Thirteen Case Summaries: Supreme Court Cases Involving Students

[Case 1]

Engel v. Vitale

From OYEZ Synopsis: http://www.oyez.org/cases/1960-1969/1961/1961_468/

Docket: 468
Citation: 370 U.S. 421 (1962)
Petitioner: Engel
Respondent: Vitale

Abstract

Argument: Tuesday, April 3, 1962
Decision: Monday, June 25, 1962
Issues: First Amendment, Establishment of Religion
Categories: education, first amendment, freedom of religion, states

Supreme Court Ruling

Decision: 6 votes for Engel, 1 vote(s) against
Legal Provision: Establishment of Religion

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Facts of the Case

The Board of Regents for the State of New York authorized a short, voluntary prayer for recitation at the start of each school day. This was an attempt to defuse the politically potent issue by taking it out of the hands of local communities. The blandest of invocations read as follows: "Almighty God, we acknowledge our dependence upon Thee, and beg Thy blessings upon us, our teachers, and our country."

Question

Does the reading of a nondenominational prayer at the start of the school day violate the "establishment of religion" clause of the First Amendment?

Conclusion

Yes. Neither the prayer's nondenominational character nor its voluntary character saves it from unconstitutionality. By providing the prayer, New York officially approved religion. This was the first in a series of cases in which the Court used the establishment clause to eliminate religious activities of all sorts, which had traditionally been a part of public ceremonies. Despite the passage of time, the decision is still unpopular with a majority of Americans.

Thirteen Case Summaries: Supreme Court Cases Involving Students

[Case 2]

Tinker v. Des Moines Ind. Comm. School Dist.

From OYEZ Synopsis: http://www.oyez.org/cases/1960-1969/1968/1968_21/

Docket: 21
Citation: 393 U.S. 503 (1969)
Petitioner: Tinker
Respondent: Des Moines Ind. Comm. School Dist.

Abstract

Argument: Tuesday, November 12, 1968
Decision: Monday, February 24, 1969
Issues: First Amendment, Protest Demonstrations

Supreme Court Ruling

Decision: 7 votes for Tinker, 2 vote(s) against
Legal Provision: Amendment 1: Speech, Press, and Assembly

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Facts of the Case

John Tinker, 15 years old, his sister Mary Beth Tinker, 13 years old, and Christopher Echardt, 16 years old, decided along with their parents to protest the Vietnam War by wearing black armbands to their Des Moines schools during the Christmas holiday season. Upon learning of their intentions, and fearing that the armbands would provoke disturbances, the principals of the Des Moines school district resolved that all students wearing armbands be asked to remove them or face suspension. When the Tinker siblings and Christopher wore their armbands to school, they were asked to remove them. When they refused, they were suspended until after New Year's Day.

Question

Does a prohibition against the wearing of armbands in public school, as a form of symbolic protest, violate the First Amendment's freedom of speech protections?

Conclusion

The wearing of armbands was "closely akin to 'pure speech'" and protected by the First Amendment. School environments imply limitations on free expression, but here the principals lacked justification for imposing any such limits.The principals had failed to show that the forbidden conduct would substantially interfere with appropriate school discipline.

Thirteen Case Summaries: Supreme Court Cases Involving Students

[Case 3]

Goss v. Lopez

From OYEZ Synopsis: http://www.oyez.org/cases/1970-1979/1974/1974_73_898/

Docket: 73-898
Citation: 419 U.S. 565 (1975)
Appellant: Goss
Appellee: Lopez

Abstract

Argument: Wednesday, October 16, 1974
Decision: Wednesday, January 22, 1975
Issues: Due Process, Hearing or Notice

Supreme Court Ruling

Decision: 5 votes for Lopez, 4 vote(s) against
Legal Provision: Due Process

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Facts of the Case

Nine students at two high schools and one junior high school in Columbus, Ohio, were given 10-day suspensions from school. The school principals did not hold hearings for the affected students before ordering the suspensions, and Ohio law did not require them to do so. The principals' actions were challenged, and a federal court found that the students' rights had been violated. The case was then appealed to the Supreme Court.

Question

Did the imposition of the suspensions without preliminary hearings violate the students' Due Process rights guaranteed by the Fourteenth Amendment?

