

Bong hits 4 jesus and the first amendment

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The First Amendment of the United States Constitution, which states that “Congress shall make no law [...] abridging the freedom of speech,” was implemented to ensure that all Americans retained their civil liberties.

Since its creation, the First Amendment has been invoked hundreds of times in the Supreme Court in order to defend free-speech. However in 2002, Principal Deborah Morse violated the First Amendment, when she tore down a banner reading “ BONG HiTS 4 JESUS.” The student who had unfurled the banner, Joseph Frederick, sued for violation of his First Amendment Rights. But the Supreme Court ruled in Morse’s favor, in direct contravention of precedent student free-speech cases.

The decision reached by the Supreme Court in the Frederick v. Morse case was unjustified, under these precedents, and under the First Amendment. The debate over student free-speech is a relatively recent one. The very first Supreme Court case regarding the issue took place in 1968 and came to be known as Tinker v. Des Moines.

In the case, the Supreme Court ultimately ruled that “ It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate (“ Tinker v. Des Moines”).” Tinker v. Des Moines was followed by Fraser v. Bethel, which held that “ the constitutional rights of students in public schools are not automatically coextensive with the rights of adults in other settings (“ Fraser v.

Bethel”).” These two cases set the primary precedents under which Frederick v. Morse was judged. In December 1965 three students wore black
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armbands to their Des Moines school in protest of the United States Government's policy in Vietnam. They were suspended and their parents filed a lawsuit against the school, claiming violation of their children's right to free speech ("Tinker v.

Des Moines"). This case, Tinker v. Des Moines, was decided in favor of the students. However, Frederick v. Morse was decided in favor of Principal Morse after the "BONG HiTS" poster was decided to be "advocating or promoting illegal drug use ("Frederick v. Morse").

"Admittedly, these two instances are not identical. There is a large gulf between students protesting warfare with black armbands, and a boy trying to flaunt his right to free-speech by exposing a nonsensical banner. But the fact remains that the students of both cases expressed relatable messages. The Tinker students protested a government war, and Frederick advocated the use of drugs prohibited by the government. These are very similar infractions, but the Supreme Court decided in favor of the students in Tinker, and against the student in Frederick.

Frederick's banner is similar to the armbands in Tinker, not merely because both messages ran counter to government policy, but also because neither forms of expression caused any sort of notable disruption ("Frederick v. Morse") ("Tinker v. Des Moines"). During the torch parade, "some [students] became rambunctious ("Morse v. Frederick")," but only before Frederick's banner had been unfurled. Furthermore, Joseph's "Bong Hits 4 Jesus" banner did not even begin to approach the disruption exhibited by the plaintiff in the landmark Bethel School District v.

Fraser case, in which Senior Matthew Fraser sued the school after he was suspended for making a speech containing many sexual innuendos. The case was decided in the school's favor, because of the disruption Fraser's speech caused. According to the court, "students at the assembly hooted and yelled during the speech, [and] some mimicked the sexual activities alluded to in the speech ("Students' Free-speech Rights")." While Fraser's speech obviously disrupted learning, Frederick's banner caused no such fracas. Many of Morse's supporters believe that Frederick's banner should be considered disruptive, since its intention was to disrupt the parade and get Frederick onto the news ("Students' Free-speech Rights"). But regardless of Frederick's intention, the non-disruptiveness of his banner is indisputable.

Under the precedents set by Tinker and Fraser, Joseph Frederick's unfurling of his banner should not be punished, since it did not "materially and substantially interfere with the [...] operation of the school (Hilden, "Bracelet Controversy")." Precedent cases aside, the tearing down of Frederick's banner represents a simple violation of the First Amendment, which says, "Congress shall make no law ... abridging the freedom of speech." As legal columnist Julie Hilden says, "There are few First Amendment violations clearer than a government employee's crumpling up someone's banner [...]. That's censorship with a capital 'C'." Many people believe that complete freedom of speech should not be present in a protected environment like a school. "The First Amendment does not require hamstringing school officials in the fight against illegal drug use by teens," said Drug Abuse Resistance Education, in defense of Principal Morse's actions ("Students' Free-speech Rights").

But in a nation in which free speech is protected, teachers should allow students to express controversial ideas, and then refute those ideas. Rather than tearing down Joseph Frederick's banner, Principal Morse should have left it standing, respecting the student's constitutional right to free-speech. She could later give a speech to students regarding both the dangers and penalties of marijuana use. This would allow the First Amendment to hold sway in the schoolroom as it should and serve to better educate the children of the school. After all, the free exchange of ideas is very necessary in the school room.

As put by a group of 21 Nobel Prize Winners, who wrote to The Guardian in 2005, " There is nothing more intrinsic to the academic spirit than the free exchange of ideas (McCrae)." The discussion of controversial views is a part of debate, and debate has always been a valuable tool of educators. When 544 students were interviewed in a senior level marketing course, roughly 78% stated that they learned better through debate than through lecture (Kennedy). The censorship of ideas is both inimical to the educational process of debate, and to the values of the American constitution. To encourage censorship of student views is to be " deaf to the constitutional imperative to permit unfettered debate (" Morse").

" Not only did the censorship of Frederick's banner obstruct the educational process by standing against the concept of debate, it also directly inhibited the students' ability of self expression. Although Frederick's banner was immature, it was displayed to exercise his First Amendment right to free-speech. So what message do Joseph Frederick and his classmates receive when they witness their principal striking down the " Bong Hits 4 Jesus" <https://assignbuster.com/bong-hits-4-jesus-and-the-first-amendment/>

poster? Principal Morse was concerned about the kind of message it would send to students if she were to leave a poster that advocated illegal drug use standing. But by tearing down the same poster, she sent out a far worse message to her students. Rather than discouraging drug use, she gave her high school students the impression that they did not truly possess freedom of speech. Her actions broadcasted that while the First Amendment says that you may express yourself, the First Amendment will always be second to the will of your teachers and employers.

This message is far more detrimental to the students' mental health than any drug-related message would ever prove to be. The standing decision in the *Frederick v. Morse* case is wrong on two counts. Firstly, it contradicts the precedents set by the *Fraser* and *Tinker* cases. Joseph Frederick's banner criticized government policy, just like the armbands in the *Tinker* case.

Furthermore, it did not cause any disruption whatsoever, let alone on the scale represented in the *Fraser* case. The decision to clamp down upon the expression of controversial ideas by students is also incorrect because it violates not just the First Amendment, but the purpose of schooling. As the *Tinker* majority expressed in the first notable student free-speech case, it is not a reasonable goal of a school to "foster a homogenous people (Caplan)." Justice Paul Stevens said in dissent of the Supreme Court's decision: "This case began with a (...) banner, (and) ends with the court inventing out of whole cloth a special First Amendment rule permitting the censorship of any student speech that mentions drugs, so long as someone could perceive that speech to contain a latent pro-drug message (Mears)." If student free-speech

rights continue to be trimmed away, eventually students may be unable to express even the most uncontroversial of ideas.

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