

You Cannot Say That in American Schools: Attacks on the First Amendment

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The first amendment, a crucial component of American constitutional law, is under attack from various groups advocating for censorship in universities and public schools. The censors assert that restrictive speech codes preventing anyone from engaging in any expression deemed hateful, offensive, defamatory, insulting, or critical of sacred religious or political beliefs and values are necessary in a multicultural society. These speech codes restrict critical comments about race, religion, gender, sexual orientation, physical characteristics, and other traits in the name of tolerance, sensitivity, and respect. Many hate speech codes are a violation of the first amendment and have been struck down by federal and state courts. They persist in jurisdictions where they have been ruled unconstitutional; most universities and public schools have speech codes. This assault on the first amendment might be a concern to all citizens, especially university professors and social studies educators responsible for teaching students about the democratic ideals enshrined in our constitution. Teachers should resist unconstitutional speech codes and teach their students that the purpose of the first amendment is to protect radical, offensive, critical, and controversial speech.

Key words: first amendment, hate speech codes, academic freedom, censorship, tolerance, social studies teachers

Introduction

The first amendment in the Bill of Rights, the foundation of individual freedom in the United States, protecting the freedoms of religion, speech, press, assembly, and petition. These basic freedoms, derived from Enlightenment philosophy and codified in the world's oldest written constitution, have been an essential characteristic of American democracy and law since 1791. This is continuity considering "between 1971 and 1990, 110 of the world's 162 national constitutions were either written or extensively rewritten" (Haynes, Chaltain, Ferguson, Hudson, & Thomas, 2003, p. 9). The first amendment has been the conduit employed by U.S. citizens to create an increasingly free and just society based on the constitutional ideals of equality before the law, popular sovereignty, limited government, checks and balances, federalism, and individual liberties (Center for Civic Education, 2009). Advocates for the abolition of slavery and the expansion of civil rights were able, after long struggles, to achieve their goals of expanding freedom and social justice by using their natural rights to free expression and religious liberty (Dye, 2011).

Since no constitutional liberty or right is absolute, American institutions continuously debate the definitions, limitations, and exceptions to these fundamental rights based on social, political, and technological changes. This task has been exacerbated by increasing cultural diversity and technological changes (the Internet and social media) that expand communication. In addition, efforts by some people to censor language in the name of tolerance and respect for diversity have increased in recent years (Foundation for Individual Rights in Education, 2013, p.4). The first amendment is the world's oldest written safeguard for freedom of expression—this includes allowing blasphemy and expression that may be radical, offensive, controversial,

ignorant, and militantly bigoted—and is the cornerstone of participatory democracy (Haynes et al., 2003). The first amendment is under constant attack from some religious organizations, political action groups, ethnically-based activist groups, and, most alarmingly, from American public universities that severely restrict freedom of expression and public debate (Foundation for Individual Rights in Education, 2013; Haynes, 2013; Hudson, 2011).

The Foundation for Individual Rights in Education (2013) found “62% of universities (254 out of 409 universities in the survey) maintain severely restrictive red-light speech codes – policies that clearly and substantially prohibit protected speech” (p. 4). Many Americans do not understand, or do not accept, that the first amendment protects unpopular, offensive, controversial, and radical speech; this includes making hateful statements about race, gender, religion, and any other topic the speaker wishes to address (Haynes et al., 2003; Marshall & Shea, 2011; Pew Forum on Religion and Public Life, 2010). Many hate speech codes, thus, often are defined “as hostile or prejudicial attitudes expressed toward another person’s or group’s characteristics, notably sex, race, ethnicity, religion, or sexual orientation” (Dye 2011, p. 508). The hate speech instituted in American universities and Kindergarten-12 schools are often, albeit well-intended, violations of the First Amendment (Foundation for Individual Rights in Education; Haynes, 2013; *Saxe V. State College Area School District*, 2001).

