

School Uniforms Do Not Stifle Freedom of Expression

 School Policies, 2008

"Uniforms instill discipline, help students focus on their studies and eliminate pressure on parents to outfit their kids."

According to Mike Kelly in this viewpoint, objections to school uniform policies are unfounded and frivolous. He especially takes issue with lawsuits filed against school districts on the grounds that the students' rights to choose clothing is a First Amendment freedom. One such case, he explains, is that of Mike DePinto, a fifth grader who wore a button depicting the Hitler Youth, a paramilitary group of Adolf Hitler's Nazi Party, to protest his school's uniform policy. In Kelly's view, requiring schoolchildren to don uniforms is a reasonable way to improve learning skills, discipline, and focus. Kelly has been a columnist for *The Record* of Bergen County, New Jersey, for eighteen years.

As you read, consider the following questions:

1. According to the author, how does DePinto's story get "weirder"?
2. What are Kelly's two main objections to Laura DePinto's statement, released by her son's lawyers?
3. In the author's view, what will DePinto's lawyers argue at trial?

Mike De Pinto, an 11-year-old fifth-grader from Bayonne [New Jersey], has a problem.

Just what kind of problem? This week [December 2006], a federal judge in Newark will try to find an answer.

We cherish our judicial system. For many, especially people on the downside of life, courts are often a refuge of last resort after stodgy bureaucracies and cowardly, narrow legislators refuse to act.

But sometimes, we waste judges' time with frivolous lawsuits.

Mike DePinto is wasting time.

At issue in this boy's life is a policy, invoked last September [2006] by the Bayonne public school system, that required students to wear uniforms to school.

DePinto is not necessarily claiming the school uniforms are ugly, distasteful or even too costly. If anything, the uniforms of khaki pants and blue shirts with a school emblem are probably too bland.

Style Issue

DePinto's dilemma is that he simply wants to pick his own clothes. Or as he put it to a Bayonne newspaper last week: "I'm opposed to somebody telling me what to wear and forcing me to wear an emblem against my will."

Against his will? An emblem?

We're not talking about DePinto being forced to put on a political or religious symbol. The school district merely wants him to wear a pair of khakis and a shirt with a school emblem on it.

What will DePinto say if he earns a spot on a high school athletic team in a few years? Would he tell his coach he wants to design his own uniform?

Incredibly, this story gets weirder.

What got DePinto in trouble with school authorities—and prompted his federal lawsuit—was not his objection to wearing a Bayonne uniform as much as how he accessorized it. He added a button with a photograph of Hitler Youth members in their trademark Nazi uniforms. DePinto claims his button, which has a red circle and a slash across the Hitler Youth photo and the slogan "No School Uniforms," is his personal form of protest.

The school district told DePinto and another student who later joined the button protest to get rid of the button or get suspended. Images of the Hitler Youth "are considered objectionable and are offensive to many Bayonne citizens and do not constitute free speech," the school district said.

DePinto, with the help of his mother and two Hackensack attorneys, filed a federal lawsuit along with the other protesting student, claiming that his freedom of expression was "stifled" because he had to remove his button. DePinto's attorneys tried to bolster their argument by claiming the Hitler Youth photo is "historically accurate" and "not very different from pictures found in history books used by American schools to teach social studies."

What's the legal logic here—that if Bayonne students can gaze at pictures of creepy Nazi kids in a history book they ought to be able to design a creepy button to wear on their school uniforms?

DePinto's mother, Laura, added to the ridiculousness with her own statement, released by her son's lawyers: "That image showed no swastikas, no weapons, and [Adolf] Hitler himself wasn't depicted. The picture makes a profound statement about what can happen when we turn children into 'uniform' followers."

Profound Statement?

Memo to mom: Bayonne's students are not going to turn into the Hitler Youth because they are wearing khakis and blue shirts. Your statement is silly. So is the idea of using the name of Hitler as a vehicle to promote free expression.

There is a lively argument among some educators today about whether uniforms can be a useful tool in improving children's learning skills. Parochial and private schools have long followed a formula that uniforms instill discipline, help students focus on their studies and eliminate pressure on parents to outfit their kids to look like such paragons of scholarship as [pop stars] Justin Timberlake and Paris Hilton.

Now, public schools, from Secaucus to Hackensack, Fort Lee and Paterson, are considering various policies that would require students to wear some form of a uniform. But critics counter that uniforms don't really improve academics or student behavior and instead infringe on students' First Amendment rights of free expression.

Mike DePinto thinks he has a First Amendment case. On Monday, his attorneys are scheduled to present their arguments to U.S. District Court Judge Joseph A. Greenaway in Newark.

If only the judge would tell DePinto to button up and get back to school. But the judge probably won't do that.

He will likely allow lawyers to say that DePinto suffers deep sartorial pain each school day as he opens his closet and faces the cruel reality that he can't choose his own clothes and instead is forced to wear khaki pants and a blue shirt emblazoned with his school emblem. And then, we will hear the legal coup de gras: how he has a constitutional right to invoke the name of Adolf Hitler—and Hitler's memory of racism, anti-Semitism and mass murder—as a way of demonstrating all the pain he feels about the clothes on his back.

In uniform, can we all shout: Give us all a break? Go back to school.

If only the judge would do that.

Further Readings

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