

Will Supreme Court Put an End to Anti-Faith Bullies in Public Schools?

Alliance Defending Freedom (ADF) asked the U.S. Supreme Court on Thursday to resolve the sharp difference between federal appeals courts on whether public schools must respect First Amendment freedoms when regulating student speech at graduation ceremonies.

A three-judge panel of the U.S. Court of Appeals for the 2nd Circuit ruled against a New York 8th-grade student who wanted to include religiously inspired well-wishes at the end of her graduation speech.

“Public schools should encourage, not shut down, the free exchange of ideas,” says senior counsel David Cortman. “The personal well-wishes of a student at a graduation ceremony do not suddenly become unprotected by the First Amendment just because they mention God. Public school officials have no legitimate basis to shut down a student graduation speaker’s remarks just because they are motivated by the student’s religious, political or other personal beliefs. It is the student’s speech, not the school’s.”

The student body neutrally selected the student, the 8th-grade class co-president, to give the speech, which she wrote herself. The school did not provide any content or topic restrictions. The student ended her speech by expressing her hope that “God would bless and keep” her classmates as they moved on to high school. School officials thought her words, as written, “sounded ‘too religious,’” and required the removal of the words from the speech.

ADF explains in its petition that the U.S. Court of Appeals for the 11th Circuit “has held that a student’s graduation

speech under these circumstances constitutes private speech, and that religious views expressed in the speech do not violate the Establishment Clause.”

The petition explains that the 2nd, 9th, and 10th Circuits, however, have held such speech “is attributable to the school and that schools may censor religious views expressed in the speech to avoid controversy or assuage concerns over violating the Establishment Clause.”

“Silencing religious voices in public schools tells students that faith is something to be ashamed of,” adds senior legal counsel Jeremy Tedesco. “The First Amendment does not allow public schools to exclude students of faith from fully participating in important events like graduation by requiring them to put a lid on their expressions of faith. We hope the U.S. Supreme Court will grant review and clarify this important area of law.”