No. 25-906

IN THE
Supreme Court of the United States

E.D. A MINOR, BY HER PARENTS AND NEXT FRIENDS, MICHAEL DUELL AND LISA DUELL; NOBLESVILLE STUDENTS FOR LIFE,

Petitioners,

v.

NOBLESVILLE SCHOOL DISTRICT, ET AL.,

Respondents.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit

BRIEF OF *AMICUS CURIAE* TURNING POINT USA IN SUPPORT OF PETITIONERS

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INTEREST OF *AMICUS CURIAE*[1]

Turning Point USA ("TPUSA") is a 501(c)(3) nonprofit organization founded in 2012 by Charlie Kirk. TPUSA educates, empowers, and organizes students who believe in the importance of American exceptionalism, the Constitution, and free-market principles. It operates over 4,500 chapters nationwide, including over 3,000 TPUSA-recognized Club America high-school chapters. Through these chapters, TPUSA provides students with opportunities to engage in open dialogue and thought-provoking discussions and contribute to the marketplace of ideas outside the classroom curriculum. Students involved in Club America learn how to promote free thinking and inspire meaningful conversations about the foundations of a free society—core First Amendment activities. TPUSA's interest in this appeal arises directly from its extensive experience working with high-school students who seek to form and operate Club America chapters.

Across the country, school officials have repeatedly denied Club America chapters official recognition or conditioned recognition on disassociating from TPUSA. School officials have attempted to justify these decisions by labeling TPUSA's speech "political" or by citing anticipated backlash. This pattern of adverse action against Club America chapters mirrors Noblesville School District's decision in this case.

TPUSA's nationwide experience assisting students whose political expression has been restricted

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[1] No counsel for any party authored this brief in whole or in part, and no entity or person, aside from *amicus* and its counsel, made any monetary contribution toward the preparation or submission of this brief. Counsel of record for all parties have received the timely notice required under Rule 37.2.

provides relevant, real-world context for evaluating the First Amendment issues on suppressing student speech in public schools. If the Seventh Circuit's decision stands and the circuit split lingers, schools will gain broader power to suppress student political speech, based on their own subjective determinations about the speech's political viewpoint or perceived controversy. That rule would disproportionately burden students who engage in extracurricular political activities through organizations like Club America.

TPUSA files this amicus brief to urge the Court to reaffirm the constitutional limits on suppressing student extracurricular political speech in public schools and to correct the several circuits that have endorsed a speech-suppressive rule.

INTRODUCTION

Students do not surrender their free-speech rights when they arrive at school. *Tinker* v. *Des Moines Independent Community School District*, 393 U.S. 503, 506 (1969). Indeed, rather than insulating students from political debate, public schools serve as "nurseries of democracy," training students to become responsible citizens and engage in the "marketplace of ideas." *Mahanoy Area Sch. Dist.* v. *B.L.*, 594 U.S. 180, 189 (2021).

Freshman student E.D. sought to exercise those rights at Noblesville High School ("the School") when she created an extracurricular student-led pro-life club. The School initially approved the club, but one month later, revoked its approved status. The reason? Because E.D. created proposed flyers announcing the club's first meeting and included an image with the words "Defund Planned Parenthood." The school administration deemed her flyers "political" and shut down the club.

The Seventh Circuit concluded that the School's actions were constitutional, reaching this result by misapplying *Hazelwood* v. *Kuhlmeier*, 484 U.S. 260, 271 (1988). *Hazelwood* permits public schools to regulate school-sponsored curricular speech. But the School's authority over school-sponsored speech does not extend to private student expression in extracurricular settings. And when private student speech is political in nature—like E.D's flyers promoting a voluntary pro-life club meeting—it is all the more sacrosanct, receiving the highest First Amendment protection.

Here, the opposite happened: because E.D.'s speech was "political," it was banned. E.D. never posted the flyers. She never held the meeting. The School

silenced her speech and dissolved her expressive association before either could occur.

Left undisturbed, the panel's reasoning authorizes viewpoint-discriminatory school measures that suppress student speech whenever school administrators deem it uncomfortable or disagreeable. That approach turns public schools from nurseries of democracy into censorship zones. The First Amendment does not tolerate such a speech-suppressive regime.

