

Arguments Presented in Lower Courts

These could give you ideas for arguments and questions the justices might ask.

Attorneys for the Hazelwood District

The newspaper was part of the school curriculum, and the principal and school board are allowed and expected to control curriculum.

It is up to the teacher, principal, and school board to decide whether students' articles run in the newspaper. Articles can be censored so long as it relates to reasonable academic concerns.

The principal acted reasonably.

Attorneys for Kuhlmeier (the students):

According to school policy, student publications will not restrict free expression...within the rules of responsible journalism and only speech that interferes with the educational environment or invades the rights of others can be prohibited.

The students had a constitutional right to express themselves in the paper.

The principal's censorship was unreasonable.

The Questions Before the U.S. Supreme Court:

Can school authorities control the free expression of ideas in the school newspaper?

Was the principal's censorship reasonable?

To Prepare for the Case...

Attorneys for Hazelwood: Create arguments to convince the justices that the principal had a right to censor the newspaper and acted reasonably.

Attorneys for the Kuhlmeier, et. al: Create arguments that the students' 1st Amendment rights were violated by the principal removing their articles from the paper.

Justices of the U.S. Supreme Court: Create at least three questions to ask each side to help you determine the case.

Attorneys should decide who will present the argument and who will answer questions during the moot court. Justices should decide who will ask the different questions.

Rules for the Oral Argument

1. Attorneys for Hazelwood will present first.
2. Attorneys for Kuhlmeier will present second.
3. Justices will ask questions of both sides during the arguments.

The Justices' Decision

1. After oral arguments, the justices meet and discuss the case.
2. Then they vote.
3. The justices will explain the reasons for the decision.

