



Media Law & Ethics

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Stephen Green created these lessons as a capstone project for completion of the journalism educator master's degree program at Kent State University. It may be reproduced only for individual classroom teachers in class, but not for any commercial purposes including derivative works.

Rationale

If law is what journalists must follow, ethics are what they should follow. There are many codes of ethics and small rules how journalists need to behave in certain situations. However, starting by understanding some key, overarching ideas will hit most of the small situations as well and prevent shady behavior.

CLASS GOAL: We will understand core beliefs and behaviors of journalists.

INDIVIDUAL GOAL: I will apply the ethical duties of journalists to scenarios.

Goals for Understanding

Students will understand & demonstrate

- Journalists have a duty to be accurate & transparent
- Journalists should be balanced, unbiased and exhibit fairness
- Journalists should write with concision and understandability
- Journalism serves democracy — being a watchdog of public officials and providing information voters need to make informed decisions
- And journalists help its readers by providing vital information and helping to make sense of the vast amount of information going on around them

Overview & Timeline

This lesson is designed to be completed in one, 45-minute class period with students split into groups of four.

Lesson includes

- Warm up activity/preactivity assessment
- Direct instruction
- Cooperative learning activity
- Closing/post-activity assessment

Materials Needed

- “ABCs of Ethics Instructional Cards” cut for each group
- “ABCs of Ethics Practice Cards” cut for the class
- “ABCs of Ethics Scenario Cards” cut for each group

Day 1

WARM UP ACTIVITY: Show Slides 2 & 3 of the slideshow and have students individually complete the activity with a 2-minute time limit. Then, direct students to go around their group explaining and justifying each of their results using the round-robin method for 20 seconds per student. Use a timer application or website to show the students how much time is left. Audibly signal when it is time to switch group members and ensure everyone is talking. Slide 4 has the suggested answer the teacher can use to preview the lesson.

INSTRUCTIONAL ACTIVITY: Have each group member pull one of the four “ABCs of Ethics Instructional Cards” and read to themselves for 1-2 minutes. Then, have each student spend 30 seconds explaining to the group members the different concepts they learned on their card.

Then, pass out the “ABCs of Ethics Practice Cards” — one to each student. They will engage in a mix-pair-share activity: Students will mix around the room (make them actually mix) and pair up with someone. The pair should ask each other the question on their card and answer. If they got it wrong, the other student should coach them to the right answer, not tell them the right answer right away. Talk with students about how to help one another if they see a student struggling. Then, have them mix-pair-share again with someone they have not already paired with. They should do this for about 5-10 minutes or until the class has roughly cycled through.

Once students return to their seats, give students in each group one of the four scenarios so that every group member has a different scenario. Start with the person who last drank water. The person holding the card will read the scenario and ask the first question. The group will round-robin answering the question. Then, the card-holder will ask the next question, which is answered in the same way. This repeats until the card is complete. Once complete, the group should come to consensus on what they would do in the situation. This process repeats with the other group members and other cards until all have been completed. Discuss the cards as a class and correct any misconceptions or erroneous lines of thinking groups have.

Slide 5 has a recap of concepts.

EXIT TICKET/CLOSING ACTIVITY: Have all students complete the question on Slide 6.

References

- Etwell, J., Balmeo, M., Austin, E., & Hamm R. (2021). *Journalism: Publishing Across Media*. The Goodheart Willcox Company.
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Accuracy: Get It Right

ABCS OF ETHICS

Is It True?

Journalists journal. They observe, analyze, interpret, interview and otherwise collect data that is then organized into a story.

People have no choice but to trust what you say is correct. As a result, you have a duty to make sure every single fact you write, no matter how small, is correct.

Accuracy Includes

- Spelling names correctly & getting the tiny details right; don't guess or assume something is true
- Get direct quotes correct; record
- Confirm when unsure about facts
- Never make up facts or quotes
- Fact check everything twice
- Make it easy to report & correct errors

Think About It!

If John is writing a story about Maria, referring to her as an "unauthorized immigrant" but that is only true of Maria's mother, why would that be a big deal ethically? It is not true so Maria could not be deported. So, what could happen? Why does it matter?

Balance: All Sides & Unbiased

ABCS OF ETHICS

Is It Unbiased?

Journalists are teachers for adults. They are supposed to provide information in an understandable way without injecting personal biases into the mix.

Journalists must always be aware of their own biases (everyone is) and do their best to limit that bias showing up in their coverage, even unintentionally like not covering some groups.

Balance Includes

- Giving a fair chance to legitimate other sides of a story, if there is one
- Being transparent about your reporting
- Avoiding conflicts of interest — a personal connection to a story
- Being unbiased even when you disagree
- Covering different types of people and groups including lighter, happier stories.

Think About It!

The yearbook editor refuses to include a spread dedicated to the cheerleading team, which is successful and is one of the largest sports on campus. They say "the stereotypes are true here, I'm not going to reward them for being a bunch of catty girls who like drama." This isn't written in a story, so is it OK?

Concise: Be Understandable

ABCS OF ETHICS

Too Smart & Bad Writing

Your job is to help people learn about the world around them. This means you have a duty to write well in a way that makes sense to the average reader. You have a duty to be brief as to not waste time.

Writing is a tool for reporters as a scalpel is for doctors. Both must wield their tools with passion, care, and know how to use them.

Concise Includes

- Say what you mean; don't try to sound smart just for the sake of flexing your vocabulary to be impressive
- Avoid jargon — industry specific language
- Know what the audience needs to know and prioritize including it in the story
- Use Associated Press Style or other guides to share common language styles

Think About It!

SENTENCE: The surrounding subtropical climate region experienced byproducts of condensing atmospheric water vapor falling to the floor of the troposphere via gravitational pull in the form of droplets in excess of 0.2 millimeters on the present date of the Gregorian calendar.

TRANSLATION: It rained today.

Journalism Serves the Reader

ABCS OF ETHICS

Public Service Job

Always remember that you are doing a job meant to help the public. Every story you choose (or ignore), all photos, all resources you create, all ads you sell, all videos you publish are meant to help a reader's life be a little better than it was before. Should you do a story? Ask yourself, "How does it help readers?"

Serving Readers Means

- Providing timely information relevant to their area
- Responding to reader questions, story ideas & content concerns
- Being financially independent to continue publishing
- Understanding the community, its needs and the players involved

Think About It!

Think about the last story, photo or other content you generated for your publication (if you haven't, think about the last media article you read). What good does it serve? How does it help people? There are lots of ways they can.

Journalism & Democracy

ABCS OF ETHICS

The Fourth Branch

Journalists are the only job specifically protected by the United States Constitution. This is because it helps keep the democratic style of debate alive.

Consider: If the news would disappear today, how would you know what Congress is planning on doing? Who would let you know who is running and what they stand for?

Roles Include

- **WATCHDOGS:** Journalists alert the public when they see wrongdoings.
- **GATEKEEPERS:** Journalists pay attention to everything going on and publish what is most important and helpful to readers.
- **TRANSLATOR:** Provide context to otherwise random events and breakdown complex issues.
- **MODERATOR:** Be a public forum for debate on important issues as a voice for the voiceless.

