

# RELIGION, SPEECH AND EDUCATION: A FIRST AMENDMENT CASE STUDY

American Inns of Court  
James E. Doyle Chapter

The Concourse Hotel  
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## CONTENTS

Scenario.....	1-2
Student Free Speech – 40 Years after <i>Tinker</i> .....	3-10
Religious and Anti-Religious Speech in Schools.....	11-14
Opinion Letter to Dr. Karen Schulte – Dec. 13, 2007.....	15-19
Media Accounts and Discussion.....	20-30
1. Stories from The Janesville Gazette, Dec. 20, 2007:	
Headline: “Student rips Bible, gets boot at Parker – Lawyer: Act alone not enough for discipline” (Internet headline: “Bible Incident Draws Concerns”).....	20-21
“Online Group Discusses Incidents at Parker”.....	22-23
2. Blog excerpts.....	25-26
3. Editorial – The Janesville Gazette, Dec. 27, 2007:	
Headline: “District’s action after Bible speech raises concerns”.....	27
4. Story from the Humanist magazine, March/April 2008 – “Ripping into the Bible”.....	28-30



*Religion, Speech, and Education: A First Amendment Case Study*  
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It's the morning of December 7, 2007. A Wisconsin high school teacher has assigned a project to students in an English Honors class. Earlier that week, the teacher had taped aphorisms by Ralph Waldo Emerson on the blackboard. Students were to select an Emerson quote, explain in their view what the words meant, and describe how it related to them personally, along with using a visual aid.

One student chose the following Emerson aphorism:

"So far as a man thinks, he is free."

On the day of his presentation, the student stood in front of the English class and said the following:

What Ralph Waldo Emerson meant when he said, "So far as a man thinks, he is free," was that our only freedom, what we call our "free will" is our ability to think. This particular saying is likened to me because I no longer rely on such things as faith and feeling as sources of knowledge.

We must all grow up and lose our faith in the Easter Bunny, Santa, the Tooth Fairy, and eventually Jesus, because such things are fairy tales and while maybe appropriate for children, they cease to be rational when one reaches a certain age. Things like faith, mysticism, and feeling restrict one from productive, rational thought, and if we are not thinking, we are not free. Our only means of acquiring knowledge should be through rationale and logic.

Ayn Rand personifies her vision of man's existence in her magnum opus, *Atlas Shrugged*. Rand says that the pursuit of our own happiness should be our goal in life and that morality does not come from others. The Bible says the poor man is rich for his kindness and humility toward mankind, and his rewards shall be great in the kingdom of heaven. Right. And I'm the King of England.

The Bible is not rational to me, so why would I want to waste my life studying it, trying to seek some "moral enlightenment" from its pages?

Now what I'm about to do next, some of your tiny little brains might not be able to comprehend, so viewer discretion is advised.

As the student lifted a copy of the Bible that he held in his hand, he added the following:

This book has halted the intellectual advancement of humankind for centuries. But now I am free from its grasp, so I am free to do this.

In the beginning was the Word, and the Word became kindling. (At this point, the student starts to rip the pages from the Bible.) This book is not holy. It was written by a bunch of old, smelly Mesopotamians with sand in their [expletive].

Now, will anyone come up here with me to testify, and kick Jesus out of your heart? (There was no response from his fellow students,) Well, I guess I'm surrounded by a bunch of superstitious, simple-minded ignoramuses.

Then, the student sat down. According to an account of the speech, only three students clapped, and the teacher gave him a "B".

## Student Free Speech – 40 Years after *Tinker*

Presented to American Inns of Court, James E. Doyle Chapter  
By Carrie Benedon, Lathrop & Clark LLP  
February 18, 2009

### INTRODUCTION

In 1969, the U.S. Supreme Court stated in the *Tinker* case what has now become a well-known and established principle of First Amendment case law: students do not relinquish “their constitutional rights to freedom of speech or expression at the schoolhouse gate.” Since the time of the *Tinker* ruling, courts have addressed numerous cases in which students’ rights of free expression are at issue. All of these cases arise under what otherwise appears to be a simple statement found in the First Amendment to the United States Constitution, which provides: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or *abridging the freedom of speech*, or of the press . . . .”

#### I. The Supreme Court Trilogy.

##### A. *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503 (1969).

The students in *Tinker* planned to protest the war in Vietnam by wearing black armbands to school. The principal became aware of the plan to wear armbands and, in response, adopted a policy that any student wearing an armband to school would be asked to remove it. If the student refused, he/she would be suspended until the student returned without the armband.

The Supreme Court emphasized that students have a right to exercise their First Amendment rights while in the schools, and school officials may not restrict that right unless there is reason to believe that the expression will substantially interfere with education or discipline, or will interfere with the rights of others. Because school authorities could not reasonably conclude that the black armbands would cause a substantial disruption to the school environment, the Court found that the school could not discipline students for wearing the armbands. The “mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint” is not sufficient cause for interfering with students’ free speech rights.

The *Tinker* Court noted that the First Amendment protects verbal and written expression, as well as symbols and conduct that constitute speech. The Court saw the armbands as a form of symbolic, nondisruptive speech about a matter of

national concern, which the Court concluded is exactly the type of conduct the First Amendment is designed to protect.

**Important Lessons:**

- **The First Amendment protects symbolic expression, as well as written and verbal speech.**
- **Schools may not regulate student speech unless there is reason to believe that the expression will substantially interfere with education or discipline, or interfere with the rights of others.**
- **School officials need not wait until actual disruption occurs prior to taking action, providing they can point to specific facts that support their conclusion that a disruption is likely.**

**B. *Bethel Sch. Dist. v. Fraser*, 478 U.S. 675 (1986).**

At a high school assembly designed to promote involvement in student government, a student gave a speech nominating a classmate for a student government office. The speech was full of elaborate and graphic sexual innuendo. The student was then suspended for three days and prohibited from speaking at his high school graduation. In response, the student alleged a violation of his First Amendment right to freedom of speech.

The Supreme Court held that the student's speech was not protected under the First Amendment because it was "plainly offensive." The Court did not, however, define the term "plainly offensive," and instead focused on the lewd, vulgar, and indecent nature of the student's speech. To permit the student's vulgar speech would undermine the school's basic educational mission. In addition, because the student's speech was unrelated to a particular political viewpoint, the Court distinguished the case from *Tinker*.

**Important Lesson:**

- **Schools may regulate student speech that is plainly offensive, regardless of whether it causes a substantial disruption.**

**C. *Hazelwood Sch. Dist. v. Kuhlmeier*, 484 U.S. 260 (1988).**

A high school principal removed two pages from the school newspaper, which was part of the journalism curriculum, because he objected to the content and subject matter of some of the articles. In particular, one article discussed the



impact of divorce on students at the school, and another article described students' experiences with pregnancy. The journalism students sued.

