



Monica Miller <mmiller@americanhumanist.org>

Constitutional Violation

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To: james.meza@jppss.k12.la.us, Michelle Blouin-Williams <michelle.blouin-williams@jppss.k12.la.us>, germaine.gilson@jppss.k12.la.us, mark.morgan@jppss.k12.la.us

Cc: gerard.leblanc@jppss.k12.la.us

Bcc: David Niose <dniose@americanhumanist.org>

Dear Dr. Meza Jr. and Mr. Morgan,

As you know, I sent your office a cease-and-desist letter on behalf of several students last week regarding a serious constitutional violation occurring under the authority of your school and school district in connection with the daily Pledge exercise. Specifically, the principal made an announcement over the intercom stating that all students are required to stand for the Pledge, in violation of their well-settled First Amendment right to remain seated during the exercise. He even threatened to punish a student, stating that she would have to go to the principal's office each time she refused to stand for the Pledge, and that she would then be required to stand for the Pledge, with him, in the principal's office.

We have yet to receive an official response from your school as requested, and in fact, it appears the principal has completely disregarded our letter. One of the students who initially reported the violation to us reports that the principal is continuing to threaten and even mock students who refuse to say the Pledge. Yesterday she was in the principal's office to turn in some papers and observed the principal "yelling" the words to the Pledge. She then observed the principal instruct a nearby school employee: "say it loud, make them mad." Such actions are completely inappropriate and can only be interpreted as overt hostility towards students who exercise their constitutional right to sit out the Pledge.

As I noted in my letter, the Supreme Court in *Barnette* made clear that public schools are constitutionally prohibited from pressuring students to recite the Pledge "by word or act." 319 U.S. at 642. This means that school officials are prohibited from treating "any student who refuses for reasons of conscience to participate in the Pledge in any different way from those who participate." *Frain v. Baron*, 307 F.Supp. 27, 33-34 (E.D.N.Y. 1969). A principal's actions in intimidating and mocking those students by "yelling" the Pledge in order to "make them mad" is the antithesis of treating all students equally.

In view of the above, I respectfully request that you respond to my initial letter and provide us with the following assurances: (1) That students and teachers in your school district be advised that students may stay seated for any Pledge exercise at the school and that any written policy containing a standing requirement be rescinded; (2) That teachers be instructed that under no circumstances should they attempt to persuade students to refrain from exercising the right to nonparticipation, question students as to the reason for nonparticipation, or characterize opting out as misconduct or otherwise wrongful; and (3) That no disciplinary or other retaliatory measures of any kind will be directed toward any student for nonparticipation in the Pledge

exercise.

Please respond immediately.

Thank you,
Monica

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