Think About It!

A longtime U.S. representative for your school is loved by everyone. They donate millions to charity, pass sensible laws and even pushed legislation forward that helped your friend get health insurance. However, you find out they steal \$100,000 in tax dollars every year. Why would journalists report on such a nice person?

Card 1

Answer

Biased. "Refuses" has negative connotation and "better books" is up to the reader. Many people like books others find boring.

Remember To Coach

If your partner is struggling, help them to find the right answer WITHOUT giving away the right answer at first. Let them struggle some.

Card 4

Answer

Biased. "Too much" is a judgment call about the cost unless a source is cited as saying it.

Remember To Coach

If your partner is struggling, help them to find the right answer WITHOUT giving away the right answer at first. Let them struggle some.

Card 7

Answer

Biased. "Childish" is a subjective term. Remove that and the sentence is good.

Remember To Coach

If your partner is struggling, help them to find the right answer WITHOUT giving away the right answer at first. Let them struggle some.

Card 10

Answer

Factual. Descriptions may sometimes be subjective, but "stacked" and "pile" are still able to be proven true or not.

Remember To Coach

If your partner is struggling, help them to find the right answer WITHOUT giving away the right answer at first. Let them struggle some.

Card 13

Answer

Factual. It can be proven if "sources suggest"ed the statements to the reporter.

Remember To Coach

If your partner is struggling, help them to find the right answer WITHOUT giving away the right answer at first. Let them struggle some.

Card 2

Answer

Biased. The food may be getting an upgrade, but "mostly dry and flavorless" is subjective.

Remember To Coach

If your partner is struggling, help them to find the right answer WITHOUT giving away the right answer at first. Let them struggle some.

Card 5

Answer

Biased. "Go support the team" is an opinionated call to action not allowed in news.

Remember To Coach

If your partner is struggling, help them to find the right answer WITHOUT giving away the right answer at first. Let them struggle some.

Card 8

Answer

Biased. Suspect is factual, but "his victim" is biased and potentially libelous.

Remember To Coach

If your partner is struggling, help them to find the right answer WITHOUT giving away the right answer at first. Let them struggle some.

Card 11

Answer

Factual. The team may have lost, which is bad, but it is a fact that can be proven.

Remember To Coach

If your partner is struggling, help them to find the right answer WITHOUT giving away the right answer at first. Let them struggle some.

Card 14

Answer

Factual. "Murder suspect", "a victim" and "his house" are provable statements. The dead body is, factually, "a victim of someone even if not the person they arrested."

Remember To Coach

If your partner is struggling, help them to find the right answer WITHOUT giving away the right answer at first. Let them struggle some.

Card 3

Answer

Biased. "Too many" is the reporter making a judgment unless they add a citation.

Remember To Coach

If your partner is struggling, help them to find the right answer WITHOUT giving away the right answer at first. Let them struggle some.

Card 6

Answer

Biased. "Smart" is an opinionated term. Plus, the reporter can't make a global claim without a source to back that up.

Remember To Coach

If your partner is struggling, help them to find the right answer WITHOUT giving away the right answer at first. Let them struggle some.

Card 9

Answer

Factual. It can be proven whether or not "he said" the statement.

Remember To Coach

If your partner is struggling, help them to find the right answer WITHOUT giving away the right answer at first. Let them struggle some.

Card 12

Answer

Factual. It might be a negative fact about the person, but it is still a fact it happened.

Remember To Coach

If your partner is struggling, help them to find the right answer WITHOUT giving away the right answer at first. Let them struggle some.

Card 15

Answer

Factual. "Faulty" is true in this case because the computers don't work. It would be different if they worked and were just slow.

Remember To Coach

If your partner is struggling, help them to find the right answer WITHOUT giving away the right answer at first. Let them struggle some.

Card 3

Factual or Biased?

Too many students have been getting tardy referrals.

Card 2

Factual or Biased?

The food in the cafeteria — mostly dry and flavorless — is getting an upgrade.

Card 1

Factual or Biased?

The English department refuses to pick better books.

Card 6

Factual or Biased?

He is one of the smartest people on the planet, much less the campus.

Card 5

Factual or Biased?

Go support the team in its game against the Townston Rebels this Friday.

Card 4

Factual or Biased?

The school district spend too much money on textbooks and workbooks for a class that does not exist.

Card 9

Factual or Biased?

He said the school board needs to be completely wiped clean and start from scratch.

Card 8

Factual or Biased?

Police arrested the murderer suspect this morning, only hours after finding his victim lying dead in his house.

Card 7

Factual or Biased?

The childish prom theme was selected by a majority vote of the senior class.

Card 12

Factual or Biased?

The starting quarterback got sacked by the other team early in the first half.

Card 11

Factual or Biased?

The team lost the game after a last-minute score by the other team.

Card 10

Factual or Biased?

The peanut butter and jelly sandwiches were piled up on the table by the drinks.

Card 15

Factual or Biased?

The faulty computers have not worked since a toddler spilled a sticky drink into the motherboards last year.

Card 14

Factual or Biased?

Police arrested the murderer suspect this morning, only hours after finding a victim lying dead in his house.

Card 13

Factual or Biased?

Sources suggest the company is about to file for bankruptcy, perhaps as early as tomorrow morning.

ABCs of Ethics Scenarios

Silent Reading

Consider This Scenario

You want to write a story about how students use the time allotted for a period of required, silent reading every day, as well as what they do while the principal reads the announcements. The student reporters are planning to stick their heads into classrooms during announcements and reading time and write about what they see going on.

Do you have to give teachers a warning before you come in? Should you as a courtesy? Why or why not?

Who all could be harmed by the story — rightly or wrongly?

Do you ask permission from the students or teachers first about writing down what they are doing? Why or why not?

Do you see any problems with this method of reporting the story? Could anything be taken out of context? How or why wouldn't it?

What ethical duties are violated by running this story, if any? What harm happens or could happen, if any, and under what circumstances?

Staging a Photo

Consider This Scenario

You are covering bullying issues on your campus after a student in a nearby state made national news for bullying a freshman. The professional press is covering it as an issue of homophobia. You wish to create a photo illustration (staged photo) of bullying on your campus. Several students have volunteered to play the parts of the students being bullied and bullies if you digitally blur their faces in the picture. You intend to label the images as a photo illustration.

What problems might exist by staging the photo for the publication? For the public?

How could the image be taken poorly by the LGBTQIA community or victims of bullying in general?

What purpose does the illustration serve? Why would the editor want to do that in the first place?

What harm or benefit could come from the photo illustration? Is the illustration worth doing?

What ethical issues exist considering you do not know if any of the volunteers are former or current bullying victims? How could they be harmed and why would they do it?

What ethical duties does running it violate, if any?

The Quoted & Misquoted

Consider This Scenario

One of your teachers who was quoted in a sports feature story tells you she was never interviewed for the piece. Another student claims he was misquoted in the same story. You approach the reporter who interviewed both sources asking to see the interview notes or hear the recording. The reporter says they threw away the notes and deleted the recording like they always do but "swears on everything" they didn't make up the interview or misquote him.