SUMMARY OF THE ARGUMENT

This Court should reaffirm that *Hazelwood* applies only to curricular, school-sponsored speech. In *Tinker*, the Court established that students retain robust First Amendment rights at school. 393 U.S. at 506. Schools may restrict student speech only when it materially and substantially disrupts school operations. *Id*. at 509. *Hazelwood* carved out a narrow exception: schools may regulate curricular, school-sponsored speech when it reasonably bears the imprimatur of the school. 484 U.S. at 271.

The Seventh Circuit, joining two other circuits, ignored *Hazelwood*'s limits. It misapplied the *Hazelwood* imprimatur inquiry to E.D.'s extracurricular speech. App. at 11a. E.D's extracurricular club was student-initiated, student-led, and unrelated to academic credit. App. at 3a–4a. Her flyers promoted an upcoming meeting for her extracurricular club. App. at 3a–4a. That speech falls squarely within *Tinker*'s speech-protective standard. So, the School's decision to censor E.D.'s extracurricular speech for being "political," App. at 7a, was unconstitutional; and the Seventh Circuit erred in using *Hazelwood* to justify the School's actions of censoring student extracurricular political speech.

This Court should reject the Seventh Circuit's reliance on the imprimatur inquiry under the same rationale this Court used when jettisoning *Lemon*'s reasonable-observer test. See *Lemon* v. *Kurtzman*, 403 U.S. 602 (1971). In *Kennedy* v. *Bremerton,* this Court recognized that perceived endorsement alone can't allow the government to silence expression. 597 U.S. 507, 534 (2022). That same principle applies here.

Like the *Lemon* reasonable-observer test, the imprimatur inquiry functions as a "modified heckler's veto." *Kennedy,* 597 U.S. at 534. Because this Court in *Hazelwood* intentionally tied the imprimatur inquiry to curricular, school-sponsored speech, third-party offense alone could not silence students' speech. But the Seventh Circuit severed that critical link.

Public schools exist to prepare students to participate responsibly in civic life. This Court has described schools as "nurseries of democracy" because they foster free speech in the "marketplace of ideas." *Mahanoy*, 594 U.S. at 189. And schools must model the marketplace, not mute it. By protecting student expression, schools equip students to become informed, engaged, and responsible citizens in our pluralistic society. This is not only an ideal but also a command: the First Amendment requires schools to facilitate expression, not filter it.

Because democracy develops through dialogue, exposure to opposing views prepares students for civic life. When schools restrict political speech, they undermine the republic they are designed to enlighten. Schools can't nurture democracy while neutralizing speech, because chilling political speech is antithetical to liberty. The consequences can be censorship, a weakened marketplace of ideas, and even political violence—a truth that TPUSA knows all too well.

This Court has defined the scope of student speech somewhat differently in K–12 schools than in higher education. But precedent does not demand a sharp divide in speech rights between the two settings, and First Amendment protections don't vanish simply because students are younger. If universities serve as the "vital centers for the Nation's intellectual life," where student speech sparks "intellectual

awakening," *Rosenberger* v. *Rector & Visitors of the Univ. of Va.*, 515 U.S. 819, 835–37 (1995), then secondary schools serve a similar function, preparing students to enter those same centers of civil debate and intellectual exchange. The First Amendment should protect student speech within high-school walls just as it does within college student unions.

When political speech is categorically limited, as it was for E.D., students get the message that personal opinions are not welcome. Courage to share one's thoughts dies, and civil discourse shrinks where it is meant to be fostered. Worse yet, applying a broad no-politics policy invites government-backed viewpoint bias and improper preferential treatment. Inevitably, the burden will fall on students with minority views and unpopular opinions.

Policies like the School's hinder TPUSA and other organizations from supporting students in open dialogue consistent with First Amendment principles. If schools ban student-led outlets from engaging with peers, they not only shirk their responsibility to the students, but also cause a ripple effect—chilling speech and destroying the opportunity for civil debate. Instead of teaching students how to be thoughtful citizens, who can express ideas and disagree respectfully, restrictive policies force avoidance and silence.

This Court should reaffirm that private, extracurricular political speech remains protected and that *Hazelwood* cannot be expanded to extinguish it.