The extensive protection granted to freedom of expression may exacerbate group tensions and incivility; yet freedom of expression remains the linchpin of individual liberty and the surest safeguard against tyranny (Haynes et al., 2003). Many public schools have implemented policies (hate speech codes, anti-bullying policies, dress codes, and censored educational materials) restricting student expression, possibly motivated by a desire to protect students from physical harm and maintaining a safe learning environment (Collins, 2009; Hudson, 2003). In doing so, many schools have disregarded the first amendment rights of students (Haynes, 2013; Hudson; Foundation for Individual Rights in Education, 2013). This is educationally harmful given the primary civic purpose of education is to prepare students to live in a democracy where freedom of expression is the paramount political liberty.

This assault on the first amendment may be a concern to all citizens, especially for university professors and social studies educators responsible for teaching students about the democratic ideals enshrined in our constitution (Haynes, 2013). Conflicting legal interpretations, different political perspectives, competing interest groups, and a general lack of knowledge about the first amendment aggravate the current debate regarding hate speech and blasphemy laws.

Unrestrained individual liberties are toxic to a country founded upon the rule of law and the proper balance between individual rights and community standards (Dye, 2011, p. 504). Prudent limits and exceptions on all liberties are a prerequisite for social stability, personal safety, and the smooth functioning of government. Laws proscribing specific criminal behaviors and demarcating limits on expression are not necessarily an infringement on individual liberties but, by preventing anarchy, these laws serve as the foundation for freedom. Some exceptions to the first amendment safeguard national security, thus, they function to protect individuals and society from social disintegration and criminal behaviors.

The current attempts at censoring offensive, radical, and controversial speech are very disturbing to advocates of freedom of expression (Foundation for Individual Rights in Education, 2013; Powers, 2015). Censorship emanates from all points on the political spectrum and from diverse religions and no ideological group has a monopoly on attempts to censor offensive ideas. While social studies educators should teach the value of civility, knowledge, tolerance, and

respect for dissent, the first amendment protects incivility, ignorance, intolerance, and contempt. Freedom of expression is vital to democracy and citizens must have full access to all information, facts, statistics, data, and multiple perspectives to inform rational decision-making. Freedom of expression is indispensable for scientific and economic progress and allows all citizens to fulfill their intellectual and human potential (Center for Civic Education, 2009).

The First Amendment in Public Schools

While Supreme Court rulings have upheld freedom of expression in public schools, Kindergarten-12 students have more restrictions of their first amendment rights than adults; due to the status as minors, as a captive audience, and to schools' to protect all students from violence and harassment (Haynes et al., 2003). Schools can restrict student speech if it can be reasonably forecast that a substantial disruption may occur, or if the student expression is deemed a true threat. Schools have implemented speech and anti-bullying codes and non-discrimination policies to protect students from all forms of harassment and to create a safe and hospitable environment (*Tinker v. Des Moines*, 1969). Hate speech codes and blasphemy laws should not be conflated with actual criminal behaviors (state laws prohibiting violence and intimidation) and discrimination, which is clearly proscribed by constitutional law (14th amendment) and legislative acts, such as the 1964 Civil Rights Act.

There is a sharp contrast between the laws that restrict speech and those that proscribe behaviors. Schools have a legal and ethical obligation to protect all students from violence, discrimination, bullying, and criminal behavior. This goal must be accomplished within the confines of the first amendment, as well as other laws, such as the 14th amendment's due process and equal protection clauses. The Supreme Court, ruling in *Virginia v. Black*, has stated that "true threats as only those statements where the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals" (First Amendment Center, 2008, para. 13). Legitimate intimidation and threats to do bodily harm to any individual are not constitutionally protected. Likewise, harassment or "targeted discriminatory conduct so severe, pervasive, and objectively offensive that it effectively bars the victim's access to an educational opportunity or benefit" (Foundation for Individual Rights in Education, 2013, p. 12) is not protected. The courts have made legitimate distinctions between criminal behaviors (burning a cross to intimidate, threats on a person's life, and discriminatory behaviors that deny individuals equal opportunities) and protected expression that may be offensive, crude, and motivated by ignorance, hate, or any other rationale.

