

Case 11

On September 17, 1999 a fight broke out in the stands during a football game at Eisenhower High School in Decatur, Illinois. The fight disrupted the game. About half of the nearby spectators scattered to avoid getting hurt. The fight, however, involved no weapons and resulted in no serious injuries to anyone. Six Eisenhower students who had taken part in the fight (which had been recorded on videotape), all African American, were immediately suspended. Shortly thereafter a hearing took place at which the students were presented with the charges against them and given an opportunity to respond. In late October the Decatur School Board voted, with only one dissent, from the sole African American member of the School Board, to expel the six students for a period of two years.

In August of 1998 the Decatur School Board had adopted a resolution which declared a "no tolerance position on school violence." In most other school districts a two year expulsion would be imposed only in the most grave kinds of disciplinary infractions. For example, of the three students expelled for two years in the Chicago Public Schools during 1999, one was charged with attempted murder (with a gun) off campus, another charged with aggravated battery off campus, and the third allegedly threatened in school to cut a student's throat with a pair of scissors.

The decision of the Decatur School Board to expel the six students for two years generated immense controversy. Reverend Jesse Jackson, and other members of the Push/Rainbow Coalition, which he leads, came to Decatur to take up the students' cause. In early November Illinois Governor George Ryan and State Superintendent of Public Instruction Max McGee met with the Decatur School Board and Jesse Jackson in an effort to defuse the situation. Superintendent McGee proposed that the students be given an opportunity to receive alternative schooling while expelled (the Decatur School Board's expulsion order had made no such provision). He also suggested that the students be allowed to apply for readmission at the end of the fall semester contingent upon satisfactory academic work and conduct in the alternative school setting. Jesse Jackson, on behalf of the students, indicated that he considered Superintendent McGee's suggestions fair and reasonable. The Decatur School Board rejected them but, owing to intense persuasive efforts by Governor Ryan, reduced the expulsion order to one year, with provision of alternative schooling.

Jesse Jackson made it clear that the six students, their families, and their supporters in the community, which included many of the African American residents of Decatur, viewed the School Board's response as unacceptable. He denounced the "zero tolerance" position on school violence in Decatur as the latest in a series of vindictively harsh policies directed at young people throughout the United States. Jackson called attention to the fact that not long before the fight that took place on September 17, 1999, a student at Roosevelt Junior High School in Decatur, who had made a bomb threat, received a suspension of only a few days. Jackson also pointed to statistics indicating that of the last fifty seven students expelled from Decatur public schools, forty seven had been African American.

Push/Rainbow Coalition attorneys filed a lawsuit in federal court protesting the expulsion of the six students. On January 12, 2000 a federal judge in Urbana, Illinois issued a decision that upheld in every respect the action taken by the Decatur School Board.

Question: Was the decision of the federal judge on January 12, 2000 upholding the action taken by the Decatur School Board in regard to the expulsion of the six students involved in the fight at the football game morally justifiable? If so, why? If not, why not?