

## **Vulgar Speech In Schools**



# **First Amendment United States Constitution**

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

# Vulgar Speech In Schools



## Allstar High School v. George Bartlett

Last year, while speaking at a school assembly with 600 of his classmates present, George Bartlett gave a campaign speech for a friend who was running for student government. Throughout the whole speech, George used vulgar words and made sexual comments. The crowd's reaction was mixed. Some students hooted and hollered. Other students looked confused and embarrassed.

The next morning, George was called in to see the school principal. The principal told George that he would be suspended from school for three days because of his campaign speech. The principal also told George that his name would be removed from the list of candidates for graduation speaker.

George and his father filed a lawsuit against the school. In circuit court, where the lawsuit went to trial, George's attorney argued that the school violated George's First Amendment right to free speech when it punished George for what he said in his campaign speech. The circuit court agreed with George and ruled that the school did violate George's right to free speech. The school appealed the circuit court's decision to the District Court of Appeal, which affirmed the circuit court's decision because it agreed that George's right to free speech was violated.

On appeal to the Florida Supreme Court, the school hopes to convince the Court that the school was right in punishing George for his vulgar and disruptive speech. The Court is now ready to hear both sides of the argument.

# Vulgar Speech In Schools



## Constitutional Question

Is vulgar speech at school protected by the  
First Amendment?

# Vulgar Speech In Schools



## Petitioner Arguments

**MAY IT PLEASE THE COURT. MY NAME IS \_\_\_\_\_ AND I REPRESENT THE PETITIONER, ALLSTAR HIGH SCHOOL, WHO ARGUES THAT THE SCHOOL DID NOT VIOLATE GEORGE'S RIGHT TO FREE SPEECH.**

**The School's Arguments (*against* George's speech) include:**

1. The speech didn't really talk about the student government election. George used the speech as an chance to say inappropriate things to a large group of students.
2. George's speech hurt the assembly's educational purpose. Schools must have the right to stop actions like George's, that keep other students from learning.
3. The school has a responsibility to teach values to its students. Allowing speech like George's hurts the school's plan to teach students about decency and respect.
4. The students who were embarrassed by what George said had a right to be protected from George's vulgar speech.

**Try to think of other arguments for the attorneys who are against allowing George's speech. Write these arguments on the note pad at your seat.**

# Vulgar Speech In Schools



## Respondent Arguments

**MAY IT PLEASE THE COURT. MY NAME IS \_\_\_\_\_ AND I REPRESENT THE RESPONDENT, GEORGE BARTLETT, WHO ARGUES THAT HIS SPEECH SHOULD HAVE BEEN PROTECTED UNDER THE FIRST AMENDMENT.**

**George's Arguments (for *allowing* his speech) include:**

1. All Americans, including students, have a right to free speech.
2. Even though some students yelled out and some were embarrassed, George meant for his speech to be funny and to keep the group's attention.
3. The language George used in his speech was not disruptive. The crowd's immature reaction of hooting and hollering was the real problem.
4. Vulgar speech actually helps prepare students for the real world.
5. Students must be allowed to express themselves freely so that they can learn how to communicate with people.

**Try to think of other arguments for the attorneys who are in favor of allowing George's speech. Write these arguments on the note pad at your seat.**

# Vulgar Speech In Schools



## Sample Questions for Justices

### Questions to ask the Petitioner (The School):

1. Why should schools be able to stop students from saying what they want to other students?
2. Aren't adults allowed to say vulgar things when they want to?
3. Won't students probably have to deal with vulgar language at some point in their lives?
4. Did George's speech ever tell the audience to start hooting and hollering?
5. Why should schools be able to limit students' free speech in order to keep discipline in school?

**Try to think of other questions for the attorneys who are against allowing George's speech. Write these questions on the note pad at your seat.**

### Questions to ask the Respondent (George Bartlett):

1. If adults can't always say anything they want to say, why should students be able to say whatever they want to say at school?
2. Why is it okay to use vulgar words and phrases at school?
3. Was there any kind of educational reason for George's speech?
4. Didn't the crowd's hooting and hollering take away from the learning that could have happened at the assembly?
5. How could George's speech affect students who were not used to that kind of language?