ARGUMENT

I. This Court should reaffirm that *Hazelwood* applies only to curricular, school-sponsored speech.

This Court has underscored the necessity of protecting students' extracurricular speech. See *Tinker*, 393 U.S. at 506 (establishing that students retain robust First Amendment rights at school and do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate"). Schools may not suppress student expression simply because it is controversial or unpopular. *Id.* at 509. Rather, students' political speech lies at the core of the First Amendment.

The Seventh Circuit's decision in this case departs from these principles. Although *Tinker* protects E.D.'s speech, the Seventh Circuit upheld a violation of E.D.'s rights by misapplying *Hazelwood*, a case addressing a different category of student speech. 484 U.S. at 271. This Court should clarify that *Hazelwood* does not apply to extracurricular speech, and that the Seventh Circuit erred in permitting Noblesville School District to censor student extracurricular political speech based on the imprimatur test, which does not apply.

a. *Tinker* is the rule; *Hazelwood* is the exception.

In *Tinker*, this Court held that student speech is protected unless it would cause a "material and substantial" disruption to the school environment. 393 U.S. at 511. That case arose when students engaged in political speech by wearing black armbands to protest the Vietnam War. *Id.* at 504. In its landmark ruling, this Court rejected the notion that schools are

speech-controlled zones, instead emphasizing that students carry their free-speech rights into school each day. *Id.* at 506.

The Court has recognized certain circumstances in which schools may limit student speech. Schools may regulate speech that materially disrupts school operations, that is lewd or vulgar, or that promotes illegal drug use. *Tinker,* 393 U.S. at 509 (permitting regulation of speech that materially disrupts school operations); *Bethel Sch. Dist.* v. *Fraser*, 478 U.S. 675, 685–86 (1986) (allowing discipline for lewd or vulgar speech); *Morse* v. *Frederick,* 551 U.S. 393, 410 (2007) (permitting restriction of speech promoting illegal drug use). Separately, *Hazelwood* carved out a narrow exception applicable only to school-sponsored, curricular speech. 484 U.S. at 271.

Hazelwood's facts are significant. There, the speech at issue was a school-sponsored newspaper produced as part of a high-school journalism class. *Id.* at 262. Students brought a First Amendment challenge when the school deleted controversial articles from the paper. *Id.* at 264–65. This Court held that the school had not violated the students' free-speech rights, declaring that schools may exercise editorial control over student speech in school-sponsored activities, so long as the school's actions are reasonably related to legitimate pedagogical concerns. *Id.* at 273. The Court distinguished *Hazelwood* from *Tinker* precisely because the speech in *Hazelwood* was "disseminated under [the school's] auspices," so the school could "refuse to disseminate student speech that does not meet [the school's] standards." *Id.* at 271–72.

So, *Hazelwood* gave schools the authority to restrict some student speech in the limited context of school-sponsored activities, like a school newspaper produced

in the school's journalism class. *Id.* at 270–71. In the wake of *Hazelwood*, student speech that fell outside of this narrow exception—speech that was extracurricular and not sponsored by the school—remained protected under *Tinker*.

b. The Seventh Circuit misapplied *Hazelwood* to E.D.'s extracurricular student speech.

The Seventh Circuit misapplied *Hazelwood* because E.D.'s speech was not school-sponsored. *Hazelwood* grants schools more authority over student expression that takes place in "school-sponsored expressive activities" when the school might desire to "'dissociate itself'" with that speech. *Hazelwood*, 484 U.S. at 271–73; *Bannon* v. *Sch. Dist. of Palm Beach Cty.*, 387 F. 3d 1208 (11th Cir. 2004). Because E.D.'s speech did not occur in the scope of a school-sponsored, curricular activity, her speech never fell within *Hazelwood*. Instead, it was protected by *Tinker*. 393 U.S. at 506. Accordingly, Noblesville School District lacked any constitutional basis to suppress her speech, and the Seventh Circuit erred.

Rather than focusing on objective school sponsorship as demanded by *Hazelwood*, the Seventh Circuit incorrectly transformed *Hazelwood* into a test on "mistaken attribution" alone. App. at 12a. The panel interpreted *Hazelwood* to mean that the School could restrict E.D.'s speech—even though it was not school-sponsored—just based on whether E.D.'s flyers could "reasonably be perceived as bearing the school's imprimatur." App. at 11a. The panel reasoned that the flyers "would naturally and perhaps inevitably be seen by students, parents, and visitors as reflecting the school's endorsement." App. at 11a. By basing its analysis on the location of the flyers and how a

reasonable observer might perceive them, rather than whether the flyers were promoting a curricular versus extracurricular activity, the Seventh Circuit untethered the imprimatur inquiry from its constitutional justification and expanded *Hazelwood* far beyond its limits.