The Court held that a school could legitimately regulate the content of the newspaper by exercising control over the style and content of student speech so long as its actions were reasonably related to legitimate pedagogical concerns. The Court concluded that a school district's censorship of the content of the student newspaper was proper where the activity was a part of the school curriculum, supervised by faculty members, and designed to impart knowledge or skills to student participants and audiences. Schools may regulate school-sponsored speech in order to assure that "readers or listeners are not exposed to material that may be inappropriate for their level of maturity, and that the views of the individual speaker are not erroneously attributed to the school."

#### **Important Lessons:**

- **Schools may regulate school-sponsored speech and may refuse to sponsor expression that is deemed inappropriate.**
- **The First Amendment rights of students in public schools are not automatically coextensive with the rights of adults in other settings and must be applied in light of the special characteristics of the school environment.**

#### **D. ...And the recent "Bong Hits for Jesus" case**

##### ***Morse v. Frederick*, 127 S. Ct. 2618 (2007).**

Students in Juneau, Alaska were permitted to leave their classes and observe the Olympic Torch Relay, which passed by the school, while teachers and administrative officials monitored the students' actions. When the Olympic torchbearers passed by, a high school senior, Frederick, unfurled a 14-foot banner bearing the phrase "BONG HiTS 4 JESUS" from his location across the street from the school. The principal demanded that the banner be taken down, but Frederick refused, and was suspended for ten days. He brought suit alleging a First Amendment violation.

First, the Supreme Court found that Frederick's speech was school speech because it had occurred during school hours at a school-sanctioned social event or class trip, to which the school district rules explicitly applied, and where the teachers and administrators were interspersed among the students to supervise them. Next, the Court found that the school reasonably interpreted Frederick's speech as promoting illegal drug use. Therefore, the Court concluded that the

school did not violate Frederick's First Amendment rights. In so holding, the Court appears to have created a new rule (albeit one consistent with *Tinker* and *Fraser*): schools are free to regulate on-campus student speech that promotes illegal drug use.

### **Important Lessons:**

- **Speech that occurs at a school-sanctioned and school-supervised event, even if off school property, will be considered school speech.**
- **When a statement can reasonably be interpreted as promoting illegal drug use, even if the statement also lends itself to other interpretations, schools may take action.**
- **As a general rule, schools are free to regulate on-campus student speech that promotes illegal drug use.**

## **II. School Regulation of On-Campus Student Speech**

### **A. *Phillips v. Oxford Separate Mun. Sch. Dist.*, 314 F. Supp. 2d 643(N.D. Miss. 2003).**

A student named Mary was campaigning for a student government position and posted fliers containing the message "He Chose Mary... So Should You," along with a reproduction of the famous "Madonna and Child" painting. After some debate, school officials removed the fliers, and the student brought a motion for an injunction. The court denied the injunction, and held that because the walls of the school are not a public forum and the student government election was a school-sponsored event, the school is permitted to regulate the content of speech in any reasonable manner.

### **B. *Boucher v. Sch. Bd. of the Sch. Dist. of Greenfield*, 134 F.3d 821 (7th Cir. 1998).**

A student wrote an article entitled "So You Want to be a Hacker" outside of school, without using school resources, and published it in an "underground" newspaper. The student then brought the newspaper to school and distributed it to other high school students. The article described how to enter the school's computer's system, see a list of every file on the computer, with student and teacher login names, and attempt to find the password for entering the files. The student was expelled for violating multiple school policies, and he sued the school district for violating his First Amendment free speech rights. The court found that there was no First Amendment violation because the school district had a legitimate interest in protecting the operations of its school and the student's article on how to access the computer files threatened that interest. Because school officials had reason to believe that the student's actions cause substantial

disruption to the school, the school did not need to wait until such disruption actually occurred before taking action. Furthermore, the court held that because the article advocated on-campus action, it should be analyzed under the case law applicable to on-campus student expression.

C. *Fleming v. Jefferson Cty. Sch. Dist.*, 298 F.3d 918 (10th Cir. 2002).

Following the Columbine High School shootings, students were encouraged to paint tiles to be displayed as artwork in the school's hallway. The school created numerous restrictions, including that the tiles could not refer to the attack, the date of the attack, the names of students, religious symbols or obscene speech. Several students who had created tiles with religious symbols or the date of the attack sued, alleging First Amendment free speech violations. The court held that because the tile project was school-sponsored and the messages contained therein would be perceived as endorsed by the school, the school could regulate the content of the tiles. The court found that the school had an interest in maintaining the school building as a positive learning environment rather than as a memorial to a tragedy, and in avoiding the disruption that could stem from unrestrained religious debate.

**Important Lessons:**

- **Schools have broad latitude regulate the content of on-campus speech, especially when such speech could be viewed as “school sponsored.”**
- **A public school building is not considered a “public forum,” unless the school takes affirmative action to open itself up as one.**

III. School Regulation of Off-Campus Student Speech

A. *State v. A.S.*, 2001 WI 48, 243 Wis.2d 173.

A middle school student, while outside of school at a local youth center, told other students that he was going to kill and harm all of the students at his school in a Columbine-style shooting. The student provided graphic details of his plans. He was criminally charged with disorderly conduct as a result of his threats, and defended the charge by asserting that the First Amendment protected his speech. The court concluded that the comments were true threats because a reasonable person would interpret the threats as a serious statement of intent to harm others. Thus, the threats were not afforded the protections of the First Amendment. Although the case did not address school discipline of the student, the school almost certainly would have been within its right to do so because the threat posed a significant risk of harm and disruption to the school.

**B. *Porter v. Ascension Parish Sch. Bd.*, 393 F.3d 608 (5th Cir. 2004).**

A student was expelled and charged with “terrorizing the school” for a violent drawing he made two years previously in a sketch pad, which was accidentally brought to school by his younger brother. The student alleged a violation of his Free Speech rights. First, the court found that the drawing was not a true threat because it was not communicated in a knowing and intentional manner. Second, because the drawing had been composed entirely at home and only accidentally brought to school, it was treated as off-campus speech. Therefore, the court agreed that the drawing was protected by the First Amendment, and that the student’s Free Speech rights were violated. However, the court found that the school officials were entitled to qualified immunity because their conduct was “objectively reasonable in light of clearly established case law,” since the relevant case law was unsettled and unclear.

