

June 13, 2024

American Civil Liberties Union of West Virginia
P.O.Box 3952
Charleston, West Virginia
25339

Re: A Reminder of Student Free Speech Rights on the Anniversary of *Barnette*

Eighty-one years ago, the Supreme Court held in *West Virginia v. Barnette* that it violated the free speech rights of West Virginia public school students when they were forced to salute the American flag. That case established this right for all students across our country and stands for an important and timeless premise; our constitutional protections of speech also forbid the government from compelling us to engage in speech that's against our beliefs.

The Constitution affords protection for Americans to freely express our beliefs and ideas. That protection expands beyond written and spoken word; it extends to symbolic speech as well. People can express themselves in many ways, including through drawing, music, dance, or hairstyles. One powerful way that people can express themselves is by choosing to remain silent when everyone else is agreeing, or remaining sitting when everyone else stands. *Barnette* codified that right. Students still have that right in schools today. Students cannot be compelled to recite, stand, or salute for the flag or the Pledge of Allegiance.

Your school is receiving this letter because your handbook limits students' right to engage in symbolic speech as it relates to the Pledge of Allegiance and/or the National Anthem. Schools are often the first places that students learn about their civic obligations, their constitutional rights, and the importance of being brave enough to engage in speech that's not always popular. The First Amendment exists to safeguard the diversity of thought and expression, which are essential components of a thriving democratic society. Protecting free speech in public schools is paramount, something that was determined by the Supreme Court in *West Virginia v. Barnette* eighty-one years ago. We respectfully urge you to take this opportunity to review your school policies to ensure that they meet your constitutional obligations.

Thank you for your attention, and please feel free to contact us if you have any questions.

Sincerely,
/s/Aubrey Sparks
Aubrey Sparks
Legal Director

Cc/ Summers County Comprehensive High School; Richwood High School; Riverside High School; Calhoun Middle/High School; Sissonville Middle School; John Adams Middle School