

Morse v Frederick (2007)

FACTS OF THE CASE A group of high school students were watching the Olympic torch being carried through their town from a street near their school. One student held up a sign referencing illegal drugs, and the principal took the sign away and suspended him. The student said that the sign did not mean anything—he just wanted to get on TV. After he was punished, he filed a lawsuit in federal court, accusing the school of violating his right to free speech.

ISSUE

Does the First Amendment allow public schools to prohibit students from displaying messages promoting the use of illegal drugs at school-supervised events?

ARGUMENTS

Arguments in a Supreme Court case are often based on precedents—previous cases the Court has decided about similar issues. Both sides argue that a particular precedent does or does not apply to the present case. The Supreme Court of the United States has ruled in three earlier cases about free speech at schools:

1. **Tinker v. Des Moines (1969)** In this case, two students wore black armbands to their public school to protest the Vietnam War and were punished for doing so. The Supreme Court ruled that students in public schools have a right to free speech, as long as that speech does not substantially disrupt the school's work or interfere with the rights of others.
2. **Bethel School District v. Fraser (1986)** In this case, a student made a speech to an assembly endorsing a candidate for a student government position. In the speech, the student used lewd, suggestive language. The Supreme Court ruled that schools can restrict students' speech if it is lewd, indecent, or plainly offensive. Schools have an interest in preventing speech that is inconsistent with their "basic educational mission."
3. **Hazelwood School District et. al. v. Kuhlmeier (1988)** In this case, a principal prevented students from publishing some stories in their school newspaper that he felt dealt with inappropriate themes. The Supreme Court ruled that schools could restrict students' speech when that speech is part of a school-sponsored activity and could be reasonably interpreted to represent the school's opinion on an issue.

EXPLORING THE ESSENTIAL QUESTION

Analyzing Take on the role of a Supreme Court justice to determine whether these precedents apply to the case of *Morse v. Frederick*. For each precedent listed, answer these questions:

- a. How is this precedent similar to the current case?
- b. How is this precedent different from the current case?
- c. In your opinion, does this precedent apply to the current case?

After analyzing the possible precedents, determine how the case should be decided and explain your reasons.

YOU BE 
the **JUDGE**