

## **Censoring the School Paper**



# **First Amendment United States Constitution**

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

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# Censoring the School Paper



## Sunshine High School v. Journalism Students

A group of Sunshine High School students started a school newspaper, "The Informer," as part of a journalism class. Students working on "The Informer" receive class credit for writing and editing the paper. The production costs are covered by advertisements that the students sell.

School policy requires the newspaper's editor to submit newspaper proofs to the principal. In the past, the principal has not commented on nor changed any of the stories. Last September, the editor submitted a proof to the principal. The lead story in the paper was about teen pregnancy. Without directly naming the girls who were interviewed, the article discussed this controversial subject in some detail. The details, which included statements and quotes, worried the principal that the girls might be identified.

The principal informed the journalism students that they could not publish the article. The final publication of "The Informer" did not include the page on which the teen pregnancy article was found. This page also had another article on it that received no objection from the principal.

The journalism students sued the school for violating their First Amendment right to freedom of the press. In circuit court, where the case went to trial, the court decided that the principal's decision to ban the article did not violate the students' First Amendment rights. The students appealed to the District Court of Appeal. Disagreeing with the circuit court, the district court reversed the circuit court's decision. The district court said that the students should have been able to publish the article because the newspaper is a public forum. Sunshine High School is now appealing the case to the Florida Supreme Court.

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## Constitutional Question

Did the school violate the First Amendment right to freedom of the press by censoring the school newspaper article?

# Censoring the School Paper



## Petitioner Arguments

**MAY IT PLEASE THE COURT. MY NAME IS \_\_\_\_\_ AND I REPRESENT THE PETITIONER, SUNSHINE HIGH SCHOOL, WHO ARGUES THAT THE SCHOOL DID NOT VIOLATE THE STUDENTS' RIGHT TO FREEDOM OF THE PRESS.**

**The School's Arguments (for removing the article) include:**

1. The school newspaper is part of the school's regular journalism class. Therefore, the principal has the right to review all of the articles before they are published.
2. If the article had been published, the identity of the pregnant girls could have been revealed, and the school environment would have been disrupted.
3. If the article had been published, some students might have believed that the school thinks that teen pregnancy is okay.
4. The article would not have taught the students very much. The article had very little educational value.

**Try to think of other arguments against publishing the article. Write these arguments on the note pad at your seat.**

# Censoring the School Paper



## Respondent Arguments

**MAY IT PLEASE THE COURT. MY NAME IS \_\_\_\_\_ AND I REPRESENT THE RESPONDENT, THE JOURNALISM STUDENTS WHO ARGUE THAT THE CENSORSHIP DOES VIOLATE STUDENTS' FIRST AMENDMENT RIGHT TO FREEDOM OF THE PRESS.**

**The Journalism Students' Arguments (against censorship, against removing the article) include:**

1. The newspaper is a forum for expressing student views outside the classroom; therefore, the newspaper will not disrupt students' learning in school.
2. Although the topic was controversial, the article would have served a good educational purpose because the students could have learned something.
3. None of the school's money goes toward the newspaper. Since the students pay for production costs by selling ads, the school cannot be seen as the publisher.
4. Banning the article was unfair because the school principal never offered the students a chance to re-write it.

**Try to think of other arguments in favor of publishing the article. Write these arguments on the note pad at your seat.**

# Censoring the School Paper



## Sample Questions for Justices

### Questions to ask the Petitioner (Sunshine High School):

1. What kind of trouble would this article have created in school?
2. Why wasn't the educational value of the article considered?
3. Were the editors of the paper offered an opportunity to change the article so it wouldn't reveal the girls' identities?
4. If the teachers were told to expect questions about this article, couldn't it have been turned into a positive learning experience?

**Try to think of other questions for the attorneys who are against publishing the article. Write these questions on the note pad at your seat.**

### Questions to ask the Respondent (Journalism Students):

1. How would the article serve a good educational purpose?
2. Since the class where the paper is created was provided by the school, doesn't that still make the school the newspaper's publisher?
3. Isn't the girls' right to privacy more important than the newspaper's right to freedom of the press?
4. If the girls had been discovered, wouldn't they have been harassed and at school?

