FIRE
Foundation for Individual Rights and Expression

December 15, 2025
Timothy J. Landefeld
Principal
Meadowview Middle School
1623 Meadowview Lane
Morristown, Tennessee 37814

Sent via U.S. Mail and Electronic Mail (LandefeldT@HCBOE.NET)

Dear Principal Landefeld:

The Foundation for Individual Rights and Expression (FIRE), a nonpartisan nonprofit that defends free speech nationwide, is concerned by Meadowview Middle School's mandate that students stand for the Pledge of Allegiance. While a public school may set aside time for the pledge, the First Amendment protects every student's right to decline to participate. As the Supreme Court made clear decades ago, compelling participation "invades the sphere of intellect and spirit which it is the purpose of the First Amendment to our Constitution to reserve from all official control."[1] Meadowview must immediately rescind its unconstitutional mandate, along with any punishments imposed under it.

Our concerns arise specifically from your threat to issue demerits to students who refuse to stand during the Pledge of Allegiance, and from reports that you have issued demerits to several students for silently remaining seated to protest Immigration and Customs Enforcement activity in the area.[2] You permit students to decline to stand for religious reasons but not for "political reasons," yet students have a First Amendment right to refuse to participate in the pledge for any expressive purpose, including political dissent. Meadowview has no authority to condition that right on a student's viewpoint.

Students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."[3] Those rights protect not only the right to speak and engage in expressive

[1] *W. Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943).

[2] Accumulating seven demerits results in a 30-day placement in an alternative school, a significant adverse action, and demerits can carry other consequences, such as removal from student clubs. The narrative in this letter represents our understanding of the pertinent facts, but we invite you to share any additional information you may have.

[3] *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 506 (1969).

conduct, but the right to *refrain* from doing so.[4] And that right squarely encompasses the choice of whether to participate in the Pledge of Allegiance.

More than 80 years ago, in *West Virginia State Board of Education v. Barnette*, the Supreme Court invalidated a requirement that schoolchildren salute the flag and recite the pledge.[5] Even in the dark days of World War II, the Court recognized that coercing expressions of reverence for national symbols is incompatible with our country's commitment to individual liberty. As the Court famously declared, "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."[6] Even just requiring students to stand during the pledge compels a symbolic act that violates their freedom of conscience.[7]

Whether a student abstains for religious or political reasons does not change the constitutional analysis. Courts have consistently upheld students' right to sit out the pledge for political reasons, including to protest racial injustice[8] or to express the view that "there isn't liberty and justice for all in the United States."[9] In fact, silently remaining seated during the pledge to send a political message is doubly protected—both as a refusal to endorse the government's message and as non-disruptive expression of the student's own views.[10]

Thus, in addition to unconstitutionally compelling speech, by exempting students motivated by religious but not political beliefs, Meadowview impermissibly engages in viewpoint discrimination—an "egregious" form of censorship.[11] The "government must abstain from

---

[4] *Wooley v. Maynard*, 430 U.S. 705, 714 (1977).

[5] 319 U.S. 624.

[6] *Id.* at 642.

[7] *Lipp v. Morris*, 579 F.2d 834, 836 (3d Cir. 1978) (First Amendment forbids government "from requiring a student to engage in what amounts to implicit expression by standing at respectful attention while the flag salute is being administered and being participated in by other students"); *Goetz v. Ansell*, 477 F.2d 636 (2d Cir. 1973) ("[S]tanding is no less a gesture of acceptance and respect than is the salute or the utterance of the words of allegiance. Therefore, the alternative offered plaintiff of standing in silence is an act that cannot be compelled over his deeply held convictions. It can no more be required than the pledge itself.") (internal citation and quotation marks omitted).

[8] *Banks v. Bd. of Pub. Instruction of Dade Cnty.*, 314 F. Supp. 285, 295 (S.D. Fla. 1970) (invalidating school board regulation requiring students to stand during the Pledge of Allegiance, including students who refused to stand as "a simple protest against black repression in the United States"). While the Supreme Court, which vacated and remanded this decision "so that a fresh decree may be entered from which a timely appeal may be taken to … the Fifth Circuit," 401 U.S. 988 (1971), the district judge entered an order on remand readopting the portion of the original opinion that held the regulation violated the First Amendment, which the Fifth Circuit affirmed. 450 F.2d 1103 (5th Cir. 1971).

[9] *Goetz*, 477 F.2d at 636, 638–39. Another court held a student had the right to silently raise his fist during the pledge as an act of protest. *Holloman ex rel. Holloman v. Harland*, 370 F.3d 1252, 1269–77 (11th Cir. 2004).

[10] *Holloman*, 370 F.3d at 1273.

[11] *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 829 (1995).

regulating speech when the specific motivating ideology or the opinion or perspective of the speaker is the rationale for the restriction."[12]

Beyond that, it should be clear to Meadowview that compelled rather than self-motivated participation in the pledge renders the act a "gesture barren of meaning."[13] As the *Barnette* Court explained: "To believe that patriotism will not flourish if patriotic ceremonies are voluntary and spontaneous, instead of a compulsory routine, is to make an unflattering estimate of the appeal of our institutions to free minds."[14] True respect for the flag and for the principles it represents must be freely chosen, not coerced.

Although some may find a student's refusal to stand upsetting, the First Amendment does not yield to the discomfort or hostility of onlookers. Just as the anger directed at Marie and Gathie Barnett for refusing to salute the flag did not strip them of their constitutional rights,[15] Meadowview may not punish students today out of "a mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint."[16]

FIRE thus calls on Meadowview to immediately and publicly withdraw its unconstitutional mandate that students stand for the pledge, and to rescind all disciplinary actions taken under it. Be advised that government officials, including public school administrators, are not entitled to qualified immunity—and therefore may be held personally liable for damages—when they violate "clearly established" constitutional rights.[17] Students' right not to stand for the Pledge of Allegiance is among the most clearly established rights in our constitutional order.

Given the urgent nature of this matter, we request a substantive response no later than December 22, 2025.

Sincerely,

Aaron Terr
Director of Public Advocacy, FIRE

Cc: Arnold W. Bunch, Jr., Superintendent of Hamblen County Schools

---

[12] *Id.*

[13] *Barnette*, 319 U.S. at 633.

[14] *Id.* at 641.

[15] The case caption incorrectly spells the students' last name as "Barnette."

[16] *Tinker*, 393 U.S. at 504.

[17] *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982).