**IN THE UNITED STATES DISTRICT COURT**
**FOR THE SOUTHERN DISTRICT OF OHIO**

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| Aliyah Jameson, | Plaintiff, | Judge Michael R. Barrett<br>Civil Action No. 21-1431 |
| v. | | |
| Baldwin School District, | Defendant. | **Plaintiff Jameson's Memorandum in Support of Her Motion for Injunctive Relief.** |

## INTRODUCTION

Freedom of speech is a fundamental right guaranteed for every member of the public as per the First Amendment. The Plaintiff, Aliyah Jameson, asserts that Baldwin School District curtailed her freedom of speech. Therefore, she asks this Court to suspend the penalties placed on her by Baldwin School District through its principal, Dr. Paul Fredrick. Ms. Jameson is seeking injunctive relief since she feels that the punishment by her school is a direct violation of her rights to express herself. The attempts by the school district were meant to suppress her constitutional rights and force her into silence. Moreover, because of the impositions by her school, Ms. Jameson has been absent from school. Subsequently, she cannot engage in awareness activities in the school, and the negative impact on her permanent record puts her college ambitions at risk.

The abuse of Ms. Jameson's First Amendment rights infers that this Court upholds her request for injunctive relief based on the fact that Ms. Jameson did not interfere with school activities substantially, nor did she violate the rights of her classmates. Thus, even if the above is not considered substantive by this Court, the injunction can be upheld because Ms. Jameson's

speech did not bear the school's imprimatur and was not school-sponsored. As a result, by using either the *Tinker* or *Hazelwood* standard, the motion for an injunction is pertinent.

## STATEMENT OF FACTS

The Plaintiff, Aliyah Jameson, is an Ohio resident and is currently eighteen years old. She is a senior at Baldwin High School. She joined the national organization, Baldwin Students for Housing Solutions, in June of 2021 and has been an active member of the organization since. Jameson Dep. 2:12-3:5, Jan 20, 2022. The role of the Students for Housing Solutions is to advocate for the continued application of housing justice and look for a solution to homelessness. The organization's primary method to bring awareness of its activities is through events that bring attention to homelessness issues throughout the country. These events often involve the members of the organization taking various spaces in parks and school grounds to advocate for their rights. Thus, by strategical approach, the organization can achieve maximum effect for its efforts. Jameson Dep. 3:8-3:19, Jan. 20, 2022. Over time, Ms. Jameson has emerged as a leader within the organization through her extensive participation in online and physical group activities. Moreover, she demonstrates a desire to be involved in the organization's activities that results in the public good. Jameson Dep. 3:22-4:5, Jan. 20, 2022. The organization's role is to defend homeless people and those at risk on behalf of housing justice and to hold “occupy” events in Baldwin. Compl. ¶ 8.

In August 2021, Ms. Jameson printed shirts with the words, “Protest” and “Occupy the School” on the front. The back of the shirt was drawn with a house to symbolize the Baldwin Students for Housing Solutions. Frederick Aff. ¶ 10. In total, Ms. Jameson printed fifty copies of the t-shirts to distribute them among the members of her organization and students within the pep rally. Baldwin High School organized the pep rally to recognize the soccer team for winning

their third straight state championship. Compl. ¶ 11-12. The soccer team is coached by Gerald Paulson, who also teaches biology. Paulson's parents own a real estate company, where he works during his free time and in the summer. The company has many rental properties and is prone to evicting its tenants that cannot afford to pay their rent. The advocates for housing justice, among whom is Ms. Jameson, have protested about its activities in evicting its tenants. There were protests outside the homes of Mr. Paulson and his parents due to the existing tension between the Paulson family and the organization, which has extended to the Baldwin High School students. The events have caused conflict between the soccer team students and the Baldwin Students for Housing Solutions members. Jameson Dep. 5:4-12, Jan. 20, 2022.

The event organized by the school did not require the mandatory attendance of the students and was based on voluntary attendance. Further, the pep rally took place after school hours, hence implying that it was not a school event. Frederick Aff. ¶ 8. Faculty members were not involved in Ms. Jameson's speech, further distancing Ms. Jameson from the claim that she was engaged in a school-sponsored activity. Apart from this, Ms. Jameson's shirts were printed using personal funds and, thus, the school did not provide resources. Jameson Dep. 5:20-22, Jan. 20, 2022.