Many universities and public schools have illegally defined harassment as any offensive speech regarding race, religion, sex, disability, and other categories (Foundation for Individual Rights in Education, 2013). The State University of New York at New Paltz has a policy that states:

Verbal or physical conduct designed to threaten, intimidate, or coerce. This may include verbal taunting (including racial and ethnic slurs or negative stereotyping) or physical actions which impairs the employee's ability to perform his or her job or interferes with the employee's or student's work or academic performance (Foundation for Individual Rights in Education, 2012, p.1).

Individuals have the right to make racist slurs or engage in stereotyping; this policy is broad, vague, and potentially denies freedom of expression to faculty, students, and staff. The courts have struck down many non-discrimination and anti-harassment policies, yet many

universities maintain these unconstitutional speech codes (Foundation for Individual Rights in Education, 2013).

If teachers or students were able to silence opinions or unpleasant facts offending them, it would be very difficult to teach social studies issues, which are often highly divisive. Numerous topics in social studies are capable of generating powerful emotions and propelling individuals to exercise their rights via voting, lobbying, protesting, and other legitimate political means. While it may be urged that educators model tolerance, civility, and respect for diverse views, it should be acknowledged that our constitutional republic protects intolerance, incivility, and disrespect. Many events in American history were noted for their intolerance and disrespect for injustices and perceived unethical laws and policies.

Three examples involving public secondary schools demonstrate how many school policies, hate speech codes, and other school prohibitions on student expression have resulted in judicial challenges by plaintiffs asserting their first amendment rights were violated by school authorities. In the 1990s, two students were prohibited, by school officials, from wearing rosary beads to school. The school officials argued that the rosary beads are often a gang symbol and as such imperiled students' safety and the educational process (Hudson, 2011). The students sued the school district alleging their first amendment rights to freedom of religion and expression were violated. The plaintiffs claimed wearing the rosary beads did not cause any violence or substantial disruption of the educational process, the threshold established in the 1969 *Tinker v. Des Moines* case (Hudson). U.S. District Judge David Hittner, ruling in the 1997 *Chalifoux v. New Caney Independent School District* case, said the school violated the students' first amendment rights. This decision did not deter school officials in Illinois and New York from suspending students for wearing rosary beads to school (Hudson). The student in New York was awarded a cash settlement, the expunging of the suspension from his record, and the right to wear the rosary beads. The student in Illinois chose not to pursue legal action or engage civil liberties groups in the case.

The second case involved charges that *The Adventures of Huckleberry Finn*, a classic in American literature written by Mark Twain in 1884, increased racial tensions and contained offensive language (Freedom Forum, 1999). The novel centers on certain themes, such as peer pressure, morality, and social justice; it contains numerous instances of racial slurs and reflects the political and social realities of the late 19th century. In Arizona, Kathy Monteiro, a parent of a student attending Tempe Union High School, sued a school district claiming that requiring students to read *The Adventures of Huckleberry Finn* created a racially hostile environment (Freedom Forum). Monteiro wanted the book banned to reduce discrimination and harassment against Black students. The 9th U.S. Circuit Court of Appeals, while acknowledging the language in the book was hurtful and offensive to some students, denied the ban asserting that the first amendment protects literary works having educational value (as determined by the school district). The Court noted further that censoring books or other materials because they might be offensive to any number of individuals would essentially imperil the study of literature (Freedom Forum). The Court also stated that schools have an obligation to protect students from violence, discrimination, and harassment.

