

NIPA JIA Competition, April 22, 2007

Editorial writing

Here is the topic for the editorial-writing portion of this year's JIA competition. Please e-mail all completed entries to Victoria_Holden@und.nodak.edu by Thursday, April 19.

On March 19, 2007, the U.S. Supreme Court heard arguments in a student free speech case from Juneau, Alaska. The case, Morse v. Frederick, is popularly known as the "Bong Hits 4 Jesus" case.

Background

In January 2002, students at Juneau-Douglas High School were released from class to watch the Olympic torch pass by. Senior Joseph Frederick, who had not attended school that day, watched the parade with some friends on a nearby sidewalk off school grounds. As soon as the TV cameras arrived, Frederick and the others unfurled a 14-foot banner with "Bong Hits 4 Jesus" in big letters. When she saw the banner, Principal Deborah Morse rushed over and snatched it away. Frederick, who refused to identify his confederates in the prank, was suspended for 10 days for violating the school's anti-drug policy.

Frederick, claiming that the suspension unlawfully infringed his freedom of speech rights, unsuccessfully appealed first to the school superintendent and then to the Juneau school board. On April 25, 2002, Frederick took his complaint to federal court and filed a lawsuit against Principal Morse and the school board on the ground that his federal and state constitutional rights had been violated.

The U.S. District Court for the District of Alaska ruled in favor of the school and the principal, but, on appeal, the Ninth U.S. Circuit Court of Appeals overturned the lower court and said that the school officials had violated Frederick's free speech rights. The school appealed to the U.S. Supreme Court, which agreed to hear the case late last year.

Frederick, now 23, says that he displayed the banner as a kind of free-speech experiment using a nonsensical message that in no way was intended as a pitch for drug use. The school contends that a reasonable person would interpret the message as advocating drug use and should have the right to regulate such expression.

The question

How do you think the Supreme Court should rule in this case? Feel free to use as much background research as you like in preparing your editorial. You need not base your opinion on the actual law, however. If you like, you may argue your views on moral beliefs and your understanding of what freedom of speech consists of. You may even argue that the whole thing is a tempest in a teapot and never should have become, literally, a federal case. Be creative, but be sure to support your opinions with something solid.