to the ideals of liberty and justice. Reciting the Pledge reminds people of their common goal to strive for freedom and justice in a democratic

society and to pledge themselves, as individuals, toward attainment of those goals as a united people. Michigan should foster the development of these ideals in its school children by following the lead of 43 other states and requiring the boards of public school districts and public school academies to ensure that the Pledge of Allegiance was offered each day to their students.

Reportedly, many students do not know the words to the Pledge of Allegiance or that they are supposed to stand and place their right hand over their heart when reciting it. In the past, children considered it an honor to be selected by their teacher to lead the class in saying the Pledge. By requiring schools to create a daily opportunity to recite the Pledge, the bill would help teach school children to respect the flag and their country.

Response:

School boards should be able to have students recite the Pledge if they wish, but that is a decision best left to locally elected officials. Statutorily requiring school boards to ensure that an opportunity to recite the Pledge is offered each day in every classroom before a classroom flag will infringe upon Michigan's tradition of local control over such matters, and it will be costly to school districts.

For:

Although this is a good bill, it should be amended on the House floor to specify that schools be encouraged to provide a copy of the text of the Pledge of Allegiance to their students. There are many reports of young students learning the words of the pledge by rote, but mangling them when they recite, with utmost sincerity, same-sounding nonsense. In order to avoid this sometimes humorous but disrespectful outcome, students should know the words of the pledge, and the meaning of those words.

Against:

Some who say the bill is a good one have asked: What about cyber schools? Will the requirement that all public school students be offered the opportunity to recite the pledge of allegiance to the flag each day also apply to the students who are earning their high school class credits in virtual learning environments?

POSITIONS:

No positions were advanced. (6-6-12)

Legislative Analyst: J. Hunault
Fiscal Analyst: Bethany Wicksall
Mark Wolf

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