

Reflections on “. . . with Liberty and Justice – *for All*”

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A question for you: in school, do you – or did you – start the day with the Pledge of Allegiance?

A grew up with the Pledge of Allegiance at school, also the Lord’s Prayer, but I won’t try to take that one on today.

Someone – not me, don’t worry – could do a long lecture on the Pledge of Allegiance, its history, its meaning. But for the next few minutes I just want to focus on its final words, “with liberty and justice for all.”

And I might say something about “under God,” as well. We’re in church, after all.

If you think about it, pledging allegiance to the flag – to a piece of cloth – is quite an odd thing to do. You might compare the flag of the United States to the flaming chalice of Unitarian Universalism. We don’t pledge our allegiance to the chalice, but to our free faith and to each other. A cynical person might suspect that a pledge to both flag and nation, and not just to nation, was an idea made up by the flag manufacturers association, or by a flag salesman.

“With liberty and justice for all.”

- Could one claim, back in 1892, when Francis Bellamy, who was a Baptist minister and a Christian socialist [Wikipedia] wrote the earliest version of the pledge, that our nation provided liberty and justice for all, for everyone?
- Could one claim, in 1942, when Congress officially recognized the pledge, that our nation provided liberty and justice for all, for everyone?
- Could one claim, in 1954, when Congress approved the insertion of the words “under God,” that our nation provided liberty and justice for all, for everyone?
- And can we claim today that liberty and justice – for all, for everyone – has been achieved in the United States?

No, no, no, and no.

In 1892, Homer Plessy, an African American, was jailed for trying to ride in a railroad car reserved for whites. Four years later, the Supreme Court of the United States, in *Plessy v. Ferguson*, 163 U.S. 537 (1896), ruled that separate but equal is good enough, that the Equal Protection clause of the 14th Amendment to our Constitution requires no more. That does not

strike me as liberty and justice for all, but “for all” with a footnote: as long as you’re white. Oh yes, as long as you’re white and you’re male – women were not guaranteed the right to vote for another generation. [19th Amendment, 1920] One more thing: separate but equal never meant equal – it meant separate but most likely not equal at all.

In 1942, when the pledge became official, the federal government – this was during World War II – sent American citizens of Japanese descent to internment camps. This deprivation of liberty, this denial of justice, was upheld by the Supreme Court of the United States two year later, in *Korematsu v. United States*, 323 U.S. 214 (1944).

1954, when the pledge was most recently amended, by the addition of the reference to God, was the year of *Brown v. Board of Education*, 347 U.S. 483 (1954), the case in which the Supreme Court overruled *Plessy v. Ferguson* and declared that the states could no longer require that their schools be segregated by race. A victory for liberty and justice – but how many years did it take for that ruling to be fully enforced and implemented, for racial integration to become a reality in our lives? We’re still counting.

But this would be a good time to stop and sing the anthem of the civil rights movement, “We Shall Overcome.” If you’re not sure of the words, they’re on the insert. Let’s sing with feeling, with commitment, “We Shall Overcome.”

We shall overcome,
 We shall overcome,
 We shall overcome someday!
 Oh, deep in my heart, I do believe
 We shall overcome someday.

* * *

There’s more than one way to read “with liberty and justice for all.” We could understand it as a straightforward declarative statement: In this nation everyone has liberty, everyone receives justice. Read that way, it was false in 1892, and, alas, it’s still false today.

Or you could read it with a question mark: “with liberty and justice for all? Really? I don’t think so.” With a question mark and with an implicit call to action – what are we waiting for?

Or you could read it in the optative mood, as a hope, a wish, a prayer: “may this be a nation with liberty and justice for all.” Again, there’s an implicit call to action – what are we waiting for?

Here’s where that phrase “under God” might come in. I don’t take the “under God” to mean that God will do it for us, that God will make this a land of liberty and justice. I would

read “under God” to mean that our highest, our most sacred principles require us to do the hard work of making this a nation “with liberty and justice for all,” or, to use the language of Jesus, to create on earth the kingdom of God.

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But what about that final phrase, “for all”? What does it mean? Who is included in “all”? We’ve already noted that you don’t have to be, or you should not have to be white to be part of the “all.” And you don’t have to be male. Have we forgotten anyone?

While you’re thinking about that, wouldn’t this be a good time to sing Woody Guthrie’s “This Land Is Your Land, This Land is My Land”?

This land is your land, this land is my land
 From California, to the New York Island
 From the redwood forest, to the gulf stream waters
 This land was made for you and me

Joanne will sing the verses and we’ll all join in on the chorus.

As I was walking a ribbon of highway
 I saw above me an endless skyway
 I saw below me a golden valley
 This land was made for you and me

Chorus

I’ve roamed and rambled and I’ve followed my footsteps
 To the sparkling sands of her diamond deserts
 And all around me a voice was sounding
 This land was made for you and me

Chorus

The sun comes shining as I was strolling
 The wheat fields waving and the dust clouds rolling
 The fog was lifting a voice come chanting
 This land was made for you and me

Chorus

Joanne, Woody Guthrie was a left winger, an advocate for the poor, a champion for those who suffered most during the Great Depression. Do you have a verse with a more radical edge?

