

Las Vegas Pro-Life Students Sue High School for Violating First Amendment Rights

A group of pro-life students at a Las Vegas high school are taking their school and school district to federal court over violations of their First Amendment rights. Thomas More Society attorneys filed a complaint on September 29, 2022, in Nevada's United States District Court against East Career and Technical Academy and the Clark County School District on behalf the Las Vegas high school's Students for Life Club.

The complaint details the school's repeated discrimination against the Students for Life Club in violation of federal law.

"East Career and Technical Academy is discriminating against the Students for Life Club in violation of federal law. It has unlawfully demonstrated its animus to the pro-life message espoused by the Students for Life Club in numerous ways, including failing to effectively remedy bullying directed against a club leader because of his pro-life views," explained Thomas More Society Special Counsel Joan Mannix.

Mannix noted that this is not the first time Clark County schools have engaged in such conduct, referring to the 2015 federal lawsuit, *Angelique Clark v. Clark County School District, et al.*, which the Thomas More Society filed suit against the same school district to address discrimination against a student pro-life group at its West Career and Technical Academy.

The complaint details the breaches of First Amendment rights that have occurred against the East Career and Technical Academy's Students for Life Club and Felipe Avila, the club's founder and former student leader. These violations of the

United States and Nevada Constitutions, and federal Equal Access Act include:

- Refusal to allow the Students for Life Club to distribute flyers because the leaflets mentioned an outside organization (a pregnancy resource center), despite multiple references to outside organizations in flyers distributed by other student groups
- Rejection of Students for Life Club publication requests for visual graphic inclusion in the East Tech Times student newsletter, despite the inclusion of visual graphics promoting other student groups
- Censorship of Students for Life Club flyers/posters that is clearly content based
- Refusal of a Students for Life Club request to hang a banner in an area of the school building in which other groups and individuals have been allowed to do so
- Exclusion of the Students for Life Club from a school-wide club "summit," despite inclusion of other student-sponsored groups

"All of these instances of censorship and discrimination violate the First Amendment to the United States Constitution and the Nevada Constitution," said Mannix. "The U.S. Supreme Court has long recognized that students do not shed their First Amendment rights at the schoolhouse gate. Additionally, the school's actions fly in the face of the federal Equal Access Act which requires high schools to treat all student-sponsored clubs equally, irrespective of whether the school agrees with the message of the club.

"Another very distressing aspect of the entire situation is the school's failure to address the bullying directed against the club's founder and former leader, Felipe Avila, which further demonstrates the school's antipathy toward the pro-life club's message," Mannix added. "He was stalked and threatened because of his pro-life views and leadership, but the school failed to take effective steps to address the

bullying.”

Avila sought assistance from Students for Life of America, a national organization that provides support to student pro-life clubs.

Kristan Hawkins, President of Students for Life of America, stated, “As pro-life free speech is steadily under attack, Students for Life of America will not allow school administrations to overlook or instigate First Amendment violations against the Pro-Life Generation. Free speech includes pro-life speech, whether you like it or not. Pro-life students will always have a voice for the voiceless, and Students for Life of America will ensure their freedom to do so is respected.”

At the organization’s request, in February 2022, Thomas More Society attorneys sent a letter to the East Career and Technical Academy and the Clark County School District demanding that they cease their unconstitutional and unlawful conduct.

A March 24, 2022, letter from counsel for the Clark County School District failed to offer any remedy to the violations of student rights. A second letter, seeking clarification, was sent to the school district attorney on April 28, 2022, but the school district failed to respond.

Mannix added, “Having opened a forum inviting speech, it is illegal for high school administrators to censor students based on disagreement with their viewpoint. Instead, they should encourage students to exercise their free speech rights. These defendants, including Clark County School District, Superintendent Dr. Jesus Jara, and East Career and Technical Academy and its Principal Trish Taylor, disregarded the constitutionally guaranteed rights of the leaders and members of the school’s Students for Life Club, and they refused to rectify their conduct when called upon to do so. It

is frustrating that students must continue to rely on federal courts to protect their First Amendment rights against infringement by their own schools, which, instead of embracing censorship, should be safeguarding those rights and encouraging discussion of divergent viewpoints.”

Read the Complaint for Injunctive Relief, Declaratory Judgement, Damages and Other Relief filed September 29, 2022, in United States District Court for the District of Nevada by Thomas More Society attorneys on behalf of a group of pro-life students in East Career and Technical Academy Students for Life, et al. v. Clark County School District et al.

The Thomas More Society is a national not-for-profit law firm dedicated to restoring respect in law for life, family, religious liberty, and election integrity. Headquartered in Chicago and with offices across the country, Thomas More Society fosters support for these causes by providing high quality pro bono legal services from local trial courts all the way up to the United States Supreme Court. For more information, please visit .