**Important Lessons:**

- **Off-campus student speech that unintentionally makes its way to the school will continue to be treated as off-campus speech.**
- **Threats of violence, if true threats, are not protected by the First Amendment.**

**IV. School Regulation of Student Cyber-Speech**

**A. *J.S. v. Bethlehem Area School District*, 807 A.2d 847 (Pa. 2002).**

A student created a website from his home computer entitled “Teacher Sux.” The website contained derogatory comments and drawings about his math teacher, including a list of reasons the teacher should die and a solicitation for funds to hire a hit man to kill the math teacher. The student was expelled. The student brought suit against the district, alleging a violation of his First Amendment rights. The court first analyzed whether the website constituted a “true threat.” If so, the speech would not be protected, the analysis would end, and there would be no First Amendment violation. The court found that, viewing the website as a whole, the threat was not a true threat. Furthermore, the fact that the school district did not take immediate action, and permitted the student to remain in school during the course of the investigation, belied its assertion that the website constituted a true threat. However, the court found that the website created actual and substantial disruption. The teacher that was the subject of the website suffered emotional harm, and was forced to take a medical leave of absence. Students expressed anxiety, and the website created a feeling of helplessness and

low morale among staff and students. Therefore, there was no First Amendment violation.

**B. *Layschock v. Hermitage School District*, 496 F. Supp. 2d 587 (2007).**

A high school senior, Justin, created a fake MySpace.com profile of his principal. The profile was based on the MySpace.com template, and the student filled in fake biographical information, including references to smoking, drinking, and the principal's genitalia. Justin received a suspension, was placed in an alternative curriculum program at the high school for the remainder of the school year, and was banned from participating in school activities, including graduation. Justin sought a temporary injunction to restrain enforcement of the discipline. The court denied Justin's request for an injunction, based on evidence presented to the court, including that the fake MySpace profile was viewed incessantly from school computers, that the school was forced to shut down its computer system for six days as a result of the website Justin had created, and that the District was forced to devote considerable resources to the issue.

Later, when the same court considered Justin's request for a permanent injunction, it reached a different result based on very different factual information that was presented. Contrary to evidence that had been presented during the temporary restraining order hearing, the school had not, in fact, had to shut down its computer system at all. In addition, the technology director testified that he spent approximately 25% of his time during one week on issues relating to MySpace profiles, but that he was not prevented from completing his usual tasks. Furthermore, evidence was presented that several fake MySpace profiles of the school principal had been created by various individuals, in addition to the one MySpace profile Justin had created, and that Justin's MySpace profile was less obscene and offensive than the others. There was no evidence that the limited disruptions that had occurred actually involved the MySpace profile that Justin had created, as opposed to those profiles created by others. Therefore, the court found that the district failed to prove that Justin's conduct caused a substantial disruption to the school environment.

**C. *Killion v. Franklin Reg'l Sch. Dist*, 136 F. Supp. 2d 446 (W.D. Pa. 2001).**

A student created a "Top Ten" list about the school's athletic director, including derogatory statements about the director's physical appearance and genitalia. The student created the list at home using his home computer, and then emailed it to several other students at their homes. Somebody printed off the email and brought it to school and distributed it. The student who created the email list was suspended. The student sued, claiming a violation of his First Amendment free

speech rights. The court found in favor of the student, because the school district failed to satisfy the “substantial disruption test.” There was no evidence that the teachers were incapable of teaching or maintaining order as a result of the email. In addition, even if the lewd and offensive comments in the email would normally be punishable in the school context, there was no evidence that the student was responsible for bringing the content of the email to school.

**D. *Emmett v. Kent School District No. 415*, 92 F. Supp. 2d 1088 (W.D. Wash. 2000)**

A high school senior with no disciplinary history, a 3.95 GPA, and who was co-captain of his basketball team, created a website on which he posted mock obituaries of some of his friends. The obituaries were written tongue-in-cheek, and were apparently inspired by a class assignment in which students had to write their own obituaries. The website permitted students to vote on who would “die” next, i.e., who would be the subject of the next obituary. The website eventually was picked up by a television news station, which characterized the website as featuring a “hit list.” The student was suspended. The court granted an injunction, prohibiting the school from enforcing the suspension. The court recognized that school administrators are in a difficult position in light of recent school shootings, and that such website postings could be an early indicator of violence, but found that there was no evidence whatsoever that the mock obituaries were intended to threaten anyone, actually did threaten anyone, or manifested any violent tendencies.

**Important Lessons:**

- **If speech is entirely off-campus, it must have a sufficient nexus to the school environment in order for school officials to regulate it.**
- **When off-campus speech is brought onto the school campus, or accessed at school by its originator, the speech will be considered on-campus speech.**
- **Student creators of a web page or other online forum cannot be held responsible for comments posted by others.**
- **Determining whether schools may regulate student speech requires an extremely fact-intensive analysis. This is particularly true when dealing with issues relating to cyber-speech, where the on-campus/off-campus distinction is not always clear.**

## RELIGIOUS AND ANTI-RELIGIOUS SPEECH IN SCHOOLS

James E. Doyle Inn of Court  
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February 18, 2009

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### I. First Amendment Basics

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

- A. The Establishment Clause – “no law respecting an establishment of religion . . . .”
- B. The Free Exercise Clause – “no law . . . prohibiting the free exercise [of religion] . . . .”
- C. Interrelated clauses
  - 1. Freedom of Speech – “no law . . . abridging the freedom of speech . . . .”
  - 2. Freedom of Assembly – “no law . . . abridging . . . the right of the people peaceably to assemble . . . .”
- D. The Wisconsin version – Art. I, Sec. 18
  - 1. “The right of every person to worship Almighty God according to the dictates of conscience shall never be infringed . . . .”
  - 2. “[No] person [shall] be compelled to attend, erect or support any place of worship, or to maintain any ministry . . . .”
  - 3. “[No] preference [shall] be given by law to any religious establishments or modes of worship . . . .”
  - 4. “[No] money shall be drawn from the treasury for the benefit” of religious organizations.

### II. The Three-Pronged Test - *Lemon v. Kurtzman*, 403 U.S. 602 (1971)

- A. The government action or law “must have a secular purpose . . . .”

1. Actual purpose, not merely the stated purpose
  2. Context is important
- B. The “primary effect must be one that neither advances nor inhibits religion . . . .”
1. Actual effect, regardless of purpose
  2. A purely secular purpose is not dispositive
- C. The program “must not foster an excessive government entanglement with religion.”
1. Will it require government to make religiously-based choices?
  2. Will it require government to keep an eye on religious activity?

### III. Defacement – or Promotion - of Religious Material in School

#### A. The importance of setting.

1. A speech class with no assigned topic, other than to interpret an Emerson aphorism; as distinguished from a student’s religious speech action outside of an assigned task.

A student may receive a failing grade for writing a paper on the life of Jesus when the paper is outside the guidelines for the assignment. *Settle v. Dickinson County Sch. Bd.*, 53 F.3d 152 (6<sup>th</sup> Cir. 1995).