Hazelwood does not apply because there is no question that E.D.'s speech—her proposed flyers—was extracurricular. Curricular activities are those that may be fairly "characterized as part of the school curriculum." *Hazelwood*, 484 U.S. at 271. The school paper produced as part of the school journalism class in *Hazelwood* serves as a prime example of curricular activity. *Id.* at 262. In contrast, speech that is not "designed to teach" in a core curricular context is undoubtedly extracurricular and not school-sponsored. *Id.* at 271. The flyers E.D. proposed fall squarely into the latter category.

E.D.'s story makes obvious why. On the second day of her freshman year at the School, E.D. met with Principal McCaffrey to discuss next steps on creating her extracurricular student-led, pro-life club: Noblesville Students For Life ("NSFL"). App. at 3a. After the club was set in motion and permitted to begin meeting, E.D. created proposed flyers to advertise NSFL's first meeting and submitted them for approval. App. at 4a. The School did not organize, fund, or endorse the club. App. at 3a. It did not offer class credit. Its only involvement was providing a faculty sponsor to supervise the use of school facilities and provide logistical support. App. at 3a. The School did not announce the meetings, just passively provided a wall for the flyers to be displayed, where flyers for other extracurricular activities are posted. App. at 4a.

Because NSFL and its flyers were student-led and not part of any class or official school program, E.D.'s speech was extracurricular. That means the School's control over school-sponsored, curricular speech does not apply here. And for good reason. When speech is curricular (part of a class or official school-sponsored activity), people may reasonably think it reflects the school's message. In that narrow setting, the school's interest in suppressing such speech is greater, warranting control of what is published.

That concern disappears in the extracurricular context. Student-led speech that occurs after school, earns no class credit, and is not promoted by the school is unlikely to be mistaken for the school's own message. Accordingly, schools can't suppress such speech based on speculation that someone may confuse it with the school's message.

Nevertheless, the School claimed that the flyers ran afoul of their policy—a policy that was not formal or written but enforced "in practice," prohibiting "disruptive" or "political" statements on student organization flyers. App. at 4a. The School's concern was that such political flyers on the school wall might "mislead observers into thinking the school endorses that view." App. at 15a. But students' First Amendment rights do not end at the school wall.

Because E.D.'s proposed flyers were not school-sponsored, *Tinker* controls. By default, the regulation of student speech is governed by the "material and substantial disruption" standard set forth in that case. 393 U.S. at 511. *Tinker* prohibits schools from restricting student speech without evidence of actual disruption, or censoring them based on "discomfort or unpleasantness." *Id*. at 509.

Here, the School did not offer such evidence; it is undisputed that there is no evidence of material disruption. The School regulated E.D.'s speech only out of a fear of misperception. App. at 15a. And even if the School had allowed E.D.'s club to exist—which it did not—prohibiting E.D.'s political speech on the flyers suppressed her free-speech rights and impacted her right to associate with other students. By limiting E.D.'s speech on the flyers to the time and location of the meeting (while allowing other extracurricular clubs to use graphics), the School curtailed her ability to convey her club's mission and purpose.

The School's policy does exactly what *Tinker* forbids. It does not regulate disruption. It does not satisfy another category of regulable student speech. See *Fraser*, 478 U.S. 675 (1986); *Frederick*, 551 U.S. 393 (2007). It bans an entire category of speech—political expression—without justification.

But political speech receives the utmost protection. *Virginia* v. *Black*, 538 U.S. 343, 365 (2003); see *Snyder* v. *Phelps*, 562 U.S. 443, 451–52 (2011); *Connick* v. *Myers*, 461 U.S. 138, 145 (1983); *West Virginia State Bd. of Educ.* v. *Barnette*, 319 U.S. 624, 642 (1943). In *Morse*, this Court upheld the constitutionality of a school's discipline of a student for holding up a sign stating, "BONG HiTS 4 JESUS" while on a school outing. 551 U.S. at 397–98. In its analysis, the Court emphasized that the student's speech did *not* convey any political meaning. *Id.* at 403. And the Court permitted the restriction on the student's speech because "it was reasonably viewed as promoting illegal drug use," not because it was offensive. *Id.* at 409. The Court has never endorsed a categorical ban on political expression. But that is precisely what the School imposed here and the Seventh Circuit upheld.