The final case occurred in 2010 when three high school students at Live Oak High School in Morgan Hills, California wore U.S. flag embossed t-shirts on Cinco de Mayo (May 5), a day celebrating Mexican heritage and pride (First Amendment Center, 2012). School officials, concerned with constant racial tensions and gang violence in the school, prohibited the boys

from wearing the shirts, asserting that the American-flag tee shirts might offend Mexican-American students and might cause a disruption (Hudson, 2012). The three students sued the school district arguing that school administrators engaged in unconstitutional viewpoint discrimination and that there was no evidence of any disruption in the educational process. The students argued they have a right to engage in peaceful speech proclaiming their patriotism and political views (Hudson). In 2011, U.S. District Judge James Ware ruled in favor of the school writing in *Dariano v. Morgan Hills Unified School District*:

Although no school official can predict with certainty which threats are empty and which will lead to true violence, the Court finds that these school officials were not unreasonable in forecasting that the Plaintiffs' clothing exposed them to significant danger (First Amendment Center, 2012, para. 4).

Judge Ware indicated that the possibility of violence was enough to limit the free speech rights of the three students and deferred to school authorities who should be given wide latitude in these cases to ensure the safety of all students. The students appealed Judge Ware's decision and in 2015 the 9th U.S. Circuit Court of Appeals reaffirmed Judge Ware's ruling. The appeals court asserted that the safety of the student body was paramount and that school officials must have the power to prevent violence and a material disruption of the education process. The United States Supreme Court refused to take the case on appeal, thus the Ninth U.S. Circuit Court of Appeals decision stands and the appellate process is complete.

In many cases, hate speech codes are a modern surrogate for blasphemy laws; these laws often mutate into unconstitutional prohibitions of the right to criticize ideas, groups, government policies, institutions, and behaviors. Blasphemy laws, which are ubiquitous internationally (Pew Forum on Religion and Public Life, 2012), are designed to protect religions from criticism, and could easily be expanded to censor freedom of expression based on demands from all cultural groups thus, possibly revoking the First Amendment's guarantee of freedom of expression (Turley, 2009). This is what supporters of the plaintiffs in the *Dariano* case are proclaiming; that a specific group, in this case based on race/ethnicity or national identity, asserts the right not to be criticized, mocked, or offended. Students who make controversial but constitutionally protected remarks may be charged with violating the school's conduct code and subjected to punishments ranging from detentions to suspensions. If a student expressed his disapproval of homosexuality and gay marriage based on his devout religious beliefs (of course, his motivation for his beliefs may originate from any intellectual tradition) he could be accused of anti-gay bigotry, homophobia, or hate speech. This is not a theoretical case; in 2010, a Michigan student was removed from class for stating, "I don't accept gays because I'm Catholic" (Volokh, 2013, para. 2). The teacher told him he could not say that, removed the student from class and referred the student to school administrators for unacceptable behavior. The district court ruled that the teacher's actions violated the student's first amendment rights. All individuals have a right to dissent from any law, policy, or idea regardless of their motivations; teachers may not impinge on students' freedom of expression because they are offended by ideas.

Hate Speech Codes and the First Amendment

Generally, the speech codes prohibit offensive speech; the word offensive is, of course, open to numerous definitions and interpretations that result in some students being offended by any criticism of their religious, socioeconomic, or political values, ideas, and attitudes. If these speech codes were upheld, it would make discussing any controversial topics in social studies courses more difficult. This could have the effect of eviscerating social education because every

topic and theme is fraught with controversies and anyone could claim that they are offended by any documented fact, dissenting idea, or ideological viewpoint. Despite the noble intentions of these hate speech bans, the courts have ruled that many are an unconstitutional violation of the first amendment (Dye, 2011). In 1989, for example, a U.S. District Court in Michigan struck down the University of Michigan's *Policy on Discrimination and Discriminatory Harassment*. This policy was implemented in response to a series of racist incidents on campus, such as a Ku Klux Klan (KKK) uniform being displayed in a dorm window, racist jokes being told on the campus radio station, and racial slurs against black students. The policy prohibited:

Any behavior, verbal or physical, that stigmatizes or victimizes an individual on the

the basis of race, ethnicity, religion, sex, sexual orientation, creed, national origin, ancestry, age, marital status, handicap or Vietnam-era veteran status, and that a. Involves an express or implied threat to an individual's academic efforts, employment, participation in University sponsored extra-curricular activities or personal safety; or b. Has the purpose or reasonably foreseeable effect of interfering with an individual's academic efforts, employment, participation in University sponsored extra-curricular activities or personal safety; or c. Creates an intimidating, hostile, or demeaning environment for educational pursuits, employment or participation in University sponsored extra-curricular activities (*Doe v. Michigan*, 1989, para. 11).