2. Presentation by a student, not by a teacher – no state sponsorship – the Establishment Clause is not violated.

3. A speech, not a long term display of student work.

Religious symbols as part of student-created permanent display of tiles on wall may be prohibited because the project was school-sponsored. *Fleming v. Jefferson County School Dist.*, 298 F.3d 918 (10<sup>th</sup> Cir. 2002).

- B. Schools may not act (or prohibit) based on the sacred nature of the material – the Establishment Clause.
- C. Schools may regulate time, place and manner, but may not prohibit the distribution of religious – or anti-religious – material in schools, if the prohibition is based on the religious nature of the material.

Policy prohibiting distribution of material that is “obscene or pornographic, pervasively indecent and vulgar, libelous, invades the privacy of others or will cause substantial disruption of the proper and orderly operation of the school or school activities” and religious material. Prohibition is unconstitutional as to religious material. *Hedges v. Wauconda Community School Dist.*, 9 F.3d 1295 (7<sup>th</sup> Cir. 1993).



D. Religious clubs in school - The Equal Access Act – 20 USC 4071

“It shall be unlawful for any public secondary school which receives federal financial assistance and which has a limited open forum to deny equal access or a fair opportunity to, or discriminate against, any students who wish to conduct a meeting within that limited open forum on the basis of the religious, political, philosophical, or other content of the speech at such meetings.”

IV. Derogatory Reference to Religion in Student Presentation

A. Wis. Stat. §118.13(1):

“[N]o person may be denied admission to any public school or be denied participation in, be denied the benefits of or be discriminated against in any curricular, extra-curricular, pupil services, recreational or other program or activity because of the person’s sex, race, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional, or learning disability.”

B. Wis. Admin. Code §PI 9.03(1):

“Each board shall develop policies prohibiting discrimination against pupils. The policies shall include the following areas:

...

(b) Standards and rules of behavior, including pupil harassment.”

C. School District of Janesville Board Policy No. 5205:

“The Janesville Board of Education recognizes the need to foster understanding and mutual respect among students, parents, and school personnel towards religious beliefs. It also values the rights of individual citizens to express their religious beliefs in the schools, yet recognizes the need to clearly maintain the concept of separation of church and state. The Board accepts the legal premise that no religious belief or non-belief should be promoted by public schools or their employees, and none should be disparaged.”

D. School District of Janesville Student Conduct Code:

Prohibits “[p]romoting negative stereotyping that degrades or flagrantly demeans any individual or group by negatively referring to the religion, socio-economic status, race, sex, national origin, creed, ancestry, marital or parental status, sexual orientation, pregnancy, or physical, mental, emotional, or learning disability of the individual or group.”

V. Issues for Another Day

A. Curriculum

1. Evolution and “intelligent design”

Board policy to require teaching of intelligent design as an alternative to evolution fails *Lemon* test. *Kitzmiller v. Dover Area Sch. Dist.*, 400 F. Supp. 2d 707 (M.D. Pa. 2005).

2. Study of religious texts

The study of the Bible in public schools for literary and historic purposes is not *per se* unconstitutional, but a course taught with an entirely Christian perspective is. *Hall v. Board of School Commissioners*, 656 F.2d 999 (5<sup>th</sup> Cir. 1981).

B. Holiday Displays

Selective display of holiday symbols (menorah, star and crescent, Christmas tree, but not a crèche) is OK. *Skoros v. City of New York*, 437 F.3d 1 (2<sup>nd</sup> Cir. 2006).

C. Musical Presentations

Religious music may be permissible, but religious ceremony – e.g. singing a prayer for a graduation ceremony – is not. *Skarin v. Woodbine Comm. Sch. Dist.*, 204 F. Supp. 2d 1195 (S.D. Ia. 2002).

C. Clothing

Knives worn by Sikh school children as requirement of their religion must be permitted, with restrictions as to type and manner of carrying. *Cheema v. Thompson*, 67 F.3d 883 (9<sup>th</sup> Cir. 1995).

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December 13, 2007

Dr. Karen Schulte  
Director of Student Services  
School District of Janesville  
527 S. Franklin St.  
Janesville, WI 53545

RE: Student presentation involving destruction of Bible

Dear Karen:

I have been asked to provide an opinion concerning an incident that occurred at Parker High School. I understand that a student, as part of a school project, gave a presentation in class in which he made known his views in opposition to religion, and expressed his views as an atheist. In the course of doing so, he stated that no word of the Bible is true, that those who thought so were "idiots," that he would prove that persons in the class were "ignoramuses for believing in the Bible," and that the Bible was written by "a bunch of old Mesopotamian men with sand up their vaginas [sic]." He further said "See, I can do this to the Bible and not be harmed because it is not true," and then proceeded to rip pages out of a Bible.

**QUESTION PRESENTED:**

Certain parents and students have understandably raised objections to the student's conduct. They have framed the question presented in terms of whether Parker High School will permit a student to rip up a Bible in class.

**BRIEF ANSWER:**

The student may not be disciplined solely on the grounds that he ripped up a Bible. However, the District may discipline him for his use of offensive language, and may discipline him to the extent that his presentation promoted negative stereotyping that degrades or flagrantly demeans any individual or group by negatively referring to a religion.

December 13, 2007

Page 2

DISCUSSION:

The question presented is one of balancing rights. On the one hand, the student has a constitutional right of free expression. On the other hand, other students have at least a statutory right, as well as a right under the school's student conduct code, not to be denied the benefit of educational programs or discriminated against on the basis of religion.<sup>1</sup> In addition, the school has the right to maintain order and discipline which is, of course, to the benefit of students.

The question of rights is centered on the First Amendment to the United States Constitution. That Amendment is reasonably well known, but is frequently misstated. It provides as follows:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

It is important to note that, contrary to common belief, the First Amendment does not speak of "separation of church and state." It does address religion in two different respects. First, there may be "no law respecting an establishment of religion." Second, government may not engage in "prohibiting the free exercise" of religion. Further, government may not engage in "abridging the freedom of speech," regardless of the question of religion.<sup>2</sup>

There is, of course, some degree of interplay among the various rights involved. Clearly, a student, or any other individual, has the right to speak of his or her faith and, contrary to popular belief, a student has the right to pray in school. In either respect, a student is engaging in his or her right of free expression, or freedom of speech, as well as engaging in the free exercise of religion. On the other hand, if a government employee, including a teacher, engages in proselytizing, or in leading a prayer, the government employee is violating the "establishment" clause of the Amendment.