Likewise, in *Tinker*, this Court chose to explicitly protect student political speech in school. 393 U.S. at 504. The First Amendment exists to protect freedom of speech—including political speech—and this Court has applied that protection to student expression even during school hours. Public schools are "nurseries of democracy," where "free speech is the rule, not the exception." *Mahanoy*, 594 U.S. at 189; *L.M. ex rel. Morrison* v. *Town of Middleborough*, 145 S. Ct. 1489, 1496 (2025) (Alito, J., dissenting from denial of certiorari). A blanket ban on E.D.'s extracurricular political speech is unnecessary to maintain the educational environment and, if anything, undermines the educational mission to promote civic discourse.

This risk jeopardizes Amicus TPUSA directly. Like E.D.'s club, TPUSA-affiliated Club America chapters are student-created, student-run, and extracurricular—in essence, unlikely to be identified with the school. And they are special venues for students to share their political viewpoints and grow as members of a democratic society in a way that is not always welcome in curricular settings. But under the Seventh Circuit's side of the circuit split, even these clubs may be silenced based on speculation about a third party's mistaken attribution. Schools, motivated by fear that the ambiguous reasonable observer might look at student speech and wrongly attribute it to the schools, would sacrifice civic participation on the altar of third-party offense.

TPUSA has already seen similar excuses from school administrators, who have canceled and silenced Club America chapters because their political

speech might be misattributed to the school.[2] For example, Loyola High School, a California private school, approved a Club America chapter and then forced the chapter to change its name and eventually shut down operations. At Gulfport High School in Mississippi, the school board deemed the club too "political" to exist. In several other instances, schools have denied Club America chapters registered status, or closed chapters, out of anticipated backlash. That is thinly veiled viewpoint discrimination. Even worse, if the Seventh Circuit's interpretation that the imprimatur inquiry applies to non-school-sponsored speech is allowed to stand, schools will argue that any student speech could be associated with the school, and that the school is justified in suppressing it.

Extending the imprimatur inquiry to non-school-sponsored speech, as the Fifth, Seventh, and Tenth Circuits do, would reach well beyond this Court's holding in *Tinker*. That rule would permit suppression of student expression based merely on a third party's belief, far more expansive than *Tinker*'s narrow

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[2] TPUSA HQ, *Loyola Student Government Denies Turning Point USA Chapter for Second Time*, TPUSA (Dec. 6, 2025), https://tpusa.com/live/loyola-student-government-denies-turning-point-usa-chapter-for-second-time/; Tyler Bell, *Community split over Turning Point USA-linked Club America proposal at Gulfport High*, WLOX (Dec. 1, 2025), https://www.wlox.com/2025/12/02/community-split-over-turning-point-usa-linked-club-america-proposal-gulfport-high/; see also Jessica McBride, *Lake Country Classical Academy Rejects Student's Turning Point Club, Sparking Uproar*, Wisc. Right Now (Oct. 10, 2025), https://www.wisconsinrightnow.com/lake-country-classical-academy-rejects-students-turning-point-club-sparking-uproar/; TPUSA HQ, *Club America Chapter Faces Backlash at Florida High School*, TPUSA (Nov. 14, 2025), https://tpusa.com/live/club-america-chapter-faces-backlash-at-florida-high-school/.

disruption standard. Indeed, such a rule might have dictated a different outcome in *Tinker*, where reasonable observers could have likewise misconstrued students' political protest as bearing the school's approval. 393 U.S. at 506.

The inherent subjectivity of the imprimatur inquiry explains why this Court intentionally confined the imprimatur inquiry to school-sponsored curricular speech. *Hazelwood*, 484 U.S. at 271. This make sense. Untethered from curricular activities, the imprimatur inquiry becomes boundless, permitting suppression whenever a hypothetical observer draws an incorrect inference—and forcing suppositions about what third parties might think. The reasonable observer alone was never meant to decide whether a school could suppress student expression, absent circumstances tying the student's speech to curricular context. Such a standard invites arbitrary and discriminatory enforcement.

c. This Court should reject the Seventh Circuit's reliance on the imprimatur inquiry under the same rationale that this Court overturned the *Lemon* reasonable-observer test.

