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To Americans and many other people in the world, the first amendment symbolizes something powerful: freedom. Although there are countless other freedoms given and laid out in the Constitution, no one section is more known than the first amendment. It outlines the ideas of freedom, of religion, of press, of association, of assembly and most importantly, of speech. The freedom of speech and that of symbolic speech has frequently been both limited and granted to students in public schools. A modern topic of controversy is the symbol of the Confederate flag on student clothing. However, the first amendment prevents schools from restricting the freedom of speech in all cases when it does not indicate a disturbance of other students or the educational atmosphere.

There are many court cases in which the constitutionality of schools revoking a student's right to freedom of speech in regards to the Confederate flag. School administrators have attempted to limit the use of this symbol. However, there are many instances in which a public school or board of education cannot limit the wearing of these symbols, because they were not worn to target other students. In *Bragg v. Swanson*, a federal judge ruled that Franklin Bragg had the right to wear Confederate flag clothing to school. The judge stated that there are a "sea of interpretations about what the flag represents," and that "there are a variety of innocent flag uses that would be silenced by the broadly worded policy." In Bragg's case, there was no previous use of hatred towards other groups and it was indicated that he did not attempt to wear the flag to intimidate or threaten other students. The federal judge also stated that Bragg was forced to change his clothing because of "a remote apprehension of disturbance" rather than actual disruption. In *Tinker v. Des Moines*, the court upheld the students' right to wear armbands in protest against the U.S. involvement in Vietnam. Both the black armbands and the Confederate flag represent ideas and concepts that students have the right to express. In *Keyishian v. Board of Regents*, the Supreme Court recognized school as being a place of free flow and ideas, so therefore students should be able to express their own ideas vividly and freely.

There have also been instances in which the school has the right to limit the freedom of speech to students, due to intimidation. The term *In Loco Parentis* is a Latin term derived from English law, which was major source of influence to the framers. It states that in the absence of parents, which entails school, teachers become the primary caretakers responsible for the wellbeing of the student. In such instances as *B.W.A v. Farmington R-7 School District*, the administrator had a responsibility to protect minorities against racial intimidation. In the high school, there had been many instances in which white and black students were involved in fights and arguments, such as a white student urinating on a black student or a fight between two students using racial slurs. One of the boys also directly involved in the law suit, wore a shirt condemning the desegregation of schools in the United States. Because of previous instances, the principle has the right to assume that the wearing of a Confederate shirt is racially motivated and disruptive to the learning environment; therefore, speech can be limited. In *Morse v. Fredrick*, Joseph Fredrick unrolled a banner outside his high school stating

“Bong hits for Jesus.” The principle came and tore the banner down to cause Fredrick to sue for his first amendment right. The court ruled that because the banner promoted or indicated illicit drug use, there was a disruption of the environment and his rights could be limited. The significance cases just like these, has caused the court to grant schools the right to limit the freedom of speech, if expression endangers other students or promotes illegal actions. The school constitutionally protects the safety of other students.

In my opinion, the Tinker test has proven to be a good check on cases in which the freedom of speech of students is limited. I believe strongly in the right to free speech for students so that they can learn and understand the many beliefs, and opinions that exist. By stating and formulating their own opinions, they can recognize and be aware of how others are effected by their decisions and actions. I also strongly believe in the right to equality on the topic of the first amendment. As Federal Judge Copenhaver stated, “It is problematic that school officials signaled out the Confederate flag but allowed students to wear Malcolm X T-shirts.” Although I do not agree with the messages contained in either symbol, I do not believe that a student’s rights should be limited unless they are rejecting an ideal of education – to understand all ideologies and not be limited by one certain set of principles. We must understand that using a Confederate flag as a symbol could represent Southern pride as well as a disagreement with things going on in the government – such as war involvement. All Americans must open up their minds to a sea of interpretations about speech, so that everyone may fully exercise this freedom.

A wise man named John Kennedy once said “We are not afraid to entrust the American people with unpleasant facts...For a nation that is afraid to let its people judge the truth and falsehood in an open market is a nation that is afraid of its people.” Our own former president believed that Americans should use their freedom of speech to express and explore the world. Therefore, the first amendment should extend to students and prevent schools from restricting the freedom of speech in all cases where violence is not a result. Adolescence, the very time designated in our lives for exploration, must be allowed the freedom to speak, so that one can begin to understand himself and the world around him, without the judgment of others.