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THE SORCERER'S APPRENTICE

By PETER C. DOHERTY

Newdow, like Mickey, had got a spell going and now—too late—he was wishing he could turn it off.

Perhaps the best-known vignette in the Walt Disney animated classic *Fantasia* features Mickey Mouse as “The Sorcerer’s Apprentice.” In it, Mickey, who has learned just enough magic to get a spell underway, finds he cannot get the spell to stop, and every method he comes up with only makes the situation worse. Finally, the real sorcerer arrives and puts everything right. Mickey is chagrined and promises never to do it again.

I could not help thinking about Mickey as I watched Michael Newdow, the California physician-attorney-atheist who brought the suit that the Pledge of Allegiance violates the U.S. Constitution and who argued it before the court himself, on the national morning shows. It was the day after a three-judge panel of the U.S. Ninth Circuit Court of Appeals ruled two-to-one that, as presently written, the Pledge of Allegiance is unconstitutional. Further, it ruled that schools in its circuit (which covers Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington) cannot use the Pledge in their classrooms so long as it continues to contain the words “under God.”

There sat Newdow in the bright studio lights looking for all the world like he would rather be anywhere else, and telling the hosts that he was not really against the Pledge but that his goal had been to “strengthen the Constitution.” He was a far cry from the Newdow of the day before who, flushed with his victory, proclaimed, “This is my right to say I don’t want the government telling my child what to believe in.”

Perhaps his new demeanor had to do with the fact that his “victory” was greeted not only with anger and disbelief, but with the kind of derision that is often more powerful than outrage. If one

person of prominence said the decision of the court was “nuts,” then a hundred said it. If one commentator said the chances of the ruling standing are nil, then a hundred others said that as well. If one opinion was expressed that the Ninth Circuit Court of Appeals is known for bizarre rulings that are often overturned, then a hundred opinions were. Even the normally sedate BBC was openly disbelieving that this strange news from America was real. Our own liberal National Public Radio could find no one to speak in favor of the ruling except the heads of the American Atheist Association and the Atheist Alliance International. Newdow, like Mickey, had got a spell going and now—too late—he was wishing he could turn it off.

Well, the spell will be turned off. There is little chance when the ruling is reviewed by the entire Ninth Circuit Court of Appeals, instead of a three-judge panel drawn from that court, that it will stand. And even if this fails to happen, the U.S. Supreme Court will strike it down. Curiously, even the opinion of the Appeals Panel said as much by noting that the high court in previous, though unrelated, opinions had cleared language such as that found in the Pledge. And mark my words, all this will take place before schools open in the fall. We can only hope that once the higher court rules and this most recent episode of “Weird Stuff from California” fades that Dr. Newdow and his ilk will have learned Mickey’s lesson.

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