

**QUESTION 12 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK IV
OR IN SOFTEST ANSWER SCREEN 12**

When students at Douglas Dodd High School (DDHS) learned that a parade honoring an alumnus returning home from military service would be passing by the school, they sought permission from school officials to take part. School officials approved the request as a social event or class trip. Because the parade would pass by the school during class time, students were allowed to leave class and stand on the sides of the street as the parade passed. Teachers and administration personnel were present to monitor student activities.

DDHS senior Sam Signet, along with three of his friends, attended the parade and brought along a large 14-foot banner. Other students were displaying banners, with most reading "Welcome Home," "We love you Sgt.!", and "DD's favorite son." As television cameras approached Sam's location, he and his friends unfurled their banner which read:

"METH Shots 4 MOSES!"

The letters were large and easily viewable by other students on both sides of the street.

Seeing the banner's message from across the street, Principal Clarke Kelly crossed the street and confronted Signet and his friends. Principal Kelly demanded the banner be taken down. All four boys sassed Principal Kelly, however, all but Signet complied. Signet continued to try to hoist the banner, refusing Kelly's directive. Kelly confiscated the banner and ordered Signet to his office. Signet was suspended from school for ten days.

Hearings were held pursuant to school procedures. Principal Kelly testified that the school had a long-standing published policy prohibiting public expression or assembly that advocates the use of substances that are illegal to minors. This anti-drug use policy was promulgated due to repeated drug use at DDHS and other area high schools concerning marijuana, methamphetamine, and Xanax. A companion policy provision requires pupils who participate in approved school social events or field trips to conduct themselves as they would during the regular school classes.

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Principal Kelly testified that he believed the banner's message promoted drug use, in contradiction of the stated policies.

Signet maintained he just wanted to get on television. At the conclusion of the in-school hearing, the confiscation and suspension were upheld. Despite Signet's claim that his First Amendment rights were violated, the hearing board concluded the message on his banner promoted illegal drug use and that that promotion took place at a school function. Signet, dissatisfied with the hearing result, brought suit claiming a violation of his First Amendment rights.

In his suit, he maintains he was not trying to promote drug use, but rather just to get the attention of the television cameras. He also maintains it was unreasonable to consider the language as promoting drug use.

Were Signet's First Amendment rights violated by the confiscation and suspension? Discuss the applicable analytical framework under the First Amendment to support your conclusion.