

Resource Sheet #7

Name: _____ Date: _____ Pd. _____

Billy's Story. "I do not salute the flag because I have promised to do the will of God," wrote ten-year-old Billy Gobitas to the board of the Minersville (Pennsylvania) School District in 1935. His refusal, and that of his sister Lillian (age twelve), touched off one of several constitutional legal cases delineating the tension between the authority of the state to require respect for national symbols and the right of individuals to freedom of speech.

The Gobitas children attended a public school, which, as did most public schools at that time, required students to salute and pledge allegiance to the flag of the United States. The Gobitas children were members of the Jehovah's Witnesses, a church that in 1935 concluded that the ceremonial saluting of a national flag was a form of idolatry, a violation of the commandment in Exodus 20:4-6 that "thou shalt not make unto thee any graven image, nor bow down to them" and forbidden as well by John 5:21 and Matthew 22:21.

On October 22, 1935, Billy Gobitas acted on this belief and refused to participate in the daily flag-and-pledge ceremony. The next day Lillian Gobitas did the same. In this letter Billy Gobitas in his own hand explained his reasons to the school board. On November 6, 1935, the directors of the Minersville School District voted to expel the two for insubordination.

The Watchtower Society of the Jehovah's Witnesses sued on behalf of the children. The decisions of the U.S. district court and court of appeals were in favor of the children. But in 1940 the U.S. Supreme Court by an eight to one vote reversed these lower court decisions and ruled that the government had inherent authority to compel respect for the flag as a central symbol of national unity. *Minersville School District v. Gobitis* (a printer's error has enshrined a misspelling of the Gobitas name in constitutional case law) was not, however, the last legal word on the subject.

In 1943 the Supreme Court by a six to three vote in the case of *West Virginia State Board of Education v. Barnette* reconsidered its decision in *Gobitis* and held that the right of free speech guaranteed in the First Amendment to the Constitution denies the government the authority to compel the saluting of the American flag or the recitation of the Pledge of Allegiance.