The imprimatur inquiry is untenable for additional reasons. In *Kennedy* v. *Bremerton*, this Court explicitly abandoned the *Lemon* test for applying the Establishment Clause. 597 U.S. 507 (2022). Although the Establishment Clause's text forbids any law "respecting an establishment of religion," U.S. Const. Amend. I., *Lemon* implemented a rigid, three-pronged test that nearly always struck down government action recognizing religion. The *Lemon* prongs "called for an examination of a law's purposes, effects, and potential for entanglement with religion. . . ." *Kennedy*, 597 U.S.

at 534 (citation omitted). As the Court dealt with Establishment Clause challenges, the concern over "entanglement" became associated with an inquiry of "whether a 'reasonable observer' would consider the government's challenged action an 'endorsement' of religion." *Ibid.* (citation omitted). This led to "chaos." *Ibid.* (citation modified). Even in nearly identical cases, the *Lemon* test was so variable that it produced inconsistent and manipulable outcomes. *Ibid.*; *American Legion* v. *American Humanist Association*, 588 U.S. 29, 78 (2019) (Thomas, J., concurring in the judgment) (describing *Lemon* as a test that has been "manipulated to fit whatever result the Court aimed to achieve" (citation omitted)).

The unworkable and expression-hostile *Lemon* regime suffered from the same defects as the imprimatur inquiry proposed by the Seventh Circuit below and two sister circuits. The *Lemon* reasonable-observer test blurred the lines between when the government merely permitted certain religious symbols and statements, and when the government affirmatively endorsed or promoted them. The reasonable observer's mere perception, not based in objective reality, could veto government action—or in some cases, private speech permitted by the government. *Kennedy,* 597 U.S. at 534. So the reasonable-observer test was nothing more than a "modified heckler's veto." *Ibid.* Likewise, an untethered imprimatur standard hinges on imagined perceptions rather than objective governmental conduct.

In *Kennedy*, this Court explained that a school's fear of perceived endorsement does not convert private speech into government speech. *Ibid.* There, although Coach Kennedy chose to pray at school around the time of a school function, that did not "transform his

speech into government speech." *Id.* at 531. This Court reiterated the *Tinker* principle that teachers do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." *Ibid.* The same principle applies here: the mere possibility of misattribution does not authorize censorship of private student speech.

As applied by the Seventh Circuit, the imprimatur inquiry mirrors the same flaw that pervaded *Lemon*: First Amendment protection turns on what a hypothetical third party *perceives* about the school's authority, rather than what the school's authority actually is. Under that approach, the government is treated as promoting speech it merely permits. This Court rejected that logic in *Shurtleff* v. *City of Boston*, 598 U.S. 243 (2022). There, the Court addressed the distinction between government speech and private speech in a municipal context. *Shurtleff*, 598 U.S. at 250–51. The fact that a flag flew in front of the city hall did not transform private expression into government speech, when the government had ceded its authority by opening up the flagpole to dozens of private organizations and messages. *Id.* at 252, 258–59. Here, too: potential perceived appearance does not equal sponsorship, just as it does not equal endorsement.

Contrary to the Seventh Circuit's holding, *Hazelwood* did not authorize schools to suppress expression based on third-party offense. By severing the imprimatur inquiry from the objective curricular limitation, the Seventh Circuit embraced the very flaws that doomed *Lemon*'s reasonable-observer test. The First Amendment does not permit schools to silence students just because someone might get the wrong idea. This Court should strike the imprimatur standard as applied by the Seventh Circuit and reaffirm that

student speech may not be suppressed based on fear of potential speculative attribution.

II. Public schools serve as nurseries of democracy, not speech-controlled zones.

Schools have long been a place where ideas are communicated and challenged. The only way this legacy continues is by schools tolerating student speech. The free flow of dialogue within school walls empowers students to become "productive members of society" and "good citizens," preparing students for the world that lies ahead. *Conn. Coal. for Justice in Educ. Funding, Inc.* v. *Rell*, 295 Conn. 240, 373 (2010). This project is a crucial endeavor. The success of students reflects on the quality of their education, and the quality of education reflects the health of our nation.

a. The First Amendment requires schools to foster student expression, not filter it.