The district court ruled that the policy, although well intended in its quest to protect equal educational opportunities for all students, violates the first amendment (*Doe v. Michigan*, 1989). Government, including public universities, cannot suppress speech even if it is racist, sexist, malevolent, and repugnant to any individual, minority group or the majority. Some university students express their views, which may be ignorant and hurtful, in crude language spawned by immaturity and other factors. The remedy for this is more enlightened speech that educates individuals to engage in informed, prudent, factual, and rational expression. It is paradoxical that some university professors and students now must retain council to compel universities, typically seen as historically staunch defenders of freedom of expression, to abide by the first amendment (Dye, 2011).

In 2001, the United States Court of Appeals for the Third Circuit ruled, in *Saxe v. State College Area School District*, that schools may not create speech codes that prohibit all offensive or hurtful language. One of the core legal and philosophical principles of the first amendment "government may not prohibit the expression of an idea simply because society finds the idea offensive or disagreeable" (Haynes et al., 2003, p.70). The State College Area School District in Pennsylvania crafted an anti-harassment policy stating harassment constituted, "any unwelcome verbal, written, or physical conduct which offends, denigrates, or belittles an individual because of race, religion, color, national origin, gender, sexual orientation, disability, or other personal characteristics" (Haynes et al., p.165). This anti-harassment code prevented students from criticizing someone based on their values, hobbies, peer group, social skills, and clothing.

Under this code, any student, who expressed a view that capital punishment and abortion are morally wrong, could be charged with harassment because he offended students who hold opposing views. The Court asserted this code was too broad and could prevent students from expressing core political and religious opinions; essentially, this code could stifle any speech that an individual found offensive. The Court warned school districts that anti-harassment codes must protect students from illegal behaviors (violence, discrimination, and physical harassment)

and not from speech that is merely offensive. Students may express views and opinions about politics, religion, law, and morality that may be offensive, radical, and controversial. Countering offensive speech with more enlightened speech (the marketplace of ideas) rather than censorship is a more prudent, educationally sound, and constitutionally protected policy. Supreme Court Associate Justice Abe Fortas, writing for the majority in the 1969 *Tinker v. Des Moines School District* case that upheld the First Amendment rights of students, argued that:

Any word spoken, in class, in the lunchroom, or on campus, that deviates from the views of another person may start an argument or cause a disturbance. But our Constitution says we must take this risk...and our history says that it is this sort of hazardous freedom—this kind of openness—that is the basis of our national strength and of the independence of...Americans (Center for Civic Education, 2009, p. 201).

Social Studies Educators: Defending the First Amendment and Academic Freedom

Despite the attacks on freedom of expression and academic freedom by many universities and public schools, there are several measures social studies teachers, scholars, students, and professors can take in defense of the First Amendment and academic freedom. First, university students, and to a lesser extent, secondary school students, can be powerful change agents after they are taught about the Constitution and the first amendment. Studies demonstrate that some students are ignorant or unappreciative of their first amendment rights (Dautrich, 2011; First Amendment Center, 2012); often allowing violations to go unchallenged. Research shows students receiving instruction regarding the first amendment demonstrated increased tolerance for the expression of radical, unpopular, and controversial opinions. In 2011, only 64% of students received instruction on the first amendment; this represents an 8% decline from 2007 and is disconcerting to first amendment advocates and social studies educators (Dautrich). Increasing instruction on the first amendment should be a vital component of university and secondary social studies and political science courses.

