

Where Have Students' First Amendment Rights Gone?

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Students on high school campuses cannot be guaranteed absolute freedom of speech in order to create a safe learning environment, but students deserve far more freedom than currently allowed by the government. Racially or religiously degrading remarks should not be tolerated so all students feel able to study freely. However, freedom of the press absolutely applies to high school newspapers, and T-shirts that advocate illegal drug use fail to cause harm to other students and so must be allowed. The government's movement to restrict these types of speech is an extension of a widespread opinion that high school students do not merit the same rights as regular citizens.

Degrading remarks have no place in a school environment where children go to learn. An insult, racial or otherwise, causes students to feel uncomfortable and makes it difficult for them to obtain the education they need to succeed in society. Oliver Wendell Holmes, Jr., a member of the Supreme Court, once quipped that his "right to swing [his] fist ends where the other man's nose begins." Demeaning comments can cause emotional harm to high school students, who are especially concerned with what others think of them, and possibly cause them permanent damage. Students who are constantly teased and excluded can develop mental problems concerning their resentment of and isolation from those that bullied them, and the outcasts can then pose a danger to society, as did the students who recently shot students at Columbine High School, Virginia Tech, and Northern Illinois University. Other students' rights to free speech end at degrading remarks because they begin to infringe on other students' opportunity to acquire an education and succeed.

Although hurtful remarks cause damage to students and must be necessarily restricted, high school newspapers ought to receive the same rights of the regular press to say what they

want. High school papers serve the same purpose, to educate and inform their readers, as do regular papers. The First Amendment guarantees freedom of the press to ensure that citizens' access to information is never restricted, and high school students deserve the same access to information that matters to them. As scholars and soon-to-be voters, high school students need to know what is going on in order to practice being informed citizens. At Soquel High, the school paper did a series of articles on protests by students of a military recruiting booth on campus. Without the articles, some students might not be aware of the issue, have the facts to decide what they think, and be able to possibly demonstrate support for or opposition of the protest.

Similar to school newspapers, clothing that explicitly or implicitly promotes illegal drug use expresses a viewpoint, protected under the Constitution, and does not harm other students and so should not be banned. In the landmark case of *Tinker vs. Des Moines Independent Community School District*, the Supreme Court decided that clothing with a message worn by students is a legitimate form of expression and protected by the First Amendment. At Soquel High, students' feelings about illegal drugs are not based on other students' T-shirts. It is implausible to suggest that students lack the ability to judge for themselves and that they could be persuaded to change their behavior by a mere slogan on a shirt. Holmes also stated that only the danger of "an immediate evil and an intent to bring [such evil] about" could justify "setting a limit to the expression of opinion." T-shirts fail to fall into the category of an "immediate evil" because of their limited influence.

The government has recently limited speech beyond what is necessary to ensure student well being because it sees students as something other than citizens with rights accorded them. In a media-saturated case, the Supreme Court upheld the suspension of a student who displayed a banner reading "Bong Hits 4 Jesus" at an off-campus event, merely declaring his personal stance on marijuana use. In an earlier case, *Bethel School District vs. Fraser*, the court decreed, "the

constitutional rights of students...are not automatically coextensive with the rights of adults.”

Though I may be biased by a lack of experience as an adult, I see no reason why teenagers’ right to expression should not be concurrent with that of adults. High school students must follow the same laws as adults and are citizens who are guaranteed rights under the Constitution, so unless a legitimate and pressing security concern necessitates limiting the speech of both in order to ensure safety, the First Amendment rights of students should not be restricted beyond those of adults.

The government wrongly believes that high school students require far fewer rights than regular citizens in order to keep schools functioning, while really only a few minor restrictions would suffice to keep students safe and learning. Although degrading comments should be prohibited to ensure students’ mental health, the government greatly overstates the negative influence of political clothing and the freedom of high school newspapers. Restriction of freedom of speech is necessary in some extreme circumstances to ensure students’ wellbeing and safety, but protecting students’ right to expression must be a higher priority.