The interplay of the various rights set forth in the First Amendment is further complicated in relation to the rights of students in school. The landmark case on this subject is Tinker v. Des Moines Independent Community School Dist., 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed. 2d 731 (1969), in which the United States Supreme Court held that a policy prohibiting high school

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<sup>1</sup> A student does not have a constitutional right not to be offended. Thus, the issue here is framed in terms of discrimination on the basis of religion, and not the mere taking of offense at statements about religion.

<sup>2</sup> The First Amendment is made applicable to the States under the 14<sup>th</sup> Amendment, according to the Courts. Also, the Courts have made it clear that the restriction recited is not merely with regard to "Congress," but with regard to any form of government, including an individual acting as a representative of the government.

December 13, 2007

Page 3

students from wearing anti-war armbands violated the First Amendment. The Court held that students do not “shed their constitutional rights to freedom of speech or expression at the school house gate.” Id. at 503. However, the Supreme Court has also held that “the constitutional rights of students in public school are not automatically coextensive with the rights of adults in other settings.” Bethel School Dist. No. 403 v. Fraser, 478 U.S. 675, 682, 106 S.Ct. 3159, 92 L.Ed. 2d 549 (1986). Generally, student expression may be suppressed if school officials reasonably conclude that the expression will “materially and substantially disrupt the work and discipline of the school.” Tinker at 513, 89 S.Ct. 733.

In addition to this “substantial disruption” analysis, where the speech in question is “school-sponsored,” the school can control speech where that control is “reasonably related to legitimate pedagogical concerns.” Hazelwood School Dist. v. Kuhlmeier, 484 U.S. 260, 273, 108 S.Ct. 562, 98 L.Ed. 2d 592 (1988). The Kuhlmeier case involved controls imposed on expression set forth in a school newspaper. While the situation in question does not involve a school newspaper, my position is that presentations which take place as part of an assigned classroom activity are also a “school-sponsored” activity, allowing the “legitimate pedagogical concerns” test to apply, rather than merely the “substantial disruption” test.

In addition to the First Amendment and the court decisions interpreting it, in this case we must also look at policies adopted by the School District of Janesville. Board Policy 5200 provides, in relevant part, as follows:

Students may exercise their right to freedom of expression through speech, petition and other lawful means. The exercise of this right may not interfere with the rights of others. Freedom of expression may not be utilized to present material which tends to be obscene or slanderous, to defame the character of others, or to advocate violation of federal, state, and local laws or official school policies, rules, and regulations.

The Board has also adopted Policy No. 5205. That policy provides, in part, as follows:

The Janesville Board of Education recognizes the need to foster understanding and mutual respect among students, parents, and school personnel towards religious beliefs. It also values the rights of individual citizens to express their religious beliefs in the schools, yet recognizes the need to clearly maintain the concept of separation of church and state. The Board accepts the legal premise that no religious belief or non-belief should be promoted by public schools or their employees, and none should be disparaged.

December 13, 2007

Page 4

Finally, the student conduct code for middle and high school students in the School District of Janesville forbids the following:

Promoting negative stereotyping that degrades or flagrantly demeans any individual or group by negatively referring to the religion, socio-economic status, race, sex, national origin, creed, ancestry, marital or parental status, sexual orientation, pregnancy, or physical, mental, emotional, or learning disability of the individual or group.

The above-quoted rule is consistent with § 118.13 of the Wisconsin Statutes, which provides that:

No person may be denied admission to any public school or be denied participation in, be denied the benefits of or be discriminated against in any curricular, extra-curricular, pupil services, recreational or other program or activity because of the person's sex, race, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional, or learning disability.

The courts have interpreted this provision to require schools to take reasonable action to protect students from the actions and words of other students which may involve this sort of discriminatory activity and thereby deny students the full benefit of public education.

I believe that the school may properly discipline the student in question for use of obscene, lewd, profane or vulgar language, regardless of what he did or said in relation to religion. In addition, he may be disciplined to the extent he engaged in activity which may have constituted negative stereotyping that caused the degrading or the flagrant demeaning of any person or group in the class as a result of a negative reference to religion. However, I must qualify this statement by pointing out that the act of ripping up a Bible, in and of itself, is a form of protected expression. Further, to frame any discipline in terms of protecting the sanctity of the Bible would constitute a violation of the First Amendment's "establishment" clause. The same would apply to the destruction of a Koran or any other document regarded as sacred by a religion. Simply stated, the student may not be disciplined for ripping up something that is sacred to a religion based on the rationale that the item is sacred. That would place the School District in the impermissible role of making a judgment as to what is sacred. The student may only be disciplined for any negative stereotyping of the type described above, or to the extent he used offensive language.

For purposes of dealing with a situation of this nature in the future, the Board may want to consider creating a policy or adding to existing policies a prohibition of destruction of property

Nowlan & Mouat LLP

December 13, 2007

Page 5

on the school premises for the purpose of disparaging another student's religion, socio-economic status, race, sex, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional, or learning disability. If such a policy is designed with the purpose of avoiding both discriminatory acts and unnecessary disturbances, I believe it will pass First Amendment muster because it would be content-neutral and tied directly to the purpose of preserving order in the school.

Please let me know if I can be of further assistance on this subject.

Very truly yours,

NOWLAN & MOUAT LLP



David C. Moore

DCM:GKW

pc: Dr. Thomas Evert  
Dr. Dale Carlson

## **HEADLINE FROM *JANESVILLE GAZETTE*: Student rips Bible, gets boot at Parker Lawyer: Act alone not enough for discipline**

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### **Bible incident draws concerns**

By FRANK SCHULTZ ([Contact](#)) Thursday, Dec. 20, 2007

JANESVILLE — A Parker High School student tore pages from a Bible in class earlier this month, raising constitutional and ethical issues for school officials and his classmates.

Some students were upset, while others rallied to the cause of free speech.

The student was suspended, his mother said. She was told he couldn't return to school until he had undergone a psychological evaluation. He was out of school for a week.

"They wanted to make sure he was safe," the mother said, but she believes he was never a threat to anyone.

In the wake of the suspension, three students wore T-shirts with words supporting the student's free speech rights.

Parker officials had the three remove the shirts because they could have caused a disruption, said Principal Dale Carlson.

One student set up an Internet conversation site to discuss the incident, and according to postings on that site, the T-shirts read: "So long as a man thinks, he is free," "Bring (the student's name) back" and "Those who mind do not matter, and those who matter do not mind."

Carlson said the plea to bring the student back was the objectionable part of the T-shirts' message.

Officials believed it was likely that the shirts' reference to the Bible incident would have caused a disruption "with other students that were involved in this incident," Carlson said.

Carlson would not confirm the suspension. He said his decisions in the matter were not tied specifically to the ripping of the Bible pages and that other circumstances played into the decision to deal with the student and his family.

