

To the Members of Stevenson City Council,

If pressed, a majority of Americans consider their 1st amendment right of free speech their most precious. They would consider it our bedrock freedom and, any attempt to chip away at it, a danger to our democracy. Admittedly, it's easy to be free speech advocates until it's speech we don't agree with. That's why the 1st amendment is so important.

I am writing in regard to a recent incident at the last city council meeting. Ms. Annie McHale did not salute the American flag and a citizen took exception, considering it offensive and disrespectful. Ms. McHale has, since she first took office, been clear that she is NOT disrespectful of our country and has her own alternative pledge. There is nothing unpatriotic about that stance. Dissent is the highest tribute one can pay to our country since we have agreed to enshrine protections for it.

Let's start with basic civics. The Constitution is the supreme law of the land. Full stop. No arguments. Our government has three branches (legislative, executive, judicial) with separate responsibilities. It is the job of the judiciary to determine the constitutionality of laws that the legislative branch makes and the executive branch signs and delivers. The Supreme Court has the final say. Full stop.

So, it should interest this body (and all citizens) to be aware that compulsory flag salutes were deemed unconstitutional nearly eighty years ago in *West Virginia State Board of Education v. Barnette* (1943). It is instructive to consider Justice Robert Jackson's eloquence as he wrote for the majority in this landmark case:

Those who begin coercive elimination of dissent soon find themselves exterminating dissenters. Compulsory unification of opinions achieves only the unanimity of the graveyard. It seems trite but necessary to say that the First Amendment to our Constitution was designed to avoid these ends by avoiding these beginnings. . .

The case is made difficult not because the principles of its decision are obscure but because the flag involved is our own. Nevertheless, we apply the limitations of the Constitution with no fear that freedom to be intellectually and spiritually diverse or even contrary will disintegrate the social organization. To believe that patriotism will not flourish if patriotic ceremonies are voluntary and spontaneous instead of a compulsory routine is to make an unflattering estimate of the appeal of our institutions to free minds.

Free speech is a tricky animal. It requires us to accept speech we do not agree with, even speech some deem offensive. By NOT saluting the flag, Ms. McHale was within her rights as both a citizen and local representative. Her patriotism should not be in question for anyone who knows the multitude of humanitarian voluntary actions she has participated in on behalf of the citizens of Skamania County.

A final thought for those who would wish to eviscerate the 1st amendment: When the Nazis came to power they made salutes mandatory in Germany. Compulsory “patriotism” is best left to fascist regimes.

Sincerely,

Laura Paxson
Stevenson, WA