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Bill to Mandate Pledge of Allegiance and Virgin Islands Motto in Schools Halted Amid Constitutional and Inclusivity Concerns

Sen. Francis Heyliger's bill to promote patriotism in schools met resistance from colleagues and education leaders who warned that compulsory recitations risk violating protected rights, alienating students, & burdening teachers despite an opt-out clause.

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Lawmakers on Wednesday voted to hold a bill that would require the Pledge of Allegiance and the Virgin Islands Motto to be recited daily in each public school. Despite an opt-out clause, lawmakers were wary of the potential constitutional repercussions and the risk of marginalizing students.

Sponsored by Senator Alma Francis Heyliger, Bill 36-0067 amends title 17 Virgin Islands Code, chapter 5 by adding a section 41j. According to the lawmaker, the decision to introduce the measure stemmed from a desire to encourage more patriotism among the territory's youth. "I keep looking at how our children have changed. They're not the same," she lamented. Senator Francis Heyliger remarked that she wanted to produce a motto that "resonated and put that mindset in the children, that you should always look out for your fellow man, you should always try to respect each other."

Recitation of the motto, she said, would only last thirteen seconds. "Thirteen seconds of our children's time to potentially set their mindset at the beginning of the day," Ms. Francis Heyliger said.

Opinions on the suitability of such a measure differed. The Board of Education, represented by Abigail Hendricks-Cagan, argued that the "recitation of civic pledges and mottos is not properly suited for codification into law," but instead should be a policy of the individual schools. Ms. Hendricks-Cagan suggested that Sen. Francis Heyliger's goal could be achieved through "encouragement, not compulsion."

Further, she contended that the territory "does not have an officially adopted motto in its code," and suggested that any proposed motto be subjected to "public vetting, legislative adoption and cultural consensus."

"Our teachers do not need additional mandates," Ms. Hendricks-Cagan stated, arguing that "the intent diverts valuable time and focus away from instruction." She was also the first to raise constitutional concerns, as *West Virginia State Board of Education versus Barnett* 1943 "made it clear that no student can be compelled to salute or pledge allegiance against their conscience."

She warned that if not carefully crafted, the bill could "encroach on these long-protected rights." Indeed, the Legislature's legal counsel agreed that as written, the opt-out portion of the bill "does not really accomplish a clear intent that there is a way out." That's because the first section of the bill emphasizes that they must recite the Pledge of Allegiance, followed by the Virgin Islands Motto. According to the legal counsel, "if somebody overlooks the second part, they are left with the impression that they have to."

He suggested that the word "must" be replaced with the verbiage "may."

There were still, however, concerns of overstepping, and suggestions that such a decision should be in the remit of the Department of Education instead of being stamped into law. Currently, there is no policy from VIDE requiring such, though recitation of either the Pledge of Allegiance or the airing of the Virgin Islands March does occur at most public schools already.

"It makes me wonder whether or not we're addressing a real gap or if it's more symbolic," Senator Kenneth Gittens observed. He, like others, were concerned about "the potential implications for student climate and student inclusivity." Senator Marise James was concerned about students being "pressured" if they choose to opt out.

VIDE has received "no incident reports that reflect such bullying as a result of failure or opting not to participate in reciting the Pledge," said Superintendent Carla Bastian-Knight.

For Sen. Francis Heyliger, both the constitutionality concerns and the worries over bullying could be solved very easily." She suggested that repeated concerns of bullying or ostracization are a "phantom concern."

Committee chair Senator Kurt Violet harbored a different fear that documented opt-out requests could hinder students who wanted to join the armed forces in the future. He recalled instances where a service representative visited high schools to review student files. “One question that always stood out to me was, did this student in any way disrespect the United States or the flag of the United States of America? And if you said yes, the student was disqualified from moving on,” he stated. Opting out could be considered disrespectful.

Senator Francis Heyliger countered, suggesting that it would be simple to “come up with ideas to make sure there's no document floating around.”

The Department of Education was largely in support of the bill, once the opt-out clause that would ensure its constitutional protections was included. In fact, Assistant Commissioner Victor Somme III suggested that the Virgin Islands March be included. However, “its implementation must be handled with care to avoid infringing on students' rights or alienating those with differing beliefs,” Mr. Somme warned.

Nonetheless, he maintained that implementing Sen. Francis Heyliger’s bill would “promote, encourage and foster a sense of unity, belonging and civic identity,” and could help “establish a routine that sets a positive tone for the school day.”

VIDE’s general approval, however, was not enough to convince the other legislators. With the cons seemingly outweighing the pros in their view, the bill was held in committee and must now be revised if it is to eventually become law.