Conclusion

Yes. In a 5-to-4 decision, the Court held that because Ohio had chosen to extend the right to an education to its citizens, it could not withdraw that right "on grounds of misconduct absent fundamentally fair procedures to determine whether the misconduct ha[d] occurred." The Court held that Ohio was constrained to recognize students' entitlements to education as property interests protected by the Due Process Clause that could not be taken away without minimum procedures required by the Clause. The Court found that students facing suspension should at a minimum be given notice and afforded some kind of hearing.

(Case 4)

Board Of Education v. Pico

From OYEZ Synopsis: http://www.oyez.org/cases/1980-1989/1981/1981_80_2043/

Docket: 80-2043
Citation: 457 U.S. 853 (1982)
Petitioner: Board Of Education
Respondent: Pico

Abstract

Argument: Tuesday, March 2, 1982
Decision: Friday, June 25, 1982
Issues: First Amendment, Miscellaneous

Supreme Court Ruling

Decision: 5 votes for Pico, 4 vote(s) against
Legal Provision: Amendment 1: Speech, Press, and Assembly

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Facts of the Case

The Island Trees Union Free School District's Board of Education (the "Board"), acting contrary to the recommendations of a committee of parents and school staff, ordered that certain books be removed from its district's junior high and high school libraries. In support of its actions, the Board said such books were: "anti-American, anti-Christian, anti-Semitic, and just plain filthy." Acting through his friend Francis Pico, and on behalf of several other students, Steven Pico brought suit in federal district court challenging the Board's decision to remove the books. The Board won; the U.S. Court of Appeals for the Second Circuit reversed. The Board petitioned the U.S. Supreme Court, which granted certiorari.

Question

Did the Board of Education's decision to ban certain books from its junior high and high school libraries, based on their content, violate the First Amendment's freedom of speech protections?

Conclusion

Yes. Although school boards have a vested interest in promoting respect for social, moral, and political community values, their discretionary power is secondary to the transcendent imperatives of the First Amendment. The Court, in a 5-to-4 decision, held that as centers for voluntary inquiry and the dissemination of information and ideas, school libraries enjoy a special affinity with the rights of free speech and press. Therefore, the Board could not restrict the availability of books in its libraries simply because its members disagreed with their idea content.

Thirteen Case Summaries: Supreme Court Cases Involving Students

[Case 5]

New Jersey v. T.L.O.

From OYEZ Synopsis: http://www.oyez.org/cases/1980-1989/1983/1983_83_712/

Docket: 83-712
Citation: 469 U.S. 325 (1985)
Petitioner: New Jersey
Respondent: T.L.O.

Abstract

Argument: Wednesday, March 28, 1984
Reargument: Tuesday, October 2, 1984
Decision: Tuesday, January 15, 1985
Issues: Criminal Procedure, Search and Seizure

Supreme Court Ruling

Decision: 6 votes for New Jersey, 3 vote(s) against
Legal Provision: Amendment 4: Fourth Amendment

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Facts of the Case

T.L.O. was a fourteen-year-old; she was accused of smoking in the girls' bathroom of her high school. A principal at the school questioned her and searched her purse, yielding a bag of marijuana and other drug paraphernalia.

Question

Did the search violate the Fourth and Fourteenth Amendments?

Conclusion

No. Citing the peculiarities associated with searches on school grounds, the Court abandoned its requirement that searches be conducted only when a "probable cause" exists that an individual has violated the law. The Court used a less strict standard of "reasonableness" to conclude that the search did not violate the Constitution. The presence of rolling papers in the purse gave rise to a reasonable suspicion in the principal's mind that T.L.O. may have been carrying drugs, thus, justifying a more thorough search of the purse.

Thirteen Case Summaries: Supreme Court Cases Involving Students

[Case 6]

Bethel School District No. 403 v. Fraser

From OYEZ Synopsis: http://www.oyez.org/cases/1980-1989/1985/1985_84_1667/

Docket: 84-1667
Citation: 478 U.S. 675 (1986)
Petitioner: Bethel School District No. 403
Respondent: Fraser

Abstract

Argument: Monday, March 3, 1986
Decision: Monday, July 7, 1986
Issues: First Amendment, Miscellaneous

Supreme Court Ruling

Decision: 7 votes for Bethel School District No. 403, 2 vote(s) against
Legal Provision: Amendment 1: Speech, Press, and Assembly

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Facts of the Case

At a school assembly of approximately 600 high school students, Matthew Fraser made a speech nominating a fellow student for elective office. In his speech, Fraser used what some observers believed was a graphic sexual metaphor to promote the candidacy of his friend. As part of its disciplinary code, Bethel High School enforced a rule prohibiting conduct which "substantially interferes with the educational process . . . including the use of obscene, profane language or gestures." Fraser was suspended from school for two days.

