

STATE OF MICHIGAN
IN THE SUPREME COURT

MICHIGAN GUN OWNERS, INC.,
and ULYSSES WONG, an individual,

Plaintiffs-Appellants,

v

ANN ARBOR PUBLIC SCHOOLS and
JEANICE K. SWIFT, an individual,

Defendants-Appellees.

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**BRIEF OF ENGAGE 18 AS AMICUS CURIAE IN SUPPORT OF DEFENDANTS-
APPELLEES ANN ARBOR PUBLIC SCHOOLS and JEANICE K. SWIFT**

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COUNTER-STATEMENT OF ISSUES PRESENTED

Engage 18 defers to the statement of issues set forth by Defendants-Appellees.

STATEMENT OF JURISDICTION

Engage 18 defers to the statement of jurisdiction set forth by Defendants-Appellees.

STATEMENT OF INTERESTS

Engage 18 is an organization founded by and dedicated to the interests of high school students. Its entire leadership team, including all of its board members, attends high schools across Michigan. Engage 18's stated mission is to "educate, empower, and engage America's young adults in the political process." To date, it has run a voter registration drive, hosted a gubernatorial primary debate, worked with organizers of the national school walkout, and participated in a gun panel hosted by the honorable Sander Levin.

In furthering its goal of amplifying student voices, Engage 18 has concluded that submitting the following brief *amicus curiae* would help make student voices heard on this issue of paramount importance. Student voices, while essential in all realms of government, are especially germane in issues such as this, and as a result Engage 18 has a clear and self-evident interest in these proceedings. It was for these reasons that, at a meeting on March 18th, the Executive Board of Engage 18 approved the drafting and submission of this document.

Issues of school safety are of utmost importance in fostering a society where our children and families can feel secure. Despite this, the Plaintiffs-Appellants ("Plaintiffs") wish to deny the power granted to local school districts in determining how to best address these issues, and in doing so seek to deny those powers which school districts are granted by statutory law. Engage 18 agrees with the Circuit Court and Court of Appeals that the Plaintiffs' arguments lack legal merit. It therefore submits this *amicus curiae* brief in the hopes of helping to preserve the right of school districts to bar weapons on school grounds, in accordance with the authority of said districts to protect their students.

COUNTER-STATEMENT OF FACTS

Engage 18 concurs with those facts recited by the Defendants-Appellees (“Defendants”).

It would additionally offer the following facts which support the stance of the Defendants.

On March 14th, 2018, the student body of a number of high schools across both Michigan and the country walked out of school for a time of 17 minutes in protest of gun violence. In addition to those participating in the walkout, many stayed home out of safety concerns. At Bloomfield Hills High School, for example, 562 students stayed home on March 14th 2018 because of rumors about a threatened attack. Far from being isolated, such threats are only growing.¹ Engage 18 believes that the threat of gun violence therefore “materially and substantially interferes” with the operations of a school. *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969). If First Amendment rights are subject to restriction on this basis, then surely statutory and Second Amendment expectations should be shaped similar considerations.

To further evidence the materiality of the risks to student education and safety, Engage 18 submits the following excerpts of personal stories, all of which were provided to Engage 18 by current Michigan high school students:

In my school, we have a system that works like a fire alarm, except for active shooters. On November 21st of 2017, it was activated. My brother was home sick that day, and I think that was the only thing that kept me from losing it. We hid in our room, which had flimsy walls and a flimsier door, and I was scared. One entire wall of the room was glass, and through that window we saw kids running away from the building as fast as they could. My classmates and I realized how terribly exposed we were in that classroom, and we did the same. A pair of other students and I led the way out, peeking around corners to make sure that no shooter was waiting in the next hallway.

¹ Doreen McCallister, *Threats Against Schools Increase Since Florida Shooting*, NPR (Feb. 22, 2018), at <https://www.npr.org/sections/thetwo-way/2018/02/22/587832544/threats-against-schools-increase-since-florida-shooting> (reporting that such threats have increased five-fold since the Stoneman Douglas shooting).

When we finally made it out of the building, we ran quite literally as if our lives depended on it; we legitimately thought that they did. I kept expecting to feel a bullet in my back, but I made it off of campus safely. I run Cross Country and Track, but I can say with certainty that no race has ever seen me run faster than that day did. The school was practically empty for the rest of the day, because very few people returned after word came that it was a false alarm.

