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Oklahoma

September 17, 2021

To: Mr. Kevin Hime, Superintendent
Administration, Lawton Public Schools
753 Fort Sill Blvd.
Lawton, OK 73507

From: Megan Lambert
ACLU of Oklahoma Foundation
Legal Director
PO Box 13327
Oklahoma City, OK 73113

RE: The Punishment of Students Declining to Stand for the National Anthem

Dear Superintendent Hime:

The ACLU of Oklahoma has recently learned that two high school students of color, La'Aveion and Amariona Woods, were arrested and subsequently suspended from school for thirty (30) days because they chose not to stand for the National Anthem during a school pep rally at Lawton High School.

Discipline of any kind for the politically expressive choice not to stand during the National Anthem or other displays of nationalism is a direct violation of the right to free speech protected by the First Amendment of the United States Constitution. Both students expressed that they chose not to stand because they do not feel a sense of belonging or equal treatment in their school community or in the United States on the basis of their race. Both students pointed to specific instances of direct and institutional racism they have endured at school. Their arrest by Lawton High School's School Resource Officers for peacefully expressing dissent is yet another example of the racism that motivated their constitutionally protected choice not to stand.

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The presence of School Resource Officers exacerbates the school-to-prison pipeline, disproportionately targeting students of color and leading to higher rates of incarceration for Black and Brown communities.

The First Amendment's right of free expression protects students who decline to stand for the National Anthem, especially where the students' intent is to communicate a political message. This principle has been clear for nearly a century. In *West Virginia v. Barnette*, the United States Supreme Court said, in striking down a state requirement that students recite the Pledge of Allegiance as a violation of the First Amendment, that "[i]f there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion or other matters of opinion or force citizens to confess by word or act their faith therein."

The right to free expression enshrined in the First Amendment protects students' right to decline participation in professions of nationalism and prohibits school officials from requiring participation. This right lies at the foundation of a free and democratic society.

We insist that the unlawful suspension of La'Aveion and Amariona Woods be immediately reversed. Further, we advise that school employees respect students' right to decline participation in the National Anthem and other displays and professions of nationalism or other political beliefs. If you have any questions or wish to discuss this matter further, please do not hesitate to contact us at mlambert@acluok.org or at ACLU of Oklahoma, P.O. Box 13327, Oklahoma City, OK 73113.

Sincerely,

A handwritten signature in black ink, appearing to read "Megan Lambert", with a long, sweeping underline.

Megan Lambert
ACLU of Oklahoma Foundation
Legal Director

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Oklahoma City, OK 73113