



No on HB 3014

HB 3014 Heightens Existing Constitutional Concerns

Under current law, school boards are required to provide an opportunity for students to salute the flag once weekly. The ACLU of Oregon has had long standing concerns about this statute. Because ORS 339.875 sets forth the requirement that public schools provide students the opportunity to recite the version of the pledge of allegiance on a weekly basis that includes “One Nation under God,” we believe that it is vulnerable to a challenge under Oregon Constitution’s religious freedom provision, Article I, section 5. That provision states in part: “No money shall be drawn from the Treasury for the benefit of any religeous (sic), or theological institution. . . .”

HB 3014 would increase the number of times in a week that school boards are required to provide an opportunity for students to recite this pledge. In our view, the bill only serves to heighten existing concerns about the religious freedom implications of the current law.

HB 3014 Increases the Burden on Students to Set Themselves Apart from Their Peers

The law allows a child to “maintain a respectful silence during the salute.” Through the intake line in our offices, we have received a number of complaints by parents and students since this law was passed, requiring them to stand and otherwise force them to participate in the pledge against their beliefs, be they religious or for other reasons.

The right to express oneself by not participating in the pledge includes the right to remain seated while others stand. The famous case of *Tinker v. Des Moines School Dist.*, 393 US 503 (1969) upheld the rights of students to silently protest by wearing black armbands. Remaining seated during the pledge is a form of silent expression just like the black armbands in *Tinker*.

The practical result of this law is to risk that students will be ostracized when they cannot or choose not to participate in the pledge for whatever reasons they or their parents decide. Under HB 3014, children will be forced daily to set themselves apart from their peers.

The Oregon Supreme court has recognized the importance of our public schools in protecting our children.

Parents and lawmakers may and do assume that the hours, days and years spent in school are the time and the place when a young person is most impressionable by the expressed and implicit orthodoxy of the adult community and most sensitive to being perceived as different from the majority of his or her peers; famous constitutional cases have involved this socializing rather than this intellectual function of the schools. *Cooper v. Eugene School District 4J*, 301 Or 358 (1986).

Thank you for your consideration of our position.
We urge your No vote.



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