What should you do with regard to the reporter? How should they be punished if the teacher & student are being truthful?

What should the publication do about the story, if anything? What is your recommendation?

How can you be sure either way that the reporter or sources are being honest?

What if the misquote was accidentally forgetting a word, would it still be unethical for the reporter?

What ethical duties does this violate, if any, if the reporter did fabricate and misquote the interviews? What harm happens?

How can the publication prevent this situation from happening in the future?

Helping a Friend

Consider This Scenario

A veteran reporter pitches a story about her best friend who was allegedly raped under the influence of a date-rape drug by the friend's boyfriend. She wants to write the story. She said her friend is OK and wants to name the boyfriend. The alleged rape happened right after her friend tried to break up with him at a party. No formal criminal charges have been filed and she has no plans to file any. Her friend said she wants to "help prevent future victims."

What potential good and bad that can result from the story for the friend? For the public?

How can you be skeptical about the seriousness, criminal nature of her claims while not undermining a potential victim?

Should the reporter be able to write the story about her friend? Why or why not?

How does the potentially criminal element weigh into your ethical choice?

What ethical duties could this violate, if any? What harm happens?

If she had proof the claims were true, would you publish even without criminal charges? Why or why not?

Rationale

The First Amendment is one of the cornerstones of the American political system. What exactly does it protect? People use it all the time without actually understanding what all it means for people in the country.

CLASS GOAL: We will learn about the First Amendment, its history and its protections and limitations.

INDIVIDUAL GOAL: I will analyze a situation and determine if a situation would be in violation of the First Amendment.

Goals for Understanding

Students will understand & demonstrate

- The First Amendment has five protections: religion, peaceful assembly, petition, press, and speech
- It was included as a response to British royalty preventing criticism
- First Amendment protection extends only to government action, not protection from private citizens and businesses who dislike your speech
- And speech can be limited in its time, place and manner in limited ways; all Constitutional protections have limits.

Overview & Timeline

This lesson is designed to be completed in one, 45-minute class periods with students split into groups of four.

Lesson includes

- Warm up activity/preactivity assessment
- Direct instruction
- Cooperative learning activity
- Closing/post-activity assessment

Materials Needed

- "First Amendment & Limits Instructional Cards" cut for each group
- "Supreme Court Cases Cards" cut for each group

Day 1

WARM UP ACTIVITY: Show Slides 2 & 3 of the slideshow and have students individually complete the activity with a 2-minute time limit. Then, direct students to go around their group explaining and justifying each of their results using the round-robin method for 20 seconds per student. Use a timer application or website to show the students how much time is left. Audibly signal when it is time to switch group members and ensure everyone is talking. Slide 4 has the suggested answer the teacher can use to preview the lesson.

INSTRUCTIONAL ACTIVITY: Have each group member pull one of the four "First Amendment & Limits Instructional Cards" and read to themselves for 1-2 minutes. Then, have each student spend 30 seconds explaining to the group members the different concepts they learned.

Hand each group a stack of the "Supreme Court Case Cards". Starting with the person with Texas v. Johnson, students should take turns reading the scenario and getting a response to each question about an actual Supreme Court case. Then, the group should come up with a consensus about what would be allowed to happen in a similar situation if the Supreme Court didn't vote that way. For example, if the Supreme Court didn't support flag burning as a form of speech in Texas v. Johnson, the government would be able to punish people for criticizing the government by disrespecting the flag. After Texas v. Johnson, this is the order they should discuss the cards: Snyder v. Phelps, Chaplinsky v. New Hampshire, Brandenburg v. Ohio, and finally Miller v. California. Stop and have the class discuss the pros and cons of each Court case and correct any misunderstandings before moving on. Continue until all cards and questions have been discussed.

Slide 5 has a recap of concepts.

EXIT TICKET/CLOSING ACTIVITY: Have all students answer the situation on Slide 6 in a way preferable to the teacher and turn in to make sure students understand the main idea behind First Amendment protections from the government.

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RAPPS: What's in It?

FIRST AMENDMENT & LIMITS

First Gives Us Five

There are five protections enshrined in the First Amendment

- **RELIGION:** Right to practice any religion
- **ASSEMBLY:** Right to protest & strike
- **PETITION:** Ask the government to change
- **PRESS:** Media publishes what they want
- **SPEECH:** People say what they want

Example Protections

Even if you don't agree, people are legally protected from government stopping them from

- Burn an American flag or Bible
- Publish racist & homophobic books
- Protest military funerals
- Advocate legalizing crack cocaine
- Ask the school board to fire the principal of your school

Is It Protected?

This headline in the opinion section of your school publication:

Campus officials should be ashamed about low-quality teachers

Protects Me From Whom?

FIRST AMENDMENT & LIMITS

The Private Eye

The First Amendment specifically notes "the government shall make no law." This means government officials are the only people you have protection from (excluding crimes people commit against you).

Private companies and people can still punish you in other ways: telling you they hate you, firing you, or stop shopping at the small business you own.

Examples

All of these are perfectly legal (in most cases) because of the First Amendment wording

- John gets fired because promoted alternative medicine at the hospital where he works as a pharmacist
- Penelope's brother blocked her on Facebook because of racist statements
- Companies screening your social media

Think About It!

Kathy posts on Instagram that "anyone who believes in Christianity deserves to die." She loses 80% of her followers and posts, "Do I not have a right to free speech anymore?" What about her statement is misguided?

Time, Place & Manner

FIRST AMENDMENT & LIMITS

Everything Has Limits

A common misconception is that the Constitution is black and white. In reality, the law has many exceptions. You can't spread rumors that your friend is a drug user if that isn't true. You can be sued.

The Supreme Court is protective of speech rights, but has made exceptions.

When, Where & How

In the 1941 case *Cox v. New Hampshire*, the Supreme Court said the government can, at times, restrict the time, place and manner of speech. *Ward v. Rock Against Racism* (1989) created a three-part test

- **MUST BE CONTENT NEUTRAL** — not related to ideas. Officials can't punish you because it doesn't like your ideas.

- The restriction **MUST BE AS NARROWLY TAILORED AS POSSIBLE**. If someone at a protest is trying to convince people to start a fight, police can ask them to stop inciting violence, not to stop protesting.
- There **MUST BE ALTERNATIVE WAYS FOR COMMUNICATING** the message. A city cannot declare the entire city a "no free speech" zone. Freedom of speech must be reasonably accommodated in the vast majority of public places.

Why the First Amendment?

FIRST AMENDMENT & LIMITS

It's Common Sense

It may be obvious to people born in the United States in the 1900s and 2000s that people have free speech rights. It wasn't always that way and still isn't in many countries.

The first newspaper in the Americas was *Publick Occurrences* in Boston, which ran for one edition before being censored for criticizing the British government and operating without permission. Taxation without representation included the ability to criticize the government freely to make change.

Zenger Trial

Censorship was common in pre-Revolution America. Printers were regularly shut down and the British government controlled the presses. John Peter Zenger accused the British of corruption and was arrested for libel (printed lies). His lawyer earned a free-speech win when the jury determined libel must be false.

