

Free Student Press

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Zenger Trial influences free press

by Emily Schmidt & Bria Osterberg

John Peter Zenger was a German-American printer, publisher, editor and journalist in New York City.

John Peter Zenger did not agree with governor William Cosby's policies in 1733 and he was tried for statements he printed in his newspaper.

According to ushistory.org and their article called "The Trial of John Peter Zenger," Zenger's newspaper accused the government of rigging elections and allowing the French enemy to explore New York harbor.

Zenger's newspaper, the *New York Weekly Journal*, kept publishing articles that were critical of the governor.

Zenger was charged with libel for printing another man's article that criticized the governor. He went to prison for eight months and then went to trial.

Zenger's first counsel was James Alexander. The court found Zenger in



Photo: www.nycourts.gov

John Peter Zenger's case was held at the Old City Hall in the courtroom on the second floor.

contempt and removed his lawyer completely from the case.

Zenger was in prison for more than eight months. He then went to trial and was defended by the Philadelphia lawyer, Andrew Hamilton and the New York lawyer, William Smith.

Defending Zenger in this case, Hamilton and Smith attempted to establish that a statement is not libelous if it can be proved.

Zenger and his lawyers

pleaded not guilty.

After the lawyers for both sides finished their arguments, the jury retired.

At the end, the grand jury refused to charge Zenger with a crime.

Zenger's victory helped create the freedom of the press in America.

Not only do all American citizens have the freedom of speech and press today, they also have the truth as an absolute defense all because of Zenger.

Alien and Sedition Act restricts freedom of press

by Allison Marks

The Alien and Sedition Act was four bills that were passed by the Federalists and signed into law by President John Adams in 1798. Since they were written by the Federalists, the laws were made to strengthen national security. Critics argued that the act's purpose was to suppress voters who disagreed with the Federalist party.

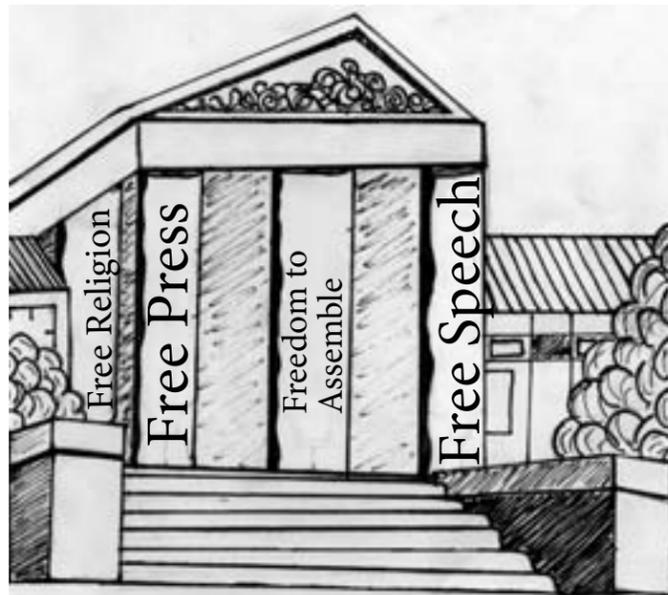
According to ushistory.org, the controversial Sedition Act restricted speech which was critical of the federal government.

People disagreed with this because the First Amendment allows freedom of the press.

The Sedition Act was only in effect for four years, before Congress got rid of it in 1801.

First Amendment, set in stone

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.”



Created by Brittney Meyer

Lies and words of hate including “fighting words” of reckless endangerment and obscenity are all unprotected forms of speech.

Obscene is juvenile and immature. It is material that is presented in a definitively offensive way.

It must lack serious literary, artistic, political or scientific value.

Unprotected Speech

Speech that is not protected by the government:

- Fighting words (words that encourage violence)
- Words that would put people in danger (like saying bomb on a plane)
- Obscenity
- Lies

The things listed above are not protected by the First Amendment because they could put people in danger or make people take violent actions, just like yelling “Fire!” in a theater could put some people in panic mode and cause unnecessary harm.

Created by Brady Polk

First Amendment

RATED E FOR EVERYONE

Created by Emily Schmidt



Libel & Slander Definitions



- Libel is publication of false statement of fact that seriously harms someone’s reputation.
- Libel is easier to prove than slander because it is more permanent.
- A publication is something that has been distributed and that someone else has seen.