Apparently, because of the festivities associated with the event, the number of students, parents, and other community members at the organization was large. The attention cast on the occasion was unprecedented, and even the local newspaper covered the festivities via its reporter. Frederick Aff. ¶ 8. Ms. Jameson arrived at the rally at 2.45 p.m. wearing the printed t-shirt. After thirty-five minutes, she had distributed nine of the t-shirts to her colleagues in the pep rally. As more people arrived for the pep rally, the reporter from the local newspaper approached

Ms. Jameson and inquired about the t-shirts. Then, the reporter proceeded to take pictures for the local newspaper. Jameson Dep. 7:1-3, Jan. 20, 2022.

Meanwhile, as the conversation between Ms. Jameson and the reporter continued, the school principal, Dr. Fredrick, was observing her. Then, after a short interview, Dr. Fredrick gave her three ultimatums. The first was to wear the shirt inside-out, the second was to take it off, and the third was to cover up the writings on the t-shirt. The principal explained his interests in maintaining order at the pep rally and avoiding a bad public image for the school. Jameson Dep. 7:5-7, Jan. 20, 2022. Then, while sensing that her rights were being abused, Ms. Jameson told the principal that he had no right to withhold her freedom of speech that was guaranteed by the Constitution. Moreover, she stated that Dr. Fredrick could not control her choice of clothes for the event. Jameson Dep. 7:9-10, Jan. 20, 2022.

Dr. Fredrick told Ms. Jameson that the message on the t-shirt was a violation of school policy and, as such, she risked getting suspended if she continued displaying the t-shirt. Frederick Aff. ¶ 8. Ms. Jameson did not conform and got suspended by Dr. Fredrick. The grounds for suspension implied that she violated Baldwin High School's policy, which prohibited students from engaging in overnight events on the school property. Stip. Facts ¶ 1. Ms. Jameson tried to appeal the decision made by Dr. Fredrick to the school district. However, they stood with the decision made by Dr. Fredrick. Compl. ¶ 20. Ms. Jameson had utilized all avenues to access justice but the judicial system. Jameson Dep. 8:1-2, Jan. 20, 2022. She claims injunctive relief and requests this Court to relieve her of the damage she faced and continues to face due to the violation of her rights to free speech. Therefore, she demands the Baldwin School District to strike off the permanent record that she was suspended and declare this suspension

unconstitutional. Moreover, Ms. Jameson is demanding that the school not prevent her from expressing her freedom of speech.

## QUESTIONS PRESENTED

I. **Does Ms. Jameson's speech satisfy the test established in *Tinker* to support her claim that her First Amendment rights were violated?**

II. **Does Baldwin School District's censorship of Ms. Jameson's speech satisfy the first prong of the test established in *Hazelwood* of whether the speech was school-sponsored or bore the imprimatur of the school?**

## ARGUMENT

Ms. Jameson requests this Court to grant her injunctive relief since the school violated her First Amendment rights by restricting her expression. It is unconstitutional to prevent people or groups from expressing their freedom of speech. Apparently, this implies that the social injustices in society persist and affect even more community members. The actions by Ms. Jameson were in the best interest of the Students for Housing Solutions. The event did not have mandatory attendance, which is why Ms. Jameson recognized this as a free environment to distribute her t-shirts. Ms. Jameson aimed to spread awareness of the activities that defied housing justice by distributing the t-shirts during the event. Members of the public should know of the ongoing housing justice within their community. Ms. Jameson was merely expressing her freedom of expression as per the First Amendment of the Constitution. Thus, she should be provided with the freedom to do this without threats or repercussions.

Further, Ms. Jameson could not be found culpable since she was not engaged in any violent behaviors that threatened the safety of other students, which made the actions by the Baldwin School District ill-served. Ms. Jameson was not reported to incite the students or

members of the congregation to violence. She was pulled aside while talking to the reporter to prevent her from giving further information about her cause. She passed on t-shirts, made without the assistance or resources of the school, to other students and members of the community. These t-shirts bear stark differences to the t-shirts distributed by the school. The school board cannot restrict such freedom.

