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### The First Amendment and the Schoolhouse Gate: Student's Free Speech Rights

Many years ago, our Founding Fathers created the Constitution to ensure a successful democracy within the nation. The First Amendment allows every American the opportunity to express their individual ideas regardless of their age, race, gender, etc. *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969) shaped students' free speech rights into what it is today. This particular case was the first of its kind to make it into the Supreme Court, which in turn laid the groundwork for the future. The decision influenced many other court cases because it specified the exact rights and responsibilities of students' free speech. As a result, students can now express their beliefs through words or peaceful protests. Unless the conduct in question would “materially and substantially interfere” with the school's environment, school officials are prohibited from suppressing a student's First Amendment right. The schools and government should continue to prioritize the cultivation of free speech, except for instances where disruption can occur.

For instance, the *Mahanoy Area School Dist. v. B.L.*, 594 U.S. (2021) case poses a new challenge for Supreme Court justices to overcome. Social media's prominence gives citizens an outlet to be outspoken now more than ever before. Even if their opinions may be unpopular,

online platforms make it easy for individuals to express their innermost thoughts and feelings. In this case, the student was able to successfully sue her school district because they violated her First Amendment rights. Despite her controversial caption “F\*\*k school f\*\*k softball f\*\*k cheer f\*\*k everything”, the Supreme Court ruled in favor of B.L. The judge expressed how it is essential for schools to uplift students whenever they exercise their First Amendment rights. School officials cannot dictate a minor to comply with their rules once they go beyond campus. The post did not cause substantial disruption to any individual, therefore the student had every right to convey her opinions. This court case indicates that schools can be overbearing or perhaps restricting to a certain degree. Although the students' words were hurtful, suspension was not the proper punishment to be given. School officials could instead prompt B.L's parents to discipline her. In doing so, they can still continue to safeguard the school's peaceful environment without having to disrupt the ideals of American education.

Although the First Amendment provides free speech rights to students, certain responsibilities such as safety still need to be upheld. In *Dariano v. Morgan Hills U.S.D. (9th Cir. 2014)*, a group of Caucasian students attended their school's annual Cinco de Mayo celebration wearing American flag t-shirts. Concerned for their safety, school officials then asked them to either “turn their shirts inside out or take them off.” These students refused and the assistant principal sent them home with an excused absence. In response, they sued the school for violating their First Amendment rights. The courts upheld the schools decision citing that the likelihood for violence to occur was real, considering the school's reputation of racial and gang related brutality. Situations like these demonstrate how important it is for rights and responsibilities to coincide with another. Its purpose is to prevent an abuse of power from

occurring in our society. If our First Amendment is mishandled, chaos will ensue and there will be serious consequences for us to face.

When schools allow students to exercise their First Amendment, great things can be accomplished. With freedom of speech, students have the ability to push society's boundaries. They can speak out against unjust policies, voice their grievances, and even champion change. The PBS article titled "Student Protest" chronicles students who have participated in a student protest. In 1966, the University of Wisconsin announced a "change in policy that exposed those with poorer grades to an increased chance of being drafted." Paul Soglin and his peers considered this act to be unjust, which prompted many of them to join a sit-in demonstration. The protest ended amicably when the administration announced "that the faculty would review the university's draft policy," which ended up working in their favor. By allowing students to freely express their ideas, our society fosters a nation where diversity is celebrated. This source emphasizes the importance of free speech and why it needs to be cultivated in our society. With the First Amendment, we can speak on the issues we believe in while also unifying people for a peaceful defiance. The First Amendment preserves balance and it is intended to protect citizens from oppression.

Once students are well versed on their First Amendment rights and responsibilities, they are capable of becoming purposeful citizens. Our society needs to properly cultivate the younger generation in order to further strengthen our democracy. The article and court cases showcase the full spectrum of free speech and how it can be used effectively in our society. As much as safety is being prioritized, we must also allow students to freely express their views without the fear of

repercussions. In doing so, many Americans will then be empowered to use their voices for change and progression to be made. All of which steers the country towards a brighter future.

Works Cited

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Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969)