John Milton wrote of how a quality education prepares a man "to perform justly, skillfully, and magnanimously" each position he may hold in both private and public life. John Milton, Of Education 8 (Cambridge Univ. Press 1905) (1644). While this quote describes education of the past, our modern educational system should hope to produce a similar result.

School presents a unique environment where diverse students are placed together in an open forum of conversation. This Court has recognized as much, explaining that public schools serve as "nurseries of democracy" because our republic "only works if we protect the marketplace of ideas." *Mahanoy*, 594 U.S. at 189 (citation modified). Free expression is a central tenet of our nation and among the first established rights in our Constitution. Promoting the free

exchange of ideas leads to an "informed public opinion," *ibid.,* which fuels democratic participation.

Protecting student speech is therefore not optional, in light of the purposes of education; it is essential. The importance of education in preparing citizens cannot seriously be questioned. The Connecticut Supreme Court articulated schools' "good citizenship" function and the impact that quality education has on preparing citizens to compete in the "economic marketplace":

> The purpose of preparing children to become productive members of society, then, like the purpose of preparing them to be good citizens in our democratic society, benefits both the individual and the state as a whole. Not only do democratically engaged and productive citizens, adequately prepared by their public educations, contribute to the well-being and progress of our society, but education also provides the means by which individuals improve their own social and economic circumstances, thereby enabling them and their successors to benefit from that education.

Conn. Coal., 295 Conn. at 373–75.

That court's observation rings true: schools furnish an uncommon opportunity for students to learn how to be responsible citizens in a pluralistic democratic republic. And schools thwart the citizen-cultivation process when they suppress students' extracurricular political speech.

b. Schools fuel the "vital centers for the Nation's intellectual life."

Courts have differentiated between free speech in K–12 schools as compared to higher education. But that doesn't mean that a wide gap should exist in the First Amendment's application. Universities, as "vital centers for the Nation's intellectual life," facilitate open dialogue where ideas are explored and critiqued. *Rosenberger*, 515 U.S. at 835. Higher education has a history and tradition of stimulating "intellectual awakening" through student speech. *Id.* at 837. In turn, the value and influence of universities stems from the "intellectual life" of their students and the good their knowledge produces. *Ibid.* Regulating such beliefs, especially when based upon particular viewpoints, "risks the suppression of free speech" and will ultimately lead to the "chilling of individual thought." *Ibid.*

This is no less true in secondary education. The First Amendment protects student speech because democracy depends on it, and the high-school settings that flow into university life should foster a smooth transition, not a leap. For colleges and universities to operate as the "vital centers for the Nation's intellectual life," the students who enroll need to understand what it means to operate as a responsible citizen. *Rosenberger*, 515 U.S. at 835. To sustain that role, students must learn how to express ideas and respond to disagreement.

c. Civil discourse requires tolerance for political disagreement.

In America, "free speech is the rule, not the exception." *L.M.,* 145 S. Ct. at 1496 (Alito, J., dissenting from denial of certiorari). For future generations to

enjoy their constitutional freedoms, they must be provided an environment where they can participate in liberated dialogue. And that means tolerance for a variety of political viewpoints. This Court has recognized the particular importance of safeguards for dissent, "as popular ideas have less need for protection." *Mahanoy*, 594 U.S. at 189. The First Amendment's free-speech guarantees are most needed for dissenting and unpopular views.

It's no mystery why. When an individual's views are the minority in their community, unpopularity brings a natural chill to their speech. Further obstructions to minority opinions, if effectuated through policies, only exacerbate speech suppression—and do so with the backing of those in power. But public schools, like any state actor, should not be that way.

Exposure to ideas is education's essential ingredient. Schools should teach students how to engage with ideas, not avoid them. If rights of American citizenship are to be understood, then education should embody practical use of the statement, "I disapprove of what you say, but I will defend to the death your right to say it." *Id* at 190. Treating dialogue as beneficial creates an environment of civil discussion; students can be guided in reacting to opposing thoughts. To be sure, schools need not advance all viewpoints through curricular speech. But students inevitably will encounter ideas that challenge their beliefs. That is not a flaw in an educational setting—it is its purpose.

III. The School's speech-suppressive policies undermine democratic development.

When schools adopt policies that eliminate students' exposure to controversial ideas, they eliminate opportunities to teach students how to engage in civil

debate. Screening students from adverse topics is a dangerous example of deleting dialogue. The School's policy here creates a climate where ignorance or repulsion may be the unchallenged response to anything that differs from what a student may think to be true.

