

NCAC PARTICIPATING ORGANIZATIONS

Actors' Equity Association
American Association of School Administrators
American Association of University Professors
American Association of University Women
American Booksellers for Free Expression
American Civil Liberties Union
American Ethical Union
American Federation of Teachers
American Jewish Committee
American Library Association
American Literary Translators Association
American Orthopsychiatric Association
American Society of Journalists & Authors
Americans United for Separation of Church & State
Association of American Publishers
Authors Guild
Catholics for Choice
Children's Literature Association
College Art Association
Comic Book Legal Defense Fund
The Creative Coalition
Directors Guild of America
The Dramatists Guild of America
Dramatists Legal Defense Fund
Educational Book & Media Association
First Amendment Lawyers Association
Free Speech Coalition
International Literacy Association
Lambda Legal
Modern Language Association
National Center for Science Education
National Communication Association
National Council for the Social Studies
National Council of the Churches
National Council of Jewish Women
National Council of Teachers of English
National Education Association
National Youth Rights Association
The Newspaper Guild/CWA
PEN American Center
People For the American Way
Planned Parenthood Federation of America
Project Censored
SAG-AFTRA
Sexuality Information & Education Council of the U.S.
Society of Children's Book Writers & Illustrators
Student Press Law Center
Union for Reform Judaism
Union of Democratic Intellectuals
Unitarian Universalist Association
United Church of Christ
Office of Communication
United Methodist Church,
United Methodist Communications
Women's American ORT
Woodhull Sexual Freedom Alliance
Writers Guild of America, East
Writers Guild of America, West

The First Amendment Says Kids Can Kneel and Educators Must Allow It

In the wake of President Trump's recent tweets on the importance of "respect(ing) our flag and our country," public schools around the country are threatening to punish students who silently protest during the national anthem.

In *Tinker v. Des Moines*, 393 U.S. 503 (1969), the Supreme Court ruled that students have a constitutional right to participate in non-disruptive protests during the school day. Therefore, public school officials cannot retaliate against or discipline students who choose to participate in these forms of protest unless the protests cause, or are reasonably expected to cause, the disruption of school events.

Regardless of whether they are an athlete or spectator, a student's decision to quietly sit or kneel during the national anthem cannot in itself constitute a disruption and public schools risk violating the First Amendment by banning such expressions.

Even before *Tinker*, the Court noted that a compulsory flag salute is tantamount to forcing students to declare a belief: "to sustain the compulsory flag salute, we are required to say that a Bill of Rights which guards the individual's right to speak his own mind left it open to public authorities to compel him to utter what is not in his mind." *West Virginia v. Barnette*, 319 U.S. 624 (1943).

Kneeling during the national anthem has recently and prominently been used to protest police shootings of unarmed African-American civilians. Schools that ban or discourage such political expression teach young people that the "respectful" way to deal with unpopular ideas is to suppress, rather than debate them. Regardless of their views on the issue, it is clear that students will benefit from the opportunity to discuss the sociopolitical implications of police shootings, race relations, and political protest.

Since Colin Kaepernick began kneeling during the national anthem, the National Coalition Against Censorship has been tracking and defending student protests around the country through our [resource guide on anthem and pledge protests](#). NCAC's guide protects student protesters by educating

them about their rights and documenting past protests against the flag, national anthem and pledge of allegiance.