Not pleased, the British passed the Stamp Act on paper goods before angry editors force them to repeal. This was one of many reasons for revolt.

The Constitution

The American Revolution was a success and the founding fathers crafted a government (and failed on the first try) but eventually passed the Constitution in 1789. They forgot to add all those protections they rebelled for to begin with. Oops.

To fix this, Congress passed the Bill of Rights, 10 amendments to guarantee individual freedoms from government control. Top of their list were five rights enshrined in the First Amendment, which they considered most important.

Texas v. Johnson: Flag Burning

SUPREME COURT CASES

Situation & Court Ruling

Gregory Lee Johnson burned an American flag to protest President Ronald Reagan's policies in 1984 in front of the Dallas City Hall. He was arrested under a state law in Texas that outlawed such acts. Johnson was convicted to a year of jail time and a \$2,000 fine. The Supreme Court overturned the case in a 5-4 decision, which held that Johnson's act of protest fell into the category of free speech and "the Government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable." Justices who disagreed said the act was meant to provoke others and there were alternative ways to get the same message across.

Think About It!

- Which of the five protections is being discussed in this case?
- When could burning an American flag incite a riot?
- Is there a difference between burning an American flag, and burning a pro-America shirt?
- What would be a reason the government should ban burning the American flag? Why is that not enough to justify violating a person's right to free speech?
- What could happen if the Supreme Court voted the other way? What would the government have the right to do as a result?

Snyder v. Phelps: "Thank God for Dead Soldiers"

SUPREME COURT CASES

Situation & Court Ruling

Westboro Baptist Church regularly help protests at many events, including soldiers' funerals and held signs that said "Thank God for dead soldiers" and "God hates fags," among many others. The family of Marine Lance Cpl. Matthew Snyder sued, accusing the church of defamation, invasion of privacy, and intentional infliction of emotional distress. In 2010, the Supreme Court voted 8-1 in favor of the church, saying the First Amendment shields those who protest and otherwise do not violate the law like if they were to have trespassed or incited a riot. Justice Samuel Alito was the only one to dissent, saying the First Amendment is not a free pass for "vicious verbal assault."

Think About It!

- Which of the five protections is being discussed in this case?
- When could the church's protest cross the line and violate the law?
- If you were the church, how would you have argued on your behalf?
- Why is this considered an act of political protest (legal) instead of assault (legal)? Explain.
- What could happen if the Supreme Court voted the other way? What would the government have the right to do as a result?

Chaplinsky v. New Hampshire: Fighting Words

SUPREME COURT CASES

Situation & Court Ruling

Walter Chaplinsky was on the sidewalk in downtown Rochester, New Hampshire, passing out materials on behalf of the Jehovah's Witnesses that included attacks on other religions in 1942. Chaplinsky called a local law enforcement officer a "God-damned racketeer" and a "damned fascist." He was arrested under a state law that prohibited intentionally offense or annoying speech to anyone lawfully in a public space. The Supreme Court found, in a unanimous decision, that Chaplinsky broke the law because the First Amendment does not protect "fighting words" like Chaplinsky's because it could have caused an "immediate breach of the peace."

Think About It!

- Which of the five protections is being discussed in this case?
- What could Chaplinsky have said that would not have incited a fight?
- Do "fighting words" change from person to person? If so, why is that problematic for free speech? If not, how?
- How is the government upholding one of its duties by allowing fighting words to be censored?
- What could happen if the Supreme Court voted the other way? What would the government have the right to do as a result?

Brandenburg v. Ohio: Imminent Lawless Action

SUPREME COURT CASES

Situation & Court Ruling

Clarence Brandenburg, a local KKK leader, made a speech at the group's rally and was arrested under an Ohio law that made it illegal to advocate crime and terrorism as a form of political speech. In a 1969, unanimous decision, the Supreme Court found the Ohio law was unconstitutional and created a test for speech acts like his. First, the speech could be prohibited if it's "directed at inciting or producing imminent lawless action." Second, it must also be "likely to incite or produce such action." Because the leader was not calling specifically for illegal actions, instead just speaking about the ideas of the KKK, the speech would not have incited immediate lawless action.

Think About It!

- Which of the five protections is being discussed in this case?
- At what point does racist, homophobic, xenophobic or any other discriminatory speech turn into advocating "imminent lawless action"?
- If discriminatory speech was to be outlawed, who gets to determine what "discrimination" is? Why would that be bad for free speech?
- How does this case exemplify the quote, "I may not agree with what you say, but I will defend to death your right to say it"?
- What could happen if the Supreme Court voted the other way? What would the government have the right to do as a result?

Miller v. California: That's Obscene!

SUPREME COURT CASES

Situation & Court Ruling

Marvin Miller started a mass-mailing campaign to advertise adult materials. He was arrested and convicted of violating California law that prohibited distributing obscene materials. In 1973, the Supreme Court ruled in a 5-4 decision that obscene materials were not upheld by the First Amendment, and modified an earlier test it created to determine obscene materials. First, an "average person" would have to find it obscene. Second, it must describe or depict sexual conduct. Third, it must not have any "serious literary, artistic, political, or scientific value." The justices who disagreed argued, in short, that the test was too vague and could result in unfair arrests.

Think About It!

- Which of the five protections is being discussed in this case?
- In your town, what do you think people would consider obscene? What is the difference between calling something obscene and finding something upsetting or gross?
- At what point does sexual conduct have "literary, artistic, political or scientific value" as the Supreme Court requires?
- What could be a problem for free speech if there were no test created by the Supreme Court? Is the test good enough?
- What could happen if the Supreme Court voted the other way? What would the government have the right to do as a result?

Rationale

Don't get sued. The United States has a fairly robust set of laws that make it difficult to sue someone because you didn't like what they wrote. There are a few types of speech, though, that the subject can sue the outlet for. Knowing these areas and practicing sound ethics will prevent journalists from being sued.

CLASS GOAL: We will understand the difference between libel and slander, the burden of proof for libel, and four rights to privacy journalists need to know.

INDIVIDUAL GOAL: I will analyze scenarios and determine if the journalist would lose or successfully defend themselves in a lawsuit.

Goals for Understanding

Students will understand & demonstrate

- Libel is written; slander is spoken; both are lies
- The standard of proof for libel is on the person suing to show: the information was a lie, published, they were identified, the journalist was at fault and their reputation was damaged leading to actual harm
- Minors can agree to be interviewed without parent permission if they give informed consent
- Right to privacy is not in the Constitution, but set by courts and other laws at federal and state levels
- And there are four common privacy violations students should be aware of: publication of embarrassing private facts, false light, intrusion into seclusion, and misappropriation.

Overview & Timeline

This lesson is designed to be completed in two, 45-minute class periods with students split into groups of four, but may be completed in one depending on class length.