Ever since, I've evaluated escape routes from each of my classrooms. I've avoided areas that don't have any. It's a good thing I'm thinking about that, I think, because if I ever need it it's unlikely I'll think rationally in the moment. That said, if a false alarm has scared me this much, what will happen when I see a strange man in the hallway who is *actually* carrying a gun? I'd pull the alarm in an instant, and the school would be effectively shut down for the rest of the day. If the situation was resolved, I don't think I'd be able to stay at school that day knowing someone present had a weapon. I drive to school, so I'd pick up my brother and leave. Others don't have that luxury, but I'm sure they'd find it impossible to focus on class while half expecting to hear gunshots.

Guns in schools are unsafe, and they make people feel terror in the place they should be safest.

- Braden Crimmins, Junior at Bloomfield Hills High School

My name is Sarah Lewis, and I am a junior at Pioneer High School in Ann Arbor. A lot of people's solution to America's gun problem is adding more guns. Although it is statistically proven that more guns means more death, and that accidents are far more likely to occur than mass shootings, people still insist that this is the best solution.

As a high school student, having guns in my school would affect me a lot. As you may know, a man openly carried a gun to a choir concert at Pioneer three years ago. I was singing in that concert. He sat just a few rows behind me. This man probably didn't have bad intentions. He wasn't going to shoot up my choir concert, however, it was a truly frightening experience. It may seem like I'm overreacting—after all, nothing happened to me and I returned home safe and sound. But at the time, I didn't know. I didn't know that this man was just coming to see a high school choir concert, casually “exercising his second amendment rights.” All I knew was that there was a man in my school. And he had a gun. After the concert ended there was a huge jumble of parents gathering their kids, urging them to go home and all around pandemonium. The police had been called, and no one really knew what was going on.

If I were to experience something like this on a regular basis at school, I truly do not think I would be able to function or get any sort of meaningful education. Just knowing that at any point, anybody could walk into my school with a gun makes me feel extremely nervous and terrified. There is no way to tell if the person walking down the

hallway is just an “average Joe” or the next mass murderer. We need to focus on making sure guns don’t get into the wrong hands, rather than adding more guns into our society that has been savagely torn apart by them.”

- Sarah Lewis, Junior at Pioneer High School

The culture I was raised in led me to believe that guns existed for the sole purpose of self-defense. Most of me still believes that, but after countless friends and family members lost due to gun violence, I see them as more of a temptation than a safe haven. I have known too many people who have gotten into minor altercations with individuals and have either shot or been shot as a result; it wasn’t necessarily that they feared for their lives, or used the gun as a means for self-defense, but that having them readily available in the heat of the moment led them to use them without second guessing.

Two years ago, my friend, Jordan Klee, was shot and killed just steps from my house. It all started with an altercation. Three individuals wanted his designer shoes and belt, and he wasn’t giving it to them. Knowing he was outnumbered, Jordan ran and was shot while attempting to flee. This event was tragic not only because of his death, but because Jordan was killed near the neighborhood park, where all the children played. When they got home from school and went to go to the playground, they all were exposed to this trauma, instantaneously losing their innocence.

Two weeks ago, on March 13th, marks the two-year anniversary of our dear friend, Kyieyan’s death. Kyieyan was much more to my family than a friend, he was there when I was born and protected my family at times when we were in danger. Kyieyan was out celebrating his brother’s birthday when his 37 years of existence came to an end. Kyieyan was walking through a parking lot when a fight broke out and bullets started flying. He was hit by a stray bullet and killed on sight. Again, this is another instance of recklessness and carelessness that has caused an innocent person to lose their life. I’m glad the perpetrators are remorseful, but that dispute that lasted a matter of seconds cost an innocent man his life, and nothing will bring him back.

After losing several people who are dear to me to me and having my own direct experiences with guns, I myself have become desensitized and partly as a result, have developed PTSD. I’ve lived in several public housing projects throughout my life, and although my zip code has changed, the frequency and sound of the gunshots have not. When I was younger and heard gunshots, my initial reaction was first to jump, and second, to hit the ground. I grew up in survival mode, and have slowly, (and painfully) been conditioned to react slower (if at all now) to the sound of gunshots....

