

2023 Essay Contest Winners

This year, we asked students in grades 3-8: What kind of free speech situations require a judge or police officer to get involved to keep the peace? Students in grades 9-12 are asked: Do you think students should be held to the same standard when exercising their First Amendment right to freedom of speech whether they're on or off school property?

Elementary School Winners

1st Place - Larissa Karpeles, Grade 4, Florida



"Alice Roosevelt Longworth said, "If you don't have anything nice to say, don't say anything at all." The First Amendment protects Americans' right to speak their mind, regardless of whether it's nice. Some people abuse that right and say hurtful things, which could have disastrous outcomes including bullying, depression, and sometimes death. Police should intervene and judges should enforce punishments upon those who directly threaten others. Freedom to say whatever you want could also lead to public panic, like yelling "shooter!" in a school. Police and judges protect our safety by making sure stating harmful words comes with serious consequences."

2nd Place - Ilyannie Tuason Gonzalez, Grade 5, Washington



"The Roman goddess, Minerva, symbolized jurisprudence and liberty. As the patron of law, she was considered a significant cornerstone of the ancient world and is an ideal depiction of the first amendment. It guarantees freedom of speech and expression. Offensive statements online or in public are still protected. Disciplinary action would fall directly to a person's affiliation. However, if words are used to incite violence, pose an immediate threat, or result in death, authorities will need to interfere to maintain peace. Clearly, the freedom of speech has explicit boundaries, yet it remains a powerful foundation of our prosperous American society."

3rd Place - Stella Huang, Grade 4, Maryland



"The First Amendment protects your freedom of speech and the right to express opinions. And yet, there are still uncommon circumstances where limits have to be placed. Free speech should never invade another person's privacy or endanger lives. For instance, if someone shouted a racial insult, an officer would have to intervene. Also, in the courtroom, spectators are to remain quiet. If they start shouting during the trial, they will be removed by the judge. Free speech is a right, but it does not mean that you can say things that violate others' rights."

Middle School Winners

1st Place - An Nguyen, Grade 8, Utah



"The exercise of free speech is a fundamental human right, but in certain circumstances, law enforcement officials may need to intervene to ensure public safety and order. Instances, where speech is used to incite violence, propagate hate, make direct threats, or cause public disturbance, may prompt judges or police officers to take action. Furthermore, if individuals disrupt official proceedings or events through their speech, they may be subject to charges of contempt or disorderly conduct. In such situations, the state's interest in maintaining social order and protecting the welfare of the public outweighs individual rights to freedom of expression."

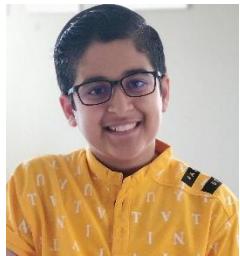
2nd Place - Anson Li, Grade 7, Wisconsin



"If... freedom of speech is taken away... dumb and silent we may be led, like sheep to the slaughter," stated Benjamin Franklin. The First Amendment grants us the unalienable right to voice opinions without fear of government intervention. Nevertheless, it's conditional to prevent misunderstood abuse. A prominent example is threats, meaning the act results in the targeted people being unsafe from impending harm.

Yelling "fire" in crowds would need judicial or police involvement. Another instance would be incitement, namely, encouraging someone to commit crimes. Essentially, freedom of speech is inviolable, assuming everyone is safe and treated fairly as a citizen."

3rd Place - Kuvam Bhatia, Grade 8, Georgia



"With freedom comes responsibility! Responsible American citizens use their freedom of speech to peacefully protest, convey a political message, or engage in symbolic speech. Irresponsible citizens abuse their freedom to do many negative things that may require an authority to intervene, such as instigating lawless action or going against their school's wishes by promoting things like drugs, distributing obscene materials, and printing prohibited articles. If an authority must get involved to keep the peace, it's when a citizen's use of the freedom of speech turns from a means of self-expression to an inimical way to promote anarchic or disorderly behavior."

High School Winners

1st Place - Phoebe Wang, Grade 12, California



"It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." *Tinker v. Des Moines School Dist.*, 393 U.S. 503 In 1969, the Supreme Court determined that schools couldn't constitutionally impair a student's First Amendment rights. However, an exception remained for actions that had a "reasonable forecast of substantial disruption": for example, wearing a Confederate flag jacket to school (*Melton v. Young*) or reciting speeches that were vulgar, indecent, or offensive (*Bethel School District v. Fraser*). While most agree that schools should be able to regulate on-campus conduct to ensure student safety, off campus violations are tricky. Unfortunately, with the advent of social media, actions conducted outside of school hours can be as influential on school activities as their on-campus counterparts. A single Instagram story, YouTube video, or website post can reach hundreds of viewers in hours. Of course, it's unrealistic and unconstitutional for schools to monitor each of their student's social media accounts. However, I believe that schools should be able to punish students for reported online harassment, defamation, and dangerous threats. Students are protected by the law. They are not above the law. Students' rights to free expression should be held in all settings when it encourages civil discourse, generates diverse opinions, and protects individual thoughts. However, this does not equal free reign but limited freedom that balances one's right to safety and education against another's freedom of speech. The key is maximizing both."

2nd Place - Bergen Milliren, Grade 12, Washington



"The U.S. Supreme Court held that schools may not punish students for off-campus speech that does not substantially disrupt school activities or invade the rights of others. The Court recognized that students do not shed their constitutional rights to freedom of speech or expression at the school gate, but also acknowledged that schools have a legitimate interest in regulating some types of student speech, such as harassment, bullying, or threats. Therefore, the answer to whether students should be held to the same standard of free speech on or off school property depends on the context and content of their speech. If the speech is protected by the First Amendment, such as political commentary, social criticism, or personal opinions, then schools cannot punish students for expressing themselves, even if it may be offensive, controversial, or unpopular. However, if the speech is not protected, such as threats of violence, defamation, or hate speech, then schools can take disciplinary action, regardless of the location of the speech. Moreover, if the speech violates other laws, such as cyberbullying, harassment, or child pornography, then students can be subject to criminal prosecution or civil liability. In sum, students have a right to freedom of speech, but this right is not absolute and must be balanced against other values, such as safety, dignity, and respect. Schools and courts must apply a case-by-case analysis to

determine whether the speech in question meets the legal standards for punishment, taking into account the age, maturity, and context of the speaker."

3rd Place - Mariam Abaza, Grade 12, Ohio



"Indian student Aleena Khan was at the top of her class and captain of the tennis team. However, her school year abruptly ended due to a hijab ban, forcing her to choose between education and religious expression. Dismayed, she was forced to quit school to stay true to her beliefs, despite her academic prowess. Freedom of speech and expression is not a universal right; students in many countries must compromise these freedoms daily. As an Indian born in the United States, I wear my hijab without fear of retribution. The US is unique in its expansive freedom of speech and expression. As Supreme Court Justice Abe Fortas declared, neither students nor teachers should "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate". All citizens should be free to express their opinions without fear. This is an integral part of the American Dream. Students should maintain their right to free speech as long as it does not cause harm or incite panic, in which case should be subject to legal punishment. However, schools often ban peaceful protest due to its potentially polarizing nature, directly contradicting the rights promised by the Constitution. When I graduate as valedictorian and the only hijab-wearing student in my class, I will honor students like Aleena who were forced to discontinue their education. Aleena may not have the opportunity to excel, but I am a beneficiary of the rights that the first amendment assures, both within school grounds and beyond."