



November 20, 2014

Joseph Hesman
Principal
Lincoln College Preparatory Academy
2111 Woodland Avenue
Kansas City, Missouri 64108

By facsimile to (816) 418-3015

Re: Student Protests

Dear Mr. Hesman:

We are writing because we have received calls from individuals concerned about the possibility that Lincoln College Preparatory Academy might attempt to punish students who participated in a silent protest this morning during a speech by Governor Nixon. Because students retain the right, while in school, to engage in protest that does not disrupt the classroom, we wish to remind the Academy that any such disciplinary action would violate the Free Speech Clause of the First Amendment.

As the Supreme Court has long observed, “[t]he right to speak freely and to promote diversity of ideas and programs is ... one of the chief distinctions that sets us apart from totalitarian regimes.” *Terminiello v. City of Chicago*, 337 U.S. 1, 4 (1949). “Speech is often provocative and challenging.” *Id.* “It may strike at prejudices and preconceptions and have profound unsettling effects as it presses for acceptance of an idea.” *Id.*

While students’ constitutional rights in the schoolhouse do not rise to the same level as those of adults outside of school, protest that does not disrupt the classroom is a protected form of speech. *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503 (1969); accord *Lowry ex rel. Crow v. Watson Chapel Sch. Dist.*, 540 F.3d 752 (8th Cir. 2008). Punishment of such expressive conduct runs afoul of the Free Speech Clause, particularly where it is based on student viewpoint. *Id.*

American Civil Liberties Union of Missouri Foundation
3601 Main Street · Kansas City, Missouri 64111

The eyes of the nation, indeed the world, are on Missouri. The Academy should embrace and applaud its students for thinking independently and possessing the courage of their convictions. Standing up to a powerful government official in a peaceful, respectful way is a sign of mature and thoughtful participation in civil discourse. Any attempt to punish these students would send the wrong message.

Sincerely,

A handwritten signature in black ink, appearing to read 'S.K. Rossi', written in a cursive style.

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