I don’t believe that individuals should have the right to open carry in schools. Much like the culture I was raised in that normalized guns, I believe that allowing weapons in schools would first create a culture of insecurity and trauma for students, and second,

would condition children to believe that guns are an everyday worn accessory such as earbuds, belts, and shoes. Having access to firearms should not be the norm. Firearms do not exist to promote a culture of peace; in fact, they make us more violent. Consistently, the countries with the most guns also have the most mass shootings and more violent crime. There is no sensible reason as to why any individual should be allowed to carry weapons in schools. However, there are many reasons as to why students should have the right to pursue their education free from distractions and the threat that weapons bring.

If these altercations that I have witnessed the ramifications of having the potential of inviting lethal accidents in the community outside of schools, due to human nature, I believe that this would be no different in schools either. This is less about a gun owner's right to carry guns in schools, and more about students' rights to pursue their education independent of these tools of distraction and destruction.

- Marquaun Kane, Senior at Pioneer High School

When I entered High School in 2015, I made mental notes of where the closest exit was from my classrooms and of what was immediately outside an exit that I may need to use for cover in the event of a gunman. Every year since then, I've done this. In the following days after the Parkland shooting, I started to avoid a walkway within my school where I was very visible. I also started to pick up my pace within school, in an attempt to spend as little time in the hallways as possible and more time in classrooms that could be locked.

- Patrick Henkel, Junior at Bloomfield Hills High School

Someone I've always looked up to is my older brother Mehdi. He has always encouraged my intellectual interests and challenged me to be selfless and kind. Four years ago, Mehdi was mugged and kidnapped at gunpoint in Detroit, right in the middle of Greektown. The convicted felons who did this held him in their car, while they beat him and stabbed him, holding a pistol to his head.

Mehdi survived this by jumping out of a moving car and thankfully he made it to safety. Since this incident, my brother has never been the same. He now has post traumatic stress disorder and for months after his kidnapping, he kept a knife under his pillow in fear that the perpetrators would someone find him. I have seen what staring down the barrel of a gun can do to someone and I know that blocking schools from preventing visitors from open carrying firearms endangers me and my schoolmates. I never want to be in the position that my brother was in and tying the hands of our school administrators in this matter only invites someone to test the law with a deadly weapon.

- Zackariah Farah, Senior at Bloomfield Hills High School

A few times each year, we practice ALICE drills which are what we would do in the event of a school shooter. We rope the door shut, barricade it with desks and cabinets. Over the intercom, a speaker keeps us updated and we make the decision to run or stay based on that. We talk about spreading out water bottles and tripping hazards and other ways of limiting mobility. My chemistry teacher actually said, “A shooter would be remiss to come in here because we can throw dangerous chemicals at them,” or something to that effect. My point is, the school is turned in to some sort of sick war game where the goal is to survive.

A few weeks ago, we had a lockdown. I thought it was a drill at first, but it was soon apparent that it wasn't. I immediately texted my parents. “Hey so heads up we're not in a lockdown but we are in a 'shelter in place' situation, so doors are locked and we can't leave are classrooms. It's not a drill. Not sure what's happening, but I'll keep you updated.” I was scared it was a shooter. I was able to continue with the discussion we were having in class, but a recurring thought was “Is this going to be the last discussion I have?”

In my everyday life, I am constantly considering if I will be shot. At the movies. In the city. At rallies. At school. I look around. I think about where a shooter could come from, where I could go, how I could react. I go into survival mode. How my desk could be a barricade, the angles shots would come from if the shooter was at the door, where they're likely to shoot first. I think about the most convincing way to play dead. I consider if the person next to me was killed first, would they be an effective human shield. They are disturbing thoughts. They scare and disgust me but I accept them because I am scared that someday those thoughts will be the difference between life and death.

- Paige Tar, Junior at Northville High School

In the wake of the recent shooting in Parkland, the facts regarding our campus security have become more apparent. We do not have a security guard on campus. Locked doors are often opened by students during school hours. We have never experienced an active shooter drill. Chaos would ensue in an emergency situation. The lunchtime conversations among my friends and I now center around the question “What would we do if...?” This is not a question that students in any community should need to ask themselves. School is a place to learn and feel safe—or at least it should be.