The boy's mother said her son was delivering a speech about a paper he had written for an English class. She said she was "not happy" that her son was disciplined for expressing himself in a class assignment.

The mother said she also wasn't happy her son ripped the Bible or with the language he used.

"I'm a Christian. He was raised a Christian," she said. "But he's struggling right now, and that's fine."



Kids should be able to speak their minds, “and I don’t think they helped the matter by suspending my child,” she said.

District officials requested an opinion on the matter from their legal counsel, attorney David Moore. The Janesville Gazette obtained a copy of the opinion, which described the Bible incident.

The opinion states that a student was giving a presentation in class that involved his opposition to religion.

“In the course of doing so, he stated that no word of the Bible is true, that those who thought so were ‘idiots,’ that he would prove that persons in the class were ‘ignoramuses for believing in the Bible,’ and that the Bible was written by ‘a bunch of old Mesopotamian men with sand up their (expletive.)’

“He further said, ‘See, I can do this to the Bible and not be harmed because it is not true,’ and then proceeded to rip pages out of a Bible,” according to the document.

“Certain parents and students have understandably raised objections to the student’s conduct,” Moore’s opinion continues. “They have framed the question presented in terms of whether Parker High School will permit a student to rip up a Bible in class.”

Moore’s legal opinion is that a student can’t be disciplined only for ripping the Bible, but the school could discipline him for using offensive language and for promoting “negative stereotyping that degrades or flagrantly demeans any individual or group by negatively referring to religion.”

Students have a constitutional right to free expression Moore wrote, but that right must be balanced with the legal rights of other students “not to be denied the benefit of educational programs or discriminated against on the basis of religion.

“In addition, the school has the right to maintain order and discipline ...”

However, “the act of ripping up a Bible, in and of itself, is a form of (constitutionally) protected expression,” Moore wrote.

The student’s actions and words did not rise to the level of a crime, in the opinion of the police officer assigned to the school, Scott Wasemiller.

Wasemiller said he was involved in a meeting with the student and his parents but made no arrest or citation.

# Online group discusses incident at Parker

By FRANK SCHULTZ ( Contact ) Thursday, Dec. 20, 2007

JANESVILLE — The case of a Parker High School student who ripped pages from a Bible in class prompted a classmate to create a place on the Internet for students to talk about it.

People who have accounts with the social networking site Facebook and who could access the Parker High School Facebook network were able to join the conversation, most of which centered on free-speech rights.

Sixty-two people were registered as members of the discussion group as of Wednesday.

While some of the comments descended to the level of name-calling and vulgar language, others took the high road. Some quoted philosopher Ayn Rand, Mark Twain, scientist Carl Sagan, the rock bands Rush and Rage Against the Machine.

Here are some excerpts from the more than 70 comments, in chronological order starting Dec. 10:

-- "Just because some Bible thumper kids are pissed off because this guy realizes that the Bible is just a book, he is considered a threat? What the (expletive) is the FIRST AMENDMENT TO THE (expletive) CONSTITUTION FOR!"

-- "Lots of people can come up with the idea, but it takes courage to pull a stunt like this, and determination to fight the repercussions of your actions."

-- "From what I hear, he went quite a bit overboard. But what he did was not a punishable act; it's 100 percent protected by free speech, as he was neither inciting anyone to violence nor endangering others through his words."

-- (From the student who ripped the Bible) "Hurting your feelings? Your beliefs? Pshaw. You should be able to rise above it, or your faith should be strong enough to know that I'm wrong, and what I did should have just rolled off your back.

"Being hostile? I went overboard? Ha! I don't hate people for adhering to the religion of Christianity, but on the other side of the coin it's okay for them to hate me. Open your mind a little bit! Read a (expletive) book."

-- "It's nice to see people I know interested in something for once, but I think the topic needs to stay more on the fact that (the student) was unduly punished because his point of view did not reflect the masses, because if you just reduce yourself to Christian bashing, you are no better than them."

-- "You need to forget about it. He deserved what he got. I don't think you can say that people have small brains because they believe in something that you don't. ... I mean just think WWJD."

-- (Jesus) would never unjustly punish anyone or deprive a student of his learning for going against the masses. I'm pretty sure Jesus wouldn't threaten to beat up anybody, either."

-- "Did I threaten to beat someone up? I think I missed something. Unjustly punishing him would be expelling him or suspending him for the year. He is only missing a couple of days."

-- "Anyone who heard him in the class would think it was pretty random and crazy. He can think what he wants, but he can't say it like that. I don't care what he believes in or doesn't believe in."

-- "You can't insult people for believing in a religion. Especially not at school. His speech was fine until he got to the part where he insulted the people that believed in God. ... And by the way, the First Amendment was also about religion, not just freedom of speech."

-- "What made me mad ... was that he called people dumb for believing in God and tried to tell us that eventually we would grow up and lose our faith in God."

-- "I was in the class. I was unaware that the speech was going to be made. I did not know what was going to happen as he made it and was very concerned. It wasn't so much what he said, it was in the rash manner that he said it, and it left a lot of people in the class, whether they'll admit it or not, feeling upset.

"Christianity is a religion. It is a sacred belief, and held close to many people. But, Christianity, like other religions and beliefs, should not be made target and threatened and insulted upon by people who disagree. It's fine to believe what you'd like, but it's not all right to shock your way of belief onto others."

#### **Attorney's opinion**

Selected portions of attorney David Moore's opinion on the Bible-ripping incident, in which he cited the U.S. Constitution, state law, court rulings, school board policies and the district's conduct code for students:

-- "Clearly, a student, or any other individual, has a right to speak of his or her faith and, contrary to popular belief, a student has the right to pray in school. In either respect, a student is engaging in his or her right of free expression ... as well as engaging in the free exercise of religion.

"On the other hand, if a government employee, including a teacher, engages in proselytizing, or in leading a prayer, the government employee is violating the 'establishment' clause of the Amendment."

-- "Generally, student expression may be suppressed if school officials reasonably conclude that the expression will 'materially and substantially disrupt the work and discipline of the school.'"

-- "I believe that the school may properly discipline the student in question for use of obscene, lewd, profane or vulgar language, regardless of what he did or said in relation to religion. In addition, he may be disciplined to the extent that he engaged in activity which may have constituted negative stereotyping that caused the degrading or the flagrant demeaning of any person or group in the class as a result of a negative reference to religion."

-- "To frame any discipline in terms of protecting the sanctity of the Bible would constitute a violation of the First Amendment's 'establishment clause.' The same would apply to the destruction of a Koran or any other document regarded as sacred by a religion."

