

Education topic in u.s. supreme court



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Morse v. Frederick 551 U. S. 393 (2007) This is one of the more interesting cases in the field of education that has come before the U. S. Supreme Court. It garnered a lot of media attention due to the fact that it related to free speech—but perhaps even more so because of the event that kicked off the case. At issue was a banner a student held up at a school event—an Olympic torch relay in Alaska—that read “ Bong Hits 4 Jesus.” Because of the unusual and eye-catching sentiment expressed in the banner, and because of the debate over whether students had the right to express anything they wanted at a school event, the media dubbed this the “ Bong Hits 4 Jesus” case. It was widely covered and debated because of its ridiculous name.

In 2002, a student in Alaska held up the sign in question. It was quickly torn down by the school principal and the student was then punished by several days of suspension. The issue was a 1st amendment issue. Could an educator suppress students free speech? This was one of the first decisions of the Roberts Court and was closely watched as such.

The judicial history of the case is as follows: The Alaskan rejected the case, but the Ninth Circuit found that the student’s first amendment rights had been violated. The phrase Bong Hits 4 Jesus was interpreted as a political expression. The Ninth Circuit distinguished political speech from a simply offensive remark, writing: “ Also, it is not so easy to distinguish speech about marijuana from political speech in the context of a state where referenda regarding marijuana legalization repeatedly occur and a controversial state court decision on the topic had recently issued. The phrase ‘ Bong Hits 4 Jesus’ may be funny, stupid, or insulting, depending on ones point of view, but it is not ‘ plainly offensive’ in the way sexual innuendo is.” Frederick v. Morse, 439 F. 3d 1114, 1119 (9th Cir. Alaska 2006).

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The case was then appealed to the Supreme Court. Chief Justice Roberts wrote the majority opinion which found in favor of the school and against the student. The Court gave a very narrow ruling which declared that schools could reasonable restrict students freedom of speech if that speech was being used to encourage or endorse illegal drug use. Roberts wrote that the principal reasonable assumed the banner encouraged drug use and was therefore justified in removing it. While some interveners argued that the banner was a kind of political expression, Roberts wrote that the student's lawyers didn't make this argument. It could also have been argued that the absurd phrasing of the sentiment precluded the possibility this was a legitimate political expression rather than an attention seeking act. School speech jurisprudence permits schools to restrict student speech in certain circumstances and this was upheld by this case. However, the finding was very narrow and explicitly only states that schools can do this in cases where students are promoting the usage of illegal drugs.

Work cited

Morse v. Frederick 551 U. S. 393 (2007) Accessed at <http://supreme.justia.com/us/551/06-278/> on August 20, 2009

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