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Southeastern Legal Foundation Urges Ninth Circuit to Protect Young Student's Freedom of Speech

SAN FRANCISCO, CA (July 22, 2024): [Southeastern Legal Foundation](#) (SLF) filed an [amicus brief](#) urging the Ninth Circuit Court of Appeals to protect the free speech rights of a first grade student who was punished for an innocent drawing. The student, who is represented by [Pacific Legal Foundation](#), attempted to show her black friend empathy by drawing a picture of them and writing “Black Lives Matter” accompanied by the words “any life.” When the friend’s parent complained that the friend was being singled out for her race, the school took swift action to punish the student by banning her from drawing any more and by forcing her to sit out at recess.

As SLF explains in its [amicus brief](#), a student’s freedom of speech does not end when she is on school grounds. Only in limited circumstances, such as when speech causes a material and substantial disruption among other students, can a school intervene and limit speech.

But that was not the case here. The student’s friend was not upset by the drawing and even thanked the student for it. The friend was also confused when the student was later told to issue her an apology for the drawing. Even the parent who complained to the school about the drawing eventually retracted her complaint when she learned of its innocent nature.

Instead, the school ignored the nature of the drawing and the lack of disruption it caused. It ran with the parent’s initial complaint, allowing it to set the school on a reactionary course against the student by retaliating against her and silencing her future expression in the form of drawings.

This was an egregious violation of the student’s First Amendment rights that SLF is urging the Ninth Circuit to remedy.