



Written by [David Kelly](#) on August 30, 2023

School's Gadsden Flag Ban Overturned After Student's Video Goes Viral

A [video](#) circulating on social media showing a 12-year-old boy being suspended from school for having a Gadsden flag patch on his backpack due to "its origins with slavery" gained national attention this week, fueling outrage and leading a Colorado Springs school to reverse their decision and allow the student to return to class.

The video, which was first released by Libertas Institute President Connor Boyack, shows the Vanguard School student, Jaiden, and his mother on Monday confronting a school administrator who claims that the Gadsden flag patch on Jaiden's backpack violates district policy.



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"The reason that we do not want the flag displayed is due to its origins with slavery and the slave trade," says the administrator.

Jaiden's mother defended her son and explained that the Gadsden flag is not a pro-slavery image, but has its origins in the Revolutionary War as a symbol of resistance for the American Patriots fighting the British. She told the administrator that Jaiden has learned that our nation's Founding Fathers fought against unjust laws. She said that the school's policy that was being enforced is unjust, and asked to see it.

The school administrator said she would put Jaiden's mother in touch with Jeff Yocum, The Vanguard School's director of operations. Boyack shared the [email](#) correspondence between Yocum and Jaiden's mother later that same day on X.

Yocum wrote in his email the district's "rationale as to why the Gadsden Flag is considered an unacceptable symbol," and Boyack posted this comment:

They cited @USEEOC, which admitted that the flag "originated in the Revolutionary War in a non-racial context"... But then said "However, whatever the historic origins and meaning of the symbol, it also has since been sometimes interpreted to convey racially-tinged messages..."

The district's email cited a 2016 [Washington Post](#) article that reported on an Equal Employment Opportunity Commission (EEOC) racial harassment case. That case alleged discrimination when "a coworker repeatedly wore a cap to work with an insignia of the Gadsden Flag," with the complainant stating that "he found the cap to be racially offensive to African Americans because the flag was designed by Christopher Gadsden, a 'slave trader & owner of slaves.'" The EEOC [decided](#) that "no factual or legal determination" could be made on whether the Gadsden flag was a racist symbol.



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Regarding Jaiden's case, *Reason* [reported](#):

The Supreme Court has ruled that K-12 officials have significant authority to limit students' free expression rights in order to promote classroom cohesion. But the school cannot discriminate against Jaiden's viewpoint by wrongly and arbitrarily declaring the Gadsden flag to be a hate symbol.

"There is nothing inherently disruptive about a student displaying a Gadsden flag patch on his backpack," writes Aaron Terr, director of public advocacy at the Foundation for Individual Rights and Expression. "Public school administrators can't ban the expression of an idea, symbol, or viewpoint just because they personally dislike it."

After the video went viral, "garnering nearly 5 million views by Tuesday afternoon," the Vanguard School reversed their decision to suspend Jaiden and sent out an email to the whole school.

Out There Colorado [shared](#) Vanguard's emailed news release, which stated:

"There has been National media attention on our charter school, The Vanguard School, related to a student having the Gadsden flag on his backpack. Unfortunately, this story is incomplete. The patch in question was part of half a dozen other patches of semi-automatic weapons. The student has removed the semi-automatic patches. As a school district, we will continue to ensure all students and employees can learn and work in a safe and nurturing environment."

"The student returned to class without incident after removing the patches of semi-automatic weapons from the backpack...."

Even Democratic Colorado Governor Jared Polis defended the Gadsden flag, [posting](#) on X:

The Gadsden flag is a proud symbol of the American revolution and an iconic warning to Britain or any government not to violate the liberties of Americans. It appears on popular American medallions and challenge coins through today and Ben Franklin also adopted it to symbolize the union of the 13 colonies. It's a great teaching moment for a history lesson!

According to [Out There Colorado](#), Polis voiced his support for Jaiden and all students seeking to express themselves, stating, "I think it's great when students express themselves in different ways as long as you're not creating a disruptive environment. Certainly, the Gadsden flag is a great, iconic American flag. Other kids have LGBT flags on their backpacks, others have flags of major political parties or flags that support whatever causes they do, and that's part of learning from one another, and I think it's a great teaching moment to really reflect on what that history means and how it can be part of the healthy school environment."

No one can know what would have happened had the video not been posted. However, we do know that Jaiden's First Amendment right to express himself won the day. Even his school learned a lesson, albeit one they should have already known. [They wrote](#):

The Vanguard School recognizes the historical significance of the Gadsden flag and its place in history. This incident is an occasion for us to reaffirm our deep commitment to a classical



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