## I. Ms. Jameson's speech satisfies the test established in *Tinker* to support her claim that her First Amendment rights were violated.

The decision in *Tinker v. Des Moines Indep. Community Sch. Dist.*, 393 U.S. 503 (1969) held that a ban against expression of an opinion at school is unconstitutional unless the school has evidence that engaging in the prohibited conduct would substantially interfere with the discipline of the school or that it would invade other students' rights. *Id.* at 509.

In *Tinker*, a group of students decided to wear a black armband to show their displeasure and protests against the Vietnam War. Upon observing the students, the school board told them to desist from wearing the black armbands since they risked disrupting the peace at the school. Some of the students continued wearing the black armbands and were subsequently suspended. *Id.* at 504. Four students fell victim to the suspensions and were not allowed to return to school until they removed their armbands. The parents of these students filed suit to defy the move by the school. The Supreme Court held that neither students nor teachers shed their First Amendment rights at the schoolhouse gate. *Id.* at 506. However, these rights must be balanced with the authority of school officials to establish and regulate conduct in the schools. *Id.* at 507. For school officials to substantiate prohibition of a particular expression of opinion, they must demonstrate that the prohibition was rooted in more than a mere desire to avoid the discomfort or unpleasantness that always accompanies an unpopular belief. The students' freedom of speech

could not be restricted because of an existing fear that the clothing would cause violence. *Id.* at 508. They must point to evidence that the expression would materially and substantially interfere with discipline in the operation of school. *Id.* at 509.

In *Tinker*, the plaintiff's conduct of wearing arm bands out of protest did not deal with usual disciplinary problems faced by school officials, as this conduct directly concerned First Amendment protected speech. *Id.* at 508. The defendant in *Tinker* banned the wearing of these arm bands and attempted to punish the plaintiff for silent, passive expression of opinion. *Id.* at 514. The Supreme Court reasoned that the lower court's ruling wrongly decided that the suspension was reasonable due to fear alone of disturbance caused by the plaintiff's conduct. However, fear alone or a risk of disorder does not warrant curtailing constitutionally protected freedom of expression. *Id.* at 508. Further, the defendant in *Tinker* failed to demonstrate that school officials had sufficient reason to foresee that the wearing of the arm bands would materially and substantially interfere with school processes or encroach upon the rights of other students. *Id.* at 509.

The Sixth Circuit Court of Appeals made a similar ruling involving First Amendment right to expression in public schools. In the case *Barr v. Lafon*, 538 F.3d 554 (6th Cir. Ct. 2008), the defendant was the Blount County School Board, while the plaintiffs were the suspended students, Derek Barr, Roger White, and Chris White. The students wore t-shirts that expressed their Confederate stances. *Id.* at 556. The students were told to stop wearing the t-shirts on school territory due to the potential of the t-shirts to disrupt the learning activities. Upon their refusal to meet the demands by the school board, the Tennessee students were suspended. *Id.* at 560. The students moved to court, and the Sixth Circuit Court ruled that the students' activities threatened the peace at the school. The court came to this conclusion when considering how

racially divisive and disruptive the Confederate flag was compared to other symbols that are not prohibited. *Id.* at 576.

In the case *Dodd v. Rambis*, 535 F. Supp. 23 (S.D. Ind. 1981), the plaintiffs were residents within Indiana and were students Brazil Senior High School. The defendants consisted of members of the school board. The location of Brazil Senior High School placed it in such a position that the students from the neighboring junior high school passed in between the school going to and from the junior high school approximately five times a day. *Id.* at 24-25. In 1981, students from Brazil Senior High School engaged in a walkout protesting specific school regulations. They camped at the front gate of the school and voiced their concerns. *Id.* Due to the ongoing disruption to the learning process of other students, the principal imposed a one-day suspension for the students that returned to their classrooms and a three-day suspension for students that refused to return to their classrooms. *Id.* at 26. According to the stated above, the court ruled that the move by the school was justified since it aimed to preserve the learning environment for every student. The court also concluded that the school was reasonable to forecast a substantial disruption by reading the distributed leaflets, specifically messages that directed students to boycott class at a specific time. *Id.* at 29.