Last week, after missing a day of school, I took a make-up test at a desk in the hallway, facing the main entrance. Every time an unfamiliar face was buzzed into the building I was directly in their line of sight, before they were checked in and cleared at the office. I realized that I was seated in the most dangerous place in the school. The thing is, schools shouldn't have a most dangerous place.

If a visitor entered my school with a firearm I would feel more than unsafe. I would feel threatened, panicked, and helpless. Weapons have no place in our school.

- Sophia Kapur, Senior at the International Academy, Okma

If a man with a rifle walked into my school, it's sad to believe that the first thing I would think is "they've finally got to us too." Knowing that there are shooters everywhere taking innocent lives from this world for no reason no way makes me feel safe when I step into school anymore. Even when we practice lockdown drills in school, the only thing I can think of is "am I really safe if a shooter was in my school and I am in this position?" The fault should not be placed on my school's security, but rather, on the nation's legislation.

- Mayar Zamzam, Senior at the International Academy, Okma

Over the past month, I have spoken with several hundred students throughout Washtenaw County and in Washington D.C.. I have heard heart wrenching stories of bullets whizzing past braids held with butterfly clips, of friends broadcast on evening news, bloody and without a hope of survival — I have heard stories of students and children who will never spend another day in class, never read another book, never hold their mother's hand again.

I have no personal stories to tell. I have not lived every day with the burden of a sister's death, or a brother's last words. I pray that I will never have to. But prayers are not enough. This is the time for us all to act — for us to set a precedent. Schools should be completely gun free zones. Carried openly or concealed, firearms should not puncture the cacophony of hallways during passing time. Bullets should not cover the sound of our choir, and I'd much rather hear a thousand off-key children than the silence of a 6 year old staring in fear at a gun on the hip of an unknown man.

For those who have experienced gun violence, guns in schools can recall that original trauma. For those who have not, guns in schools are still a constant reminder of just what could happen. Trauma and fear hinder effective absorption of educational material and destabilize a learning environment, leading to outbursts/bad behavior, lower test scores, lower rates of enrollment, and lower graduation rates.

This is not a plea to take away the 2nd amendment. This is a plea to uphold the Gun-Free School Zones Act and to erase its loophole. This is a plea to allow our students to continue to grow and thrive in our educational system, and to allow students across Michigan to grow and thrive, without a constant knot of fear in their shoulders.

- Emma Roth, Senior at Pioneer High School

Every time I heard of a new school shooting, it always seemed like some distant occurrence from another world. A world where kids didn't live to see their seventh birthdays, one where people chose to take innocent lives with the pull of a trigger, one where the government that was supposed to protect us just sat back and watched.

I never thought it could happen to someone I knew. Receiving a text that my friends' school was on lockdown, only a matter of blocks away from my own, due to a gun on campus was a moment I never thought I would have to face. The agonizing hours waiting for any news, to know if everyone was safe are ones that are too painful to think about. While in this particular situation no one was harmed, this is not the case for countless other communities.

Allowing guns to be brought into schools would make experiences like mine and my friends' commonplace in our state, but potentially with very different endings. Why actively make a ruling with no benefit but significant potential damage? Taking measures to prevent further lost lives by barring the allowance of guns in schools is the first step towards ensuring a safer environment for students. My biggest fear in school should be my test next hour, not having to send or receive another text like the one from my freshman year.

- Riya Doshi, Junior at Bloomfield Hills High School

If we want less gun violence in schools, it would be logical to have a limitation on the weapons on campuses. I support a school resource or police officer on campus carrying a gun, because they are highly trained to protect students' lives. When it comes to random people in our schools, who is to say a potential shooter wouldn't pose themselves as a parent to grant themselves easier access to students? I want to feel safe. Having strangers in my school with guns makes me feel unsafe. Schools are the gate to this problem, and can (and should) take proactive and reactive measures to prevent open-carriers in our buildings. I wish we could trust society, but unfortunately, we cannot.

- Kayla Sharpe, Junior at Grand Blanc High School

My life is beautiful, my life is precious.
 My life is valuable, your guns are reckless
 I am a child of 15 years, who shouldn't fear
 Walking into MY school and getting shot.
 Shot with your gear, with your rifle, my blood on the ground me lying near. NO!!!
 Done with the pain of seeing schools get shot up, done seeing innocent people children,
 teens, getting killed brought down to the knees, just because you want your greens.