**Try to think of other questions for the attorneys who are in favor of publishing the article. Write these questions on the note pad at your seat.**

# Censoring the School Paper



## Marshal's Script

*(You must call Court to order in a very **loud** voice.)*

**All rise.**

**Hear ye! Hear ye! Hear ye!**

**The Supreme Court of Florida is now in session.**

**All who have cause to plea, draw near, give attention, and you shall be heard.**

**God save these United States, this great State of Florida, and this honorable Court.**

**Ladies and gentlemen, the Florida Supreme Court.**

**Please be seated.**

# Censoring the School Paper



## Chief Justice's Script

**The Court is ready to hear the case of  
Sunshine High School v. Journalism Students.**

**Are the attorneys ready to proceed?**

**Attorneys for the Petitioner may begin.**

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*[When the Marshal calls time, tell the petitioner's attorneys that their time is up. If the attorneys are in the middle of an answer when time is called, then you can tell them that they may briefly finish their answer.]*

**Attorneys for the Respondents may begin.**

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*[When the Marshal calls time, tell the respondents' attorneys that their time is up. If the attorneys are in the middle of an answer when time is called, then you can tell them that they may briefly finish their answer.]*

**Attorneys for the Petitioner may present rebuttal.**

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*[When the Marshal calls time, you tell the petitioner's attorneys that their time is up. If the attorneys are in the middle of an answer when time is called, then you can tell them that they may briefly finish their answer.]*

**Attorneys, thank you for your arguments. The Court will announce its decision shortly.**

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## Clerk (place on Clerk's desk)

After the arguments, the Justices will vote on the case. Count the votes for the Petitioner (Sunshine High School) and Respondent (Journalism Students).

### ***READ:***

The Florida Supreme Court has reached a decision in this case. By a vote of \_\_\_\_\_ to \_\_\_\_\_ the Court rules in favor of the \_\_\_\_\_.

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## Vote Sheet

Votes:

Chief Justice Lewis

\_\_\_\_\_  
Petitioner/School      Respondent/Students

Justice Wells

\_\_\_\_\_  
Petitioner/School      Respondent/Students

Justice Anstead

\_\_\_\_\_  
Petitioner/School      Respondent/Students

Justice Pariente

\_\_\_\_\_  
Petitioner/School      Respondent/Students

Justice Quince

\_\_\_\_\_  
Petitioner/School      Respondent/Students

Justice Cantero

\_\_\_\_\_  
Petitioner/School      Respondent/Students

Justice Bell

\_\_\_\_\_  
Petitioner/School      Respondent/Students

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## Court Decisions

### Hazelwood School District v. Kuhlmeier (1988)

*Available at <http://laws.findlaw.com/us/484/260.html>*

In this case, editors of the Spectrum, the school newspaper of Hazelwood East High School, wrote an article about teen pregnancy and an article about divorce. The principal objected to both articles: the first article risked identifying the pregnant students and the second article did not allow the divorced parents to comment on the interview their child gave. The principal did not allow these articles to enter the final edition of the paper, so the editors sued the school.

The United States District Court of Eastern Missouri ruled that the censorship did not violate the First Amendment right to freedom of the press because the decision that the anonymity of the pregnant girls may be lost was a reasonable one and the principal had a duty to protect the school's educational mission.

However, the United States Court of Appeals for the Eighth Circuit reversed the district court's decision. The Court of Appeals ruled that the Spectrum was a public forum and that the principal could not censor the article.

The United States Supreme Court reversed the Court of Appeals' decision, holding that the right to freedom of the press in schools must be balanced with the school's educational mission. The Court concluded that the Spectrum was not a public forum. The Court held that the principal had acted reasonably and was justified in his actions.

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## Case Study Sheet

I. What are the Facts?

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II. State the Issue to be Decided:

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III. Arguments for Petitioner:

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IV. Arguments for Respondent:

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V. What Would You Decide?

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VI. Reason/Evaluation:

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VII. Mock Supreme Court Conference Decision:

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VIII. Actual Decision of the Court:

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