

Public Statement regarding Davis School District's frivolous filing of criminal trespass charges against Mike Brown, a parent of students in the district.

The trespass notice, issued on July 20, 2021, to Mike Brown is overkill. There is a troubling trend in our schools that parents who disagree with school boards are not welcome. The truth is that parents who disagree with school boards are what make this system viable. Take that away and what remains? A safe space for board members?

School boards are not alone in this downward spiral. We have seen government at all levels attack free speech. They deride those who disagree with them, and then take official action to silence citizens. Lately, that action has been to file criminal charges. This is troubling on every level.

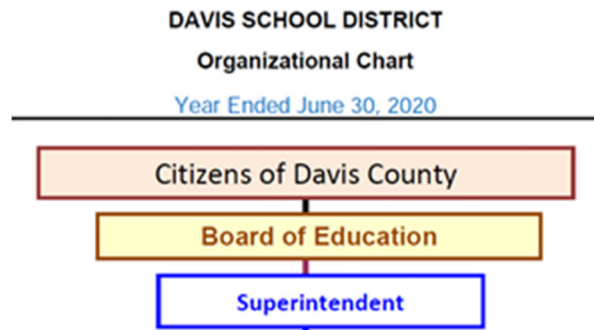
In the United States, citizens have an obligation to participate. Protecting political speech is the main objective of the 1st amendment. Freedom to speak without fear of prosecution is not a government-granted right, but an inherent right acknowledged by the 1st Amendment.

This is the language from the notice given to Mike Brown on July 20, 2021:

“Consider this your formal notice that you are no longer allowed to enter upon Davis School District property. ...if you enter or remain on Davis School District property you will be charged with criminal trespass. You will not be permitted to enter any Davis School District property unless you have made an appointment with Blake Haycock (Security Coordinator) at 801-402-5498.” Signed Blake Haycock, Security Coordinator, Davis School District

Given the fact that Davis School District is a public entity, funded with public money, and governed by State code, where is the due process here? What was the crime? The notice does not even state an offence. Listening to the School Board meetings, I am at a loss as to what “crime” was committed by Mike Brown. Here is my observation: School Board President John L. Robison has allowed his position, coupled with his good intentions, to affect his judgement, and to forget that he is a servant not a master when it comes to parents of school children.

In their own published Organizational Chart, Davis School District places Citizens of Davis County above the board.



(This graphic is from the latest Comprehensive Annual Financial Report.)

The Mission Statement for Davis School District is: “Educators, parents, and community members work together to create a successful educational experience for each student.”

As a legislator, I have noticed a troubling pattern with state entities. Increasingly they take the Utah code and determine that any action not specifically prohibited is permitted. The code section cited in the trespass notice against Mr. Brown is a good example.

Utah code Ann. 53G-8-603 reads in part:

- (1) A person is guilty of criminal trespass upon school property if the person does the following:
 - (b) enters or remains without authorization upon school property if notice against entry or remaining has been given by:
 - (i) personal communication to the person by a school official or an individual with apparent authority to act for a school official;

Does this mean that a person with “apparent authority” can issue notice to anyone for any reason (or for no reason at all), and that the person on the receiving end would no longer be “permitted to enter” school property? End of argument. No recourse. If so, then the legislature needs to take on the responsibility of providing special language requiring or prohibiting every conceivable act. That is not the spirit of this State nor of this country.

In Mike’s case the notice does not even specify a reason. He was simply awakened in his home by armed law enforcement officers bearing the notice. I have watched the video of the board meeting. Mike did nothing wrong, and certainly nothing criminal. In fact, had I been on the board, I would have thanked him for his candor in explaining the views held by a great many others in the district.

Even more troubling than the notice is the email between John L. Robison, Blake Haycock and several others. The email subject is “Concern for you,” and Robison writes: “If Mr. Brown is going to promote more hatred and conflict then I don’t want him having any opportunity to attend any of his children’s functions...” This is not an effort to protect kids or to have orderly meetings, this is bald-faced bullying. It is vindictive and vexatious.

As a legislator, I am deeply concerned when State resources are used to block parental participation in the public education of their students. I am concerned when police are used, not to protect the rights of individuals to speak out, but to squash them. I am concerned when state resources are used by our courts to pursue politically-motivated charges against parents concerned only for the welfare of their children.

This whole theatrical display is repugnant to the concept of public service. But what is the risk to John Robison, or to Blake Haycock, or to the School Board, or to the police officers, or courts, or to anyone on the public side of this show-of-force? They bear no risk. They continue to receive their full compensation, completely immune from the repercussions of their actions. Yet the parents have no protection. The system designed to defend them in their rights has been turned into a system to deny them of their rights, their property, their voice, and potentially their

freedom. If even speaking out is deemed a criminal act, then all citizens need to speak out; and they need to do it loudly! This is not a time to be silent, and definitely not a time to be silenced.

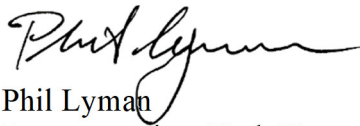
I am calling upon my colleagues in the legislature to condemn this trend of government entities pressing criminal charges against citizens who speak out. Regardless of how you feel about the underlying issues, pressing criminal charges is overkill.

The Supreme Court, in *W. Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943), reaffirmed their long-held position that political and ideological speech is at the core of the First Amendment, including speech concerning “politics, nationalism, religion, or other matters of opinion.” In *W. Va. State Bd. Of Education v Barnette*, the issue was forcing children to salute the flag or face exclusion and forced reform education, and their parents faced prosecution for juvenile delinquency.

Utah allocates more of its budget toward institutions of public education than any other state. Maybe it is time to stop funding the institutions and start funding the children. Let the money follow the child, not the other way around. And when our tax dollars are used to prosecute parents rather than to help families, that is a sure sign that the State and its districts and subunits have lost sight of their purpose.

A wise first step for the Davis School Board would be to drop all charges against Mike Brown, to make a public commitment to be inclusive of all parents and opinions, and to invite free expression from the citizens, consistent with the District's Mission Statement and organizational chart.

Very sincerely,



Phil Lyman
Representative, Utah House District 73
09/04/2001

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