Second, exposing unconstitutional speech codes may force universities to abolish or modify these codes. Many universities retreat from defending these codes to the public or in the courts. The federal courts have struck down codes in Ohio, Texas, Michigan and several other states in recent years (Foundation for Individual Rights in Education, 2013). Students, faculty, staff, and others may initiate legal action if educational institutions do not change their unconstitutional policies. Administrators are increasingly aware of judicial challenges and cannot assert they are unaware of the law (Foundation for Individual Rights in Education). School officials may be motivated to create narrowly-tailored policies that target unlawful behaviors (true threats to life, criminal actions, and discriminatory acts) and do not violate the first amendment.

Third, numerous domestic and international organizations advocate for freedom of expression. The American Civil Liberties Union (ACLU) defends the first amendment (as well as other rights, such as equal protection and due process cases) and accepts cases from individuals or groups that span the political spectrum. The ACLU, often generates praise and condemnation, by taking on unpopular causes, such as The North American Man-Boy Love Association, the KKK, the American Nazi Party, The Nation of Islam, and other controversial groups, understanding that the people holding the most radical and offensive views still deserve first amendment protection. Another powerful organization protecting the First Amendment is the National Coalition Against Censorship (2013), a coalition of 52 affiliated groups committed to protecting freedom of expression and access to information. This coalition provides

educational resources, documents and reports incidents of censorship, and files *amici* briefs in support of freedom of expression. Finally, the American Library Association's (ALA) Office for Intellectual Freedom provides education for librarians and the general public about the importance of freedom of expression in libraries. Book banning is common in public schools and numerous classics or controversial topics have been removed from libraries because of offensive themes or language (Ravitch, 2003). Schools must make editorial and educational decisions based on age, maturity, and the mandated curriculum; teachers need to exercise prudent judgment in assigning books and other materials.

There are many organizations that can assist social studies teachers and students who believe that their first amendment rights have been violated. Teachers may initiate legal action against the school board, superintendent, or other school officials who may have violated their rights under the Bill of Rights and the 14th amendment. Balancing competing rights and responsibilities, such as freedom of expression for teachers and students versus the school's responsibility to maintain discipline, safety, and fulfill its educational mission, can be very challenging for the judicial system.

In *Pickering v. Board of Education* (1968), the Supreme Court ruled the school board violated the rights of a teacher when they fired him for writing a letter to a local newspaper critical of the school board, the superintendent, and the allocation of money regarding academics and athletics. Teachers are citizens and have the right to express their views on matters of public concern; especially in their private lives outside of the school's jurisdiction. This reasoning was applied to secondary schools in the *Tinker v. Des Moines* (1969) decision that granted First Amendment rights to students unless the speech will cause a "material and substantial disruption of school activities or collide with the rights of others" (Haynes et al., 2003, p. 127). Justice Abe Fortas, writing the majority opinion, asserted that "it can hardly be argued that either teachers or students shed their constitutional rights to freedom of speech or expression at the schoolhouse gate" (Haynes et al., p.127). Since the 1988 *Hazelwood School District v. Kuhlmeier* decision, the courts have granted schools more power to censor teacher and student expression. Moreover, the courts have ruled secondary school classrooms are not public forums and teachers do not have a first amendment right to undermine the established curriculum (Haynes et al.).

While the *Pickering* case applies to teacher expression outside of the classroom and school, regarding in class expression, the courts have applied the standard established in the *Hazelwood School District v. Kuhlmeier* (1988) decision that limits student expression because "censorship of school-sponsored student expression is permissible when school officials can show that it is reasonably related to legitimate pedagogical concerns" (Haynes et al., 2003, p. 87). This standard was applied to teachers' in-class speech in the *Miles v. Denver Public Schools* (1991) decision giving public schools authority to limit teachers' first amendment rights for legitimate educational reasons. Kindergarten-12 teachers must understand that they have significantly less first amendment protections and academic freedom than accorded to university professors (Haynes et al.). Simultaneously, Kindergarten-12 students have less first amendment protections than university students, who, for the most part, are adults and not compelled to attend college.