The case of *Mahanoy Area Sch. Dist. v. B. L. by and through Levy*, 141 S. Ct. 2038 (2021) involved a student speech happening off the school's grounds. The defendant was B.L., a student in the school interested in cheerleading, who tried out for the team during her junior year; however, she was not given a spot. She applied for the position again during her sophomore year, and when she was declined again, she felt frustrated. Further, she found out that a junior student had been granted her spot. A number of students expressed their views about B.L.'s Snapchat post to the cheerleading coach, saying, “f**k school f**k softball f**k cheerleading f**k

everything." B.L was subsequently suspended. *Id.* at 2043. The Court ruled out that the school board was misguided in its attempt to regulate the social media posting by B.L. *Id.* at 2045. Further, the Court found that the post by B.L. did not disrupt the activities at the school and did not warrant the suspension of the student, saying that schools have an interest in protecting unpopular expression, especially when that expression takes place off campus. *Id.* at 2046. The school could not present evidence that the content of this speech would cause disruption of classes or other school activities aside from students simply asking about it. Rather, it merely caused some students discomfort in brief conversations that did not last more than ten minutes for a couple of days. *Id.* at 2048.

Another case relevant to the freedom of expression was *Young v. Giles County Bd. of Educ.*, 181 F. Supp. 3d 459 (M.D. Tenn. 2015). The plaintiff wore a t-shirt that stated, "Some People Are Gay, Get Over It" at school. *Id.* at 461. At the end of their lessons, the school principal called up Rebecca and reprimanded her for wearing the t-shirt. He did so in front of the students even though wearing the t-shirt did not cause any incident. The school board supported the decision by the principal and inferred that it did not allow clothing that had a sexual context attached to them, much less those associated with LGBT issues. The school expressed that it would not tolerate students wearing t-shirts with the rainbow symbol or "any other shirt referencing LGBT rights." *Id.* at 462. The plaintiff sent a letter to the school stating that the message could only be censored if it disrupted the learning activities at the school. In the absence of the above claims, the school needed to allow the plaintiff to wear the clothing. *Id*. at 464.

Giles County Board of Education stood by its initial judgment, thus leading to the case proceeding to court. Rebecca Young sought an injunction against not wearing clothes she deemed communicated her unique viewpoint. The court stated that expression regarding LGBT

issues, without evidence of disruption with schoolwork or discipline of the school, should be protected. The only disruption came from the school themselves when the principal addressed the plaintiff in the cafeteria. *Id.* The court said that its inquiry should be about whether the ban on clothing referencing LGBT issues is necessary to avoid material and substantial disruption in school discipline. The plaintiff wore the clothing without any disruption during school and did "not even seem to have been a blip on others' radar." *Id*. at 464.

The U.S. District Court found that derailing the rights of students was under the violation of their First Amendment rights. In case *Barber ex rel. Barber v. Dearborn Pub. Schools*, 286 F. Supp. 2d 847 (E.D. Mich. 2003), the plaintiff was Bretton Barber, a student at Dearborn High School. Many of the students at the school was of Arab origin, with reports showing that the school had one of the largest concentrations of Arabs in the U.S. Most of the Arabs migrated into the country and settled in the region. On February 17, 2003, Barber wore a t-shirt with the front printed with President George W. Bush's face and a caption "international terrorists" above it in the school. *Id.* at 849. The school claimed to have prohibited a student from wearing a t-shirt in the cafeteria. However, the record showed that the school asked the student to turn the t-shirt inside out or remove it and keep it like that upon returning to his classroom. The court rejected this form of absolute prohibition, reasoning that the deprivation of constitutionally protected speech to this extent would be a violation of a student's rights. *Id.* at 859.

The court in *Barber* based its decision to offer a preliminary injunction based on the plaintiff's probability of success on the merits. *Id.* at 851. The court decided to grant injunctive relief in observance of the status quo by the client. The court stated that, in line with *Tinker*, a student's freedom of speech is protected within the jurisdiction of the school environment. 393 U.S. 503 (1969). It should not be violated when the school lacks reasonable evidence that the

actions will disrupt the regular activities within the school, or when the reasoning is based on fear alone. *Id.* at 856. The court made the ruling based on the fact that the First Amendment protected the freedom of speech of Barber since the t-shirt aimed to express her feelings about the issue and would be understood by the people intimately associated with the matter. Barber was allowed to express herself. *Id.* at 857.

