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April 16, 2018

Shaun Greene-Beebe, Principal
Utica Academy for International Studies
37400 Dodge Park Road
Sterling Heights, MI 48312

VIA FIRST CLASS MAIL
AND EMAIL

**Re: Suspension of Students Who Were Exercising Their First Amendment Right
to Advocate in Favor of Gun Control**

Dear Principal Greene-Beebe:

We write to express our deep disappointment in the Utica Academy for International Studies (UAIS) for adopting and enforcing unconstitutional rules barring students from expressing “political views” during a student demonstration about the massacre of their peers in Parkland, Florida. You suspended several truly remarkable students who, like hundreds of thousands of high school students across the country, are pressuring our elected representatives to institute gun reform measures to prevent further student killings. We as a society, should be celebrating, not punishing, the activism of the next generation of leaders who are acting in the best traditions of our democracy.

Given the students’ upcoming plans to continue to demonstrate in support of gun control, we also seek assurance that you will honor their right to express themselves in the future on this matter of grave national importance.

Facts

In reaction to the shooting of 17 students and teachers in Parkland on Valentine’s Day, students from across the country organized a 17-minute National School Walkout for March 14. The purpose of the walkout was to not only memorialize their dead peers, but to call for measures such as gun reform to address the national problem of gun violence.

The UAIS administration convened a meeting with the Student Voice Committee and then held a “town hall” meeting to discuss a walkout at UAIS. After these meetings, a set of rules were developed governing the demonstration that essentially dictated what students could and could not say.

It was the perception of the many students that Assistant Principal Kenneth Voakes was primarily responsible for making the rules. In any event, you sent a letter to all UAIS students setting forth the demonstration “guidelines,” which included the following:

- “Pre-identified chants will be allowed after the initial lap around the building (i.e. Enough is Enough, Keep us Safe, No more victims)”
- “Students who wish to create a poster, must have the poster submitted to administration by the end of the day March 13th for approval; the poster must include the students’ name and will be initialed by the administration. All posters will remain with the administration until the walkout. NO political or inflammatory messages will be allowed/approved. (Poster ideas: #enough is enough; 17 is too many, the 17 names of the victims)”
- “Students who digress from these guidelines may face disciplinary action”

See letter attached as Exhibit A (emphasis added; capitalization in original).

Students were also required to sign a sheet as a condition of participating in the walk-out. Assistant Principal Voakes clearly announced to the entire school that students who signed the sign-out sheet were explicitly agreeing to abide by all the rules – including the rules prohibiting political speech.

Several principled and brave students knew that it was unconstitutional to prevent them from peacefully advocating for gun control at this demonstration. Among those students were Meghan Biernat, Elizabeth Voytas and Cameron Pugh, who decided they were going to exercise their right to carry signs promoting gun control during the walkout. Since they could not agree to the no-political signs rule, and since Mr. Voakes said that only students who abided by the rules could sign the sheet, none of the three students signed the sheet.

At the appointed time on March 14, Meghan, Cameron and Elizabeth walked out of school with the other students carrying signs they made expressing their political views. They did not try to get the signs pre-approved because they knew they would not have been approved.

Meghan carried a sign that said, “Thoughts & Prayers Don’t Save Lives. Gun Reform Will. Cameron’s sign said, “Stop Killing Us,” and Liz’s sign said, “Call Your Senators” with the phone numbers of two local senators. See photos of signs, attached at Exhibit B.

Once outside, two of the young women walked around the school, but in the opposite direction of the rest of the students because they did not want to be part of the school-regulated protest. After the other students walked past them going the opposite direction a couple of times, they all joined as one big group in front of the school and chanted the school-sanctioned chants. Then everyone, including Meghan, Cameron and Elizabeth, went back into the school and went back to their classes without incident.

Later in the day, Mr. Voakes called all three students to his office and dispensed a one-day out-of-school suspension for skipping school and insubordination. Other students who participated in the walkout also received a suspension. The suspension was to be served the next day. Despite the fact that I reached out to you and Mr. Voakes the next morning urging you to rescind the suspensions and allow the students to return to school, they were excluded from school the entire next day.

