



CENTER FOR THE STUDY OF LAW AND SOCIETY  
BERKELEY LAW

## CSLS SPEAKER SERIES

Monday, October 15, 2018

### JUSTIN DRIVER

Harry N. Wyatt Professor of Law, University of Chicago

### ***The Schoolhouse Gate: Public Education, the Supreme Court, and the Battle for the American Mind***

(Pantheon, 2018)

Judicial decisions assessing the constitutional rights of students in the nation's public schools have consistently generated bitter controversy. From racial segregation to unauthorized immigration, from antiwar protests to compulsory flag salutes, from economic inequality to teacher-led prayer—these are but a few of the cultural anxieties dividing American society that the Supreme Court has addressed in elementary and secondary schools. *The Schoolhouse Gate* gives a fresh, lucid, and provocative account of the historic legal battles waged over education and illuminates contemporary disputes that continue to fracture the nation.

Justin Driver maintains that since the 1970s the Supreme Court has regularly abdicated its responsibility for protecting students' constitutional rights and risked transforming public schools into Constitution-free zones. Students deriving lessons about citizenship from the Court's decisions in recent decades would conclude that the following actions taken by educators pass constitutional muster: inflicting severe corporal punishment on students without any procedural protections, searching students and their possessions without probable cause in bids to uncover violations of school rules, random drug testing of students who are not suspected of wrongdoing, and suppressing student speech for the viewpoint it espouses.

Driver surveys this legal landscape with eloquence, highlights the gripping personal narratives behind landmark clashes, and warns that the repeated failure to honor students' rights threatens our basic constitutional order. This book makes it impossible to view American schools—or America itself—in the same way again.

The Introduction & Ch. 5 of *The Schoolhouse Gate* are available in hard copy at the Center.

PLACE Selznick Seminar Room, 2240 Piedmont Avenue  
TIME **12:45 – 2:00pm**. Coffee and water provided. Bag lunches welcome.  
INFO <https://www.law.berkeley.edu/centers/center-for-the-study-of-law-society/>  
EMAIL [csls@law.berkeley.edu](mailto:csls@law.berkeley.edu)

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