



Peter Simonson, Executive Director
Tim Macdonald, Legal Director

December 4, 2025

SENT VIA EMAIL

[REDACTED]
Principal
[REDACTED] Elementary School
[REDACTED]

Todd Lambert
Superintendent
Littleton Public Schools
tlambert@lps.k12.co.us

Re: Pledge of Allegiance

Dear Principal [REDACTED] and Superintendent Lambert,

The ACLU of Colorado was contacted by [REDACTED], the parents of [REDACTED] Elementary School [REDACTED], regarding a violation of his First Amendment free speech rights.

Beginning this school year, [REDACTED] intended to decline to stand during the Pledge of Allegiance each morning as a protest against unjust immigration enforcement. [REDACTED]'s grandparents are immigrants and naturalized citizens, his father is a person of color who was born in the United States, and [REDACTED] himself is biracial. Members of [REDACTED]'s family are like many of the people who are being targeted by ICE during enforcement sweeps and raids across the country. Though [REDACTED]'s parents are trying to protect him from the news, [REDACTED] cannot help but learn what is going on both nationally and in Colorado.¹ [REDACTED] has real concerns for both his friends and family about immigration enforcement. Thus, [REDACTED] and his older brother, [REDACTED], who attends [REDACTED] Middle School, both decided to silently protest ICE enforcement this school year by refusing to stand or recite the Pledge of Allegiance.²

¹ Of course, in neighboring Douglas County, a beloved teacher was recently deported. *See* S. Klamann, "Douglas County teacher arrested by ICE leaves country with family," DENVER POST, Nov. 17, 2025, available at: <https://www.denverpost.com/2025/11/17/douglas-county-teacher-arrest-immigration-deportation/>.

² Notably, to date, [REDACTED] has been allowed to remain seated at the middle school during the Pledge without incident.

Unfortunately, [REDACTED]'s teacher, [REDACTED], and the classroom paraprofessional, [REDACTED], did not respect [REDACTED]'s First Amendment rights and required him to stand every day during the Pledge. Mr. [REDACTED] and/or Ms. [REDACTED] expressed to [REDACTED] that he was being "disrespectful" and stated, "the flag you're not standing for gives you the right to do what you're doing." These statements were intended to – and did in fact – coerce [REDACTED]'s compliance. Despite his sincerely-held belief, and mostly because [REDACTED] is a very well-behaved child, he complied every day and stood as directed by his teachers, even though he did not want to. [REDACTED]'s parents only recently learned about this when [REDACTED] explained the situation and expressed his concerns about being forced to stand during the Pledge.

Requiring [REDACTED] to stand for the Pledge plainly violates his constitutional free speech rights. For over 80 years, the Supreme Court of the United States has held that public school children cannot be required to stand during the Pledge. *West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (1943) directly considered this exact question. "[C]ompelling the flag salute and pledge transcends constitutional limitations on [local authorities'] power and invades the sphere of intellect and spirit which is the purpose of the First Amendment of our Constitution to reserve from all official control." *Barnette*, 319 U.S. at 642.

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.

Id. Like the students in *Barnette*, [REDACTED]'s intended silent protest is "peaceable and orderly," and "does not interfere with or deny the rights of others" to stand and recite the Pledge. 319 U.S. at 630. *See also Tinker v. Des Moines Indep. Comm. Sch. Dist.*, 393 U.S. 503 (1969) (upholding right of school children to wear black arm bands in protest of the war against Vietnam). "That [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." *Barnette*, 319 U.S. at 637. Notably, the federal court in Colorado recently addressed a similar case – where a charter school attempted to punish students for refusing to stand during the "school pledge" – and denied the school's motion to dismiss. *Flores v. Victory Preparatory Academy*, 411 F.Supp.3d 1149 (D. Colo. 2019).³

It is our understanding that [REDACTED]'s parents recently informed Principal [REDACTED] about their concerns, and that she then took corrective action with Mr. [REDACTED] and Ms. [REDACTED]. Though it has only been a few school days since Principal [REDACTED] discussed this matter with them, it is our understanding that [REDACTED] is now being allowed to engage in his silent, non-disruptive protest. We commend Principal [REDACTED] for promptly acting to remedy [REDACTED]'s parents' concerns, but we do intend to continue to monitor this situation and hope that further intervention will not be necessary.

Given that this unconstitutional infringement on [REDACTED]'s rights went on for months, and that he and his brother intend to continue their education in Littleton Public Schools for years going

³ Ultimately, the school reportedly paid almost \$500,000 to settle this litigation. "Victory Prep Charter School Refuses to Reveal Settlement in First Amendment Lawsuit," CBS COLORADO, Jan. 22, 2020, available at: <https://www.cbsnews.com/colorado/news/victory-prep-settlement-lawsuit/>.

forward, we strongly suggest that the district provide its teachers with training regarding the proper application of the First Amendment in the classroom. *Barnette* and *Tinker* have long been clearly-established law and have been applied in public schools for decades. Thus, we would respectfully suggest that your teachers could benefit from some basic training regarding students' fundamental free speech rights. While we do not expect teachers to be constitutional lawyers, the right to engage in peaceable, non-disruptive political speech is easily understood and applied.

Sincerely,

Scott Medlock
Senior Staff Attorney, ACLU of Colorado

Cc:

[REDACTED]