How many schools are going to be destroyed into strands? by the hands of a ruthless gunman.

And I say, that guns are dangerous nothing to play.

- Francis Nwamgbe, Freshman at Bloomfield Hills High School

Schools are for learning, and are supposed to provide a comfortable safe place for children. That idea is shattered by the presence of a weapon. Whether that weapon is in the hands of teachers or other adult figures, or in the hands of a student. I personally would be horrified if I knew someone had a gun in my school and was not of legal authority.

- Seth Stucker, Senior at Seaholm High School

My name is Lucas Little and I am a tenth grader at BHHS. It is imperative that we prohibit open carry on campuses in the state of Michigan. Although personally I have never been affected by gun violence, I still fear for my safety in school. My school is even one of the safest in the states, but this year there were threats made by a student to shoot up my school. I was not focused when taking a Spanish test because I was planning a way to survive if someone came in. The fact that I have to prepare myself in case someone with a gun comes into my school is an outrage. It hinders the education system. I believe no one should be allowed to even bring a firearm onto school grounds, let alone open carry. If I saw someone with a gun in my school I would leave, I would literally move schools or move states because I am not willing to risk my life so someone can bring a gun around if they so choose. My right and my friends' right to live in schools is much more important than someone's right to own a gun. I walked out of my school on March 14th. I marched on DC on March 24th. I am walking out on April 20th and if school districts are not allowed to prohibit open carry on campuses then I will continue to walkout every single day. It is impossible to focus on the curriculum when the threat of gun violence is more prevalent in our schools.

- Lucas Little, Sophomore at Bloomfield Hills High School

If someone were to be able to bring in a gun of any kind, whether it's a pistol or an assault rifle, into school and carry it around, I would be terrified, as would most of the other kids in all schools. This action could very well lead to something similar to the horrific event that occurred in Parkland, Florida. If an assembly or a mass gathering were to occur within schools, like the peaceful walkout on March 14th, and strangers with open carry licenses were allowed to enter the schools with guns, the potential consequences are

endless. Thus, if this was possible, the school environment would become overwhelmingly insecure and dangerous.

- Ankith Varchasvi, Junior at Bloomfield Hills High School

As a junior in high school, I have gone almost my entire life experiencing active shooter drills. I remember the feeling of fear as a kindergartner, not really understanding what was happening, and the anxiety which followed me into high school that this time it might be the real thing. Although there has always been a certain level of fear that comes with these lockdowns, there's also been a small sense of safety in knowing that no guns, aside from those in the hands of school safety officers, will knowingly make it onto campus. By allowing strangers to walk onto our campuses armed with shotguns or rifles our right to a sense of safety is stolen.

If anyone who is already allowed on school campuses, is also able to carry a gun my learning experience will be severely deterred. Instead of focusing on trigonometry or Shakespeare, my focus will be shifted to learning how to judge the intent of armed strangers walking through the halls of my second home. Instead of learning how to identify different parts of my brain, that information will be replaced with a hyper awareness of the hordes of teenagers within arms reach of a killing machine.

Last year a school resources officer in my school district accidentally fired his weapon while testing the trigger pull. The bullet went through a wall, scraped a ceiling tile, ricocheted off a cement wall, and subsequently hit a teacher in the neck with a class of students present. As I've learned, we can't trust people trained with guns to use them responsibly, so how am I supposed to feel when an armed stranger walks onto campus? There is no way to determine someone's intent if they are by law allowed to bring a gun on campus, which means the only time we can truly determine someone's intent under these circumstances is when shots have already been fired. By then it's too late.

- Isabella Gripentrog, Junior at Bay City Central High School

My name is Cate Dombrowski and I am a junior at Pioneer High School in the Ann Arbor Public School District. An incident at my school was one of the sparks for these "gun-free zone" policies to be implemented in our school district.

I was actually at the event where this incident occurred, a choir concert with singers from Pioneer as well as two of the middle schools from the district. I was an 8th grader at Slauson Middle School and was performing in the concert that night. Before the concert had started the Pioneer choir director, Steven Lorenz noticed a man with a openly carried pistol sitting directly behind the singers in the audience. He immediately notified the police, as he found it concerning that someone would bring a weapon to a school

function, and alerted the other directors to the situation occurring. The police came and found he did have a permit that allowed him to open carry in school and he returned to the rest of the concert.