- Slander is ruining someone’s reputation by what you say.
- Slander is a little easier to get away with.
- Slander is more difficult to prove.
- Slander could happen during a television show or interview.

Created by Allison Marks

Defenses against libel

- The best defense against a libel suit is good reporting.
- No publication will be held responsible for libel if the story in question is true.
- One must be able to prove to a jury that the information is true.
- A reporter cannot elude a libel charge merely by saying that all did they was report accurately.
- A statement made as an opinion cannot be considered defamation in most places as long as it is not presented as fact.

Source: “Journalism Today” by Ferguson, Patten, and Wilson

Created By Kaytlyne Null

Examples

Libel

-I fail to understand why the credit reporting agencies shouldn't be exposed to libel suits. If someone spreads harmful information about me that is incorrect, he's committing a crime. [letter to USA Today]

-A libel case brought by Cherie Blair's lifestyle guru Carole Caplin over her alleged portrayal as "some sort of sexpot or randy masseuse" got the go-ahead today. [Telegraph]

Slander

-When blood was found in the tub at the Intercontinental Hotel in London, a housekeeper claimed Lady Gaga bathed in blood as a part of a Satanic ritual. [In Touch]

-Collectively, they (African Americans) are often slandered, at times in racist stereotypes, as fair gougers or as incompetents, incapable of finding their own shadows without a map. [New York Times]

Source: <http://grammarist.com/usage/libel-slander/>

Created by Hazel Reck

Scholastic Press Law and The First Amendment



Law teacher emphasizes Tinker, students' First Amendment rights

by Alejandra Rivera-Lopez

Law and Criminal Justice teacher Gary Knoke teaches First Amendment rights using the Tinker case. He is a particular fan of Mary Beth Tinker and of what she and her brother John achieved for student rights.

In Dec. 1965, a group of students in Des Moines, Iowa, decided they were going to wear black peace bands to show their support of a truce in the Vietnam war.

The students decided to wear the armbands throughout the holiday season and to fast on Dec. 16 and New Year's Eve. Two students involved where 13-year-old Mary Beth, and 15-year-old John Tinker, (according to www.oyez.org).

The principals found out about the plan, and met early on Dec. 14 to create a policy that stated any students wearing an armband would be asked to remove it. Any who refused would be suspended.