Therefore, a school may suppress speech by students only if it causes material and substantial disruption or invades other students' rights. A plaintiff can trigger an injunction based on the plaintiff's probability of success on the merits.

Turning to the instant case, the BHS principal prohibited Ms. Jameson from wearing the shirt at the pep rally, and told her that she had to remove it, cover it up, or turn it inside out. His reasoning for this was his fear of disorder at the pep rally as well as to avoid parent complaints and bad publicity. This fear alone of a disturbance coupled with the attempt to avoid unpleasantness from complaints or publicity does not meet the burden that *Tinker* established, yet the school is encroaching on Ms. Jameson's First Amendment protected speech. The wearing of her t-shirt at the pep rally was a silent, passive expression of her belief in a good cause. The only time she spoke about the t-shirts was when she was approached by other students, a local reporter, and eventually her principal when he asked her to remove the shirt. There was no material or substantial disturbance at the pep rally since the school officials cannot point to any form of violence, threatening behavior, or interruption in the operation of the pep rally. Although there was a heated exchange at the soccer game involving BSHS members and the soccer team, it is against the *Tinker* standard to restrict Ms. Jameson's speech since she was not personally involved in this altercation. Also, the soccer game was not part of the curriculum of the school, so discipline of education was not disturbed by Ms. Jameson wearing the t-shirt to an after-

school, non-educational event. In fact, there was no risk of disturbance at all since Ms. Jameson was peacefully passing out the t-shirts and only talking about it when people approached her to ask about them, including a reporter. The issue started when her principal approached her and gave her ultimatums in an otherwise unbothered, peaceful situation.

Moreover, Ms. Jameson's case satisfies the ruling that the school board violated her First Amendment rights since she did not disrupt any learning activities. Ms. Jameson did not threaten the stability at the school in any way since she only distributed the shirts. There was no indication that other people at the rally were organizing themselves to commit violence. Further, like the social media postings in *Mahanoy,* the pep rally occurred during after-school hours, which indicates that no learning activity was taking place. It occurred at night, and there was no way Ms. Jameson could disrupt learning, which would serve as a reason for her suspension. The absence of racial slurs or provocative language, which the plaintiffs used in *Barr*, further excludes Ms. Jameson from attempting to engage other people in violence or discrimination.

It is also prudent to note that the shirts do not indicate that Ms. Jameson is targeting the school or specific individuals. Unlike the leaflets in *Dodd* that mentioned specific time that students would knowingly violate school policy, the t-shirts in Ms. Jameson's case involve ambiguous messages. She was merely wearing a t-shirt that the school interpreted to mean advocation for prohibited activities. The word "Protest" is something that every American has the right to do per the First Amendment, and "Occupy the School" could mean a plethora of things, including freely expressing your opinion at school. The panther displayed on the t-shirt was not even the same panther as the school mascot. Harm was not caused when Ms. Jameson wore the shirt, when she passed shirts around to a small number of students, or when she talked about the shirt when approached by others. The sole reason she was asked to remove the shirt

was due to a perceived threat of future harm, which is unsubstantiated. She did not utilize the shirts to spread havoc and ill feelings at the event. Ms. Jameson used the shirts as communication devices to sensitize people about housing justice.

Further, Coach Paulsen is embroiled in a scandal reported in the news that involved evicting poor renters without following the proper procedures. Yet, the school does not have an issue with celebrating this man and openly viewing him as a beloved member of BHS. The school is fearful of a potential for bad news coverage stemming from Ms. Jameson's clothing, but seemingly do not care about the bad coverage that has already been reported about Coach Paulsen. This demonstrates that the school is not concerned over bad news coverage since they celebrate a teacher who receives substantially negative coverage. Moreover, most of the students would likely regard BSHS as too unimportant for news coverage. Ms. Jameson only distributed nine shirts and never held an occupy event at BHS so, like the plaintiffs in *Young* wearing their LGBT rights shirts, they were not on many students' radars.