As student we knew that there was a man with a gun in the audience and it made it difficult to enjoy the arts and perform to the best of our abilities knowing that there was someone who had a weapon that could hurt us and no one knew what his intentions were. This specific concert is a large display of unity and friendship among the schools in the district as there are very few events that take place where the arts are shared among multiple schools so this concert is a very special one to everyone who participates. It was hard to enjoy the community aspect when there is a lack of trust between everyone enjoying the event. Concerts are a special time for performers and it is something we spend countless hours preparing for and after the strains of daily rehearsal it is finally a time where we all can relax, enjoy ourselves and support one another. When someone brings a dangerous weapon to a school event that is focused around something so extraordinary it ruins the comfort and cheer that we expect from an arts performance centered around community.

School is a safe place for students, a shelter from difficult home lives, dangerous neighborhoods and other external stressors. School also provides a place for support and enjoyment for students. If someone were to be allowed to bring a gun onto our campus a would feel very similar to that night in 8th grade. It would be difficult for me to enjoy the time spent learning and being with peers knowing that people with dangerous weapons with unknown intentions will be allowed on our campus. It leaves you wondering, at all times, in the back of your head what you would do if a school shooter were to walk in. It is difficult to dedicate your time and energy to precalculus when part of your brain is focused on the dangers of going to school. Allowing firearms on our campus would prevent students from being to participate wholly in their education, rendering the main purpose of the public school system, education, impaired.

- Cate Dombrowski, Junior at Pioneer High School

My name is Elliot Widd, and I'm a junior at Royal Oak High School in Royal Oak, Michigan. The influence of guns in society has proliferated into my worldview from a young age, the symbol of independence and freedom that they are supposed to represent in this country has always seemed natural. In this aspect, I am no different from any other Michigan resident. This being said, I was also raised, within my family, with a strong intuition and to use that intuition to realize the strength and power of guns.... [M]y parents made sure I knew from a young age what that power, wielded in the wrong way, could accomplish. My grandfather, a police officer in Fort Lauderdale, Florida witnessed a 14 year old being shot by one of his fellow officers, a split-second decision

simply because the officer was in a nerve-wracking situation and the child was large for his age. Less than a second. My father was held at gunpoint as he tried to leave 1960s Uruguay, a country with an authoritarian military dictatorship. It could have been less than a second. I am the sum of a series of actions that all started with the split-second decision of the soldier not to pull the trigger.

I like to think that I do well in school, but the only cause of that is because I love it. I relish the rush when I finish my AP Chemistry lab and formulate a new equation to use on tomorrow night's homework. I sit rapt at attention absorbing story after story on the French Revolution or the rise of Joseph Stalin in the 1930s in AP European History. It has always been like this, ever since I was the weird kid trying to identify rocks in the playground in the second grade.

Now it's not entirely like this. When my parents inform me of the best way to avoid a shooter in school or when I go out to the movies, it's all I think about; not just the advice written by some well-meaning journalist, but the very idea that I can walk into the school that I love and very well face two options: die today, or live tomorrow having seen others die. Many of my friends struggle with clinical anxiety. I myself struggle with some very slight anxiety problems. They take medication for it and go to therapy, do everything they are supposed to. These past few weeks have been hell for them. Nervous breakdowns, animosity to the world; this situation, which should, if anything, bring families closer together, has even polarized some parent-child relationships!

I don't know how any survivor of gun violence could go on with life, I can barely think about the issue without compromising my mental wellbeing for an hour or two.

All of this being said, the real message stands: even by allowing the open carry of weapons on schools property by so-called "good-guys," our supposed safety comes at a price: fear, panic, intrusion on an institution that for many is their only safe space, the minds of the youth who will eventually run this world, lack of focus, lack of sleep; and finally, possibly, the loss of life.

- Elliott Widd, Junior at Royal Oak High School

Today, I walked into my Oceans and Weather science class, ready to learn more about the atmosphere. Instead, my class and I were presented with a whole twenty minute lesson plan on "how to react during a school shooting". We learned about the technical names of all of the school's exits, so if we had to call the police, we could give them exact info. We learned that we all have three options: to run. To hide. And God forbid, to fight. We were told that we have to always be thinking about what could happen. We have to present to ourselves different situations, like a game of chess. Because anything can happen.