Lesson includes

- Warm up activity/preactivity assessment
- Direct instruction
- Cooperative learning activity
- Closing/post-activity assessment

Materials Needed

- "Defamation & Right to Privacy Instructional Cards" for each group
- "Defamation & Right to Privacy Practice Cards" cut for class
- "Defamation & Right to Privacy Scenarios" cut for groups

Day 1

WARM UP ACTIVITY: Show Slides 2 & 3 of the slideshow and have students individually complete the activity with a 2-minute time limit. Then, direct students to go around their group explaining and justifying each of their results using the round-robin method for 20 seconds per student. Use a timer application or website to show the students how much time is left. Audibly signal when it is time to switch group members and ensure everyone is talking. Slide 4 has the suggested answer the teacher can use to preview the lesson.

INSTRUCTIONAL ACTIVITY: Have each group member pull one of the four "Defamation & Right to Privacy Instructional Cards" and read to themselves for 1-2 minutes. Then, have each student spend 30 seconds explaining to the group members the different concepts they learned.

Then, pass out the "Defamation & Right to Privacy Practice Cards" — one to each student. These recap the information from the instructional cards. They will engage in a mix-pair-share activity: Students will mix around the room (make them actually mix) and pair up with someone. The pair should ask each other the question on their card and answer. If they got it wrong, the other student should coach them to the right answer, not tell them the right answer right away. Talk with students about how to help one another if they see a student struggling. Then, have them mix-pair-share again with someone they have not already paired with. They should do this for about 5-10 minutes or until the class has roughly cycled through everyone.

Open the floor for clarification questions as media law can be a bit confusing. Students will need some help understanding the specifics and how it all works together.

Pass out the "Defamation & Right to Privacy Scenarios" to each group. Students should each pull one of the five scenarios, read it individually and decide if the law was violated. Then, students should explain their situation to the group and, in a round-robin format, allow the other group members to say what they think after knowing what the law requires. There should be one scenario left over. One member will read the scenario out loud and the group will discuss and come to consensus on what the result should be.

Slide 5 has a recap of concepts.

EXIT TICKET/CLOSING ACTIVITY: Have all students complete the activity on Slide 6 in the way preferred by the teacher.

Day 2

WARM UP ACTIVITY: Have students discuss their answers to Slide 6 with the other members and come to a consensus.

PRACTICE ACTIVITY: Groups should divide up four of the five laws amongst the group members, giving a different law to members than they had on Day 1. Each member will separately create a scenario similar to Day 1 scenarios, writing it on a piece of paper or method preferred by the teacher. They should then present the scenario to the group, which will fact check the scenario to make sure it addresses the issue. Groups will then trade with another group and solve the scenarios, finding in favor of the plaintiff or journalist based off the law. This should continue until students solved all other scenarios.

NOTE: Remind students not to make the scenarios overly obvious about the answer, but not too hard.

EXIT TICKET/CLOSING ACTIVITY: Students should write and submit a scenario where a reporter violates all five laws they learned about.

References

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Libel v. Slander

DEFAMATION & RIGHT TO PRIVACY

What's the Difference?

Libel is a written lie; slander is a spoken one. Both are considered defamation — a civil crime, but one you can be jailed over.

Truth & consent are the best defenses. You cannot defame someone with the truth, if they let you print the lie, or if it is a true opinion. You also can't defame someone if the lie came from a government document.

Model

John published a story saying Principal Polly Pocket stole \$4 million from the school over five years. His source had no proof but heard it was true. Pocket was fired and sued the newspaper for libel, and won because it was not true.

Is It Libel?

Penelope writes a column saying the head coach "does a terrible job" with the team. The coach sues for libel, claiming it was a lie. The coach lost the libel suit. Why?

They Must Prove Defamation

DEFAMATION & RIGHT TO PRIVACY

Burden of Proof

In the United States, the person suing for libel — a written lie — to prove the information published was, in fact untrue.

This helps deter people from suing someone just because they didn't like what was published. The First Amendment protects the freedom of the press and speech. Frivolous lawsuits would harm this.

There are five parts the plaintiff must prove

- **FALSITY:** It was untrue
- **IDENTIFIED:** Readers could figure out who the person is
- **PUBLICATION:** The lie was published
- **FAULT:** The journalist published the lie with actual malice (for public officials) or recklessly (for everyone else)
- **HARM:** The person had to have been financially hurt by the lie

Would They Win?

Paul sues The Bugle for publishing that he said City Council should "go jump off a bridge" when he actually said "cliff." It was published by his name and the reporter chalked it up to a typo. Paul said no one said anything to him about it though.

Informed Consent & Minors

DEFAMATION & RIGHT TO PRIVACY

Minor Misconception

Courts have long given minors — people under 18 — the right to verbally agree to decisions like being interviewed, without their parent's consent, as long as it was *informed* consent.

The interviewee under 18 can agree to an interview if they know they will be published and, for controversial topics, what the outcomes could be. Reporters: make sure they know.

Better Safe Than Sorry

There are occasions when consent is necessary and better when written

- Stories about private details of a person's life like mental health, sexuality, substance abuse, poor grades and previously confidential family problems
- Photographing a story from a clearly private setting like a hospital room

- Reporting a story involving a potentially defamatory topic (one that could damage someone's reputation) like a subject admitting to cheating or using drugs

Ethics

Remember that not everyone understands the consequences of being interviewed. Help your sources understand what their words could mean and don't take advantage of people that clearly don't understand the rules of the game.

Embarrassing Facts & False Light

DEFAMATION & RIGHT TO PRIVACY

Types of Privacy Rights

There is no Constitutional right to be left alone, but courts and laws have created four common areas people have protection. Two of these are

- **PUBLIC DISCLOSURE OF PRIVATE AND EMBARRASSING FACTS:** There are three parts: 1) The information is sufficiently private — not known by people outside their small circle of family and

friends; 2) intimate — habits, details or history the person doesn't normally reveal; and 3) highly offensive — it must be more than just annoying, bothersome or mildly embarrassing to the average person. The person must also not have disclosed it on the record. FERPA (school privacy) and HIPPA (medical privacy) don't apply if the source told the reporter the information.

- **FALSE LIGHT:** Portraying someone as something they are not in an unflattering way. This is similar to libel in that they both involve something not being true. However, with false light, it must merely be "highly offensive" to a reasonable person rather than actually damaging that person's reputation. Examples: Publishing photos with incorrect or misleading captions, misattributing political views, and cropping or quoting out of context.

Intrusion & Misappropriation

DEFAMATION & RIGHT TO PRIVACY

Types of Privacy Rights

There is no Constitutional right to be left alone, but courts and laws have created four common areas people have protection.

These two in particular have to do with journalists behaving badly to get information. In sum, work hard to get the information, but journalists don't have a special pass to break the law to get a story.

- **INTRUSION TO SECLUSION:** A reporter violating a person's reasonable expectation of privacy. People can't make out at a football game and expect privacy (in a legal, not ethical, sense). Common types of intrusion to seclusion violations include trespassing (being on restricted property without permission), secret surveillance in private settings, misrepresentation (pretending to be something you are not for consent). Public spaces are *never* private.

- **MISAPPROPRIATION:** The most rare for student journalists. Also known as "commercialization". This is the unauthorized use of a person's name, photograph, likeness, voice or endorsement to promote the sale of a product or service. As "Law of the Student Press" puts it, "It recognizes that every person has the right to benefit from his own publicity or celebrity." Courts generally allow media to reuse photos as part of self-promotion.

