

Ashland School District: Reinstates teacher suspended for personal Facebook post after ACLU asserts First Amendment rights

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MILWAUKEE – The American Civil Liberties Union of Wisconsin applauds the Ashland School District for its decision to reinstate an elementary school teacher who was placed on administrative leave for views she expressed in a personal Facebook post about the shooting death of her cousin, a Native American student, by a local sheriff's deputy.

In a letter sent November 30, 2017, the ACLU of Wisconsin said Sandra Gokee's Facebook post was a form of constitutionally-protected speech, and requested that she be allowed to return to her job teaching the Ojibwe language to Ashland elementary school students without any conditions on her use of private social media accounts.

"The U.S. Supreme Court has long held that the government cannot fire people for exercising their First Amendment right to free speech – and that is exactly what Sandra Gokee was doing when she posted to Facebook about her cousin's shooting by police," said ACLU of Wisconsin attorney Asma Kadri. "Sandra Gokee has a right to express her personal beliefs about matters of public concern without fear of retaliation or punishment from the government."

"After the shooting death of her cousin, Sandra Gokee turned to her personal

Facebook page to express her grief and invite a conversation about police violence against Native Americans – and she had every right to do so,” said ACLU of Wisconsin Executive Director Chris Ott. “No one wants to live in a world where the government can police our personal communications and retaliate against us for views it doesn’t like. Thankfully, the Ashland School District is returning Sandra Gokee to the classroom, reflecting an important recognition of the First Amendment rights of its employees.”

Sandra Gokee stated: “I was heartbroken by my cousin’s death and hoped that by sharing my grief and anger, I could invite a dialogue about the epidemic of police violence against communities of color and the greater topic of injustices that Indigenous communities have faced and still face today. Instead, I was removed from the classroom, and may have lost a job I love. I stood up against injustice because I want people – including the children – in our communities to know that they can speak out against injustice and share their feelings, even if those feelings are raw and make some people uncomfortable. Without discomfort there is no societal change or growth.”

The ACLU’s letter noted that the issue of police relations within communities of color is a pressing problem around the country, especially police shootings. While the issue has deep, historical roots for all communities of color, Gokee’s posts and subsequent comments reflect the unique history of Native American interaction with European American authority. For example, on November 13, 2017, CNN reported on CDC data showing that Native American people are three times more likely to be killed by police intervention than whites and at a rate 12% higher than African Americans.

“The issue of police shootings is one of the most pressing and emotional issues throughout Indian country. Indian people should be encouraged to express their views, not punished for it. In fact, all of us, Indian and non-Indian, should be discussing this problem,” said Stephen Pevar, Senior Staff Attorney with the ACLU National Racial Justice Program.

A copy of the letter the ACLU sent to district administrators is available here: <http://aclu-wi.org/media/ashland-school-district-reinstates-teacher-suspended-personal-facebook-post>

To read more about Sandra’s story, visit: <http://aclu-wi.org/issue/sandys-story>