# **U.S. court rules a public school's uniform requirement unconstitutional**

SAN FRANCISCO — In 2011, a Nevada public elementary school decided to require students to wear a uniform. On the shirt in small letters is emblazoned the school’s motto, “Tomorrow’s Leaders,” around the image of a gopher, the campus mascot.

One parent objected to the uniforms and eventually sued. She contended that they violated the First Amendment’s guarantee of free speech, which allows people the freedom to speak their minds. It also ensures freedom from being made to say something against one's will.

In a unanimous ruling Friday, a three-judge panel of the 9th U.S. Circuit Court of Appeals largely agreed with her. The panel said the words “Tomorrow’s Leaders” potentially violated students’ right to free speech, and the uniform policy must go unless the school district can justify it under a legal standard. That could be difficult to meet.

The “policy compels speech because it mandates the written motto, ‘Tomorrow’s Leaders,’ on the uniform shirts,” wrote Judge Jacqueline H. Nguyen, an Obama appointee. That is, it forces students to "say" something they may not wish to. Nguyen was joined in her opinion by two judges selected by Republican presidents.

## Court Objects To Exemptions

The panel also objected to the school's policy of exempting certain students from the uniform requirement. Students wearing the attire of national youth organizations like the Boy Scouts or Girl Scouts on meeting days are exempt.

“The exemption explicitly favors the uniforms of the Boy Scouts and Girl Scouts over all other uniforms," the court said. It "favors the uniforms of ‘nationally recognized’ youth organizations over those of locally or regionally recognized youth organizations.”

The lawsuit was filed against Roy Gomm Elementary School in Reno, Nev., but the ruling would also affect public school uniforms in California and other Western states. Siding with the mother were a student organization and a national legal group that advocates for religious liberty.

Eugene Volokh, a professor of constitutional law at the University of California at Los Angeles, represented the mother for free before the 9th Circuit. Public schools, he said, are allowed to enforce strict dress codes. But they may not require people to wear clothing with messages, even if those messages don’t seem particularly controversial.

“What is ideological and what is not is often in the eye of the beholder,” said Volokh, a conservative First Amendment scholar with libertarian views that make him put great importance on personal liberty. “You can’t be compelled to become a moving billboard for the state’s messages.”

He said the school motto could be viewed as “a subtle message that glamorizes leadership and conveys the idea that people think the school is producing leaders.”

## Cites Supreme Court Case

In ruling for the mother, the 9th Circuit cited a 1977 U.S. Supreme Court decision that struck down a New Hampshire law requiring motorists to display license plates with the state motto, “Live Free or Die.”

Volokh said the elementary school could still encourage students to wear the uniform. But they also would have to permit similar attire without the motto and the uniforms of other groups in addition to the Scouts.

Mary Frudden, the mother who filed the lawsuit, is herself an attorney. She said it is “vitally important to protect our First Amendment rights.”

“I believe we should consider the best interest of every child in our public schools and foster those interests by means which advance independent, creative thinkers — not standardized, uniformed thinkers,” Frudden said. “To do anything less is to do our children and our society a disservice.”

A lawyer for the school district did not respond to a request for comment.

**LA 2: Mr. Ellington** Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Issue: School Uniforms**

1. \_\_\_\_\_\_ What is the central idea of the section labeled, “Court Objects to Exemptions?”
2. Many individuals and organizations agree with the mother.
3. The motto gives the idea that people think the school creates leaders
4. Libertarians are very concerned about the importance of individual freedoms.
5. If one group is going to be allowed to wear a school uniform, then all groups must be exempt.
6. \_\_\_\_\_ The author refines the central idea of the article by doing all of the following EXCEPT:
7. quoting the mother who filed the lawsuit.
8. explaining how wearing a motto is like saying it
9. interviewing the staff of the elementary school being sued.
10. making a connection to a past court ruling related to this case.
11. \_\_\_\_\_ How does the author unfold the idea that requiring uniforms with mottos infringes upon students’ First Amendment rights?
12. Introduces the lawsuit, followed by the school’s defense, followed by the judges’ decision
13. Reveals the school’s motto, followed by the mother’s comments, followed by other cases that were cited.
14. Shows details about the mother’s opinion, followed by court decisions, followed by the school’s response.
15. Introduces the lawsuit, followed by the judges’ decision, followed by the mother’s lawyer’s commentary.
16. \_\_\_\_\_ The author shows that the mother’s complaint would be supported by many different types of people by doing all of the following EXCEPT:
17. showing that student groups agreed with her.
18. showing that a lawyer of Constitutional law agreed with her.
19. showing that the Boys Scouts and Girl Scouts agreed with her.
20. showing that judges from different political parties agreed with her.
21. On the back, write a response to the following question: Should public school students wear a uniform to school?

It would be a good idea to follow the RACE acronym when answering this question. You can pick whichever side you wish but make sure you give specific reasons for your opinion and back up your opinion with facts. Also, you should include an action plan that details what the uniform policy will be at your school or how you plan to deal with dress code at your school without a uniform.

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