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## **Diverse Coalition Supports American Indian Kindergartner's Right to Freely Exercise His Religion**

### **Five *Amicus* Briefs Filed in Federal Court Support ACLU of Texas Client, Oppose Needville School District's Appeal**

AUSTIN – The ACLU's fight to stop a Texas school district from punishing a five-year old student for wearing his long hair in braids as an expression of his American Indian heritage and beliefs has drawn support from a diverse group of American Indian tribes and scholars, religious freedom organizations and representatives of a variety of faith traditions

Eleven groups, including the Lipan Apache and Nansemond Indian tribes, the Anti-Defamation League, Americans United for Separation of Church and State, and Interfaith Alliance recently participated in filing "friend of the court" briefs to the Fifth Circuit Court of Appeals, in support of a lower court's ruling that Needville Independent School District (NISD) violated the Constitution and state law when it punished the student for expressing his and his family's religious beliefs.

In January, U.S. District Judge Keith P. Ellison granted a request by the ACLU of Texas and the American Civil Liberties Union (ACLU) for the boy, known in court proceedings as A.A., to be allowed at school to wear his hair in two long braids in observance of his American Indian religious heritage. NISD, who had initially placed the student in in-school suspension for noncompliance with its dress code, appealed the ruling to the U.S. Court of Appeals for the Fifth Circuit.

"The amicus briefs provide the opportunity for groups with a stake in the outcome of this litigation to make their voices heard," said Lisa Graybill, Legal Director of the ACLU of Texas. Fleming Terrell, Staff Attorney for the ACLU of Texas, said "while we are disappointed that NISD is still trying to restrict this boy's religious freedom for the sake of conformity, we and our clients are grateful for the support."

Judge Ellison's decision held that NISD unjustifiably burdened the boy's religious exercise by requiring the then five-year-old to hide his 13-inch-long hair in a single braid, stuffed inside the back of his shirt. When the boy stood up for his and his family's beliefs and attended school with

his hair in two long braids, he was segregated from his classmates in "in-school suspension," the harshest form of punishment state law permits for a child of his age.

"The outpouring of support for A.A.'s position from so many corners shows that this case is important for all Texas schoolchildren of faith, whether their beliefs come from American Indian, Christian, Jewish, Sikh, Hindu or other traditions," said Sinead O'Carroll, partner at Reeves & Brightwell LLP. Ms. O'Carroll, along with Paul Schlaud, also a partner in the Austin law firm, are working on the appeal *pro bono* as cooperating attorneys on behalf of the ACLU of Texas.

A total of five briefs in support of the ACLU's position have been submitted to the appeals court by the Lipan Apache Tribe of Texas; Indian scholars Mr. K. Tsianina Lomawaima and Ms. Suzanne L. Cross; Americans United for Separation of Church and State, and the Anti-Defamation League; the Nansemond Indian Tribal Association of Virginia; and the American Jewish Committee, Hindu American Foundation, Interfaith Alliance, Sikh Coalition and United Sikhs.

"As the briefs in this case make clear, public schools should not be in the business of punishing children for harmless expressions of their religious and cultural heritage," said Daniel Mach, Director of Litigation for the ACLU Program on Freedom of Religion and Belief. "We are confident that the court of appeals will affirm the lower court and safeguard this family's fundamental religious liberty."

To see a copy of the briefs filed in support, please see [Lipan Tribe](#); [Indian scholars](#); [religious organizations](#); [AU and ADL](#).

For more information about the [AZ Law School Indian Clinic](#)

For more information about the [Nansemond](#) tribe

For more information about [AU](#)

For a copy of the [ACLU brief](#)

[For NISD briefs](#)

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