

# REQUIRING STUDENTS TO STAND FOR PLEDGE OF ALLEGIANCE VIOLATES STUDENTS' RIGHTS

“I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.”

Since it was last edited and approved by Congress in 1954, this phrase has been ingrained into students' minds, as the Pledge of Allegiance is recited daily in most of the nation's public schools.

However, Washington state law regarding the recitation of the Pledge of Allegiance explicitly recognizes each student's right to choose not to participate. The law says, “those pupils so desiring shall recite [the pledge of allegiance].” Students are not in any way required or expected to recite the pledge. Simply put, reciting the pledge cannot be made compulsory for public school students in this state.

However, state law is also clear about the expectation for students who choose to opt out, saying “Students not reciting the pledge shall maintain a respectful silence.”

It is this provision that several MTHS teachers are misinterpreting or perhaps are unaware of. Based on input from numerous students and on HAWKEYE staff members' own experience, some teachers have been known to require students to stand while the pledge is being recited. Teachers who require their students to stand are acting inconsistently with Washington state law and may be violating students' First Amendment rights.

According to the American Civil Liberties Union of Washington state (ACLU of Washington), “Remaining seated during the Pledge is a form of silent expression,” protected

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In the landmark 1969 case *Tinker v. Des Moines*, it was affirmed that the First Amendment applies to students in public schools and protects students' rights to expressive speech while at school. Remaining silent and sitting during the Pledge of Allegiance is expressive speech and is should not be limited by teachers.

Legal rights experts also point to the 1970 case *Banks v. Board of Public Instruction* in which the court ruled, “The right to differ and express one's opinions, to fully vent his First Amendment rights, even to the extent of exhibiting disrespect for our flag and country by refusing to stand and participate in the pledge of allegiance, cannot be suppressed by the imposition of suspensions.”

And the basis of this ruling stems from the 1943 Supreme

Court decision, *West Virginia v. Barnette*, in which Justice Robert Jackson wrote: “If 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. If there are any circumstances which permit an exception, they do not now occur to us.”

Public school educators who require their students to stand during the Pledge of Allegiance are clearly in direct violation of the First Amendment as well as federal and state law. As a school and community that has a long, storied tradition and powerful reputation for valuing and supporting students' rights and responsibilities, this really shouldn't be an issue at MTHS. 🇺🇸

## ASB meeting time and structure needs serious rethinking

The structure and scheduling of ASB meetings must be changed so that the meetings are more open, more accessible and more transparent.

The time and setting of ASB meetings restrict many students' ability to attend. Held every other Friday at 6:30 a.m., ASB meetings are inconvenient and inaccessible for many students. In order to attend meetings, students are required to arrive almost an hour before school begins. This prevents students who either cannot provide their own transportation or have a zero period class from attending.

Instead of the early morning meetings, ASB meetings could be held every other Friday during PASS period. If this were the case, students would not have to go out of their way to attend meetings.

Additionally, many students do not even know that ASB meetings occur regularly. There is seldom advertisement of these meetings. And when meetings are scheduled, agendas are not made available ahead of time for students to view. The lack of information about the meetings discourages students from participating.

In order to increase attendance and promote inclusivity, ASB needs to rethink when and how it conducts its meetings.

## Spirit week theme change a great decision by ASB

After ASB announced the spirit week theme “Battle of the Sexes,” many students criticized the idea, saying the week was based on gender stereotypes and excluded students who identify as something other than male or female.

In response to this criticism, ASB encouraged those who felt strongly about the subject to speak at the ASB meeting last Friday.

Taking the students' input into account, ASB changed the week's theme to “The Power of Love.”

As elected officers, it is ASB's responsibility to listen to the opinions of the public and make decisions accordingly. ASB's actions concerning “Battle of the Sexes” week exemplified how disagreements between students and their elected representatives can and should be handled.