

Judge Rules Teachers Have No Free Speech Rights in Class.

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By [Global Research](#)

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Peace on Trial

Judge Rules Teachers Have No Free Speech Rights in Class

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Now is the time to show your outrage! The National School Board Association has filed an amicus brief with the court supporting the School which states that school boards should have absolute control over what a teacher says in class. Please contact your local school board and tell them that you think a teacher's First Amendment right of free speech should continue to be protected.

In January of 2003, before the war in Iraq began, Deborah Mayer, a public school teacher in Bloomington, Indiana, in response to a student's question, said to her class her class of 4th, 5th, and 6th grade students that she thought peace was an option to war and that we should seek out peaceful solutions to problems before going to war. Angry parents objected to Mayer's statement and accused her of being unpatriotic and anti-Bush. They insisted that she not mention peace in her class again and that she be terminated. Peace Month, a traditional time for teaching students about civil rights and peaceful mediation, was canceled at Clear Creek Elementary School.

Mayer, who had until that time been acclaimed an exemplary teacher, and who had recently

earned her administration credentials, was terminated.

Since that time, Mayer has lost not only her job, but her career, her health insurance, her home, her life savings, her independence and her community. She cannot get another job. She now resides with her son who is a doctor in Madison, Wisconsin.

In October, 2004, Mayer, through her attorney, Michael Schultz, filed suit against Monroe County Community School Corporation et al, for violation of her First Amendment right of free speech, (Cause No: 1:04-CV-1695 B/S). At first, the School contended that Mayer's speech was not protected because THE WAR IN IRAQ IS NOT A MATTER OF PUBLIC CONCERN. Next, the School contended that the classroom is not a public forum. Now the judge has ruled that Mayer's speech was not protected at school because she was speaking as an employee and not as a citizen.

In March, 2006, Judge Sarah Evans Barker declared that teachers have no right of free speech in class. This ruling dismissed Mayer's case and denied her right to a jury trial. According to Michael Schultz, Mayer's attorney, the judge did not rule on Mayer's case but instead issued a bright-line rule stating that no teacher has a right of free speech in class.

From Judge Barker's opinion:

"Teachers, including Ms. Mayer, do not have a right under the First Amendment to express their opinions with their students during the instructional period. . . the fact that Ms. Mayer's January 2003 comments were made prior to any prohibitions by school officials does not establish that she had a First Amendment right to make these comments in the first place. . . Ms. Mayer, and teachers generally, may find it difficult to lead a meaningful discussion without interjecting their personal opinions on important political topics; we assume that in fact, some school boards may encourage teachers to do so in a balanced fashion. The point is that whatever the school board adopts as policy regarding what teachers are permitted to express in terms of their opinions on current events during the instructional period, that policy controls and there is no First Amendment right permitting teachers to do otherwise."

Mayer thinks the judge has completely ignored law and precedent. The the Supreme Court has more than once instructed that "the vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools."

On April 7th, Mayer filed an appeal in the Seventh Circuit Court of Appeals. In Mayer's words, "To think that my making an unassuming comment about peace could lead to the definitive ruling that establishes that teachers have no right of free speech in class is almost more than I can bear. The thought weighs so heavily on my mind and in my heart that I can hardly sleep. I can't let this ruling stand without a fight."

Mayer's youngest son, who has been trained as a nuclear engineer in the Navy, has recently returned home safely from Afghanistan. She is thankful for that.

This is a true to life David and Goliath story. So far, Mayer has spent over \$50,000 in legal fees. Now she is facing more legal costs for the appeal. The school corporation has vast resources for legal costs and has made the process very expensive for her. In fact, this judge could have made this ruling the day after Mayer filed the complaint because her ruling has nothing to do with Mayer's case. She ruled strictly on the law. Mayer has run out of money for legal fees and hopes to raise funds for the appeal through donations. She needs

your help! Please contribute if you can.

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