This has all sprung up in the sale of a rumor of a threat. It was (is) spreading like wildfire around the school, and our administration wasn't presenting to all the details, only assurances that everything was okay. But is it? We come into school everyday, thinking about what could go wrong. I leave school, telling my parents I love them as a goodbye because anything could happen. We come into school, ready to fight, because anything could happen. I look over my shoulder, at the student behind me, because anything could happen.

In this world of paranoia, of fear, of unresolved problems that no one wants to talk about, there is no logical reason to stockpile firearms into our education. When I go to school, I go to school to learn, to develop myself. And fear, fear cripples development. In a place meant for developing opinions, and for discussing differing opinions among peers and teachers, as well as where emotions and mental state fluctuates, I wholeheartedly believe that no teacher or student should be able to walk in with a firearm into school.

- Ethan Silver, Junior at Bloomfield Hills High School

My name is Ketan Revankar, and I am a student at Bloomfield Hills High School. I have, alongside all my other brothers and sisters in my school, heard about the terrifying events happening at schools across the country. To be completely honest, in the past they did not fully register; I could never really comprehend an entire school of innocent teenagers and adults being shot at, being killed. I just couldn't imagine it happening. And so, I unfortunately did what I think many others unconsciously did too—ignored the news and hardened myself from even sympathizing the victims. But, as they became more and more frequent, I realized I could not hide from the reality of this problem that was gripping our nation. People just like me, people who share the exact same desire and right to happiness, love and success, were being killed because we didn't have strong enough regulations on guns. So, to me, it makes absolutely no sense to back down on gun regulations further so that guns would be allowed to be carried without a license inside of schools. This would, simply stated, completely ignore the problem that we've been seeing across the country with school shootings. I and everyone else in my school wants to walk into school feeling safe because we are surrounded by supportive people, we are with friends who care about us, and because we are in a wonderful education system. We do not want to fear for our lives because people are allowed to bring armed weapons into the school. Guns do not belong in school. We do.

- Ketan Revankar, Junior at Bloomfield Hills High School

I am a strong supporter of the second amendment, but the idea of any person being able to walk into any public school with a gun as long as they bought it legally under our

current laws is unsettling. With the current thoroughness of background checks along with the fact that getting a gun requires no training, having an individual with a gun on campus increases the chances of an accident, makes students feel uncomfortable in their learning environment, and does not guarantee an increase of safety as the gun owner may be untrained. If a district chooses to not allow every person with a gun to enter, it should be allowed to because not every gun owner is worthy of the responsibility that comes with owning guns, especially around children.

- Forest Zhang, Junior at Bloomfield Hills High School

What is the mentality of a student in this day and age when an unknown person walks into the school bearing all they can carry? To any student the answer is uniform and simple. Even the most dedicated of gun activists I've seen personally agree with the most staunch of anti gun advocates, it doesn't make logical sense. One thing is for sure however with the implication of visitors carrying, that is fear and a high chance of disaster. An obvious exploitation is seen by every student of this possibility and one can only dread the future everyday in school. "Is this the day someone walks into school unopposed and my life is cut short?"

- Sean McGregor, Junior at Bloomfield Hills High School

Feelings of safety are demonstrably linked to student learning outcomes.² As such, policies that cause a pervasive sense of insecurity—like the feelings described by these students—undermine the central mission of a school.

² For a survey of some research on this point, see National Center on Safe Supportive Learning Environments, *Safe Supportive Learning: Engagement, Safety, Environment*, at <https://safesupportivelearning.ed.gov/topic-research/safety>.

STANDARD OF REVIEW

Engage 18 defers to the standard of review set forth by Defendants-Appellees

ARGUMENT

Engage 18 concurs with the arguments recited by the Defendants-Appellees. It additionally offers the following argument:

I. School districts may regulate the possession of firearms on school property as a severe disruption to their educational mission

A. Schools may adopt appropriate policies restricting serious threats to their educational mission, even if the same behavior might be constitutionally or statutorily protected outside of school grounds.

It has long been recognized that schools may limit the exercise of constitutional rights on school property in defense of their special educational mission. First Amendment precedent provides a powerful example. In *Tinker v. Des Moines Independent Community School District*, the Court held that First Amendment rights are subject to application “in light of the special characteristics of the school environment” and can be restricted if they “materially and substantially disrupt the work and discipline of the school.” 393 U.S. 503, 506, 513 (1969). The exercise of constitutional rights in that case was permissible because there was “no evidence whatever of petitioners’ interference, actual or nascent, with the schools’ work or of collision with the rights of other students to be secure and to be let alone.” *Id.* at 508.

