

Morse v. frederick essay



**ASSIGN
BUSTER**

This case was a major turning point to student rights. It all started when Morse a school-supervised event, Joseph Frederick held up a banner with this message “ Bong Hits 4 Jesus,” this was meant to the marijuana smoking. When the Principal Deborah Morse saw the banner she took away the banner and suspended Frederick for ten days. She justified or tried to give a good reason for her actions by stating the school’s policy against the display of material that promotes the use of illegal drugs.

Frederick sued under 42 U. S. C. 983, the federal civil rights statute, alleging a violation of his First Amendment right to freedom of speech. The District Court they went to found no constitutional violation and ruled in favor of Morse.

The court held that even if there were a violation, the principal had qualified immunity from lawsuit. The U. S. Court of Appeals for the Ninth Circuit reversed. The Ninth Circuit cited *Tinker v. Des Moines Independent Community School District*, which extended First Amendment protection to student speech except where the speech would cause a disturbance.

Because Frederick was punished for his message rather than for any disturbance, the Circuit Court ruled, the punishment was unconstitutional. Furthermore, the principal had no qualified punishment, because any reasonable principal would have known that Morse’s actions were unlawful. What is the most important issue in this case? The most important issue to me is that the factor leading school children to take drugs. As everyone knows drugs are bad so that is the main issue. Speech advocating illegal

drug use poses a threat to student safety that is just as serious, if not always as immediately obvious.

As we have recognized in the past and as the opinion of the Court today details, illegal drug use presents a grave and in many ways unique threat to the physical safety of students. I therefore conclude that the public schools may ban speech advocating illegal drug use. But I regard such regulation as standing at the far reaches of what the First Amendment permits. I join the opinion of the Court with the understanding that the opinion does not endorse any further extension.

The holding in the case of *Morse v. Frederick* is limited because of its limited drug context. The following are the holdings as it goes no further than hold that a public school may restrict speech that a reasonable observer would interpret as advocating illegal drug use and it provides no support for any restriction of speech that can plausibly be interpreted as commenting on any political or social issue, including speech on issues such as ‘ the wisdom of the war on drugs or of legalizing marijuana for medicinal use. The final decisions stated Supreme Court reversed the Ninth Circuit on somewhat narrow grounds, saying that the phrase “ Bong Hits 4 Jesus” specifically advocated illegal drug use, the unfurling of the banner was close enough to be considered to be at a school-sponsored activity, and that Morse was allowed to censor the banner. They made this decision because the sign Franklin made didn’t hurt anyone.

It also violated his rights. Although the sign was not for a good cause but he has a right to show his opinion in a non violent way. I think the dissent will

say that Joseph Frederick is wrong. They will say this because a sign having “Bong Hits 4 Jesus,” because it doesn’t send a right messenger to him.

Not really to him but to the community it talks about Marijuana not outside but in school without permission from a school official, It is like leaving the class without permission from the teacher. I agree with the opinion of the court. I think this because the fourth amendment protects him. Also Frederick isn’t doing any harm to society and the community. It conveys a harmful messenger but doest do any harm.