

HOUSE No. 6236

The Commonwealth of Massachusetts

EXECUTIVE DEPARTMENT

STATE HOUSE • BOSTON 02133

May 20, 1977

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES:

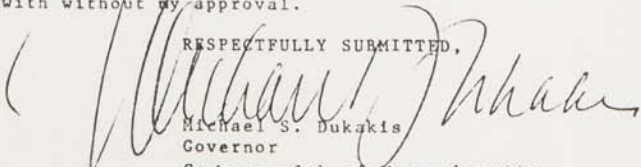
I am returning, herewith, without my approval, House Bill No. 5627 entitled, "An Act Requiring Recitation of the Pledge of Allegiance to the Flag in All Public Schools at the Commencement of Class Each Day."

H.5627 would require each teacher in all public schools in the commonwealth to lead the first class of the school day in a recitation of the "Pledge of Allegiance to the Flag". The current law requires each teacher to "cause" the students to salute the flag and "recite in unison with him" the Pledge of Allegiance at least once a week.

As you know, the Supreme Judicial Court this week delivered an opinion to me in which a majority of the court found that the enactment of this bill, coupled with the fine for noncompliance currently in the statute, unconstitutionally infringes on the First Amendment rights of teachers. The court's finding was compelled by long-standing rulings of the United States Supreme Court, reinforced by very recent cases. I refer you to the Court's opinion for a clear statement of the law surrounding this issue.

My oath of office, as does yours, requires me to uphold the Constitution of the United States. I cannot sign any bill that violates the Constitution, as this bill has been declared to do. Nor can I propose amendments to H.5627 that would attempt to meet the proper constitutional standards when those standards require, as the Supreme Judicial Court spelled out in its opinion, a thorough rewriting of the statutory provision at issue here (G.L. c. 71, § 69). I am sure that the legislature did not intend to employ this bill as the vehicle by which § 69 shall be made to conform to the limitations of the U. S. Constitution, and I will not impute any such intention to your Honorable Bodies as a convenient way to avoid meeting this issue directly. Under these circumstances, I cannot in good conscience sign H.5627, and I return it herewith without my approval.

RESPECTFULLY SUBMITTED,


Michael S. Dukakis
Governor

Commonwealth of Massachusetts

No. 5336

HOURS

STATE OF NEW YORK

IN SENATE

January 10, 1907

REPORT OF THE COMMISSIONERS OF THE LAND OFFICE
IN RESPONSE TO A RESOLUTION PASSED BY THE SENATE
ON JANUARY 10, 1907

ALBANY: PUBLISHED BY THE STATE PRINTING OFFICE
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