

Substantial Disruption



The Schoolhouse Gate and Substantial Disruption in Marana, Arizona

By Mike Tully

On December 23, 2016, the *Arizona Daily Star* [featured](#) a large photograph of boisterous teenagers displaying a Confederate Battle Flag while standing on the bed of a pickup truck. The Battle Flag was [one of several](#) displayed by Southern States during the Civil War. The students displayed the flag across the street from Marana High School to protest the school's decision to ban the flag on campus and because, "it represents pride in their Southern heritage and the ban oppresses their right to free speech," according to the *Star*. When knuckleheads bleat about their right to "free speech," they do not become patriots. They remain knuckleheads. Fortunately, seventeen year-old knuckleheads have undeveloped brains, so eight more years of cranial development may eventually cure them of their knuckle headedness.

Marana authorities were right to prohibit the display of the Confederate Battle Flag on school grounds. Despite the protesters' suggestion that the prohibition was viewpoint discrimination, that is the not the case. Whether one believes the flag is a harmless expression of "Southern heritage" or a symbol of violence and oppression, neither interpretation has anything to do with the ban.

The Confederate Battle Flag, a lingering talisman of racism that was never adopted as the flag of the Confederacy, is a symbol of treason and oppression. As various iterations of the flag were being designed and flown in the Civil War South, [William T. Thompson](#), largely regarded as the flag's designer, [proclaimed](#) it a symbol of "the Heaven-ordained supremacy of the white man over the inferior or colored race" and proclaimed it the "white man's flag." More recently, Dylann Roof [posed with the flag](#) on his website before his racist-inspired slaughter of nine black congregants in a church in Charleston, North Carolina. While some may believe the Confederate Battle Flag is nothing more than an innocent symbol of "Southern Heritage," whatever that means, it cannot be cleansed of its racist and treasonous legacy.

Some defense of the flag is downright confused. The *Star* quoted a teenaged girl claiming the Confederate Battle Flag represents "the blood of Christ, protection of God, a Christian cross and the 13 Southern states." She might be perplexed to learn that the flag displays an "X" rather than a Christian cross because a Jewish member of the Confederacy [objected](#) to the inference of religious symbolism.

The school made the right decision not because of anything the flag stands for, but because of the need to avoid disruption of the learning environment and ability of students to enjoy a safe and supportive learning environment. The Supreme Court [ruled](#) in *Tinker v Des Moines Independent Community Schools* that the First Amendment is alive and well on school campuses: "*It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.*" *Tinker* involved two students, one in high school

and one in junior high, who wore small black armbands to protect the Vietnam War in 1969 and were subsequently disciplined. The Court said the discipline amounted to unconstitutional viewpoint discrimination unless the discipline was “*justified by a showing that the students’ activities would materially and substantially disrupt the work and discipline of the school.*” The lesson of *Tinker* is that “*a prohibition against expression of opinion, without any evidence that the rule is necessary to avoid substantial interference with school discipline or the rights of others, is not permissible under the first and fourteenth amendments.*” There was no evidence of substantial disruption in the *Tinker* case.

There is evidence that the display of the Confederate Battle Flag at Marana High School was disruptive. The *Star* reported the “school administration and several students and parents said the flag was being used to create a racially charged and aggressive school climate.” One student told the *Star* “she’s dealt with racism on campus” and added, “I feel threatened. I feel hurt and frustrated.” Other students and parents agreed there was a “racist and intimidating atmosphere at the school,” reported the *Star*.

The youngsters who argue for the right to display the Confederate Battle Flag claim they don’t want to hurt or offend anybody. That is a positive value they should nourish, rather than a misplaced and harmful invocation of “southern heritage.”

(I named my [bullying prevention blog](#) “Substantial Disruption” because bullying offends the lesson of *Tinker*, especially the “rights of others” part. The fundamental characteristic of bullying in both schools and workplaces is the creation of an abusive environment. It’s hard to learn and hard to work in an abusive environment.)