Restricting student speech constricts the "marketplace of ideas." *Mahanoy*, 594 U.S. at 189. Students grow hesitant to share their deeply held beliefs when they fear public criticism or administrative censorship. Policies that limit broad categories of speech (especially politics) are the living embodiment of "topics you can't discuss at the dinner table." Students get the idea that political talk is taboo. And suppression further chills expression.

Censoring speech that is "political" doesn't secure a harmonious environment and cannot be justified on that basis. Broad bans on political speech do not reduce conflict—they redirect it. Nadine Strossen, *Freedom of Speech and Equality: Do We Have to Choose?*, 25 J. L. & Pol'y. 185, 212 (2016) ("Censorship drives bigoted expression and ideas underground, making it harder to identify who holds them, and harder to refute them."). Students who lack outlets for expression and instruction on how to respond to opposing viewpoints struggle to address disagreement productively. So schools should prepare students to confront opposing and uncomfortable viewpoints—not shield them from it.

Data confirm the danger of failing to do so. Violence has become accepted as a solution for many Americans when they hear sentiments they disagree with or

fear.[3] That hostility has permeated private American life. Nearly half of Americans—46 percent—report they are unwilling to date someone with opposing political views.[4]

These numbers reflect more than ordinary disagreement; it indicates that political disagreement has become a defining line of social exclusion, at times more significant than social exclusion. In a nation founded on free expression, that trend should concern us. "Liberty is meaningless where the right to utter one's thoughts and opinions has ceased to exist." Frederick Douglass, A Plea for Free Speech in Boston (December 3, 1860). Schools must reinforce that truth, not undermine it.

Legal scholars caution that "restricting an individual's rights jeopardizes the rights of many." Strossen at 186. Curtailing one viewpoint today invites

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[3] Recent data show that 19 percent of Americans age 18-29 believe that using "physical violence is sometimes justified to stop a person from engaging in harmful public speech." Zach Goldberg, Ryan Owens, & Lynn Woodworth, *Americans' Troubling Views on Speech, Harm, and Violence* (Florida State University Institute for Governance and Civics, Nov. 2025), https://igc.fsu.edu/sites/default/files/2025-11/IGC_Report5_Speech_V1%20%281%29.pdf.

[4] Zach Goldberg, Ryan Owens, & James V. Shuls, *More Than Politics: How Ideology Shapes Who Americans Trust, Date, and Avoid* (Florida State University Institute for Governance and Civics, Aug. 2025), https://igc.fsu.edu/sites/default/files/2025-09/MORE_THAN_POLITICS_1.pdf. Among respondents identifying as "very liberal," only 13 percent would date someone with opposing political views, while 29 percent say they would date an ex-felon. Among "very conservative" respondents, only 25 percent would date across party lines (and 10 percent would date an ex-felon).

suppression of another tomorrow. And censorship rarely remains neutral. It often falls hardest on dissenting voices—especially in communities dominated by a prevailing viewpoint. A conservative student in California, or a progressive student in Mississippi, faces greater risk when schools apply speech restrictions broadly in environments where that student holds the minority view. Suppressing dissent in those settings carries heightened constitutional danger. The School's action here and the Seventh Circuit's decision upholding it, alongside two other circuits adopting the same speech-suppressive rule, are a step in that dangerous direction.

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Turning Point USA operates in a variety of forums but has particular interest in advancing knowledge through conversation in both K–12 schools and universities. TPUSA's desire to facilitate conversation aims to encourage the pursuit of truth through open dialogue. Regulations like the unwritten policy the School imposed on E.D. hinder the ability of the TPUSA and other similar organizations to support students in their attempt to express ideas that align with their closely held beliefs, and to participate in civil discourse. By banning these student-led outlets from engaging with peers, schools not only shun their responsibility to the students but also limit others from stepping in to teach students the value of civility.

Promoting civility and responsible citizenship is a key ingredient for preserving a healthy democracy. A restrictive policy like the School's does the opposite: it replaces engagement with avoidance and debate with silence. In so doing, the policy violates the Free Speech Clause while symbolically attacking its premise.

CONCLUSION

The Court should grant the petition.

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