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|  | **Schenck v US** | **Tinker v DesMoines** | **Bethel v Fraser** | **Texas v Johnson** | **Morse v Frederick** |
| **Plaintiff/Defendant**  **Names, Location** | P: US  D: Schenck  L: Philadelphia | P: John/Marybeth Tinker  D: DesMoines Board of Education  L: Iowa | P: Matthew Fraser  D: Bethel School District N. 403  L: Piece County, WA | P: State of Texas  D: Gregory Lee Johnson  L: Dallas, Texas | P: Frederick  D: Morse  L: Juneau, Alaska |
| **Date of: Initial Suit, Court Ruling**  **Facts of Case** | Initial: January 9,1919  Ruling: March 3, 1919  Facts: Schenck was general secretary of Socialist Party. Circulated flyers urging men not to accept being drafted, that government was restricting their rights by drafting them. | Initial: 1965  Ruling: 3-15-69  Facts: Mary Beth, 13, and two other students wore black armbands to school in protest of the Vietnam War. School officials quickly adopted policy that prohibited students from wearing armbands. Officials said they wanted to avoid disruption. | Initial: March 3, 1983  Ruling: July 7, 1986  Facts: Fraser delivered a “lewd” speech to young high school students and was suspended. | Initial: 3-21-89  Ruling:6-21-89  Facts: Johnson protested the policies of the Reagan Administration at the Republican Convention. After marching, he burned an American flag. | Initial: 12-1-06  Ruling: 6-25-07  Facts: Frederick held up banner, “Bong Hits 4 Jesus” during a live TV broadcast of the passing of the Olympic torch, across the street from his school. |
| **Nature of Dispute** | Schenck claimed first Amendment guaranteed his right to circulate his petitions. U.S. claimed he violated the Espionage Act. | When the students refused to remove their armbands they were suspended and sent home. Mary Beth challenged the suspension in court as violation of her First Amendment rights. | Fraser said that the school violated his First Amendment right of freedom of speech. | Texas argued it had the right to protect the flag as a symbol of national unity.  Johnson claimed he had the freedom to express himself and his actions were protected. | Frederick was suspended for 10 days. He believed the suspension to be a violation of speech rights so he sued. |
| **Decision of Court**  **Exact Vote**  **Opinion/Standard/Test** | Unanimous 9-0 finding Schenck guilty of violating Espionage Act. Court said not all speech is protected if it threatens to incite lawless action. Established “clear and present danger” standard. | Tinker won, 7-2.  “It can hardly be argued that either students or teachers shed  their constitutional rights to freedom of speech or expression at the schoolhouse gate.” Established that expression must not create a clear and substantial disruption to the school. | D: in favor of school  V: 7 to 2  S: The first amendment permits a school to punish a student for giving a lewd and indecent, but not obscene, speech at a school assembly. | Johnson won, 5-4.  Although offensive, the action fell under the category of expressive conduct and allowed Johnson to invoke the First Amendment. | 5-4 in favor of Morse, the principal of the school. Chief Justice Roberts cast the deciding vote. The court ruled that the banner promoted illegal drug use, although it was not a disruption of school activity. |
| **Effect on our**  **free speech rights** | It was illegal to protest US involvement in wars. But this changed as time went on and the court reversed itself, saying that times of war were the most important times for people to be able to speak up and be heard. | Court established four criteria for identifying unprotected student speech. Expression:  • Must not be libelous.  • Must not be obscene.  • Must not create a clear and substantial disruption in school.  • Must not otherwise invade the rights of others. | The effects of our free speech rights are prohibiting of certain styles of expression that are sexually vulgar in a school environment and that do not pertain to school activities. | Legalizes flag burning as a form of symbolic speech. The state cannot prosecute people for expressive conduct. | Advocating illegal drug use is not protected speech in schools. |