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## **A Federated Republic or One Nation?**

**by Benedict D. LaRosa**

The controversy over the words “under God” in the Pledge of Allegiance overshadows an old, long-forgotten issue regarding the Pledge.

When it was first published in 1892, the Pledge did not contain the words “under God.” Congress added these words in 1954 as a Cold War response to atheistic communism. Nevertheless, many Americans originally viewed the Pledge with suspicion. Why? Because of the then-foreign concept of pledging allegiance to one nation.

To Americans of the late 19th century, “allegiance” was a feudal concept denoting subservience to a master. Americans considered themselves sovereigns, not subjects. They feared that the natural supremacy of the individual over his government, as reflected by the Declaration of Independence and guaranteed in the constitutions of the United States and of the several states, might eventually be overturned by the ideas expressed in the Pledge. They, unlike so many Americans today, understood that those who exercise the instruments of government — public servants — feel more comfortable ruling than serving.

The Pledge’s words also smacked of nationalism, which Americans of that period considered, well, un-American. Their objection to nationalism seems strange today, but to Americans of 1892 it was a dangerous concept.

Although they saw themselves as separate and distinct from foreign peoples and powers, internally they considered themselves a collection of independent states united by a compact called the Constitution of the United States. “One nation” implied that the states were merely subdivisions of a national government, which Americans of that era knew was not the case. Pledging allegiance to one nation, they knew, would undermine the concept of federalism and threaten constitutional government.

Their suspicions were justified, for the intent of the Pledge’s author, a socialist named Francis Bellamy, was to support the secular education of the public-school system and efforts by the National Education Association (NEA) to counter the growing influence — especially among

immigrants — of the Catholic Church’s parochial schools. Bellamy and the NEA felt that inculcating a sense of nationalism into America’s children would serve their purposes.

The Mexican-American War of 1846–48 had given the idea of nationalism a boost. The Civil War (1861–65) gave the concept additional impetus. But the more accurate description of that latter conflict — the War Between the States — contains within its wording the concept of state citizenship rather than national citizenship. The vast majority of the military units on both sides carried state designations — the 54th Massachusetts, the 4th Alabama, et cetera. When Robert E. Lee refused command of the Union army and resigned his commission in 1861, he told the commanding general of the Army, Winfield Scott, he did so because he could not raise a sword against his country. The country he referred to was the commonwealth of Virginia. Scott, a fellow Virginian, understood. Prior to the Civil War, Americans commonly referred to the Union as “These United States.” After the war, the term “The United States” came into more common usage.

Bouvier’s Law Dictionary (Eighth Edition, 1914, p. 2297), distinguishes between a national and a federal government:

National Government. A government of a single state or nation united as a community by what is termed the social compact, and possessing complete and perfect supremacy over persons and things so far as they can be made the lawful objects of civil government. A federal government is distinguished from a national government by its being the government of a community of independent and sovereign states united by compact.

(Although earlier editions of Black’s Law Dictionary agree with Bouvier’s definitions, the fifth edition published in 1979 blurs the distinction.)

Early court decisions reflected this difference. The U.S. Supreme Court ruled in *Chisholm v. Georgia*, 2 Dall. 419, 1 L.Ed. 440 (1794),

The question to be determined is, whether this State ... is amenable to the jurisdiction of the Supreme Court of the United States? This question, important in itself, will depend on others, more important still; and may, perhaps, be ultimately resolved into one, no less *radical* than this — “do the People of the United States form a Nation?”

... From the law of nations, little or no illustration of this subject can be expected. By that law the several States and Governments spread over our globe, are considered as forming a society, not a NATION.

In *McIlvaine v. Coxe’s Lessee*, (1804), the Supreme Court refers to New Jersey as a country:

[It] is a recognized principle that a man may owe allegiance to two countries at the same time, and therefore may lawfully have the intention of owing allegiance to both Great-Britain and New-Jersey.

Not long after the Pledge's publication, the popular Spanish-American War of 1898 influenced upcoming generations of Americans to see themselves as one people under a national government. By 1905, the state militias were reorganized into the National Guard and put under federal control.

During World War I, some state units even lost their state designations. For example, the 69th New York became the 165th U.S. Infantry; the 4th Ohio became the 166th U.S. Infantry; the 4th Alabama became the 167th U.S. Infantry; and the 3rd Iowa became the 168th U.S. Infantry.

The march of nationalism has hardly been impeded ever since. True to the fears of earlier Americans, it has inflicted a serious blow to federalism and the Constitution which gave it birth.

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**This article was originally published in the May 2005 edition of *Freedom Daily*.**