Student notes for Student Press Law Center’s Media Law Presentation: Press Freedom

SPLC’s phone number:

SPLC’s website:

Slide 5

Some examples of direct censorship are:

Some examples of indirect censorship are:

Slide 6

Define each of the roles of a free press:

• Creating an informed citizenry (marketplace of ideas)

• Watchdog

• “Conscience of society”

Slide 8

Five freedoms guaranteed by the First Amendment are:

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Slide 9

True or False: Public and private schools both have the same First Amendment legal protections.

Why or why not?

Slide 10

Private school student media may be protected by

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Slide 13

Public school officials do not have \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to censor.

Slide 14

“Publisher myth”: Take a moment and outline the one applicable to you (public or private).

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The Tinker V Des Moines (1969) case is cited in almost all legal opinions involving student free speech rights. This case established that students and teachers do not “shed their constitutional rights to freedom of \_\_\_\_\_\_\_\_\_\_\_\_\_ or \_\_\_\_\_\_\_\_\_\_\_ at the schoolhouse gate.

18

The Tinker standard established: Speech that invades the rights of others and speech that creates a material and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of normal activities are exceptions to this.

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Other unprotected speech areas are:

• Libel

• Invasion of Privacy

• Copyright Infringement

• “Fighting Words”

• Speech that creates a clear and present danger

• Speech that presents a clear and immediate threat to national security

• Obscenity

20

An example of a “Material and Substantial Disruption” is

23:

This case significantly reduces the level of First Amendment protection:

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In the Hazelwood case, the Court said the school officials could demonstrate a reasonable\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ for their actions.

29

Three examples given of a reasonable educational justification include

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With that said, Hazelwood’s reach is not unlimited. It applies only to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_-\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ speech.

32

It does not apply to “\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_” student media. This is established based on who is making the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

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Administrators may not censor just because they \_\_\_\_\_\_\_\_\_\_\_\_ with the viewpoint of an article.

34

Dean v Utica Community Schools (2004)

This case leaves no \_\_\_\_\_\_\_\_ that high school journalists retain First Amendment protection.

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Even if the publication is not a limited \_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_, censorship was “unreasonable” under Hazelwood.

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Five factors that established the students and not school officials were responsible for content include

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• Written policy statements

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• Curricular/extracurricular nature of student media

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40

List three reasons censorship was “unreasonable” under Hazelwood:

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43

Some states have anti-\_\_\_\_\_\_\_\_\_\_\_\_\_\_ laws and regulations. Name three

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For sample policies, see \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Seven ways to fight censorship include

• Practice sound journalism

•

• Do your homework

•

• Use the court of public opinion

•

• Consider your legal options