

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

Northern High School's football team was in the state finals against their rival, Southern High School. Southern was led by their all-state fullback, Sammy McGuire, who it was rumored used illegal anabolic steroids to enhance his performance. The game was being played at Northern's field.

One Northern student in attendance at the game, John Smith, was upset that McGuire would cheat by using illegal drugs, so he brought a sign to the game protesting McGuire's alleged use of steroids. The large 4' x 5' picket sign stated the following in bright blue wording: "Sammy McGuire says: Steroids, breakfast of champions." Smith, worried that the sign might run afoul of the school policy prohibiting advocacy of drug use, decided to wait until McGuire ran for a touchdown before revealing the picket.

McGuire scored in the first quarter, and Smith quickly ran to the front of the stands and marched back and forth, showing the sign to the entire crowd. In that crowd was McGuire's father, who was greatly offended by the sign. He raced down to Smith and took the picket sign away. Smith reacted quickly, taking the sign back from Mr. McGuire and running away (while still showing the sign to the fans). Seeing this commotion, Northern's principal, Mrs. Lady, stopped Smith and snatched the picket sign away from him. In doing so, Lady informed Smith that he was a poor example for the student body, was acting in violation of school policy, and would be suspended for 5 days.

Smith subsequently sued both Mrs. Lady and Mr. McGuire for declaratory relief, alleging pursuant to the appropriate federal statute, that his First Amendment right to the freedom of speech had been violated when the picket sign was taken away and he was subsequently suspended. Both Mrs. Lady and Mr. McGuire have filed motions for summary disposition. Mr. McGuire asserts that the First Amendment claim fails to state a claim against him upon which relief can be granted. Mrs. Lady argues that there was no genuine issue of material fact that Smith cannot establish a violation of the First Amendment.

**Should the motions be granted? Explain your answer.**

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