



More Choices 4 Parents

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By: Timothy B. Lee

The *Post* has a [write up](#) of one of the most entertaining Supreme Court cases in recent memory, which was argued on Monday. A high school kid in Alaska unfurled a banner that read "bong hits 4 Jesus" just as TV cameras covering the 2002 Olympic torch were passing by. A school administrator ripped down the banner and suspended the kid. He challenged his suspension, and won before the Ninth Circuit.

The case strikes me as a tricky one. Obviously, school officials need some ability to prohibit disruptive behavior by kids under their care. It presumably wouldn't be constitutionally protected for a kid to run up and write "bong hits 4 Jesus" on the chalkboard in the middle of math class. But on the other hand, it is appropriate to place some restraints on school officials—who are, after all, agents of the state—to ensure that they don't abuse their authority to quash the expression of views with which they disagree.

The fundamental problem here is that we've got government officials running school systems. There's no good reason to organize our education system that way. If we had government-run grocery stores, we'd have First Amendment cases about whether grocery store employees could talk about politics in check-out lines. Luckily, we don't do that. We give poor people food stamps and let them shop at the private grocery store of their choice.

Likewise, if we had widespread school choice, in which schools were run by private individuals and parents decided where to send their children with the help of state-funded vouchers or tax credits, the First Amendment issues in education would be far less acute. Schools would have a variety of policies with regard to political speech in school, and parents would be free to choose a school whose attitudes were in line with their own. Sure, there would still be occasional controversy within a given school about where to draw the line, but those

controversies would no longer require the Supreme Court to step in and resolve them.

This is a point we've [made before](#) : the reason public schools invite so much controversy is that we've got a monolithic, one-size-fits-all education system. Decisions about how to run schools (whether the subject is evolution, sex education, prayer in schools, free speech in schools, or anything else) should be up to parents and teachers, not school district bureaucrats or the United States Supreme Court. We all have strong opinions about these subjects (personally, I wouldn't want to send my kid to a school that taught "intelligent design" or abstinence-only education), but living in a free society means respecting the rights of parents to choose schools whose curricula are consistent with their beliefs and values, just as we allow parents to choose what their kids will eat and whether they go to church.

About the Author



Timothy Lee

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Show-Me Institute

5297 Washington Place 3645 Troost Avenue
Saint Louis, MO 63108 Kansas City, MO 64109
Phone: (314) 454-0647 Phone: (816) 287-0370
Fax: (314) 454-0667

Email: info@showmeinstitute.org

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