

Supreme Court Refuses to Hear 'Candy Cane' Case

The Supreme Court on Monday refused to hear oral arguments in what has become widely known as the "candy cane" case.

Morgan v. Plano Independent School District, more commonly known as the "**candy cane case**," involves several students who were denied their free speech rights and discriminated against because their speech was religious in nature.

"We are disappointed The Supreme Court denied review of this case," said Hiram Sasser, director of Litigation of Liberty Institute. "We were hoping to finally put this issue to rest: that government school officials should be held accountable when they violate the law and students' First Amendment rights. No student should be subjected to religious discrimination by the government."

The case started nine years ago when then 8-year-old Jonathan Morgan was banned from handing out candy cane pens to his classmates because a poem about Jesus was attached. The school district also threatened a young girl for handing out tickets after school to a religious play and forbade an entire class of students from writing "Merry Christmas" on holiday cards to American troops serving overseas. They even called the police on a mother who protested the punishing of her daughter, whose "Jesus" pencils were seized.

For the past nine years, Liberty Institute has been representing the students and their families, contending that the government officials violated the students' **First Amendment** rights. In September 2011, the U.S. Court of Appeals for the Fifth Circuit ruled that the government school officials did violate the First Amendment, but in a deeply divided court decision, the court narrowly granted the

officials immunity. Late last year, Liberty Institute filed a petition with The Supreme Court asking it to review the 5th Circuit's decision.

While The Supreme Court will not hear this part of the case, the case against Plano ISD continues at the district court and the court of appeals.

After nearly a decade in litigation thus far, the candy cane case has come to symbolize what many call "the war on Christmas" and has affected change throughout the nation, reshaping school district policies, influencing changes to state law, evoking questions about religious expression in schools and forcing the examination of student's First Amendment rights.