Finally, all teacher education programs (including faculty in the humanities and social sciences who help prepare future teachers) in American universities should improve civic education, and specifically address the first amendment in social studies methods courses. This can be achieved by studying the Constitution, discussing the rationale for the first amendment,

and examining the few major exceptions to protected speech, and discussing actual cases, such as *Schenck v. U.S* (1919), *Brandenburg v. Ohio*, (1969), *Tinker v. Des Moines*, (1969), and *Saxe V. State College Area School District*, (2001). Discussing the facts of the case, the judicial decision and its rationale, and debating the decision can increase knowledge, sharpen thinking and reasoning skills, and contribute to improving methods and activities for teaching the Constitution and the 27 amendments. All social studies teacher candidates possess a solid knowledge base about the first amendment, including its purposes and limitations, as well as the fact that freedom of expression protects offensive, radical, and controversial speech, if they are to provide competent instruction in Kindergarten-12 schools.

Academic freedom for social studies teachers includes the right and responsibility to study, investigate, present, interpret, discuss, and debate relevant facts, issues, and ideas in fields of the teacher's professional competence. Academic freedom for students in social studies courses provides the right to study, question, interpret, and discuss relevant facts, ideas, and issues under consideration in those courses. These freedoms imply no limitations, within the guidelines of the subject area (NCSS, 2007).

A democracy that allows important institutions, such as universities, schools, and the media to engage in widespread censorship and thought control in the name of tolerance, respect, and multicultural sensitivity is sowing the seeds of its own demise. Democracies thrive when open and honest discussions of all ideas, laws, and policies are allowed and dissent and criticism are welcome. No religion or political ideology should be immune to scholarly analysis. Educators and students should be free to examine any controversial and complex topic, including all religious traditions and political ideologies in a rational manner where they have access to all relevant materials, diverse viewpoints (however controversial they may be), and scholars are committed to the objective pursuit of knowledge. A thoroughly informed and active citizenry is critical to maintaining a healthy democracy. This cannot occur if our educational systems become completely politicized and more interested in indoctrinating students into the correct opinions based on sensitivity to religious traditions or political ideology. Crushing dissent, mandating intellectual conformity, ostracizing minority or unpopular viewpoints is anathema to U.S. law and democracy and damages rational civic participation (NCSS, 2007; Powers, 2015).

Freedom of expression is not a privilege bequeathed to people by a magnanimous government; it is a natural human right that is to be protected by government. Repressing freedom of expression based on viewpoint discrimination retards scientific progress and the pursuit of truth, diminishes the dignity of individuals, and presents an existential threat to representative democracy. Educators should defend freedom of expression and teach students to oppose political groups that advocate for unconstitutional censorship and school administrators who implement policies that violate the first amendment. Academic freedom to teach about controversial issues is supported by the National Council for the Social Studies in their 2007 position paper defending the rights and obligations of social studies teachers. Advocates of censoring speech based on any political ideology, religious belief, or a desire to prevent hurt feelings or offensive opinions would do well to remember the words of Louis Menard: "The censor always rings twice" (Schlesinger 1992, p.163).

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The First Amendment (Amendment I) to the United States Constitution prevents the government from making laws which regulate an establishment of religion, prohibit the free exercise of religion, or abridge the freedom of speech, the freedom of the press, the freedom of assembly, or the right to petition the government for redress of grievances. It was adopted on December 15, 1791, as one of the ten amendments that constitute the Bill of Rights. No personal attacks on other users, no name-calling. No low-effort "this didn't happen" type comments. Notes.Â So I respond by saying that itâ€™s none of her business nor her familyâ€™s business how I choose to express my beliefs, and that I have not once bashed their beliefs like they have bashed mine and they need to leave me alone and mind their own business, Iâ€™m not causing anyone any harm and if it bothers them so.Â So, a veteran fought for your First Amendment rights and is trying to prevent you from exercising those rights is what is going on. The argument that people under 18 have no constitutional rights is just stupid. You're a US citizen, correct?