On Dec. 16, Mary Beth and Christopher Eckhardt wore their armbands to school and

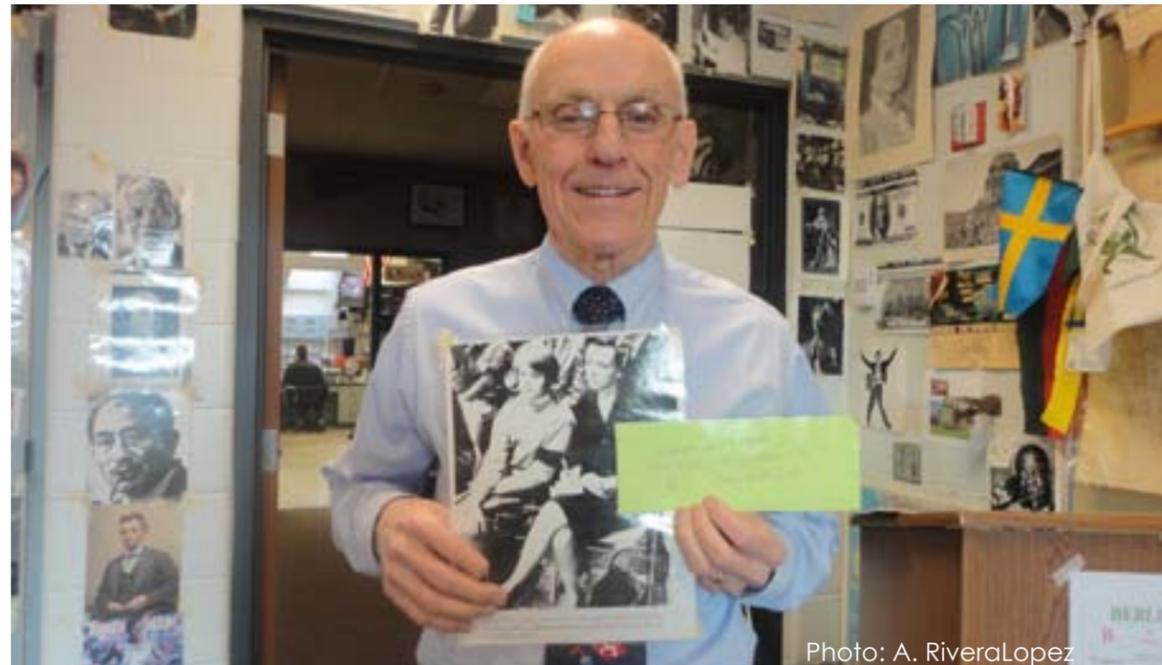


Photo: A. RiveraLopez

"Mary Beth Tinker is on my wall of fame. It was the most important Supreme Court decision involving students and free speech," Law and Criminal Justice teacher Gary Knoke said. Knoke holds a picture and signed paper from Mary Beth Tinker which reads: "Students shall not leave their First Amendment rights at the schoolhouse gate."

were then sent home. The next day John Tinker did the same thing and met with the same result. The students did not return to school until after New Year's Day, (www.oyez.org).

Through their parents, the students sued the school district for violating the students' right of expression. They wanted to fight to prevent the school district from punishing the students (www.oyez.org).

The district court dismissed the case and held the school dis-

trict's action were reasonable to uphold school discipline. The U.S. Court of Appeals affirmed the decision without opinion.

The Supreme Court held that the armbands represented pure speech and that students did not lose their First Amendment right at the schoolhouse gates, (www.oyez.org).

"I think students should know about this case; however, Court decisions since Tinker have greatly impacted the Tinker decision in a negative way as

far as students and speech are concerned," Knoke said.

Simply put, this means school officials may not silence student expression just because they dislike it. They must reasonably forecast, based on evidence not on an "undifferentiated fear or apprehension of disturbance" that the student expression would lead to either (a) a substantial disruption of the school environment, or (b) an invasion of the rights of others (www.oyez.org).



Hazelwood restricts students' First Amendment rights

by Stephanie Melchor

Students in the Journalism II class at Hazelwood East High School were responsible for writing and editing the school's paper, the "Spectrum." In 1982 they wrote two articles on divorce and teenage pregnancy.

The reporters decided to keep the girls anonymous according to "Journalism Today," the school principal, Robert Reynolds, was not happy about these two articles and found them "inappropriate."

He said the stories invaded the privacy of the students involved. He also did not think the topic was suitable for the younger students. He prohibited these articles from being published.

There was no time to redo the article and go to press before the end

of the school year, so the articles had to be eliminated.

Reynolds took the position that he was the publisher of the newspaper and could determine its content.

The student journalists then brought suit to the U.S. District Court for the Eastern District of Missouri, declaring that their First Amendment rights to freedom of speech had been violated.

Many of commercial newspapers seemed to favor the students. The publisher is the government and the United States has never permitted government control of the press.

On Jan. 13, 1988, the U.S. Supreme Court handed down the decision involving censorship of school publications. The Supreme Court gave public school officials broad new authority to censor student newspapers.



Student paper fights for their rights

by Samantha Haase

The Fond Du Lac, Wisconsin school paper, *Cardinal Columns*, released their February 2014 issue containing an article exposing the rape joke culture in their school. The issue caused administrators to enstate prior review as allowed under the Hazelwood ruling.

The reporters and the student body were not happy with their voice being taken away, so they organized a sit-in to show the school their unhappiness.

According to a source in an fdreporter.com article titled "Fond du Lac High student sit-in derailed by administrators," "We are supposed to be the student voice," senior Emily Stegemeyer, a member of *Cardinal Columns* staff

said. "I have ideas and opinions and this is an outlet, writing about the stuff that is happening inside our school."

After months of meetings, the student journalists and their advisor successfully petitioned the administration and school board to change the prior review policy, giving the students more freedom to write stories they feel are important to the school.



The "Rape Joke" issue shed light on the culture of making jokes about rape at Fond du Lac High School.

Photo used with permission

How to be a good reporter...