**Try to think of other questions for the attorneys who are in favor of allowing George's speech. Write these questions on the note pad at your seat.**

# Vulgar Speech In Schools



## Marshal's Script

*(You must call Court to order in a very **loud** voice.)*

**All rise.**

**Hear ye! Hear ye! Hear ye!**

**The Supreme Court of Florida is now in session.**

**All who have cause to plea, draw near, give attention, and you shall be heard.**

**God save these United States, this great State of Florida, and this honorable Court.**

**Ladies and gentlemen, the Florida Supreme Court.**

**Please be seated.**

# Vulgar Speech In Schools



## Chief Justice's Script

**The Court is ready to hear the case of  
Allstar High School v. George Bartlett.**

**Are the attorneys ready to proceed?**

**Attorneys for the Petitioner may begin.**

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*[When the Marshal calls time, you tell the petitioner's attorneys that their time is up. If the attorneys are in the middle of an answer when time is called, then you can tell them that they may briefly finish their answer.]*

**Attorneys for the Respondent may begin.**

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*[When the Marshal calls time, you tell the respondent's attorneys that their time is up. If the attorneys are in the middle of an answer when time is called, then you can tell them that they may briefly finish their answer.]*

**Attorneys for the Petitioner may present rebuttal.**

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*[When the Marshal calls time, you tell the petitioner's attorneys that their time is up. If the attorneys are in the middle of an answer when time is called, then you can tell them that they may briefly finish their answer.]*

**Attorneys, thank you for your arguments. The Court will announce its decision shortly.**



# Vulgar Speech In Schools



## Vote Sheet

Votes:

Chief Justice Lewis

\_\_\_\_\_

Petitioner/School

\_\_\_\_\_

Respondent/George

Justice Wells

\_\_\_\_\_

Petitioner/School

\_\_\_\_\_

Respondent/George

Justice Anstead

\_\_\_\_\_

Petitioner/School

\_\_\_\_\_

Respondent/George

Justice Pariente

\_\_\_\_\_

Petitioner/School

\_\_\_\_\_

Respondent/George

Justice Quince

\_\_\_\_\_

Petitioner/School

\_\_\_\_\_

Respondent/George

Justice Cantero

\_\_\_\_\_

Petitioner/School

\_\_\_\_\_

Respondent/George

Justice Bell

\_\_\_\_\_

Petitioner/School

\_\_\_\_\_

Respondent/George

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## Clerk

*(place on Clerk's desk)*

After the arguments, the Justices will vote on the case. Count the votes for the Petitioner (School) and Respondent (George).

### ***READ:***

The Florida Supreme Court has reached a decision in this case. By a vote of \_\_\_\_\_ to \_\_\_\_\_ the Court rules in favor of the \_\_\_\_\_.

# Vulgar Speech In Schools



## Court Decisions

### Bethel School District No. 403 v. Fraser (1986)

*Available at <http://laws.findlaw.com/us/478/675.html>*

In this case, the student, Matthew Fraser, delivered a speech before an assembly of his classmates. Fraser's gave his speech to support a friend who was running for student government. During the speech, Fraser used a number of phrases that the teaching staff who heard the speech believed were "inappropriate" and vulgar.

Just like our example, Fraser was suspended from school and was told that he would not be considered as a candidate for graduation speaker. Fraser sued the school district under the First Amendment and also the Fourteenth Amendment. Fraser claimed that he had a First Amendment right to free speech. He also argued that his Fourteenth Amendment right to due process was violated because he was never told that the speech he gave would have such severe consequences.

At trial, the United States District Court for the Western District of Washington agreed with Fraser's claims that his free speech and due process rights were violated. The United States Court of Appeals for the Ninth Circuit affirmed the lower court's decision because it agreed that Fraser's rights were violated.

On appeal to the United States Supreme Court, the school officials were finally successful. Due to the speech's disruptive nature and the need for school policies to be flexible in terms of how punishment is applied, the Court ruled that the school had not violated Fraser's rights.

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## Case Study Sheet

I. What are the Facts?

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II. State the Issue to be Decided:

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III. Arguments for Petitioner:

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IV. Arguments for Respondent:

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V. What Would You Decide?

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VI. Reason/Evaluation:

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VII. Mock Supreme Court Conference Decision:

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VIII. Actual Decision of the Court:

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