

When Politics Sounds Like Profanity: Sixth Circuit Backs School Ban

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Can a political slogan be too vulgar for school, even if it never actually uses a bad word? That was the question before the U.S. Court of Appeals for the Sixth Circuit in **B.A. v. Tri County Area Schools** (Oct. 14, 2025), a case testing how far the First Amendment protects student political expression.

Two brothers filed suit in the federal court in Western Michigan after administrators in their public school told them to remove sweatshirts reading "Let's Go Brandon," a phrase widely understood as a euphemism for an expletive directed at former President Biden. The students argued it was protected political speech; the school said it was vulgar.

Writing for the majority, Judge John Nalbandian sided with the school, holding that educators may bar student speech reasonably understood as profane or vulgar, even when it carries a political message. The appeals court stressed that historically, teachers were given "great latitude in regulating vulgarity or profane speech, notwithstanding the shift from a system of voluntary private schools to one of compelled public schooling." The decision gives wide deference to local administrators to decide what counts as inappropriate language, noting that "the First Amendment gives a student the right to wear *Tinker's* armband, but not *Cohen's* jacket," meaning that schools should continue to tolerate non-disruptive political speech, yet may prohibit speech reasonably viewed as lewd, indecent, or vulgar, even when it carries a political message.

Key Takeaways

- *Vulgarity exception reaffirmed*: The Sixth Circuit reaffirmed that schools may restrict speech reasonably viewed as vulgar, even if the words themselves are not explicit.
- *Political speech no shield*: Political context does not override a school's interest in civility; administrators may prohibit slogans with profane connotations.
- *Deference to local judgment*: Courts will generally defer to educators' good-faith determinations of what is inappropriate in a K-12 environment.
- *Split with other circuits*: The dissent pointed out that other federal appeals courts have protected comparable student expressions with political overtones, even when the language was arguably offensive. This growing divide among the circuits increases the likelihood of future Supreme Court review to clarify how far schools may go in restricting politically charged speech.