-- "Simply stated, the student may not be disciplined for ripping up something that is sacred to a religion based on the rationale that the item is sacred. That would place the school district in the impermissible role of making a judgment as to what is sacred."

-- "For purposes of dealing with a situation of this nature in the future, the (school) board may want to consider creating a policy or adding to existing policies a prohibition of destruction of property on school premises for the purposes of disparaging another student's religion, socio-

economic status, race, sex, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability. If such a policy is designed with the purpose of avoiding both discriminatory acts and unnecessary disturbances, I believe it will pass First Amendment muster because it would be content-neutral and tied directly to the purpose of preserving order in school.”

## BLOG EXCERPTS

danneskjold

Dec 20, 2007 at 8:28 p.m.

Suggest removal

And all of who are here passing judgment on me on something that happened TWO WEEKS AGO, and now all of a sudden you're experts on the topic from a stupid article in the paper. I don't think it was in the article, but the incident happened on a Friday, we had a meeting the following monday where they told me students were scared of me and they wanted me to have a psychiatric evaluation before I came back. I had the evaluation THE NEXT DAY, but it took them until Friday when I was let back in. I'm back in school. Obviously, I'm not dangerous. I am in a healthy state of mind, with maybe a little case of outspokenness. The phrase "sand in the vagina" means that someone is agitated or frustrated with the conditions they are living and the world around them. In times of the bible people were being heavily persecuted for their beliefs and politics, and so the people who wrote the bible were obviously upset about this and strove to change the world around them. I'd say they were successful. It does not mean the story is true, but that they're just good fiction writers. the text in the bible is most certainly not the word of God.

I was in no way unhealthy or seeking attention, I just thought it would be a neat demonstration, something outside of the box. It was a prepared speech, I was a little nervous, so I got up there and spat it out real quick. Apparently I came across hostile and crazy...I'm sorry that it got misinterpreted, but I'm not sorry I did it.

Now would some more bafoons like to come on here and say things about things they know nothing about.

tater

Dec 20, 2007 at 8:21 p.m.

Suggest removal

My question is, what was the teacher doing?? Did the teacher feel that this was appropriate behavior for this project? It seems as the reigning adult in the room, had this teacher stepped in when the derogatory verbiage began, perhaps it would have helped both sides to remain calm and maybe even wound up in a fruitful discussion of first amendment rights. Or so it could have with proper leadership. But from what I understand (a friend of my child was in that class) the teacher did absolutely nothing. Several students took the speechgiver's rants quite personal and were shaken up. I really believe it was not because of his tearing up the Bible, but because of his attack and threats on the other students. From what I have been told, and as you can imagine, this did not stop at the classroom door. There have been additional threats and I believe that also came into play when the suspension was doled out.

midnight

Dec 27, 2007 at 7:27 p.m.

Suggest removal

I teach speech. I guess I read the comments with a different focus in mind. It's tough to know where to draw the line between free will and respect - the two struggle to co-exist. In order to allow the free will and expression of one student in my class, it shut up the ideas of several others. They ended up bullied because of my poor management. Teens are sharp - their minds are working overtime and they are seeking to put centuries of material into their brains and catch up. They amaze me in what they accomplish before 20. As long as they don't stop seeking, they are in a good place. I never stop seeking. I am a Christian, and with every question, every doubt, I have found myself sticking to Christianity. I still have unresolved issues, but they seem nothing in comparison to dropping what I do have. I Don't Have Enough Faith to be an Atheist by Geisler has been a book that has helped me work through the evolution/design issues. I highly recommend it. It's logically argued and I use the book to teach how to put forth an argument. In this post-modern society, argument isn't as popular as it was before and it's getting lost. Seek and you will find...and yes, I pray you all find satisfactory answers. Christianity to my knowledge is the only 'religion' that encourages questioning - it isn't self-protecting/cultish in that respect. ASK. SEEK. And may peace rule in each heart. Thanks to each of you for your interesting and stimulating discussion.

Editorial – The Janesville Gazette – December 27, 2007

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Janesville school officials were justified in suspending a Parker High student for attacking Christianity in a speech this month.

Sure, the First Amendment guarantees free speech. But courts have ruled again and again that this right has limits. Just like you can't yell "fire!" in a crowded theater without being charged with disorderly conduct, a student's right to speak in a classroom comes with limits.

Christians were highly offended that the speech in an English class included ripping pages from a Bible. But instead of suspending the boy automatically, the district was right to get the opinion of its attorney, David Moore, before proceeding.

As Moore explained, a student can't be disciplined solely for ripping up a Bible. However, the district could discipline him for using offensive language and promoting "negative stereotyping that degrades or flagrantly demeans any individual or group by negatively referring to a religion."

That limit is spelled out in the district's student conduct code in wording that follows state statutes.

Many people wrongly believe the First Amendment creates "separation of church and state." As Moore explained, a student can speak of religious beliefs or even pray in school. But courts have ruled that those rights cannot interfere with the rights of others.

The student's speech created controversy. Principal Dale Carlson ordered three students who wore shirts supporting the boy to remove them because they could have caused a disruption. The Gazette's Dec. 20 front-page story on the issue sparked dozens of reader comments at GazetteXtra.com.

While we support the suspension, we struggle to understand the district's tight-lipped stance on the decision. Carlson wouldn't even confirm that the boy had been suspended; we learned that only through his mother.

That leaves in the dark those students and parents who were upset about the incident. Some in the class apparently feared the boy might finish his speech by pulling out a weapon. Parent Paul Jacobson Sr. had a daughter in the class and pulled both his daughters from Parker until he could be assured that the school was safe.

"We live in a post-Columbine world," Jacobson wrote in a Dec. 22 letter in the Gazette. "This is language and behavior reminiscent of that tragedy. The district has made no statement to the class or school that this boy's actions were bullying, hateful and threatening."

Jacobson says Carlson only told the class that students who had concerns should see him.

We understand the need to protect the privacy of students who face discipline. But whether the weapon is ill-chosen words or a pistol, when should the district decide that assuring students and parents that schools are safe—and why—takes precedence over privacy?

That is another key concern arising from this unfortunate incident.

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# Humanist

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a Magazine of Critical Inquiry and Social Concern

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## Ripping into the Bible

by Maggie Ardiente

Published in the *Humanist*, March/April 2008

ON THE MORNING of December 7, 2007, Christopher Campbell walked into his English Honors class at Parker High School, prepared to tear out pages of the Bible.

Earlier that week his teacher had taped aphorisms by Ralph Waldo Emerson on the blackboard. Students were to select an aphorism of their choice, explain what they thought Emerson's words meant, and relate it to a personal experience, accompanied with a visual aid.

Campbell picked, "So far as a man thinks, he is free," and spent the next few nights composing a rough draft in preparation for his speech.