- Use trustworthy sources -- in quality and number
- Take accurate notes
- Document, document, document
- Be rigorous in your choice of language
- Talk to all sides -- including the subject
- Report -- don't sell
- Be open-minded
- Do the work required
- Never publish if you have doubts

Source: <http://www.splc.org/>
Created by Kaytlyne Null

Dealing with complaints

- Respond to all complaints in a timely manner.
- Be courteous when responding to a complaint.
- Print corrections promptly, but stay true to the facts.
- Seek legal help like the police or a lawyer if necessary.

Created by Brittney Meyer

BHS newspaper follows 1st Amendment

by **Brady Polk**

The Berlin High School's newspaper *The Red 'n' Green* follows the First Amendment many different ways.

They make sure they never use anonymous sources unless it causes danger.

"We must state where we heard the things we are writing about and we can't just make up our own facts," reporter Emily Beltran said.

The Red 'n' Green also follows the First Amendment by having the freedom of the press and freedom of speech.

"We follow Tinker, so the only reason people's speech would be restricted is if they harm another or make it impossible for people to get their education," journalism advisor Shannon Kuehmichel said.

That means that the



Photo: B. Polk

Junior reporter Emily Beltran holds up a series of articles about marijuana that, without First Amendment protection, *The Red 'n' Green* would not necessarily be allowed to print.

newspaper does not need approval by the school board or anyone before it is printed.

The staff not only follows Tinker but they never leave out sides of stories.

The newspaper staff

makes sure they are never biased.

"We don't show any bias, which means we don't choose friends or avoid our enemies," Kuehmichel said. "We make sure to cover all sides of the story."

Beltran said that *The Red 'n' Green* has never gotten in trouble for not following the First Amendment.

"We certainly make mistakes, but we address the mistakes as they come to our attention," Kuehmichel said.

The 1st Amendment Matters Because



Samantha Haese--The First Amendment gives students a voice so they can express opinions freely.



Bria Osterberg--"The First Amendment is important because people can express what they are thinking without worrying about being accused of a crime."



Allison Marks--"The First Amendment matters because it gives us the freedom to express who we are and say what's on our minds."



Brady Poik--"The First Amendment matters to students because it gives us the freedom of speech, religion, and press in our school."



Stephanie Melchor--"The First Amendment teaches us that we have the right to speak in a free manner."



Brittney Meyer--"The First Amendment gives us the right to free speech and the right to print our opinions."



Hazel Reck--"The First Amendment gives students the right to stick up for themselves when it comes to speaking and writing."



Alejandra Rivera-Lopez--The First Amendment matters because students should know why school rules are the way they are, and students should know the transition of their rights at school.



Kaytlyne Null--"The First Amendment gives us as students a voice."



Emily Schmidt--"The key is to understand the freedoms of religion, speech, and press students have."

Text and Photos by Shannon Kuehmichel

Works Cited

"The Alien and Sedition Acts." *USHistory.org*. Independence Hall Association, 1 Jan. 2014. Web. 4 Feb. 2015. <<http://www.ushistory.org/us/19e.asp>>.

Cover Photo. *Cardinal Columns*. "The Rape Joke." February 2014. Used with permission. Web.

Ferguson, Donald L, Jim Patten, and Bradley Wilson. "Meeting Ethical and Legal Responsibilities." *Journalism Today*. 6th ed. Lincolnwood: National Textbook, 2001. Print.

Libel vs. Slander. (n.d.). Retrieved December 16, 2014, from Source: <http://grammarist.com/usage/libel-slander/>

"Media Law Presentation: Libel Law." *Splc.org*. Student Press Law Center, 20 Aug. 2014. Web. 5 Feb. 2015.

"Old City Hall." Historical Society of the New York Courts. *NYCourts.gov*.

Roznik, Sharon. "Fond Du Lac Student Sit-in Derailed by Administrators." *Fond Du Lac Reporter*. 1 May 2014. Gannett. Web. 5 Feb. 2015.

"Tinker vs. Des Moines Independent School District." *Oyez Scholars*. IIT Chicago-Kent College of Law, 1 Jan. 2011. Web. 5 Feb. 2015.

"The Trial of John Peter Zenger." *USHistory.org*. Independence Hall Association, 1 Jan. 2014. Web. 4 Feb. 2015. <<http://www.ushistory.org/us/7c.asp>>.