

## Dissent a form of patriotism

School directors in the tiny town of Brownsville, Pa., apparently feel it is their patriotic duty to spend more taxpayer money than necessary.

By an 8-0 vote, Brownsville Area School Board refused to pay \$16,000 to settle a lawsuit with a middle school student who wants to remain seated while her classmates stand to recite the Pledge of Allegiance.

The refusal, however, may end up costing Brownsville Area taxpayers far more than \$16,000.

The Fayette County school district had been enforcing a rule that all students must stand for the pledge. Those who didn't were subject to disciplinary action.

But the rule violates students' First Amendment rights, says the ACLU, which had filed a suit on the student's behalf in U.S. District Court in Pittsburgh.

The ACLU got no argument from the school board's solicitor, who doubtless is familiar with a 1943 Supreme Court ruling that held that Jehovah's Witnesses in West Virginia could not be compelled to take part in school salute-the-flag ceremonies.

Justice Robert H. Jackson said at the time -- the height of World War II -- "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."

The Brownsville Area solicitor and the ACLU were able to work out a settlement that included payment for damages and attorneys fees amounting to \$16,000.

But school board members balked after 50 or more veterans packed the boardroom during a public

meeting on Thursday and demanded that school officials "defend the flag."

"I could not in good conscience vote for something that would allow anyone to make money off the flag of the United States of America," said one board member.

After the vote, the district was notified that its insurance company planned to invoke a "hammer clause" to limit its exposure -- which could result in Brownsville Area taxpayers being held responsible for a judgment for the student, along with legal fees.

Meanwhile, the student is being allowed to sit during the pledge.

Brownsville Area school directors were either swayed or felt intimidated by the veterans or otherwise allowed patriotic fervor to cloud their judgment.

But dissent is a form of patriotism -- some say the highest form of patriotism.

By supporting a rule that stifles dissent, the school board is unwittingly disrespecting the American flag.

And it likely will end up costing Brownsville Area taxpayers even more of their hard-earned money.

School directors were either swayed or felt intimidated by the veterans or otherwise allowed patriotic fervor to cloud their judgment.