

STATE OF MICHIGAN LAW DAY 2007 ESSAY CONTEST
"LIBERTY UNDER LAW: EMPOWERING YOUTH, ASSURING DEMOCRACY"

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Freedom of Speech vs. Common Good

Suppose a student wants to wear his grandfather's Nazi swastika to school. Should the school be allowed to forbid wearing the swastika?

Suppose a student wants to wear his grandfather's Nazi swastika to school. The school says it's extremely offensive to all students, especially Jewish students. Should the school be allowed to forbid wearing the swastika? The school should be allowed to forbid wearing the swastika.

The swastika is a major symbol of hate. If the student were to wear the swastika to school, the students, teachers, staff, and especially Jewish members of the community would be extremely offended and upset. The swastika represents the hatred, intimidation, and prejudice of the Holocaust. These feelings may result in physical fights and disruptions.

We have individual rights, but there are limits. We can say what we want, but when we start to offend people, then we have to stop because we have to consider the common good and respect the rights of others. The pursuit of happiness is the right for citizens to pursue happiness in their own way without it conflicting with others. In the case with the case with the swastika, the student has his own rights, but when these actions start to conflict with the rights of others, he has to stop and school officials should be allowed to forbid him to wear it.

In Tinker v. Des Moines, 393 U.S. 503(1969), the Supreme Court recognized an argument between freedom of symbolic speech and the common good. In this case Justice Fortas ruled that, "First Amendment rights, applied in light of the special characteristics of the school environment, are available to teachers and students. It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." Id. at 506. This means you could wear the black armbands if it doesn't disrupt anyone. I agree that if the swastika or black armband doesn't disrupt anyone it would be acceptable to wear, but if it were to disrupt anyone the school would be allowed to ban the swastika.

In conclusion, swastikas are a symbol of hate, intimidation, and prejudice, and wearing one to school would likely cause disruption. For these reasons, banning the wearing of swastikas for the common good is a better decision than giving the student the freedom to wear the swastika.