Further, the principal gave Ms. Jameson an option of leaving the pep rally if she wanted to keep her shirt on to continue her protest off school grounds. This absolute prohibition of expression in school is a situation that the decision in *Barber* rejected. The school originally told Ms. Jameson that she was not allowed to wear the t-shirt at the pep rally. However, the punishment extended to prohibiting her from wearing it to school at all. The reversal of this prohibition, along with the removal of this disciple from her permanent record, is what granting this motion for injunction would entail.

This Court should grant the Ms. Jameson's motion for injunctive relief due to the inability of the Defendant to prove material and substantial disruption at the pep rally. This lack of evidence effectively strips away Ms. Jameson's constitutional rights. Ms. Jameson's t-shirts

do not encroach on other students' rights or quality of education, as they do not cause disruption, violence, or threat of violence.

## II. Baldwin School District's censorship of Ms. Jameson's speech does not satisfy the first prong of the test established in *Hazelwood* since the speech was not school-sponsored and did not bear the imprimatur of the school.

In *Hazelwood Sch. Dist. v. Kuhlmeier*, 484 U.S. 260 (1988), the students from a journalism class sought to publish their newspaper that would be distributed to the rest of the students. As per the protocol, the teacher in charge of the journalism class submitted the draft of the newspaper to the principal, who went over it. *Id.* at 260. The principal found the issues expressed in the newspaper, involving student pregnancy and the impact of divorce on students' lives, to be inappropriate. The principal said that pregnancy was problematic for some of the young students at the school due to specific issues, such as birth control. Moreover, the principal rejected the pregnancy column since, even though no names were mentioned in the article, the pregnant students could easily be targeted by the text, which would damage their reputation even further. Apart from this, the principal rejected a column that reported a student's complaint about his father's conduct, expressing that consent should be obtained from the parents before publishing the story; the parent should defend himself to avoid a one-sided attack. *Id.*

The students, who were members of the journalism club, filed a case in federal court to include their stories in the newspaper. Under the *Hazelwood* standard, the students were treated differently than adults due to the uniqueness offered by the school environment. *Id.* at 262. The Court found that schools do not have to tolerate speech from students that do not align with the school's mission. *Id.* at 266. Further, the Court found that the students could not use the newspaper as a forum for public expression. *Id.* at 267. The schools held the right to designate

specific areas within their facilities as areas of public presentation if it was school-sponsored expression or was reasonably believed by the students and parents to bear the imprimatur of the school. *Id.* at 271.

In *Westfield High Sch. L.I.F.E. Club v. City of Westfield*, 249 F. Supp. 2d 98 (D. Mass. 2003), the LIFE Club described itself as a student-led Christian club that is unrelated to the school's curriculum. The club asked their school's principal for permission to distribute candy cases with Bible messages and information about the club's meetings, which was denied. LIFE Club members distributed them anyway, and were subsequently suspended. *Id.* at 106-107. Upon hearing this case, the question of whether LIFE Club was a school-sponsored organization, thus granting Westfield High School the authority to regulate it, arose. The court held that LIFE Club did not bear the imprimatur of the school. *Id.* at 117. Just because the club used the facilities of the school during and after school does not mean that the club was school-sponsored. In order for the club to be school-sponsored, the school needed to take affirmative steps to promote its activities and speech. *Id.* at 118. The school did not fund LIFE Club, the club's activities and principle did not mirror the school's curriculum, there was no requirement to participate in the club, and the school did not offer academic credit to students who participate in the club. *Id.* As a result, the action of distributing the candy canes amounts to private speech that happened to occur on campus and does not equate to school-sponsored speech. *Id.* at 120.

In *Curry ex rel Curry v. Hensiner*, 513 F.3d 570 (6th Cir. 2008), Joel Curry, the plaintiff, was a fifth-grade student who was required to participate in an exercise called "Classroom City." The school described this event as a way to provide a wide array of learning in literature, marketing, government, civics, economics, and mathematics. The exercise took place in the school gymnasium, and involved students choosing an item to sell for educational purposes. *Id.*

at 574. The supervising teacher told the plaintiff that she should withhold the religious note on the candy cane she was selling in fear of it offending other students. The plaintiff's mother then arrived at the school to assert that her daughter had the constitutional right to present the note, to which the principal responded by affirming the supervisor's decision that the note was inappropriate. *Id.* at 575. The court decided that the plaintiff's candy cane and note were not mere speech regarding personal religious observance. Rather, it was part of a curricular exercise that did not invite personal views. The school's desire to avoid offending other students or their parents through its academic exercise was within the authority of the school since it was a mandatory exercise. *Id.* at 579.

