FREEHOLD, N.J. — A family is suing the Matawan-Aberdeen Regional School District and its superintendent, seeking to have the phrase ["under God" removed from the Pledge of Allegiance](http://www.app.com/article/20140421/NJNEWS15/304210050/Matawan-Aberdeen-pledge-allegiance) that students recite every day.

A lawsuit filed in Superior Court in Monmouth County on behalf of the family, who wish to remain unidentified, and the American Humanist Association claims that the practice of acknowledging God in the pledge of allegiance discriminates against atheists, in violation of New Jersey's constitution.

But the school district's attorney says the district is simply following a state law that requires pupils to recite the Pledge of Allegiance daily.

"All we are doing is abiding by requirements of state law, we and approximately 590 other school districts in the state," said the attorney, David Rubin, to whom Schools Superintendent David M. Healy referred questions about the lawsuit.

"If the group who's brought this lawsuit questions the wisdom of that policy or the legality of it, we believe their arguments are much better directed to the state Legislature who's imposed this requirement on us, rather than suing an individual school district on this matter," Rubin said.

The American Humanist Association is a Washington, D.C.-based, nonprofit organization that works to protect the rights of atheists, humanists and other nonreligious Americans.

While atheism addresses only the issue of the existence of a deity, humanists take a broader view that, in addition to rejection of the existence of deities, includes "values that are grounded in the philosophy of the Enlightenment, informed by scientific knowledge, and driven by a desire to meet the needs of people in the here and now," according to the lawsuit.

The American Humanist Association has more than 24,800 members and 180 chapters and affiliates nationwide, including seven in New Jersey, the suit said

"Among these members and supporters are numerous parents of children who are, or will be, attending New Jersey public schools, including some who attend or will be attending the public schools of the Matawan-Aberdeen Regional School District," it said.

The prekindergarten through 12th-grade district has five elementary schools, a middle school and a high school. Rubin said that although the law requires recitation in schools of the Pledge of Allegiance, students within the Matawan-Aberdeen Regional School District are not required to recite it if they object. And federal courts determined years ago that students cannot be forced to do so, he added.

But the lawsuit alleges that the daily recitation of the pledge in the school district "publicly disparages plaintiffs' religious beliefs, calls plaintiffs' patriotism into question, portrays plaintiffs as outsiders and second-class citizens, and forces (the child) to choose between nonparticipation in a patriotic exercise or participation in a patriotic exercise that is invidious to him and his religious class."

The daily affirmation of God in public schools reinforces a prejudice against atheists and Humanists, the suit said. The suit claims that studies show atheists are the most disliked and distrusted minority group in the country, ranking below recent immigrants, Muslims and gays.

"While plaintiffs recognize that (the child) has the right to refuse participation in the flag-salute exercise and pledge recitation, the child does not wish to be excluded from it, and in fact wants to be able to participate in an exercise that does not portray other religious groups as first-class citizens and his own as second-class," the suit said.

The suit does not name the child or the parents of the child, referring to them and John and Jane Doe and Doechild.

David Niose, an attorney for the American Humanist Association, declined to provide any specific information about the family, including what school the child attends and what grade he or she is in.

"Anonymity is very important," he said, explaining that families involved in these types of lawsuits often are exposed to "great hostility."

In fact, the suit alleges that the child in question "has been personally confronted and shouted at in response to his openly identifying as an atheist." When questioned, Niose would not say whether the child was actually confronted in school or by whom the child was confronted.

The lawsuit claims the practice of using the words "under God" is in violation of the equal protection clause of the New Jersey constitution, which states: "No person shall be denied the enjoyment of any civil or military right, nor be discriminated against in the exercise of any civil or military right, nor be segregated in the militia or in the public schools, because of religious principles, race, color, ancestry or national origin."

Niose said the suit seeks a declaration from the court that reciting the words "under God" as part of the Pledge of Allegiance in schools is discriminatory and unconstitutional. He said if that happens, the court could either order that the Pledge of Allegiance not be recited in the schools, or that the words "under God" be excluded from it. He said those words were only added to the pledge in 1954, although it was originally written in 1892.

"The language 'under God' was added to the pledge at the height of the McCarthy era and the Red Scare, after strong lobbying by religious groups at a time when many felt it would help to distinguish America from the communist Soviet Union," the lawsuit said. "The Soviet Union fell in 1991, and the need, if there ever was any, to distinguish America in this manner from communist adversaries no longer exists."

The Massachusetts Supreme Court is considering a similar issue in a suit against the Acton-Boxborough Regional School District, according to a news release issued by the American Humanist Association.

"It's not the place of state governments to take a position on God-belief," Roy Speckhardt, executive director of the association, said in the news release. "The current pledge practice marginalizes atheist and humanist kids as something less than ideal patriots, merely because they don't believe the nation is under God."