Question

Does the First Amendment prevent a school district from disciplining a high school student for giving a lewd speech at a high school assembly?

Conclusion

No. The Court found that it was appropriate for the school to prohibit the use of vulgar and offensive language. Chief Justice Burger distinguished between political speech which the Court previously had protected in Tinker v. Des Moines Independent Community School District (1969) and the supposed sexual content of Fraser's message at the assembly. Burger concluded that the First Amendment did not prohibit schools from prohibiting vulgar and lewd speech since such discourse was inconsistent with the "fundamental values of public school education."

(Case 7)

Hazelwood School District v. Kuhlmeier

From OYEZ Synopsis: http://www.oyez.org/cases/1980-1989/1987/1987_86_836/

Docket: 86-836
Citation: 484 U.S. 260 (1988)
Petitioner: Hazelwood School District
Respondent: Kuhlmeier

Abstract

Argument: Tuesday, October 13, 1987
Decision: Wednesday, January 13, 1988
Issues: First Amendment, Miscellaneous

Supreme Court Ruling

Decision: 5 votes for Hazelwood School District, 3 vote(s) against
Legal Provision: Amendment 1: Speech, Press, and Assembly

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Facts of the Case

The Spectrum, the school-sponsored newspaper of Hazelwood East High School, was written and edited by students. In May 1983, Robert E. Reynolds, the school principal, received the pages proofs for the May 13 issue. Reynolds found two of the articles in the issue to be inappropriate, and ordered that the pages on which the articles appeared be withheld from publication. Cathy Kuhlmeier and two other former Hazelwood East students brought the case to court.

Question

Did the principal's deletion of the articles violate the students' rights under the First Amendment?

Conclusion

No. In a 5-to-3 decision, the Court held that the First Amendment did not require schools to affirmatively promote particular types of student speech. The Court held that schools must be able to set high standards for student speech disseminated under their auspices, and that schools retained the right to refuse to sponsor speech that was "inconsistent with 'the shared values of a civilized social order.'" Educators did not offend the First Amendment by exercising editorial control over the content of student speech so long as their actions were "reasonably related to legitimate pedagogical concerns." The actions of principal Reynolds, the Court held, met this test.

(Case 8)

Santa Fe Independent School Dist. v. Doe

From OYEZ Synopsis: http://www.oyez.org/cases/1990-1999/1999/1999_99_62/

Docket: 99-62
Citation: 530 U.S. 290 (2000)
Petitioner: Santa Fe Independent School Dist.
Respondent: Doe

Abstract

Argument: Wednesday, March 29, 2000
Decision: Monday, June 19, 2000
Issues: First Amendment, Establishment of Religion

Supreme Court Ruling

Decision: 6 votes for Doe, 3 vote(s) against
Legal Provision: Establishment of Religion

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Landmark Cases Involving Students: http://www.uscourts.gov/outreach/resources/landmark_studentcases.htm

Facts of the Case

Prior to 1995, a student elected as Santa Fe High School's student council chaplain delivered a prayer, described as overtly Christian, over the public address system before each home varsity football game. One Mormon and one Catholic family filed suit challenging this practice and others under the Establishment Clause of the First Amendment. The District Court enjoined the public Santa Fe Independent School District (the District) from implementing its policy as it stood. While the suit was pending, the District adopted a new policy, which permitted, but did not require, student-initiated and student-led prayer at all the home games and which authorized two student elections, the first to determine whether "invocations" should be delivered at games, and the second to select the spokesperson to deliver them. After the students authorized such prayers and selected a spokesperson, the District Court entered an order modifying the policy to permit only nonsectarian, nonproselytizing prayer. The Court of Appeals held that, even as modified by the District Court, the football prayer policy was invalid. The District petitioned for a writ of certiorari, claiming its policy did not violate the Establishment Clause because the football game messages were private student speech, not public speech.

Question

Does the Santa Fe Independent School District's policy permitting student-led, student-initiated prayer at football games violate the Establishment Clause of the First Amendment?