On the day of his presentation, Campbell stood up in front of the class and said:

What Ralph Waldo Emerson meant when he said, "So far as a man thinks, he is free," was that our only freedom, what we call our "free will" is our ability to think. This particular saying is likened to me because I no longer rely on such things as faith and feeling as sources of knowledge.

We must all grow up and lose our faith in the Easter Bunny, Santa, the Tooth Fairy, and eventually Jesus, because such things are fairy tales and while maybe appropriate for children, they cease to be rational when one reaches a certain age. Things like faith, mysticism, and feeling restrict one from productive, rational thought, and if we are not thinking, we are not free. Our only means of acquiring knowledge should be through rationale and logic.

Ayn Rand personifies her vision of man's existence in her magnum opus, *Atlas Shrugged*. Rand says that the pursuit of our own happiness should be our goal in life and that morality does not come from others. The Bible says the poor man is rich for his kindness and humility toward mankind, and his rewards shall be great in the kingdom of heaven. Right. And I'm the King of England.

The Bible is not rational to me, so why would I want to waste my life studying it, trying to seek some "moral enlightenment" from its pages?

Now what I'm about to do next, some of your tiny little brains might not be able to comprehend, so viewer discretion is advised.

Campbell then lifted a copy of the Bible in his hand as he spoke:

This book has halted the intellectual advancement of humankind for centuries. But now I am free from its grasp, so I am free to do this.



In the beginning was the Word, and the Word became kindling. (At this point, Campbell starts to tear the pages.) This book is not holy. It was written by a bunch of old, smelly Mesopotamians with sand in their [expletive].

Now, will anyone come up here with me to testify, and kick Jesus out of your heart? (No response from the students.) Well, I guess I'm surrounded by a bunch of superstitious, simple-minded ignoramuses.

Campbell sat down. Only three students clapped. The teacher gave him a B.

"My tearing of the Bible was symbolism for breaking out of the barrier of mysticism. It personified my stance as a thinking, rational human being. I see it as anyone who reads the Bible as a factual document of history is not really thinking," Campbell said in an email interview with the *Humanist*. For privacy reasons, Campbell had previously declined interviews with local newspapers.

But what began as a simple demonstration of free will resulted in a school-wide controversy. Word quickly spread throughout Parker about the incident. Barbara Dougal, an assistant principal, brought him to her office later that day and told him several students had voiced concerns about his presentation, and that appropriate discipline needed to be taken.

He was taken to in-school suspension and then sent home. A meeting with his parents was scheduled. The assistant principal, a police officer assigned to the high school and a social services worker attended, Campbell says, and he was barraged with questions unrelated to the actual incident: What do you do when you get angry? Are there problems at home?

"It was intimidating to have them all gang up on me like that," Campbell said. "They really drove me to tears. Maybe it was their tone and my mom being there." Campbell suspects that his behavior during the meeting convinced the officials that he was "unstable" and they ordered him to be examined by a psychiatrist before returning to school. He would be suspended for a week on the basis of "inappropriate language," according to Campbell. Parker's Principal Dale Carlson told the *Janesville Gazette* that Campbell's punishment was "not tied specifically to the ripping of the Bible pages."

"I did not harm anyone, put anyone in immediate danger, or threaten anyone. I didn't say to the class, 'I'm going to hurt you if you are a Christian.'" said Campbell.

But students did feel threatened--so threatened that one parent, Paul Jacobson, the father of Elle Jacobson, a student in Campbell's English class, has withdrawn enrollment for both of his daughters from Parker, telling local NBC Channel 15, "This boy has done something that is unbalanced, violent in my opinion. He tore that Bible apart as an effigy for Christians. This was not some kind of a demonstration about free speech; this was in my opinion the words of a sociopath."

Campbell thinks the Jacobsons are overreacting. "Seriously, did she really think I was going to hurt anybody?" he asked. "I do not believe I showed any anger or hostility, just irritation and frustration at organized religion."

The district's legal counsel, David Moore, was asked to provide an opinion, a copy of which was obtained by the local newspaper. Moore clarified that a student can't be punished for the mere act of tearing Bible pages, but the school had the right to discipline him on the grounds of using foul language and promoting "negative stereotyping that degrades or flagrantly demeans any individual or group by negatively referring to religion." Campbell strongly disagrees. "I think it's

[expletive] that religion is protected in this country. It's not like race, gender, ethnicity or nationality. People can't help those things. They can, however, help what they think." In the days following the incident, newspapers, television reporters, and bloggers around the country provided their own commentary on Campbell's actions. Many supported him and viewed the incident as a First Amendment issue. Others saw it as offensive and a direct attack on Christianity.

Reactions from fellow students have been mixed. "At the end of the class two students approached me," Campbell explains. "One said, 'You're my hero,' and another said, 'Wow, you have a lot of [expletive] to do something like that.' No negative comments at all. But a friend told me later that someone in his class said, 'He should be beat up for his atheist [expletive].'"

Rebecca Comfort, a student at Parker and friend of Campbell, said, "I got a kick out of the speech. He's creative and has a strong way of how he expresses himself. Anyone that knows him knows that this isn't anything aside from his regular personality."

Other students at Parker voiced their opinions by posting comments on the social networking site, Facebook:

I think the topic needs to stay more on the fact that Chris was unduly punished because his point of view did not reflect the masses.

Christianity is a religion. It is a sacred belief, and held close to many people. But Christianity, like other religions and beliefs, should not be made a target and threatened and insulted upon by people who disagree. It's fine to believe what you'd like, but it's not alright to shock your way of belief onto others.

Why doesn't he have the right to rip pages out of his own property? To him it's nothing, so why shouldn't he be able to with it what he pleases?

Though Campbell is back at school and life at Parker appears to have returned to normal, he says, "The whole incident was totally blown out of proportion." But considering the media attention surrounding his actions, would he do it again? He says yes. "I had every right to do it. I was not sorry for what I did."

His actions open up larger arguments over how far a person can go when challenging religious belief. Students and parents have the right to feel offended--even angered--at Campbell's actions.

But it's hard to believe school officials that the act of ripping the Bible had nothing to do with his punishment. Imagine a student tearing copies of Charles Darwin's *On the Origin of Species* and calling evolutionists "simple-minded ignoramuses." The student would receive no more than an afternoon of detention, if that. And to believe that today's high schoolers never use inappropriate language--even slipping in an occasional curse word in a class presentation--is naïve. If Campbell's interpretation of his presentation is accurate, none of his comments should have been perceived as threatening.

Whether or not ripping the Bible was the right thing to do, Campbell had the freedom to do it. What better way to display the importance of Emerson's words?

*Maggie Ardiente is the Development Manager for the American Humanist Association.*



