

Education

6-year-old takes a knee during Pledge of Allegiance

Bob Collins September 28, 2017, 11:36 AM

The Constitution and America's public schools have always had an uneasy relationship. Go figure.

If you don't want to take part in the Pledge of Allegiance in the Pasco School District in Florida, you'll need a note from your parents.

So when a 6-year-old took a knee during the Pledge, he got an admonishment from his teacher.

His mom got a text message from the teacher, ABC News reports.

"I knew where he had seen [kneeling], but I did tell him that in the classroom, we are learning what it means to be a good citizen, we're learning about respecting the United States of America and our country symbols and showing loyalty and patriotism and that we stand for the Pledge of Allegiance," the teacher wrote.

The lad's mother wasn't surprised; he keeps up with the news, unlike many good U.S. citizens.

"What he did was have a difference of opinion. He was not being disrespectful. He was silently protesting and exercising his constitutional right," McDowell told [ABC News](#). "My concern is she infringed upon his constitutional right to express himself, to protest peacefully, and she also made him feel like his decision to come up with his own opinion about things was the wrong thing to do."

The principal tells the [Tampa Bay Times](#) neither the boy nor his mother are in trouble.

But his mother isn't buying it.

"It teaches him to be silent," she tells the Times. "That's why I am speaking out. No more silencing."

Kids can't be compelled to stand or say the Pledge of Allegiance, the paper says.

"They can sit there quietly, respectfully. But they don't have to pledge allegiance to the flag," Mat Staver, founder of the Orlando-based Liberty Counsel, a religious rights organization. "That has been a long-standing case."

He acknowledged that Florida law allows school districts to ask for a parent letter excusing their children from participating, and that schools must then follow that direction. But Staver also suggested that the absence of such a letter would not likely disqualify a student from exercising his First Amendment rights.

“Even if he’s six,” Staver said.

A complicating factor arises, though, if the child engages in counter-speech — spoken or silent, such as taking a knee. That freedom is more clear outside the classroom than inside it, said Frank LoMonte, a First Amendment lawyer with the Brechner Center for Freedom of Information at the University of Florida.

“The line that the Supreme Court has drawn is where your speech or conduct substantially disrupts the operation of school,” said LoMonte, who previously ran the Student Press Law Center. “And I don’t think the disruption is five other people also kneel.”

A Republican state senator [has filed amendments to the law](#) requiring parental permission to exercise a constitutional right but doesn’t think the flag is not the place to make a stand... or take a knee.

<https://blogs.mprnews.org/newscut/2017/09/6-year-old-takes-a-knee-during-pledge-of-allegiance/>