

MAINE STATE LEGISLATURE

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March
Sixth
1942

Mr. William T. Knight
Box 295
Lincoln, Maine

Dear Sir:

I have your letter of March third in regard to the question of saluting the flag.

I am not acquainted with the dogmas of your religious sect and so don't know on what ground you, as a member of the sect, base your opposition to this gesture which is regarded by most people as an expression of loyalty to the ideal of national unity, of which ideal the national flag is the symbol.

In time of war people's minds are under great additional strain. The need for laying aside all conflict between individual citizens of the nation becomes imperative. The need of searching out and restraining persons whose desire is to hamper the nation in its war efforts is imperative. We, as a people, become keyed up nervously. We feel the necessity of adopting, for the time being, a pattern into which all shall fit as far as possible, so when we find people who are unwilling to adjust themselves to what the majority believes to be a necessary pattern, we look on them with suspicion and oftentimes with fear. Some of us begin to wonder if these people who refuse to conform to the pattern are not people who are hostile to the nation itself. As a result we find cases of local enthusiasm or patriotism or pressure and we see the non-conformists treated harshly because so often subversive elements hide themselves among the non-conformists.

So the troubles of the law enforcement officials become multiplied many fold and we are under the necessity of enforcing laws strictly, in regard to matters that in normal times would not call for any particular attention, because they would be matters that would, due to the difference in circumstances, have no material effect on the lives of our fellows.

March 6, 1942

There is no statute in Maine requiring a salute of the flag. We have, however, very strict laws in regard to discipline in school rooms and the power of the local officials to make rules and regulations. As far as I know, the only times our courts have spoken expressly on this subject are in *Donahae vs. Richards* cases in 38 Maine. Where the law has been construed by the court, it is the duty of the enforcement officials to follow that construction until the law is changed either by act of the legislature or through a new ruling by the court.

If the local school authorities require an act as a part of school procedure that, in the opinion of any citizen, is contrary to the conscience of the pupil or is contrary to propriety, the courts are open. It is my understanding that your group has, on retainer, excellent attorneys. If the matter is taken up with this office by your attorneys for the purpose of finding a common ground on which a new consideration of the law on the subject can be obtained from the courts, they will receive the same thoughtful courtesy and cooperation as do attorneys representing any other problem. If it is your desire to have the law clarified by the law court, your attorneys can very easily arrange to have that done through some form of action that will take the matter to the court on a clearly defined basis.

In the meantime, I can only recommend to you and your fellows and to those who disagree from you, that all people today search their own minds and souls and determine whether or not tolerance of the other man's point of view is not worth-while. I suggest further the thought that tolerance should be on the part of both parties, and that neither one is right when he insists that the tolerance must come from the other side.

Very truly yours,

S/Frank I. Cowan

Frank I. Cowan
Attorney General

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