Miller V State Of California Law Brief Essay, Research Paper

The articles that were written in the high school newspaper,

Spectrum , were blatant stories of misconduct amongst the

students. When a student walks on the school ground their parents

place the responsibility of what they see and hear in the hands

of the principal. In this case, Hazelwood School District v.

Kuhlmeier what the students wrote in his newspaper was what he

thought was inappropriate for the eyes of his students. The

principal did the right thing because he is liable for what is

written within his school.

In the case Miller v. the State of California the court

states states have the a legitimate interest in prohibiting

dissemination or exhibition of obscene material. However, this

holds true only when there is a significant danger of offending

the sensibilities of unwilling recipients or exposure to

juveniles . Which without a doubt relates to these students

because they are juveniles. Therefore stories about sex , birth

control and divorce would be considered obscene to the majority

of the student body. As well as being obscene, the stories taken

from the newspaper would have caused a disruption in the

educational process and presented a discipline problem

especially amongst the younger students. The case of Tinker v Des

Moines School District, showed an example where the school banned

students from wearing black arm bands protesting the Vietnam

war. The course decision says that the district court dismisses

the case on the grounds that the school board had acted

constitutional and reasonably in an attempt to maintain

discipline and avoid disruption in the educational process. In

Tinker v Des Moines School District they limited the students

speech because of the affects it would have on the student body.

Such as in Hazelwood School District v. Kuhlmeier the principal

excluded the two pages of the school newspaper because of the

affect it would have on the student body, because the younger

students would disrupt class and make jokes about the girl who

wrote the stories on sex and birth control. Even though you don t

always like what you here or don t agree free speech is the most

important constitutional right we have as American citizens. That

brings me back to my question, should freedom of speech be

limited at school ? The answer to that question would be yes. My

answer is supported by Bethel School District no 403 v Fraser

schools must have the authority to guide young people into

healthy and acceptable social forms of expression, speech is

limited even for adults, and no one can claim that high school

students are adults. The principal of this Missouri high school

knew what would come of these articles especially the reaction he

would receive from the parents of his students. After all he is

responsible the actions of these students from seven in the

morning until they leave the school to go home.

In conclusion, the principal had the very right to exclude

the stories from his newspaper, in order to avoid the trouble

that would have followed.