The following week, you removed the suspensions from at least three of the students' records, which is certainly a positive development. Yet, it does not excuse the enforcement of the unconstitutional rules and the fact that several students were punished for having the temerity to advocate for gun control when their peers are being slaughtered.

The Rules Prohibiting Political Speech and Dictating the Way Students Must Protest are Unconstitutional

The Supreme Court made it crystal clear nearly 50 years ago in the landmark *Tinker* case that students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503, 506 (1969). In that case, students were suspended for wearing black arm bands protesting the Vietnam War.

The Court, in the course of ruling that the suspensions violated the students' rights, stated, "In our system, state-operated schools may not be enclaves of totalitarianism. School officials do not possess absolute authority over their students. Students . . . may not be confined to the expression those sentiments that are officially approved." *Id.*, 511. The Court further emphasized that "[t]he Nation's future depends upon leaders trained through wide exposure to that robust exchange of ideas which discovers truth 'out of a multitude of tongues, rather than through any kind of authoritative selection.'" *Id.*, 512 (citations omitted). Indeed, so long as school authorities cannot forecast that the student speech would cause a "substantial or material disruption" of the school, students must be able to "express [their] opinions, even on controversial subjects." *Id.*, 513-14.

In this case, UAIS' rules against political speech during a demonstration constituted a blatant violation of students clearly established rights to express their opinions on the critically important issue of gun control. Indeed, your rules threatening discipline for veering from the government-approved chants or signs is reminiscent of demonstrations held in totalitarian regimes like the Soviet Union.

The fact that the administration claims that these rules were developed with some students' input is beside the point. Students simply cannot be punished for expressing their opinions -- even if they are not universally accepted by the rest of the student body and even if they are controversial. Plus, requiring pre-approval of political signs is an unconstitutional prior restraint on private student speech, which is "the most serious and the least tolerable infringement on First Amendment rights." See *Nebraska Press Ass'n v. Stuart*, 427 U.S. 539 (1976).

Utica Academy for International Studies Should Know Better

One of the reasons we are so disappointed in UAIS is because the no-protest rules you adopted and the suspensions of our clients contradict the admirable mission and the tradition of the school. UAIS, as you well know, is considered by some rankings, as the most challenging

school in Michigan and among the best schools in the country.¹ Moreover, your stated school philosophy is to provide students with skills and understanding “to develop into enlightened, globally-aware citizens” and to “help them lead today and improve tomorrow.”² It is because of this mission -- and the tremendous, dedicated teachers -- that students love and thrive at UAIS.

Yet, you betrayed those values by adopting and enforcing rules prohibiting “political” messages at a student-led demonstration. Public schools are vested with the sacred responsibility of teaching students of the freedoms and democratic values embodied in our Constitution. They should be encouraging, not suppressing, the peaceful expression of political views – especially on issues of critical importance as uncontrolled gun violence in school. As the Supreme Court stated so eloquently in *Barnette*:

That [public schools] are educating the young for citizenship is reason for scrupulous protection of Constitutional freedoms of the individual, if we are not to strangle the free mind at its source and teach youth to discount important principles of our government as mere platitudes.

West Virginia State Board of Education v. Barnette, 319 U.S. 364, 637 (1943).

Requested Action

In order to remedy the damage done on March 14, we ask that you do the following:

1. **Apologize to Students.** Although you eventually removed the suspensions from the suspended students’ records, the adoption of the unconstitutional censorship rules speech and the punishment of the students sent a terrible, chilling message to all students in the school. The suspended students missed school and were humiliated by your actions. We ask that you issue a public statement stating that you value the peaceful expression of political views at UAIS and apologizing for the protest rules and the suspensions.
2. **Rescind the No-Political Signs Rules.** Announce to students that you are rescinding the protest “guidelines” adopted for the March 14 demonstration and will not adopt similar rules for future demonstrations.
3. **Respect Student Rights as They Engage in Future Advocacy.** There are going to be more student protests about gun violence at in the near future, including on April 20. We ask that you respect the students’ right to express their views and refrain from enacting or enforcing unconstitutional restrictions on student speech. For, as the young survivors of the Parkland shootings have shown us in such an eloquent and

¹ See, e.g., Frank DeFrank, *IB Academies Among Best in State, Nation*, Macomb Daily, April 21, 2016, <http://www.macombdaily.com/social-affairs/20160421/ib-academies-among-best-in-state-nation> (citing Washington Post study).

