

Landmark Supreme Court Cases and the Constitution: *Bethel v. Fraser* (1986)



As the school year comes to a close and students are giving student government speeches and commencement addresses, we spotlight the landmark student expression case *Bethel v. Fraser* (1986). In this case, the Court considered whether the First Amendment protected a student government nomination speech filled with sexual innuendo.

Resources:

Bethel School District v. Fraser (1986) – [Bill of Rights Institute](#)

Bethel School District No. 403 Et. Al v. Frasier, A Minor, Et. Al. – [University of Missouri Kansas-City](#)

Bethel School District No. 403 v. Frasier – [Oyez Project at IIT Chicago-Kent Law School](#)

Activity:

High school student Matthew Fraser approached the podium at the front of his public school's auditorium. He gazed at the crowd of 600 of his schoolmates while readying a printout of his speech. Matthew was a little nervous. He felt nervous because he'd shown the speech to two teachers at his school, and they both told him he probably should not deliver it. They told him the speech was inappropriate. One of his teachers even warned him he might get into severe trouble for reading it. He decided to read it anyway.

Matthew's speech was filled with sexual innuendo. When he delivered the speech, many students called out, gestured, and laughed, while others looked confused and embarrassed. After the speech, Matthew was told he had violated the school's conduct code, which said: "Conduct which materially and substantially interferes with the educational process is prohibited, including the use of obscene, profane language or gestures." He was suspended for two days, and was told he would not be allowed to speak at the school's graduate ceremony.

Matthew believed that he had a First Amendment right to give his speech, and sued the school. The First Amendment states in part. "Congress shall make no law....abridging the freedom of speech..." Matthew claimed that his public school, as an instrument of the state, had violated his right to free speech. The school argued that Matthew's speech had clearly violated

the school conduct code, and that the First Amendment did not protect Matthew's words in public school.

The case eventually went to the Supreme Court. The Supreme Court ruled that the school had not violated Matthew's First Amendment rights, and that schools do not have to tolerate "lewd and obscene speech." The Court held, "The process of educating our youth for citizenship in public schools is not confined to books, the curriculum, and the civics class; schools must teach by example the shared values of a civilized social order...The schools, as instruments of the state, may determine that the essential lessons of civil, mature conduct cannot be conveyed in a school that tolerates lewd, indecent, or offensive speech and conduct such as that indulged in by this confused boy."

Discussion Questions:

1. Why was Matthew Fraser suspended?
 2. Why did Matthew believe his suspension was unconstitutional?
 3. How did the Supreme Court rule?
 4. Do you agree with the Court's ruling? Why or why not?
-