



LIFE: AT THE HEART OF THE LAW

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April 9, 2018

Rocklin High School
ATTN: Davis Stewart, Principal
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Sent via email

RE: Constitutional and Civil Rights Violations

Dear Mr. Stewart:

By way of introduction, the Life Legal Defense Foundation (LLDF) is a not-for-profit organization based in Napa, California. As part of LLDF's mission, we defend the First Amendment rights of clients engaged in programs designed to educate the public about the sanctity of all human life. We do not charge our clients for our services.

I am a senior staff attorney with the Life Legal Defense Foundation. Brandon Gillespie and Matt Lamb (Students for Life) contacted me regarding the Prolife Walkout that is to take place at Rocklin High School (RHS) on Wednesday, April 11, 2018.

It is my understanding that a similar walkout took place on March 14, 2018 at RHS, among other schools, during which students demonstrated in support of stricter gun laws. During the gun walkout at RHS, teachers were instructed to modify their lesson plans to accommodate the students who left class for 17 minutes. Not only were students not punished for leaving class, but RHS gave students access to the school's amphitheater and sound system for use during their free speech activity outside of class. Brandon has informed me that these same accommodations have been denied to him during the prolife walkout scheduled for Wednesday, April 11, 2018.

Please provide me with a copy of any and all of your school or district policies that govern your decision to treat the prolife walkout differently than the gun walkout. Although RHS was not required to make these accommodations for the gun walkout, its decision to do so may not be based on favoritism toward a particular viewpoint or a perception that a certain viewpoint is popular and therefore should receive more favorable treatment than other viewpoints.

RHS granted permission for students to engage in certain expressive activity, including leaving class and gathering in the amphitheater, to support gun control legislation. It may not withhold similar permission from those seeking to engage in the identical expressive activity to support legal protection for the unborn. "When the content of the speaker's message forms the basis for its selective regulation, public forum analysis is no longer crucial; the government must still justify the restriction and the justification must be scrutinized more carefully to ensure that communication has not been prohibited merely because public officials disapprove of the speaker's views." *Jaffe v. Alexis* (9th Cir. 1981) 659 F.2d 1018, 1020, fn. 2 (internal quotations omitted). See also, *Bonner-Lyons v. School Comm. Of Boston* (1st Cir. 1973) 480 F.2d 442, 443, 444 ("[I]t is well settled that once a forum is opened for the expression of views, regardless of how unusual the forum, under the dual mandate of the first amendment and the equal protection clause neither the government nor any private censor may pick and choose between those views which may or may not be expressed").

Any policy where student speech is subject to permits may not place "unbridled discretion" in the hands of the public officials granting permission. Rather, the policy must contain "narrow, objective, and definite standards" to ensure evenhanded enforcement. *Shuttlesworth v. Birmingham*, 382 U.S. 87 (1965); *Forsyth County v. Nationalist Movement*, 505 U.S. 123, 130 (1992).

RHS may wish to review its policies regarding expressive activity like student walkouts, but Brandon Gillespie is going to conduct his activity in the same manner as the previous walkout and expects to be treated in the exact same manner as the students who participated in the gun walkout. I am writing to you in order to ensure that Brandon's First Amendment and Equal Protection rights are safeguarded. As such, I am asking for your formal response to this situation as soon as possible and no later than 9:00 a.m. Tuesday, April 10, 2018. If you choose to enforce any school policy against Brandon that was not equally applied to the gun walkout and interfere with his activities in any way on April 11, 2018 or alternatively, deny him access to any school resource that was provided to the gun walk out, we will pursue all legal remedies to protect his constitutional and civil rights. Thank you for your time and consideration. I look forward to your prompt response to this matter.

Very truly yours,



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