

Appeals Court Considers Free Speech Claims in Anti-Racism Training



A U.S. appeals court panel convened on Thursday to deliberate over allegations that a Missouri school district infringed upon staff members' free-speech rights by mandating attendance at an anti-racism training session that addressed concepts like white privilege and white supremacy.

Background and Allegations

Two white Springfield, Missouri school district employees brought forth the appeal before the three-judge 8th U.S. Circuit Court of Appeals panel in St. Louis. They contested a judge's prior ruling that dismissed their lawsuit as lacking merit.

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The plaintiffs, a records secretary, and a coordinator for students with disabilities, asserted that they felt coerced into attending the 2020 training session, fearing potential repercussions including the loss of their jobs if they expressed disagreement with the session's content. Court documents reveal that trainers presented an "oppression matrix," categorizing white individuals as oppressors and urging school staff to advocate for societal changes.

Arguments and Skepticism

During the oral arguments, U.S. Circuit Judges James Loken and Jane Kelly expressed skepticism towards the plaintiffs' claims. They questioned whether the training was mandatory, highlighting that some employees chose not to attend without facing consequences.

The plaintiffs accused the Springfield R-12 School District of compelling their speech and discriminating against their viewpoints, citing violations of the First Amendment. However, the judges appeared doubtful of the plaintiffs' assertion that they faced imminent punishment for dissenting opinions.

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Legal Perspectives and Court's Stance

Braden Boucek of the conservative Southeastern Legal Foundation, representing the plaintiffs, argued that the mere presentation of materials labeling "white silence" as a form of "white supremacy" created a hostile work environment. In contrast, Judge Loken suggested that such circumstances might prompt individuals to reconsider their employment but did not necessarily constitute actionable harm.

Last year, U.S. District Judge M. Douglas Harpool dismissed the case, asserting that the plaintiffs had not suffered injury as they were free to express their perspectives during the training. Additionally, he ordered the plaintiffs to pay \$315,000 in legal fees and costs to the school district.

While the 8th Circuit panel appeared inclined to side with the school district regarding the substance of the claims, they expressed reservations about the fee award's justification. U.S. Circuit Judge Steven Colloton questioned the unprecedented nature of the training, seeking clarity on how the plaintiffs could have reasonably identified it as an infringement of compelled speech.

Conclusion and Next Steps

The appellate court's ruling in the case, known as *Henderson v. Springfield R-12 School District*, will have significant implications for the boundaries of free speech within educational settings. Braden Boucek represented the plaintiffs, while Tina Fowler of Ellis, Ellis, Hammons & Johnson served as counsel for the defendants.

Don't be a silent ninja! Let us know your thoughts in the comment section below.

