***Hazelwood School District v. Kuhlmeier* | 1987**

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| The journalism class at Hazelwood East High School wrote articles and put them together for the school paper. They gave the newspaper to their teacher, Howard Emerson. Mr. Emerson showed the newspaper to the principal. He asked the principal if it was okay to make copies and hand them out to students at the school.  Principal Reynolds did not like what he read. First, there was an article about pregnant students. It described the students, but it did not give their names. Principal Reynolds was afraid that students would be able to figure out who the pregnant students were.  There was another article that Principal Reynolds did not like. This one talked about divorce. In it, one student said things about her father. For example, she said that her father went out too much. She also said that her father didn't spend enough time with his family. The father did not get a chance to tell his side of the story. Principal Reynolds thought this was unfair.  Principal Reynolds thought the paper needed to be changed. But it was almost the end of the school year. He was afraid that it would take the class a long time to change it. If it took too long, the school year would be over and the other students would not get the paper. So he told Mr. Emerson to remove the pages that had the articles about pregnancy and divorce. He said to make copies of the rest of the paper.  The students were very angry. They had spent a lot of time writing the articles. They could have fixed them if Principal Reynolds had given them a chance. Instead, he deleted two pages that also contained other articles. They felt that this was a violation of their First Amendment rights. They went to the U.S. District Court. The court did not agree with them. It said that school officials may limit students' speech in the school newspaper if their decision has "a substantial and reasonable basis." In other words, if he has a good reason, it is okay for a principal to limit students' speech.  The students appealed the decision. The Court of Appeals reversed the decision of the U.S. District Court. This court said that the school paper was a "public forum," or place where students could express their views. The judges said that the school could not censor the paper except "to avoid . . . substantial interference with school work or discipline . . . or the rights of others." They did not think that the articles about pregnancy would have interfered with schoolwork. They thought the articles should have been printed.  The school appealed the decision of the Court of Appeals. The Supreme Court of the United States thought that this was an important case. It dealt with the rights of students. It agreed to hear arguments from both sides.  Source: <http://www.streetlaw.org/en/Page/646/Background_Summary__Questions_>, Accessed March 2013 |

***Tinker v. Des Moines Independent Community School District* | 1968**

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| John and Mary Beth Tinker attended public school in Des Moines, Iowa in 1965. Their school did not allow students to wear armbands to protest the Vietnam War. However, the Tinkers decided to wear armbands to school anyway. The school officials asked the Tinkers to remove their armbands, but the Tinkers refused. John and Mary Beth Tinker were suspended from school until they agreed to remove the armbands.  The Tinkers sued the school district in the U.S. District Court. The Tinkers believed that the Des Moines school district violated their right to free speech under the First Amendment to the U.S. Constitution. Even though the students were not speaking with their voices, they believed that wearing armbands was like speaking. This is called symbolic speech.  The school district maintained that it had banned armbands because of their potential to distract students and disrupt class. However, other forms of potentially controversial speech had been permitted in school, including campaign buttons.  The District Court sided with the school officials. The Court said that wearing the armbands could disrupt learning at the school. Learning without disruption was more important than the free speech of the students.  The Tinkers appealed their case to the next level of courts, U.S. Court of Appeals for the Eighth Circuit: But the Circuit Court agreed with the District Court. The Tinkers then appealed their case to the Supreme Court of the United States. The Court had to answer this basic question: Does the constitutional right of free speech protect the symbolic speech of public school students?  In 1968, the Supreme Court of the United States agreed to hear the case of Tinker v. Des Moines. They issued their decision in 1969.  Source: <http://www.streetlaw.org/en/Page/228/Background_summary__questions_>, Accessed March 2013 and <http://landmarkcases.org/en/landmark/cases/tinker_v_des_moines> |

**Supreme Court Decisions: Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_ Pd.\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Your group will be playing the part of the Supreme Court, but before your group can come to a decision about the case, you must answer the following questions about each case:**

***Tinker v. Des Moines***

1. Were the armbands a form of symbolic speech protected by the First Amendment?
2. Did this expression of symbolic speech cause a significant disruption in the school?
3. Did the school district have the power to restrict that speech in order to maintain order in the school?

**Decision: *Your group should come to a majority decision when answering the main question of the case:***

**Did the school violate the students’ first amendment right to free speech when they suspended the students for wearing the black armbands?**

**# of students who decided yes: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**# of students who decided no: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Explain your group’s decision:**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

***Hazelwood v. Kuhlmeier***

1. Does the fact that the paper was a part of the school curriculum (class) allow the school to censor what is put into the paper?
2. Under what circumstances, if any, does the first amendment allow schools to restrict students’ right to speech and the press?

**Decision: *Your group should come to a majority decision when answering the main question of the case:***

**Did the principal violate the students’ first amendment right to free speech and the press when he deleted articles he found to be inappropriate?**

**# of students who decided yes: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**# of students who decided no: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Explain your group’s decision:**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**First Amendment Landmark Supreme Court Cases Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_ Pd. \_\_**

**Directions:** Use the case studies to answer the following guiding questions on your own.

**Tinker v. Des Moines**

**Guiding Questions:**

1. Explain what led up to the students’ suspension.
2. Do you think that the school policy banning armbands was fair? Why or why not?
3. The First Amendment says "Congress shall make no law . . . abridging the freedom of speech." Do you think that actions, like wearing an armband to protest, are the same as speech? Why or why not?
4. Predict who you think the Supreme Court sided with, the school district or the students.

**Hazelwood v. Kuhlmeier**

**Guiding Questions:**

1. Why did Principal Reynolds think the articles about the pregnant students and divorce were inappropriate?
2. What did Principal Reynolds do to fix the ‘problem’? Why did he feel he didn’t have any other choice?
3. What rights did the students say had been violated?
4. Do you think a principal should be allowed to limit what is said in a school newspaper? Why or why not?
5. Predict who you think the Supreme Court sided with, the principal or the students?