Defaming a Principal

DEFAMATION & RIGHT TO PRIVACY SCENARIOS

Here's the Situation

Principal Jeff Sticks is known around the school for keeping candy in his office and allows students to come by, grab a piece and say hello. He also loves to tell inspirational stories on the announcements every Monday. Last week, he ended the announcements by saying, "Make sure you stop by my office, grab some candy and have a chat. I love hearing from all you kids." A reporter for the news website wrote a column titled "Principal offers candy to students in creepy announcement" where they accuse Sticks specifically of "being a little too friendly around students and tries to lure them into his office with candy." Sticks was fired after the article went viral on social media.

Court Case Arguments

PRINCIPAL'S POSITION: Sticks sued, claiming the reporter libeled him by "painting Sticks out to be a pedophile" by saying he lures children into his office. His lawyers said facts were out of context when the public reads the article. He agrees he invited kids to his office and eat candy, but that the reporter played into stereotypes to make him look even worse, which his lawsuit claims is "exactly the same as lying."

REPORTER'S POSITION: The lawyers defending the reporter say the reporter was simply stating their opinion and calling Sticks' behavior "creepy", which is subjective, and that "lure" means to attract or invite.

Interviewing Minors

DEFAMATION & RIGHT TO PRIVACY SCENARIOS

Here's the Situation

After President Chester Drawers lost the last election, a number of students supporting Drawers held an informal protest in the parking lot before school. Reporter Edd Iltor approached the group with a recorder in his shirt pocket, and pen and notepad in his hand. This was the entire conversation with junior Lindon-Bridges Follendon, 16.

"What are you guys doing?" "Showing these pigs who really won."

"You don't think Drawers lost?" "Hard no; the election was a sham."

Iltor walked away, jotted the quotes down and published the story.

Court Case Arguments

FOLLENDON'S POSITION: Follendon sued, claiming he had no idea Iltor was with the school newspaper and would never have agreed to an interview if he knew. His parents claim even if he did, the school should have parental permission before publishing any interviews with minors beforehand. They say Iltor never introduced himself, wrote anything down nor showed his recorder to obtain implied or informed consent.

REPORTER'S POSITION: The lawyers claim Iltor is well-known by many students as a reporter and had paper in his hand. Iltor said in his testimony, "Why else would I be talking to him? I don't know him."

Embarrassing Facts

DEFAMATION & RIGHT TO PRIVACY SCENARIOS

Here's the Situation

Senior Mary Lamb was walking to class when Yearbook Editor Kenny Duet approached her. He said, "Hey Mary, I was wondering if we could do a story on the time you were institutionalized in a mental hospital for the mental health spread? It would be a powerful piece." She responded, "How did you know I was in the mental hospital?" "Nevermind," Duet said. "I figured it out." Lamb was institutionalized for four months due to severe anxiety attacks that caused her to have heart problems. Duet included this line in the yearbook spread story on students with mental health issues: "Mary Lamb (12) fought and won against anxiety for months in a psych ward before returning to school."

Court Case Arguments

LAMB'S POSITION: Lamb sued, claiming that the yearbook publicly disclosed private facts. Her lawyers say Lamb never told anyone at school about her stay in the mental hospital and that Lamb had to be reinstituted after the story was published without her permission.

EDITOR'S POSITION: Duet admits his actions were unethical, but says they were not illegal. He said he thought he saw a Cityville Psychological Services note shredded on the street outside her house after the wind knocked over their trash. He said he didn't know for sure until Lamb confirmed it in their conversation, knowing he was a reporter.

Shining a False Light

DEFAMATION & RIGHT TO PRIVACY SCENARIOS

Here's the Situation

While editing captions for the culinary arts class spread in the yearbook, section editor Whoopie C. Daisies saw the name Mes Gnomer written in a caption with no classification. She knew a kid named Mes was a freshman and made the correction. After the book came out, she realized there are two student named Mes in the school — a freshman and a senior. Mes Gnomer is the senior and Mes N. Duppendent was the freshman. There were two other similar typos and errors in the book, improperly labeling students with the wrong grade. Another nine students were identified by the wrong name in a caption or story.

Court Case Arguments

GNOMER'S POSITION: Gnomer sued, claiming the reporter violated his right to protection from false light. His lawyers said when the book was distributed, Gnomer saw the typo and started crying and had a panic attack. He is afraid students will make fun of him and think he was held back for being "too stupid" to graduate, thus highly offensive.

DAISIES' POSITION: The lawyers defending Daisies and the yearbook staff says there were many other typos in the yearbook but did not hear from anyone in those situations. They say it is unprofessional, but not highly embarrassing to have your classification mislabeled.

Intruders: Keep Out!

DEFAMATION & RIGHT TO PRIVACY SCENARIOS

Here's the Situation

Photographer Philip Shed was about to finish using a bathroom stall and wash his hands when he heard to students walk into the room. Shed stayed in the stall when he heard, "You smoke?" "Yeah. I got you." The two boys stood on a trash can to smoke and blow into the vents. School officials already threatened to close bathrooms if students continued to do illegal activities in them. Shed, who was also reporting on the issue for the newspaper, took a photo with his cellphone of the two boys standing on the trashcan and smoking. He published the full photo on the website with a story on the school's threat.

Court Case Arguments

SMOKERS' POSITION: The lawyer representing both boys said they had a reasonable expectation of privacy the photographer violated. He said journalists have no right to gather news in a bathroom and that there are limits on who can go into what bathroom for a reason.

SHED'S POSITION: Shed's lawyers say the bathroom's common area is a public place because there is no door leading into the main area. They said if the boys were in a private stall, it may be different. They argue hiding and publishing without giving a chance to respond was unethical, but not illegal.

Rationale

Students have much more in terms of free speech than they realize. However, two court cases affect scholastic journalists more than the others. They should know not only which standard their state falls under, but the limits and rights they retain under each Supreme Court case.

CLASS GOAL: We will understand limits on student free speech & press rights, and limits on schools.

INDIVIDUAL GOAL: I will analyze legal situations to determine who is in the right.

Goals for Understanding

Students will understand & demonstrate

- Tinker v. Des Moines and the standard it set
- Hazelwood v. Kuhlmeier and its set of standards
- Limits on student speech broadly
- Viewpoint-based censorship restrictions on schools
- Prior review & prior restraint
- And the role of the adviser and the Student Press Law Center

Overview & Timeline

This lesson is designed to be completed in two, 45-minute class periods with students split into groups of four, but may be completed in one depending on class length.

Lesson includes

- Warm up activity/preactivity assessment
- Direct instruction
- Cooperative learning activity
- Closing/post-activity assessment

Materials Needed

- "School Speech Instructional Cards" cut for each group
- "School Speech Practice Cards" cut for class
- "School Speech Group Cards" cut for each group

Day 1

WARM UP ACTIVITY: Show Slides 2 & 3 of the slideshow and have students individually complete the activity with a 2-minute time limit. Then, direct students to go around their group explaining and justifying each of their results using the round-robin method for 20 seconds per student. Use a timer application or website to show the students how much time is left. Audibly signal when it is time to switch group members and ensure everyone is talking.

