

Justice Talking Listening Guide
Does Free Speech Stop at the Schoolhouse Door?
4/30/07

SHOW SUMMARY

Should a high school student have a right to hang a banner saying "Bong Hits 4 Jesus" without fear of disciplinary action? That's the question in *Morse v. Frederick*, a case argued recently in the Supreme Court that addresses whether school administrators can limit what is said both in school buildings and outside at school-sponsored events. And should the rules change if school authorities are trying to preserve order or ensure a singular message on the use of drugs? This week on Justice Talking: free speech in schools.



Robert Richards

- Part 1: Margot talks with journalism professor **Robert Richards** about what rights students have to free speech.



Kenneth Starr

- Part 2: **Kenneth Starr**, who represented the school in *Morse v. Frederick*, and **Jay Sekulow** of the American Center for Law and Justice, an organization that supported the student in the case, debate free speech in schools.



Jay Sekulow

- Part 3: Brooke Binkowski reports from a high school outside San Diego where students are exercising their right to free speech. Some students observe a "Day of Silence" to combat homophobia, while others hold a pro-Christian "Day of Truth."



Mark Goodman

- Part 4: Margot speaks with **Mark Goodman** of the Student Press Law Center about the current conflicts over student newspapers and the state of student free-press rights.



Mary Beth Tinker

- Part 5: Margot speaks with activist **Mary Beth Tinker** about how her protest against the Vietnam War sparked a landmark fight in the courts over free speech in schools.



**VERMONT TOWN DIVIDED
OVER FREE SPEECH IN
SCHOOLS**

A police officer in Barre, VT, enters a high school classroom to photograph projects he says are offensive. Sgt. John Mott accused the students' teacher of imposing his liberal bias against the war in Iraq, but students at a city council meeting defended their teacher and say Mott abused his authority.

Listen to this National Public Radio report here:

<http://www.npr.org/templates/story/story.php?storyId=1274569>



Host Margot Adler

Margot Adler is a National Public Radio correspondent based in NPR's New York bureau. Adler has thirty years of experience as a radio host and reporter and is the author of several books.

DEFINITION OF TERMS

First Amendment - The Text

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

First Amendment - The Meaning

The First Amendment allows citizens to express and to be exposed to a wide range of opinions and views. It was intended to ensure a free exchange of ideas even if the ideas are unpopular.

Freedom of speech encompasses not only the spoken and written word, but also all kinds of expression (including non-verbal communications, like sit-ins, art, photographs, films and advertisements). Under its provisions the media—including television, radio, and the Internet—is free to distribute a wide range of news, facts, opinions, and pictures. The amendment protects not only the speaker, but also the person who receives the information. The right to read, hear, see and obtain different points of view is a First Amendment right as well.

But the right to free speech is not absolute. The Supreme Court has ruled that the government sometimes may be allowed to limit speech. For example, the government may limit or ban libel (the communication of false statements about a person that may injure his or her reputation), obscenity, fighting words, and words that present a clear and present danger of causing violence. The government also may regulate speech by limiting the time, place or manner in which it is made. For example the government may require activists to obtain a permit before holding a large protest rally on a public street.

DISCUSSION QUESTIONS

1. Some people argue that schools are different than other public places when it comes to free speech rights. What is their reasoning? Do you agree or disagree?
2. What are the arguments for and against dress codes in schools? Do you think limits on student speech are acceptable in some cases but not others, for example, in the case of dress codes but not in the case of the "Bong Hits 4 Jesus" banner?



February 24th, 1969 – Students' Right to "Symbolic Speech" Upheld

In *Tinker v. Des Moines*, the U.S. Supreme Court rules that the Des Moines, Iowa, school board was wrong to suspend three students who wore black armbands to school to protest the Vietnam War. The Court found that because the students' passive protest posed no risk of disrupting student activities, they did not have to "shed their constitutional right to freedom of speech or expression at the schoolhouse gate."

At the Justice Learning module on free speech, you can use an interactive timeline on the issue and find information about the First Amendment, free press, free speech in school, and more.

<http://www.justicelearning.org/viewissue.asp?issueID=4>