Bethel School Distric Vs Fraser Essay, Research Paper

Bethel School District vs. Fraser

This case involved a public high school student, Matthew Fraser who gave a speech nominating another student for a student elective office. The speech was given at an assembly during school as a part of a school-sponsored educational program in self-government. While giving the speech, Fraser referred to his candidate in what the school board called “elaborate, graphic, and explicit metaphor.” After his speech, the assistant principal told Fraser that the school considered the speech a violation of the school’s “disruptive-conduct rule.” This prohibited conduct that interfered with the educational process, including obscene, profane language or gestures. After Fraser admitted he intentionally had used sexual innuendo in the speech, he was told that he would be suspended from school for three days, and his name would be removed from the list of the speakers at the graduation exercises.

Fraser’s father brought action against the school board in the United States District Court for the Western District of Washington. He alleged the suspension and punishment were a violation of his son’s First Amendment right to freedom of speech. The father sought injunctive and monetary damages under 42 U.S.C. of 1983. The district court awarded the student $278 in damages, $12,750 in litigation costs and attorney’s fees, and ordered the school district not to prevent the student from speaking at the commencement ceremonies.

The school district appealed the decision, arguing that the speech had a disruptive effect on the educational process. The school district said it had an interest in protecting an audience of minors from indecent speech in the school. The school board believed it had the right to control language that was used during a school-sponsored activity. The Court of Appeals for the Ninth Circuit affirmed the judgment of the district court.

The district court found the disruptive-conduct rule unconstitutionally vague and broad, and that withdrawal of the student’s name from the graduation speaker’s list violated the Due Process Clause of the Fourteenth Amendment because the rule did not mention such removal as a likely sanction. The court made the case that nothing in the Constitution forbids the states from insisting that certain forms of expression are unfitting and subject to sanctions. (Tinker v. Des Moines Independent Community School District, 1969) The court affirmed that students do not “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.”(Tinker) If the student had given the same speech off the school premises, he would not have been penalized because government officials found his language inappropriate. (Cohen v. California) The court found that the language used by the student was far from the “obscene” speech, which the court held is not protected by the First Amendment. (Ginsberg v. New York, 1968, Roth v. United States, 1981). The speech was found not to be disruptive to the education process. The school district failed to bring in a sufficient amount of evidence to convince that the educational process was disturbed.

The Court of Appeals for the Ninth Circuit affirmed the judgment of the district court, holding the student’s speech equivalent to the armband in Tinker. The court of appeals made it clear that the student’s speech was not prohibited by any disciplinary rule that the school had in effect. Although the speech contained a sexual metaphor that undoubtedly might have been offensive to some listeners in some settings, the court of appeals again stated there was no evidence that students found the speech to be offensive.

The case was appealed to the Supreme Court. The Supreme Court stated that the rights of students in public school do not coexist with the rights of adults in other settings. The Supreme Court found Fraser’s speech offensive to both teachers and students, and especially insulting to teenage girls. The First Amendment does not prevent school officials from deciding what is vulgar and lewd speech. Given the school’s need to be able to impose disciplinary sanctions for a wide range of unanticipated conduct disruptive of the educational process, the school disciplinary rules need not be as detailed as a criminal code that imposes criminal sanctions. (Arnett v. Kennedy, 1974) The student was given enough warning that his speech could subject him to disciplinary actions. The judgment of the Court of Appeals for the Ninth Circuit was reversed.

1. www.uwosh.edu/faculty\_staff/petronic/pages/pap-1.htm

2. inst.augie.edu/~hlfranke/freechoice.html

3. lrs.ed.uiuc.edu/wp/censorship/filtering/individual.htm

4. www.tentler.com/StudentsRights.htm