Conclusion

Yes. In a 6-3 opinion delivered by Justice John Paul Stevens, the Court held that the District's policy permitting student-led, student-initiated prayer at football games violates the Establishment Clause. The Court concluded that the football game prayers were public speech authorized by a government policy and taking place on government property at government-sponsored school-related events and that the District's policy involved both perceived and actual government endorsement of the delivery of prayer at important school events. Such speech is not properly characterized as "private," wrote Justice Stevens for the majority. In dissent, Chief Justice William H. Rehnquist, joined by Justices Antonin Scalia and Clarence Thomas, noted the "disturbing" tone of the Court's opinion that "bristle[d] with hostility to all things religious in public life."

(Case 9)

Board of Education v. Earls

From OYEZ Synopsis: http://www.oyez.org/cases/2000-2009/2001/2001_01_332/

Docket: 01-332
Citation: 536 U.S. 822 (2002)
Petitioner: Board of Education
Respondent: Earls

Abstract

Argument: Tuesday, March 19, 2002
Decision: Thursday, June 27, 2002
Issues: Privacy, Miscellaneous

Supreme Court Ruling

Decision: 5 votes for Board of Education, 4 vote(s) against
Legal Provision: Amendment 4: Fourth Amendment

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Facts of the Case

The Student Activities Drug Testing Policy adopted by the Tecumseh, Oklahoma School District (School District) requires all middle and high school students to consent to urinalysis testing for drugs in order to participate in any extracurricular activity. Two Tecumseh High School students and their parents brought suit, alleging that the policy violates the Fourth Amendment. The District Court granted the School District summary judgment. In reversing, the Court of Appeals held that the policy violated the Fourth Amendment. The appellate court concluded that before imposing a suspicionless drug-testing program a school must demonstrate some identifiable drug abuse problem among a sufficient number of those tested, such that testing that group will actually redress its drug problem, which the School District had failed to demonstrate.

Question

Is the Student Activities Drug Testing Policy, which requires all students who participate in competitive extracurricular activities to submit to drug testing, consistent with the Fourth Amendment?

Conclusion

Yes. In a 5-4 opinion delivered by Justice Clarence Thomas, the Court held that, because the policy reasonably serves the School District's important interest in detecting and preventing drug use among its students, it is constitutional. The Court reasoned that the Board of Education's general regulation of extracurricular activities diminished the expectation of privacy among students and that the Board's method of obtaining urine samples and maintaining test results was minimally intrusive on the students' limited privacy interest. "Within the limits of the Fourth Amendment, local school boards must assess the desirability of drug testing schoolchildren. In upholding the constitutionality of the Policy, we express no opinion as to its wisdom. Rather, we hold only that Tecumseh's Policy is a reasonable means of furthering the School District's important interest in preventing and deterring drug use among its schoolchildren," wrote Justice Thomas.

(Case 10)

Zelman v. Simmons-Harris

From OYEZ Synopsis: http://www.oyez.org/cases/2000-2009/2001/2001_00_1751/

Docket: 00-1751
Citation: 536 U.S. 639 (2002)
Petitioner: Zelman
Respondent: Simmons-Harris
Consolidated: No. 00-1777; No. 00-1779

Abstract

Argument: Wednesday, February 20, 2002
Decision: Thursday, June 27, 2002
Issues: First Amendment, Parochiaid

Supreme Court Ruling

Decision: 5 votes for Zelman, 4 vote(s) against
Legal Provision: Establishment of Religion

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Facts of the Case

Ohio's Pilot Project Scholarship Program provides tuition aid in the form of vouchers for certain students in the Cleveland City School District to attend participating public or private schools of their parent's choosing. Both religious and nonreligious schools in the district may participate. Tuition aid is distributed to parents according to financial need, and where the aid is spent depends solely upon where parents choose to enroll their children. In the 1999-2000 school year 82 percent of the participating private schools had a religious affiliation and 96 percent of the students participating in the scholarship program were enrolled in religiously affiliated schools. Sixty percent of the students were from families at or below the poverty line. A group of Ohio taxpayers sought to enjoin the program on the ground that it violated the Establishment Clause. The District Court granted them summary judgment, and the Court of Appeals affirmed.

Question

Does Ohio's school voucher program violate the Establishment Clause?

