

STATE OF MICHIGAN LAW DAY 2007 ESSAY CONTEST
“LIBERTY UNDER LAW: EMPOWERING YOUTH, ASSURING DEMOCRACY”
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Suppose a school has a dress code that allows female students to wear open-toed shoes to school, but requires male students to wear close-toed shoes. Suppose further that a student group organizes a protest of the policy by encouraging male students to wear sandals to school for one day. Should a principal have the right to penalize male students for violating the dress code?

The principal should not have the right to penalize male students for violating the dress code for many reasons. To do so would violate the freedom of speech guarantee of the First Amendment. Also, the shoe policy in question is contrary to the Equal Protection Clause found in Section 1 of the Fourteenth Amendment. Finally, this principal of peaceful protest in school was upheld by the U.S. Supreme Court in Tinker v. Des Moines School District, 393 U.S. 503(1969).

The first reason is that this protest is not harming anyone in the process. The First Amendment states our freedom of speech, so the boys in this school have the right to protest in this situation. Another reason the principal does not have the right to penalize the male students for violating this dress code is because of this: it is making the boys and girls unequal. This gives the girls more elbow room in their dress code than the boys. It also discriminates against boys since they are not being treated the same way.

In Section One of the Fourteenth Amendment is contained the Equal Protection Clause. This section of the document explains to us that no state can deny a person within their jurisdiction the equal protection of the laws. According to this statement, the school rule is contravening this Amendment. This dress code rule is against the core democratic value of equality.

This situation was quite similar to that of the student conduct upheld by the U.S. Supreme Court in Tinker v. Des Moines School District. In Tinker, students went to school one day wearing matching armband to protest the Vietnam War. They refused to remove them when asked. Two days before, school authorities adopted a policy prohibiting wearing armbands. The students were suspended and sent home until they would not wear armbands. In upholding the right of the students to allow wearing armbands, the majority found the student's conduct was very similar to "pure speech" which is entitled to First Amendment Freedom of Speech. As with Tinker, the student's protest is silent and will not cause disturbance of disruption of the school. Therefore, the boys should be allowed to wear open-toed shoes as a one day protest.

The principal does not have the right to discipline the boys for disobeying the dress code rules in their one day protest. It violates the core democratic value of equality before the law. This also goes against the First Amendment freedom of speech and the Equal Protection Clause of the Fourteenth Amendment. This act against the dress code is not illegal according to the Tinker v. Des Moines School District U.S. Supreme Court case.