INSTRUCTIONAL ACTIVITY: Have each group member pull one of the four "School Speech Instructional Cards" and read to themselves for 1-2 minutes. Then, have each student spend 30 seconds explaining to the group members the different concepts they learned.

Then, pass out the "School Speech Practice Cards" — one to each student. They will engage in a mix-pair-share activity: Students will mix around the room (make them actually mix) and pair up with someone. The pair should ask each other the question on their card and answer. If they got it wrong, the other student should coach them to the right answer, not tell them the right answer right away. Talk with students about how to help one another if they see a student struggling. Then, have them mix-pair-share again with someone they have not already paired with. They should do this for about 5-10 minutes or until the class has roughly cycled through.

Once students return to their seats, give students in each group one of the four "School Speech Group cards" so that every group member has a different scenario. Start with the person who last drank water. The person holding the card will read the scenario and ask the first question. The group will round-robin answering the question. Then, the card-holder will ask the next question, which is answered in the same way. This repeats until the card is complete. Once complete, the group should come to consensus on what they would do in the situation. This process repeats with the other group members and other cards until all have been completed. Discuss the cards as a class and correct any misconceptions or erroneous lines of thinking groups have.

Slide 4 has a recap of concepts.

EXIT TICKET/CLOSING ACTIVITY: Have all students write three of their own scenarios — one where a publication was censored under Tinker, one under Hazelwood, and one under any other law (specific to schools or anyone). Then, write a sentence under each explaining how the publication could have avoided censorship in that case.

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The Tinker Standard

SCHOOL SPEECH

Tinker v. Des Moines

John and Mary Beth Tinker, and friend Christopher Eckhardt planned to wear black armbands to protest the Vietnam War. The school created a dress code policy against it when it found out. The three wore them anyway and were punished, claiming their rights to freedom of speech was violated. There had been no definitive case like this before.

Court Ruling

The Court ruled in the students' favor. The justices wrote that students do not give up their rights to "expression at the schoolhouse gate."

This case created limits on what public schools could restrict with speech. Specifically, it mentions schools cannot censor content simply because officials don't like the content or because it is critical of them or the school.

What Does It Mean?

Schools the Tinker standard may be censored for speech that

- materially disrupts classwork or involves substantial disorder
- or, invades the rights of others

Schools fall under the Tinker standard if they behave as an open public forum by policy or practice, or states with New Voices laws.

The Hazelwood Standard

SCHOOL SPEECH

Hazelwood v. Kuhlmeier

The staff of the Spectrum newspaper at Hazelwood East High School in Missouri produced a two-page spread of stories of teen problems including one on pregnancy and one on divorce. The paper censored by the principal, who objected to discussion of sexually active teens and abortion. Three students sued and the Supreme Court denied they had been improperly censored.

Court Ruling

The Court believed some publications and theater performances can be construed as being the school's beliefs and not just speech.

In addition, the Court did not believe the paper was an open public forum — a place for any and all speech — because the school used it as curriculum and the principal reviewed every edition prior to it being released.

What Does It Mean?

Schools under the Hazelwood standard may be censored for material that

- ungrammatical, poorly written, inadequately researched, biased or prejudiced, vulgar or profane, or unsuitable for immature audiences
- advocating conduct that does not uphold the "shared values of a civilized social order"
- and that associates schools with anything other than neutrality on controversial political topics

No Viewpoint-Based Censorship

SCHOOL SPEECH

That Looks Bad

There is a three-part test for "time, place and manner" restrictions on all free speech

- Censorship must be "CONTENT NEUTRAL", or not censoring particular opinions
- "NARROWLY TAILORED" for significant government interest
- LEAVES ALTERNATIVES for communicating messages & ideas

What Does That Mean?

Schools cannot censor a publication just because it makes them or the school look bad, they disagree with a political view or other reasons specific to the content. They can only censor for reasons cited in the Tinker standard and, in some states, the Hazelwood standard.

This includes both prior restraint and review, which can be viewed as "chilling" free speech.

Narrowly Tailored

Schools cannot simply throw out an entire publication because of one error, one story or even an entire page.

Courts limit censorship of publications and any speech to the smallest possible extent and only for compelling government interests. The interest for schools is the age and maturity level of students, and because students must attend.

Universal Student Speech Limits

SCHOOL SPEECH

You Can't Say That

While the Supreme Court gave students First Amendment protections at school, students cannot say whatever they want whenever.

These "time, place and manner" restrictions (*Cox v. New Hampshire*) are divided into two parts: those that apply to everyone in the U.S. and additional limits for students on school campuses, particularly because of age.

No One Can

Some speech is illegal everywhere

- **OBSCENITY:** Graphic depictions of sex and illegal sexual activity like child pornography
- **FIGHTING WORDS & INCITING IMMEDIATE LAWLESS ACTION** and breach of the peace
- **LIES** that hurt a person's reputation (**DEFAMATION**), benefit you at a person's expense (**FRAUD**) or under oath (**PERJURY**).

- Blackmail & true threats
- Asking someone to commit a crime
- Violations of copyright and trademark law

Students Can't

Some limits are just for students while at school

- **VULGAR & INAPPROPRIATE LANGUAGE:** Obscene and vulgar (*Bethel v. Fraser*)
- **ADVOCATING ILLEGAL DRUG USE**, but OK to advocate political action (*Morse v. Frederick*)

Student Press Law Center & Advisers

SCHOOL SPEECH

Rock & a Hard Place

Advisers are in a tricky spot: They want to protect their students to be free to create good, honest journalism; they also are an employee.

In short, the less the adviser (or any school official) does with their student media program, the less likely a court would find it to be "school-sponsored" and thus open for censorship. Schools are also held less legally liable in that case as well.

What Does That Mean?

Students must take the lead on approving all content in the publication. Advisers are within their rights to make suggestions to improve quality, make ethical recommendations, suggest (but not dictate) story ideas, name editors, and pull stories when there is a legal reason to avoid a lawsuit like libel.

The more students control, the less they can be censored and the less schools are liable.

Students Take the Lead

In order to protect their adviser and be more free from censorship, students need to do most of the arguing and meeting if an issue of censorship occurs. This means you need to be prepared to discuss your rights with authority figures if you must.

Solve by being your own advocate. The Student Press Law Center (splc.org) has adults and resources to help without needing your adviser.

Card 1

Answer

Tinker v. Des Moines.

Remember To Coach

If your partner is struggling, help them to find the right answer WITHOUT giving away the right answer at first. Let them struggle some.

Card 2

Answer

Tinker v. Des Moines.

Remember To Coach

If your partner is struggling, help them to find the right answer WITHOUT giving away the right answer at first. Let them struggle some.

Card 3

Answer

Tinker v. Des Moines.

Remember To Coach

If your partner is struggling, help them to find the right answer WITHOUT giving away the right answer at first. Let them struggle some.

Card 4

Answer

Hazelwood v. Kuhlmeier.

