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***All Claims in *Morse v. Frederick* Settled
Accord Reached in Landmark “Bong Hits 4 Jesus” Case***

JUNEAU, AK, November 5, 2008 — The “Bong Hits 4 Jesus” case has been settled after almost seven years of litigation.

In 2002, Joseph Frederick, a then 18-year old senior at Juneau Douglas High School, displayed a banner off the school campus during the running of the Olympic torch relay, which read, "Bong Hits 4 Jesus," a phrase Frederick said was intended to be humorous and nonsensical. The banner was confiscated by high school principal Deborah Morse, who suspended Frederick from school.

Frederick brought suit in U.S. District Court against Morse and the School Board for violating his free speech rights. He was represented by Juneau attorney Douglas Mertz, in cooperation with the American Civil Liberties Union of Alaska. After Frederick lost in the federal trial court and then won in the U.S. Court of Appeals, the School Board took the case to the U.S. Supreme Court. In 2007, the Supreme Court rejected the School Board's argument that it had the power to punish student speech considered contrary to the educational mission, but ruled that there is a narrow exception from student free speech rights when student speech encourages the use of illegal drugs.

Earlier this year, the case returned to the U.S. Court of Appeals on Frederick's claim that he is entitled to a ruling on whether the Alaska Constitution provides stronger protections for free speech than does the U.S. Constitution. That issue was argued before the Court of Appeals in September. While the judges have not yet rendered a decision, under the settlement, the Court of Appeals proceeding will be dismissed without a ruling, leaving the issue to be decided in a future case.

Under the settlement agreement, the Juneau School Board will hold a forum on student civil liberties for all students and staff, and Joseph Frederick will be paid \$45,000, of which \$25,000 will come from the City and Borough of Juneau and the rest from the School District's insurer. The School District has expunged all mention of the punishment from Frederick's official school records.

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