² See “UAIS Philosophy,” http://uais.utica12.org/UserFiles/Servers/Server_591252/File/UAISSpecialEducationPolicyrevised2015.pdf.

passionate manner, it is only through political organizing and expressing one's views that change happens in this country.

We look forward to your response.

Very truly yours,

A handwritten signature in black ink, appearing to read 'M.J. Steinberg', with a stylized flourish at the end.

Michael J. Steinberg, Legal Director
Bonsitu Kitaba, Staff Attorney
American Civil Liberties Union of Michigan
2966 Woodward Avenue
Detroit, MI 48202
(313) 578-6814
msteinberg@aclumich.org
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Cc: Superintendent Christine Johns
President of Utica Community Schools Gene Klida
Lorie Steinhauer, Collins & Blaha, P.C.
School Board Members

EXHIBIT A

Letter from Utica Schools about
Demonstration rules

Heritage Junior High / Utica Academy for International Studies



Dear Heritage and UAIS Community:

As many of you know, there is a national student walkout scheduled on March 14 in response to the tragic events at Marjory Stoneman Douglas High School in Parkland, Florida which has sparked a movement to improve the safety and security of our schools. In large part, this movement is directly and indirectly led by students speaking up and working collaboratively to bring about positive change. Many students across the country have begun to organize in order to have their voices heard. I am proud of our students. They are becoming actively engaged citizens who are knowledgeable about events and learning the skills they need to form, support, and express their own positions on the important issues facing this country.

On Wednesday, March 14, 2018, students locally and across the country have planned a “National Student Walkout” at 10:00 am. This is a student-led initiative and has been discussed with our student leadership groups. Our students will have the opportunity to exercise their free speech right. While this is not a school sponsored event, we are working diligently with our students to make this a positive learning experience for the entire school community. The walkout is completely voluntary. No student is required to participate. The district has been working with us and local municipalities to ensure police presence. Please know that we hold the safety and security of our students and staff as our number one priority. Students have worked with the administration to establish the following guidelines for March 14th :

- All students participating in the “walkout” should sign up during lunch (part of check in-check out procedure)
- All students interested in participating MUST exit the building at door 5A at 10:00 a.m. on March 14; this is the rear exit near the media center (one exit only)
- Students will gather together in a designated location at rear of building and then proceed to march around the building in silent protest/demonstration to memorialize the victims
- Pre-identified chants will be allowed after the initial lap around the building (i.e. Enough is Enough, Keep us Safe, No more victims)
- Students who wish to create a poster, must have the poster submitted to administration by the end of the day March 13th for approval; the poster must include the student’s name and will be initialed by the administrator. All posters will remain with the administration until the walkout. NO political or inflammatory messages will be allowed/approved. (Poster ideas: #enough is enough, 17 is too many, the 17 names of the victims)
- All students must wear their school ID when exiting and entering the building
- After the 17 minute demonstration, students must enter the building through the main office doors and return to class
- Attendance will be taken based on the pre-determined list of students who have signed up to participate

- Social media posting during the demonstration is discouraged---focus on the victims and the solemnity of the event
- Students who digress from these guidelines may face disciplinary action

If you have additional questions regarding this matter, please do not hesitate to contact me via email at shaun.greene-beebe@uticak12.org or phone 586-797-3100.


Sincerely,

Shaun Greene-Beebe
Principal

EXHIBIT B

Students' protest signs

THOUGHTS
& PRAYERS **DON'T**
SAVE
LIVES.
GUN REFORM WILL

Call Your
Senators

Gary Peters

(202) 224-6221

Debbie Stabenow

(202) 224-4822