Remember To Coach

If your partner is struggling, help them to find the right answer WITHOUT giving away the right answer at first. Let them struggle some.

Card 5

Answer

Hazelwood v. Kuhlmeier.

Remember To Coach

If your partner is struggling, help them to find the right answer WITHOUT giving away the right answer at first. Let them struggle some.

Card 6

Answer

Hazelwood v. Kuhlmeier.

Remember To Coach

If your partner is struggling, help them to find the right answer WITHOUT giving away the right answer at first. Let them struggle some.

Card 7

Answer

Viewpoint-based censorship.

Remember To Coach

If your partner is struggling, help them to find the right answer WITHOUT giving away the right answer at first. Let them struggle some.

Card 8

Answer

Viewpoint-based censorship.

Remember To Coach

If your partner is struggling, help them to find the right answer WITHOUT giving away the right answer at first. Let them struggle some.

Card 9

Answer

Viewpoint-based censorship.

Remember To Coach

If your partner is struggling, help them to find the right answer WITHOUT giving away the right answer at first. Let them struggle some.

Card 10

Answer

Advocating for illegal drug use.

Remember To Coach

If your partner is struggling, help them to find the right answer WITHOUT giving away the right answer at first. Let them struggle some.

Card 11

Answer

Advocating for political action.

Remember To Coach

If your partner is struggling, help them to find the right answer WITHOUT giving away the right answer at first. Let them struggle some.

Card 12

Answer

Vulgar & inappropriate language.

Remember To Coach

If your partner is struggling, help them to find the right answer WITHOUT giving away the right answer at first. Let them struggle some.

Card 13

Answer

Bethel v. Fraser.

Remember To Coach

If your partner is struggling, help them to find the right answer WITHOUT giving away the right answer at first. Let them struggle some.

Card 14

Answer

SPLC. Advisers are in tricky spots legally.

Remember To Coach

If your partner is struggling, help them to find the right answer WITHOUT giving away the right answer at first. Let them struggle some.

Card 15

Answer

SPLC.

Remember To Coach

If your partner is struggling, help them to find the right answer WITHOUT giving away the right answer at first. Let them struggle some.

Card 3

Question

Which case involved students protesting the Vietnam War by wearing black armbands?

Card 2

Question

If a student locks themselves in an office and uses the intercom to read the script to "Finding Nemo" all day, which case are they violating?

Card 1

Question

Which case set the standard that a student's free speech does not end "at the schoolhouse gate"?

Card 6

Question

Which case allows censorship of student news that associates schools to "anything other than neutrality on controversial political topics"?

Card 5

Question

Which court case allows the most censorship of student publications (but only in states without a New Voices law)?

Card 4

Question

If a principal says an article cannot publish because it is "ungrammatical", which court case are they citing?

Card 9

Question

A three-part test says officials can limit speech for time, place and manner. The censorship must be as small, leave an alternate option, and...what?

Card 8

Question

Which concept means a government official is restricting media because it does not like the ideas being presented in it?

Card 7

Question

Why can't a school censor an article "because it makes the school look bad" no matter what legal standard they fall under?

Card 12

Question

Bethel v. Fraser involved a student giving a sexually charged speech without using any cuss words, what type of speech got limited for students?

Card 11

Question

Morse v. Frederick would allow a student to wear a shirt saying, "Pass Marijuana Reform Now" but not clothing with just marijuana leaves on it. Why?

Card 10

Question

Morse v. Frederick is known as the "Bong Hits 4 Jesus" case. What type of speech did it actually ban for students?

Card 15

Question

Which organization has a set of attorneys dedicated to helping student journalists with the law?

Card 14

Question

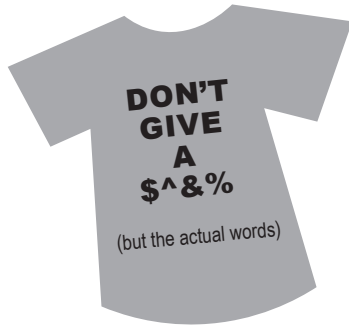
Who should you go to if your school censors the newspaper from running an article?

Card 13

Question

Which case prevents students from cussing, using sexual innuendo and similar adult language in schools?

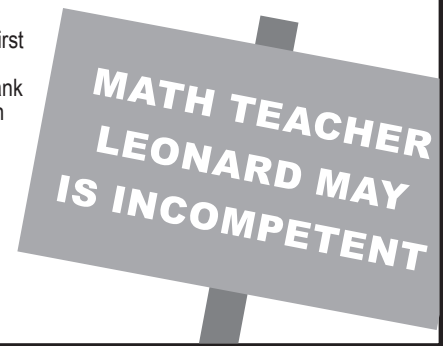
Can a school censor?



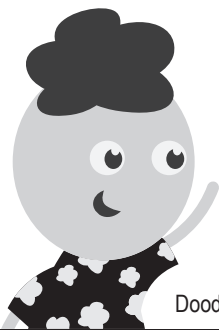
Freshman Jimmy Johns got a funny T-shirt as a birthday present from his uncle, Papa. The T-shirt had an expletive in large font across the middle of the shirt. One morning, Jimmy woke up late and hastily threw a shirt on. An assistant principal saw the shirt and wrote Jimmy up. Jimmy said he didn't want to wear the shirt, but that punishing him violates his right to free speech in the First Amendment.

Can a school censor?

After failing math teacher Leonard May's class in the first semester, junior Larry Livid went to the store, bought blank signs and stakes, and began a protest of the school until May was fired for "gross incompetence." The signs were put up in the public right of way in front of the school, but not on the school's actual property.



Can a school censor?



Sign my petition to make heroin legal and free for students!

Dood lé Head thought yelling this at lunch was funny.

Can a school censor?

THE BUGLE

School continues pollution from fleet of diesel buses

The principal meets with you and says, "The article is factual, but I'm not allowing you to run it. The article makes the school look bad, which is bias."

Can a school censor?

BUGLEonline

BURN IT DOWN Light school on fire to protest homework

Last year, a group of students held a violent protest on campus, lighting the library on fire after it prohibited students from eating there during lunches. They spread a message on social media to get students to light the library on fire. The website posts an editorial on the homepage calling for another protest.

Can a school censor?

THE BUGLE

good! principle left out of meting w/ parents lol :)

The principal meets with you and says, "The article is factual, but I'm not allowing you to run it. This has too many spelling errors and is way too biased."

Can a school censor?

BUGLEonline

WHAT-A-BURGLAR Thief breaks into cafeteria, steals all hamburgers

Superintendent Lee Durr calls you on the phone after posting an article about a recent break-in: "You need to take that down. First of all, we haven't had a chance to send a message to parents. Second, it makes us look like fools. Third, it is not newsworthy at all. It was just a few hamburgers."

Can a school censor?

In hopes to find a worthy challenger, senior Ralph Magutsup broke the first rule of fight club: He spoke about it. In fact, he put up a sign in front of the school asking for students to join him in the second-floor boys bathroom for a fight at lunch. He got in trouble because this was how students started fights last year. He says they violated his rights to free speech.

