

**NICKY C. MILES, BY HIS/HER NEXT FRIEND,
EMILY R. MILES, Plaintiff.**

vs.

**CHRIS M. WASHINGTON, SUPERINTENDENT OF SCHOOLS,
PENINSULA SCHOOL DISTRICT, Defendant.**

TYPE OF CASE

Civil Rights Action
First Amendment - Freedom of Speech
Bench Trial (Non-Jury)
U.S. District Court

NATURE OF THE LEGAL CLAIMS

The Plaintiff, a high school student, has been ordered by defendant to stop wearing an anti-abortion button that bears the picture of a newborn with a dagger in its chest. Plaintiff claims this unconstitutionally restricts his/her right to freedom of speech, in violation of the First Amendment of the U.S. Constitution. Plaintiff seeks an injunction prohibiting the Defendant from banning her/him from wearing the button in school. Defendant claims the ban is a constitutional restriction on speech.

SUMMARY OF FACTS

Plaintiff, Nicky Miles is a student at Peninsula High School. S/he wore an anti-abortion button to school. The button (see Exhibit 1) depicts a newborn with a knife in its chest, with blood dripping and the words "Abortion is Murder." Principal Tony Boynton and Superintendent Chris Washington, ordered plaintiff not to wear the button to school and told him/her that s/he would not be permitted to attend school wearing it. They claim those actions were based solely on their concern about disruptions in the school, in and out of the classroom. Plaintiff claims defendants made this decision because they are in favor of the right to an abortion and that, in fact, there was no substantial problem of disruptions that would justify the ban.

LIST OF MATERIALS

Pretrial Order, pp. 1-3
Statement of Chris Washington [Defendant], p. 4
Statement of Tony Boynton [Defendant's Witness], pp. 5-6
Statement of Lindsey P. Gold [Plaintiff's Witness], p. 7
Statement of Nicky C. Miles [Plaintiff], pp. 8-9
Exhibit 1: Picture of the button, p. 10
Exhibit 2: Letter from Chris Washington to Mrs. Miles, p. 11
Tinker v Des Moines School Dist., 393 U.S. 503 (1968), pp. 12-20
Bethel School District v Fraser, 478 U.S. 677 (1986), pp. 21-31