

## Case Summary: *Bethel School District No. 403 v. Fraser*

### Public Speech at School -Sponsored Events

In front of 600 students in a school assembly, 17-year-old Matthew Fraser, a student at Bethel High School in Washington, strung together a list of *double-entendres*, saying the candidate he supported was “ ... a man who is firm — he’s firm in his pants ... in his character ... a man who takes his point and pounds it in ... who will go to the very end — even to the climax, for each and every one of you.”

Fraser’s candidate won the election. Fraser was suspended for two days.

### The First Amendment Issue:

The central issue in the 1986 case was whether the First Amendment prevents a school district from disciplining a high school student for giving a lewd election campaign speech at a high school assembly.

### The Decision of the Supreme Court:

The Supreme Court said Bethel High School officials in Washington did not violate the First Amendment by punishing 17-year-old Matthew Fraser for a campaign speech that was considered lewd. Both of the lower courts had ruled for Fraser because there was no disruption following the speech given in the school auditorium. Chief Justice Warren E. Burger distinguished between political speech (protected in *Tinker v. Des Moines Independent Community School District* in 1969) and vulgar or lewd speech. Because it was a school-sponsored activity, the Supreme Court said school officials had the right to punish the risqué content of his speech. After *Bethel*, rather than providing evidence of substantial interference, as is required in the *Tinker* standard, school officials must meet a standard of reasonableness if they choose to restrict school-sponsored expression.

The Court held,

- “Under the First Amendment, the use of an offensive form of expression may not be prohibited to adults making what the speaker considers a political point, but it does not follow that the same latitude must be permitted to children in a public school. It is a highly appropriate function of public school education to prohibit the use of vulgar and offensive terms in public discourse. ... The inculcation of these values is truly the work of the school, and the determination of what manner of speech is inappropriate properly rests with the school board.”
- “The process of educating our youth for citizenship in public schools is not confined to books, the curriculum, and the civics class; schools must teach by example the shared values of a civilized social order.”