As I was walkin' - I saw a sign there
 And that sign said - no tress passin'
 But on the other side it didn't say nothin'!
 Now that side was made for you and me!

Chorus

When Guthrie proclaims that this land is yours and mine, he is writing from the point of view of the poor, of the excluded, claiming that they have at least as much right to this land – to our beloved country – as anyone else, as much right as the rich, in particular.

“It’s an invitation to class warfare,” some would say. “He doesn’t appreciate the crucial role of the job providers; he just wants a handout.” But I can imagine a retreat for corporate buy-out capitalists, hedge fund managers, and credit default swap experts, with middle-aged white men sitting around the camp fire. Joanne, what might they sing?

This land is *my* land, this land is your land;
 This land is *our* land, it isn’t *their* land.
 From th’ Aleutian Islands, to Key West Florida,
 This land was made for *us* not *them*.

Chorus

So whose land is it, anyway? Does the United States belong to the rich, to the one percent? Or does it belong to all of us? Or does it really belong to the Indians, and the rest of us should go back to where we came from?

This land is your land, it once was our land
 from Oklahoma, to Jamestown Virginia
 you came and took it, you didn’t say thank you
 This land is stolen property.

Chorus

But, Joanne, let’s not forget that it’s Sunday morning, and we’re in church.

This land is God’s land, it always will be
 from Los Angeles to St. Augustine
 We are its stewards, we must preserve it
 When God comes back will she be pissed.

Chorus

Where was I? With liberty and justice for all. What about that final phrase, “for all”? What does it mean? Who is included in “all”?

And who is left out?

- **The poor.** We could have a long discussion about income inequality in the United States, and how it’s on the increase, about the great concentration of wealth among the top point one percent of the population, about attempts to weaken rather than strengthen the safety net that so many Americans rely on – and that any one of us may need to rely on in the days ahead.

Who’s left out?

- **The incarcerated.** We imprison a higher proportion of our population than any other nation. What does this accomplish, other than providing jobs for workers in the prison industry?

Who’s left out?

- **Those in this country without proper legal status, undocumented immigrants.** I don’t know whether the legislation that was passed by the Senate last year – but not by the House – would have provided the best answer, but we’re not going to send ten million people, or whatever the number is, back to wherever it is they came from.

Who’s left out?

- **Gays?** We’re moving fast on marriage equality – and how about those Irish? [adopting marriage equality by referendum, May 22, 2015] – it is possible that by the end of June the Supreme Court will have ruled that the Equal Protection Clause of the 14th Amendment to the Constitution forbids the states from excluding same sex couples from marriage. Or they may decide otherwise – I haven’t yet heard the announcement that the gay rights movement can retire. And the transgender community represents the next frontier.

Who’s left out?

- **Future generations.** Global warming is making our planet uninhabitable. What are we doing about it?

And then there are the people living in the rest of the world, the citizens of other nations. They're certainly affected by what we do. Out of fairness, out of human decency, and out of self interest, we should treat them well.

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If you don't think I've gone on too long already, you may be expecting me to explain what exactly is meant by the words "liberty" and "justice." That's too big an assignment for the time remaining or for someone without more advanced degrees than I have. I'll just offer a few quick ideas.

With respect to liberty, I don't think the First Amendment to the Constitution should be read to authorize unlimited political campaign contributions, especially where matching funds are not provided to competing candidates. Are we at a fork in the road? – with one road leading us to plutocracy, rule by the rich, and the other road – which the Supreme Court apparently would have us avoid – leading to democracy, rule by the people.

I won't go through all of the Bill of Rights, but the Second Amendment should not be read to put our lives at risk whenever we step outside our front door, or step inside a restaurant.

With respect to justice, here's a thought experiment for you – I didn't make it up; it's from John Rawls. [*A Theory of Justice* (1971)]

Imagine that we're starting from scratch. We're creating a society, with all the institutions that go with it – the form of government, the role of government, the economic system, the legal system – everything – who can vote, taxes, health insurance, education, the works. There's only one small catch: you don't know what your place in that society will be – whether you'll be rich or poor, sharp or dull, urban or rural, physically fit or chronically ill, male or female, black or white, gay or straight, right handed or left. What choices would you make?

If, under those unrealistic conditions, we could reach agreement on all the variables, on all the rules and procedures of society, we would expect to conclude that we could consider the resulting society a just one.

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What can we, as ordinary citizens, do, to move our nation toward liberty and justice for all? Here are six suggestions – no surprises:

- first, adopt and maintain a responsible life style – set a good example,
- vote – vote in every election, and vote responsibly (I'm tempted to ask whether you voted in Tuesday's primary, but I won't),

- be involved and engaged in causes that will move our nation in a good direction (while voting is important, it is not enough),
- in particular, advocate for free quality public education for everyone, from pre-K all the way, as appropriate, to graduate school,
- fifth, put your money where your values are, and, last but not least,
- spread the good news of Unitarian Universalism – ours is a saving message.

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I could say more about each of these suggestions, and make other suggestions as well, but I'll leave that to you. Amen.