Conclusion

No. In a 5-4 opinion delivered by Chief Justice William H. Rehnquist, the Court held that the program does not violate the Establishment Clause. The Court reasoned that, because Ohio's program is part of Ohio's general undertaking to provide educational opportunities to children, government aid reaches religious institutions only by way of the deliberate choices of numerous individual recipients and the incidental advancement of a religious mission, or any perceived endorsement, is reasonably attributable to the individual aid recipients not the government. Chief Justice Rehnquist wrote that the "Ohio program is entirely neutral with respect to religion. It provides benefits directly to a wide spectrum of individuals, defined only by financial need and residence in a particular school district. It permits such individuals to exercise genuine choice among options public and private, secular and religious. The program is therefore a program of true private choice."

(Case 11)

Grutter v. Bollinger

From OYEZ Synopsis: http://www.oyez.org/cases/2000-2009/2002/2002_02_241/

Docket: 02-241
Citation: 539 U.S. 306 (2003)
Petitioner: Grutter
Respondent: Bollinger

Abstract

Argument: Tuesday, April 1, 2003
Decision: Monday, June 23, 2003
Issues: Civil Rights, Affirmative Action

Supreme Court Ruling

Decision: 5 votes for Bollinger, 4 vote(s) against
Legal Provision: Equal Protection

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Facts of the Case

In 1997, Barbara Grutter, a white resident of Michigan, applied for admission to the University of Michigan Law School. Grutter applied with a 3.8 undergraduate GPA and an LSAT score of 161. She was denied admission. The Law School admits that it uses race as a factor in making admissions decisions because it serves a "compelling interest in achieving diversity among its student body." The District Court concluded that the Law School's stated interest in achieving diversity in the student body was not a compelling one and enjoined its use of race in the admissions process. In reversing, the Court of Appeals held that Justice Powell's opinion in Regents of the University of California v. Bakke, 438 U.S. 265 (1978), constituted a binding precedent establishing diversity as a compelling governmental interest sufficient under strict scrutiny review to justify the use of racial preferences in admissions. The appellate court also rejected the district court's finding that the Law School's "critical mass" was the functional equivalent of a quota.

Question

Does the University of Michigan Law School's use of racial preferences in student admissions violate the Equal Protection Clause of the Fourteenth Amendment or Title VI of the Civil Rights Act of 1964?

Conclusion

No. In a 5-4 opinion delivered by Justice Sandra Day O'Connor, the Court held that the Equal Protection Clause does not prohibit the Law School's narrowly tailored use of race in admissions decisions to further a compelling interest in obtaining the educational benefits that flow from a diverse student body. The Court reasoned that, because the Law School conducts highly individualized review of each applicant, no acceptance or rejection is based automatically on a variable such as race and that this process ensures that all factors that may contribute to diversity are meaningfully considered alongside race. Justice O'Connor wrote, "in the context of its individualized inquiry into the possible diversity contributions of all applicants, the Law School's race-conscious admissions program does not unduly harm nonminority applicants."

Roper v. Simmons

From OYEZ Synopsis: http://www.oyez.org/cases/2000-2009/2004/2004_03_633/

Docket: 03-633
Citation: 543 U.S. 551 (2005)
Petitioner: Donald P. Roper, Superintendent, Potosi Correctional Center
Respondent: Christopher Simmons

Abstract

Granted: Monday, January 26, 2004
Argument: Wednesday, October 13, 2004
Decision: Tuesday, March 1, 2005
Issues: Criminal Procedure, Cruel and Unusual Punishment, Death Penalty

Supreme Court Ruling

Decision: 5 votes for Simmons, 4 vote(s) against
Legal Provision: Amendment 8: Cruel and Unusual Punishment

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Facts of the Case

Christopher Simmons was sentenced to death in 1993, when he was only 17. A series of appeals to state and federal courts lasted until 2002, but each appeal was rejected. Then, in 2002, the Missouri Supreme Court stayed Simmon's execution while the U.S. Supreme Court decided Atkins v. Virginia, a case that dealt with the execution of the mentally ill. After the U.S. Supreme Court ruled that executing the mentally ill violated the Eighth and 14th Amendment prohibitions on cruel and unusual punishment because a majority of Americans found it cruel and unusual, the Missouri Supreme Court decided to reconsider Simmons' case.

Using the reasoning from the Atkins case, the Missouri court decided, 6-to-3, that the U.S. Supreme Court's 1989 decision in Stanford v. Kentucky, which held that executing minors was not unconstitutional, was no longer valid. The opinion in Stanford v. Kentucky had relied on a finding that a majority of Americans did not consider the execution of minors to be cruel and unusual. The Missouri court, citing numerous laws passed since 1989 that limited the scope of the death penalty, held that national opinion had changed. Finding that a majority of Americans were now opposed to the execution of minors, the court held that such executions were now unconstitutional.

