

# Eleven-year-old Florida student arrested after refusing to recite Pledge of Allegiance

By Matthew MacEgan  
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On Monday, February 4, an 11-year-old boy was arrested at his school in Lakeland, Florida, due to a confrontation he had with a teacher and school officials over his refusal to recite the Pledge of Allegiance of the United States. He is now facing misdemeanor charges for disrupting a school function and resisting an officer without violence.

The incident occurred at Lawton Chiles Middle Academy, after the sixth grader told his substitute teacher, Ana Alvarez, that the American flag is “racist” and that the national anthem is offensive to black people.

According to a handwritten statement Alvarez gave to the district, she provoked the student, asking him, “Why if it was so bad here he did not go to another place to live.” The 11-year-old reportedly replied that it was because “They brought me here.” Alvarez then told the boy, “Well you can always go back, because I came here from Cuba and the day I feel I’m not welcome here anymore I would find another place to live.”

Alvarez wrote in her statement that she then had to call the office because she no longer wanted to continue “dealing with him.” Lakeland Police Department said in a press release that the school resource officer and a school administrator then tried to calm the student and asked him to leave the classroom more than 20 times. “Suspend me! I don’t care. This school is racist,” the young student, who is African American, allegedly shouted as he left the class.

According to the arrest affidavit, the student was arrested by the officer because he refused to follow multiple commands, repeatedly called school leaders racist, and was disruptive. The police claim the young child threatened to have the school resource officer and the principal fired and also threatened to beat the

teacher—something which the student and his mother have denied.

After his arrest, the 11-year-old was taken from the school to a juvenile assessment center where he was officially charged.

The student’s mother, Dhakira Talbot, issued a statement in which she noted that the teacher “was wrong. She was way out of place. If she felt like there was an issue with my son not standing for the flag, she should’ve resolved that in a way different manner than she did.” Talbot is receiving legal assistance from the Poor and Minority Justice Association.

“I want the charges dropped, and I want the school to be held accountable for what happened because it shouldn’t have been handled the way it was handled,” she said. “I’m upset. I’m angry. I’m hurt. More so for my son. My son has never been through anything like this. I feel this should’ve been handled differently. If any disciplinary action should’ve been taken, it should’ve been with the school. He shouldn’t have been arrested.”

The Supreme Court ruled in 1943 in *West Virginia State Board of Education v. Barnette* that schools cannot require students to salute the flag or recite the pledge, citing free speech rights enshrined in the First Amendment to the US Constitution. A subsequent high court ruling in 1969 in *Tinker v. Des Moines Independent Community School District* upheld the right of students, on First Amendment grounds, to engage in symbolic protests while in school.

Polk County Public Schools spokesperson Kyle Kennedy insisted in a statement that the student was not arrested for refusing to participate in the pledge, which all students have the right to do by Florida law and district policy. According to Kennedy, however, the substitute teacher was not aware of the student’s

right and will no longer be allowed to work at any of the district's schools. He added that school officials will look at improving training for substitute teachers.

The right not to recite the Pledge of Allegiance or the national anthem have come under renewed attention after President Donald Trump denounced professional athletes, including NFL quarterback Colin Kaepernick, for taking a knee during the anthem in protest of racism and police brutality. "Wouldn't you love to see one of these NFL owners when somebody disrespects our flag to say get that son of a bitch off the field right now, out, he's fired, he's fired," Trump frothed at a rally in September 2017.

With the president using the issue to whip up his fascistic right-wing base, students across the US have been wrongfully punished by teachers and administrators for following Kaepernick's example.

In 2017, a black student, India Landry, was expelled from Windfern High School in Houston, Texas, for refusing to stand for the pledge, prompting a long legal battle in federal court. The teenager's family accused the school of violating her free-speech rights. Last year, the Texas attorney general stepped in to defend a state law requiring students to recite the pledge.

The arrest in Florida comes in the midst of an atmosphere of increased police presence on school campuses throughout the state following the Parkland shooting one year ago. Most recently Broward County school board officials have authorized police to conduct real-time monitoring of students in school via video surveillance cameras. Hundreds of millions of dollars are being allocated nationally to increase the number of armed police in schools. As a result, incidents with students regarding discipline are more frequently being addressed by armed police officers and the judicial system.

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