Therefore, schools cannot limit students' speech if it does not bear sufficient imprimatur. This Court can also dismiss punishments by schools that were administered out of the context of school-sponsored events. Schools have sufficient power to control school-sponsored events but cannot exercise this power in private speech that happens to take place in school.

The Baldwin School District does not bear sufficient claim to satisfy the first prong of the *Hazelwood* test that seeks to establish that Ms. Jameson's speech bears the school's imprimatur, nor do they meet the criteria involving school-sponsorship. The organization that Ms. Jameson is engaged in, BSHS, is not school-sponsored and could not be regulated by the Baldwin School Board. Ms. Jameson did not abuse school rules since the school invited community members to the pep rally and established the pep rally as a public forum. The voluntary nature of the pep rally is distinguished from the mandatory curricular exercise in *Curry*. This pep rally was after school, it was voluntary to attend, and it did not aim to further any school curriculum. Further, there was no faculty involved in Ms. Jameson's expression, as she did not have faculty supervision in making or distributing the t-shirts. Ms. Jameson's wearing and distributing of

these shirts would not offend the school curriculum in any way since the pep rally's purpose was to celebrate the soccer team, not to advance any educational objective. It was for this non-educational reason that the event was not mandatory to attend.

Ms. Jameson distributed t-shirts to the people at the event, which were made using her own time and resources, and without assistance or advocacy by the school. Therefore, the t-shirts cannot be regarded as school property or school resources. Moreover, the t-shirts do not possess any school writing on examination of the t-shirts. The conclusion of *Hazelwood* emphasized the importance of the perspective of a student and parent in assessing the expression in relation to the school. Thus, if a student or parent were to neutrally view these shirts at the same pep rally, which is the case here, it is extremely easy to differentiate the shirts from each other. Printed words are "Protest" and "Occupy the School" while the panther picture is not the same as the school's emblem. The word "Protest" is written in a bigger font, so it is clearly distinguishable. It is also unreasonable to infer that one would associate a school-sponsored shirt with one that has "Protest" written on it. Also, the words "BSHS Seniors 2022" are written in a bigger, bolder font. The back of the shirt also includes a picture of a house, which has nothing to do with the school. Ms. Jameson said herself that the shirts were not similar, and an argument which claims that they are is ignoring the glaring differences.

Additionally, in line with the LIFE Club in *Westfield*, the students using the school's facilities cannot be considered sponsored on this use alone. It is true that Ms. Jameson was distributing the t-shirts and voicing her opinion while on school grounds. However, the school did not take any steps to promote the t-shirts or advocate the underlying message about homelessness. In fact, BSHS is a student-led organization that was simply using school facilities just like the LIFE Club in *Westfield*. Further, the school does not incorporate BSHS's platform

into the school's curriculum. The school does not require the any student to participate in this organization, and does not offer any sort of academic credit even if one were to participate. Not only does the school not advocate for BSHS, but they do the opposite. The school board and officials take every possible step to vilify the organization and insist that their expression is a violation of school policy. BHS's failure to demonstrate that it satisfies any of these tests set out in *Westfield* proves that Ms. Jameson's speech is not school-sponsored. Instead, the speech is simply private speech that happened to take place in a school setting.

In line with this case, Baldwin School District does not meet the requirements to censor Ms. Jameson's speech since the t-shirts distributed by her do not bear the school's imprimatur. The panther on the shirt was different from that used by the school. Also, the cost of printing the t-shirts was incurred by Ms. Jameson and did not utilize resources from the school. As such, the school board could not censor Ms. Jameson's message just because they felt uncomfortable with her message. Therefore, Ms. Jameson should be granted relief through injunction since the school does not meet the requirements to censor her speech.

## CONCLUSION

Because of the reasons stated above, the Plaintiff, Ms. Jameson, respectfully requests this Court to grant her motion for preliminary injunction.

**S22-221**
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## CERTIFICATE OF SERVICE

I certify that on the 20th day of March, 2022, I served a copy of this Memorandum of Law on all parties to the lawsuit via email.

**S22-221**
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