Since *Tinker*, it has been clear that a school district may limit the exercise of otherwise-available First Amendment rights when that exercise “materially or substantially” disrupts the school process or “colli[des] with the rights of other students to be secure.” *Id.* at 508, 513. *Morse v. Frederick*, 551 U.S. 393 (2007), went further still: the need for a substantial disruption as defined in *Tinker* “is not absolute,” so long as the speech activity causes a “serious and

palpable” danger to student welfare. 551 U.S. 393, 405 (2007) (discussing the “particular concern to prevent student drug abuse”). The bottom line as is that “[a] school need not tolerate student speech that is inconsistent with its ‘basic educational mission,’ even though the government could not censor similar speech outside the school.” *Hazelwood Sch. Dist. v. Kuhlmeier*, 484 U.S. 260, 266 (1988) (citation omitted). Restrictions of even core speech interests is thus permissible when “reasonably related to legitimate pedagogical concerns.” *Id.* at 272.

This clear precedent from the First Amendment context has obvious implications, not just for the construction of statutes such as those relied on by Plaintiffs-Appellants, but also for any efforts to bolster those statutory claims with Second Amendment considerations. Even assuming that the Second Amendment applies at all to firearms carried outside the home, its application here would be dramatically restricted given the special considerations of the educational context. *See Murdock v. Pennsylvania*, 319 U.S. 105 (1943) (“[The liberties guaranteed by the First Amendment are in a preferred position”); *see also Thomas v. Collins*, 323 U.S. 516 (1945) (noting that, in the ordinary case, “[r]estriction of the liberties guaranteed by the First Amendment can be justified only by clear and present danger to the public welfare.”)

B. The presence of firearms on school grounds seriously disrupts the educational mission of the school and the well-being of its students.

The primary purpose of Engage 18’s filing in this case is to offer the student statements collected on pages 2-14. Those testaments show just how badly the risk of firearms entering school grounds interferes with the educational process, by spreading a profound, pervasive, and recurrent sense of insecurity among students. A brief summary of some representative statements will situate the legal relevance of the material collected above.

As one Ann Arbor Public School Student explained, when someone insisted on bringing a gun into her school auditorium, “[a]ll I knew was that there was a man in my school. And he had a gun.” *Supra* (statement of Sarah Lewis, Junior at Pioneer High School). “If I were to experience something like” the “all around pandemonium” caused by this incident “on a regular basis,” she explained, “I truly do not think I would be able to function or get any sort of meaningful education.” *Id.* Another student emphasized the fears that regularly invade her school day because a sense of helplessness in the face of unregulated gun carriage: “I think about the most convincing way to play dead. I consider if the person next to me was killed first, would they be an effective human shield.” *Supra* (statement of Paige Tar, Junior at Northville High School). These “are disturbing thoughts” that “scare and disgust me,” she explains, “but I accept them because I am scared that someday those thoughts will be the difference between life and death.” *Id.*

Is this what we want our children to be thinking about in the classroom? Engage 18 submits that it is not.

CONCLUSION AND RELIEF REQUESTED

Michigan schools have the statutory authority to protect their students and promote the educational process. Because gun possession on campuses would seriously interfere with both goals, and because regulations reasonably regulating the exercise of otherwise-applicable constitutional rights may permissibly protect those goals, schools have the power to limit the presence of firearms on school grounds in service of valid educational and safety objectives. The Court should deny this request by the Plaintiffs-Appellants, since it would undermine the objectives of our education statutes and compromise the learning and safety of our students.

Respectfully submitted,
ENGAGE 18

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PROOF OF SERVICE

I hereby certify that I e-filed and served a true and correct copy of the foregoing Engage 18's *amicus curiae* brief in support of the Defendants-Appellees Ann Arbor Public Schools and Jeanice K. Swift, which filing will be electronically served on all interested parties, and sent via first class mail a copy of Engage 18's brief to counsel in *Michigan Open Carry, Inc v Clio Area School District*, Docket No. 155204, this 30th day of March, 2018.

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