On appeal to the U.S. Supreme Court, the government argued that allowing a state court to overturn a Supreme Court decision by looking at "evolving standards" would be dangerous, because state courts could just as easily decide that executions prohibited by the Supreme Court (such as the execution of the mentally ill in Atkins v. Virginia) were now permissible due to a change in the beliefs of the American people.

Question

Does the execution of minors violate the prohibition of "cruel and unusual punishment" found in the Eighth Amendment and applied to the states through the incorporation doctrine of the 14th Amendment?

Conclusion

Yes. In a 5-4 opinion delivered by Justice Anthony Kennedy, the Court ruled that standards of decency have evolved so that executing minors is "cruel and unusual punishment" prohibited by the Eighth Amendment. The majority cited a consensus against the juvenile death penalty among state legislatures, and its own determination that the death penalty is a disproportionate punishment for minors. Finally the Court pointed to "overwhelming" international opinion against the juvenile death penalty. Chief Justice William Rhenquist and Justices Antonin Scalia, Sandra Day O'Connor, and Clarence Thomas all dissented.

Morse v. Frederick

From OYEZ Synopsis: http://www.oyez.org/cases/2000-2009/2006/2006_06_278/

Docket: 03-633
Citation: 543 U.S. 551 (2005)
Petitioner: Donald P. Roper, Superintendent, Potosi Correctional Center
Respondent: Christopher Simmons

Abstract

Granted: Friday, December 1, 2006
Argument: Monday, March 19, 2007
Decision: Monday, June 25, 2007
Issues: First Amendment, Protest Demonstrations

Supreme Court Ruling

Decision: 5 votes for Morse, 4 vote(s) against
Legal Provision: Amendment 1: Speech, Press, and Assembly

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Facts of the Case

At a school-supervised event, Joseph Frederick held up a banner with the message "Bong Hits 4 Jesus," a slang reference to marijuana smoking. Principal Deborah Morse took away the banner and suspended Frederick for ten days. She justified her actions by citing the school's policy against the display of material that promotes the use of illegal drugs. Frederick sued under 42 U.S.C. 1983, the federal civil rights statute, alleging a violation of his First Amendment right to freedom of speech.

The District Court found no constitutional violation and ruled in favor of Morse. The court held that even if there were a violation, the principal had qualified immunity from lawsuit. The U.S. Court of Appeals for the Ninth Circuit reversed. The Ninth Circuit cited *Tinker v. Des Moines Independent Community School District*, which extended First Amendment protection to student speech except where the speech would cause a disturbance. Because Frederick was punished for his message rather than for any disturbance, the Circuit Court ruled, the punishment was unconstitutional. Furthermore, the principal had no qualified immunity, because any reasonable principal would have known that Morse's actions were unlawful.

Question

1) Does the First Amendment allow public schools to prohibit students from displaying messages promoting the use of illegal drugs at school-supervised events?

2) Does a school official have qualified immunity from a damages lawsuit under 42 U.S.C. 1983 when, in accordance with school policy, she disciplines a student for displaying a banner with a drug reference at a school-supervised event?

Conclusion

Yes and not reached. The Court reversed the Ninth Circuit by a 5-4 vote, ruling that school officials can prohibit students from displaying messages that promote illegal drug use. Chief Justice John Roberts's majority opinion held that although students do have some right to political speech even while in school, this right does not extend to pro-drug messages that may undermine the school's important mission to discourage drug use. The majority held that Frederick's message, though "cryptic," was reasonably interpreted as promoting marijuana use - equivalent to "[Take] bong hits" or "bong hits [are a good thing]." In ruling for Morse, the Court affirmed that the speech rights of public school students are not as extensive as those adults normally enjoy, and that the highly protective standard set by *Tinker* would not always be applied. In concurring opinions, Justice Thomas expressed his view that the right to free speech does not apply to students and his wish to see *Tinker* overturned altogether, while Justice Alito stressed that the decision applied only to pro-drug messages and not to broader political speech. The dissent conceded that the principal should have had immunity from the lawsuit, but argued that the majority opinion was "[...] deaf to the constitutional imperative to permit unfettered debate, even among high-school students [...]."