**Before Reading:**

Should there be limits on free speech? Why or why not?

No, there shouldn’t be limits on free speech because then it wouldn’t really stand for “free”.

If there should be limits on free speech, who should decide those limits? What

should those limits be? Explain.

Should students in school have the same free speech rights as adults? Explain.

*No, because certain students could take advantage of this freedom and use it in a disrespectful manor*

*Bethel School Dist. No. 403 v. Fraser, 478 U.S. 675 (1986).*

This case concerned a nomination speech that contained sexually explicit language

given at a school assembly. The issue was whether standards applied to an adult

making a political point also apply to a student speaking to a captive audience in a

public school.

…[A] public high school student … delivered a speech nominating a fellow student

for a student elective office at a voluntary assembly that was held during school

hours as part of a school-sponsored educational program in self-government, and

that was attended by approximately 600 students, many of whom were 14-year-olds.

During the entire speech, …[he] referred to his candidate in terms of an elaborate,

graphic, and explicit sexual metaphor. Some of the students at the assembly hooted

and yelled during the speech, some mimicked the sexual activities alluded to in the

speech, and others appeared to be bewildered and embarrassed. Prior to delivering

the speech, …[he] discussed it with several teachers, two of whom advised him that

*ACLU of Michigan* Free Speech and Freedom of Expression - Section 4 - 15

it was inappropriate and should not be given. The morning after the assembly, the

Assistant Principal called …[him] into her office and notified him that the school

considered his speech to have been a violation of the school's "disruptive-conduct

rule," which prohibited conduct that substantially interfered with the educational

process, including the use of obscene, profane language or gestures. …[He] was

given copies of teacher reports of his conduct, and was given a chance to explain his

conduct. After he admitted that he deliberately used sexual innuendo in the speech,

he was informed that he would be suspended for three days, and that his name

would be removed from the list of candidates for graduation speaker at the school's

commencement exercises.

[A lower court ruled that the school had violated the student’s First Amendment

rights and said the school could not prevent him from speaking at the

commencement ceremonies. This decision was overturned by the U.S. Supreme

Court. Edited excepts from the Supreme Court decision continue below. They ruled

that:]

The First Amendment did not prevent the School District from disciplining

respondent for giving the offensively lewd and indecent speech at the assembly. …

Under the First Amendment, the use of an offensive form of expression may not be

prohibited to adults making what the speaker considers a political point, but it does

not follow that the same latitude must be permitted to children in a public school. It

is a highly appropriate function of public school education to prohibit the use of

vulgar and offensive terms in public discourse.