**Facts of the Case**

A bitter football rivalry played out during a school spirit rally that ended at a federal courthouse after a high school principal confiscated a banner in a move that students said violated their First Amendment rights. The conflict started at the Homecoming game that pitted Middlefield High School against its arch rival, Centerville High School. The game was the first time in 10 years that the match up was scheduled during Homecoming Week. The last time, the teams and their fans erupted into violence on the field, resulting in several arrests.

This year, Taylor Murphy, Middlefield's unofficial school spirit leader, was in charge of the senior class car. The car was a tradition Taylor's uncle started in the 1960s when a used car dealer donated an old jalopy for the students to decorate for the annual Homecoming game. The seniors parked the car in a lot across the street from the stadium at every football tailgating party. This year the senior car was an old ambulance that Taylor named, The Hurt Mobile. Taylor organized students to make posters and banners for the vehicle and he led a brainstorming session to come up with new cheers and chants that could be broadcast from the speaker system in the ambulance.

The new principal at Middlefield, Principal Jamie Francini, made it one of her priorities to promote good sportsmanship between Middlefield and all of its sports rivals. She knew the history of the rivalry with Centerville. She was determined to enforce her new sportsmanship policy with the slogan: "Respect Yourself – and Your Rivals." The activities were to be civilized this year, especially because many alumni, as well as local media, would be in attendance.

Taylor and other seniors parked the Hurt Mobile in the tailgating area several hours before the game to get a good location near the television cameras. Principal Francini welcomed the students and the community to the Middlefield event where they grilled burgers, tossed footballs, and demonstrated their school pride. A local radio station played music and interviewed fans on the air, giving the event even more visibility. During the tailgate, Taylor and two friends, Alex Barker and Chris Wilson, hung a large banner on the Hurt Mobile that read: "X-Off the Spartans." The students said the phrase was a reference to a popular social networking site, FaceSpace.com, that used the term X-Off for defriending someone.

After attaching the banner to the senior vehicle, Taylor chanted the X-Off phrase over the loudspeaker in the ambulance. Principal Francini decided that the cheer was violent because she was sure that it must refer to killing. She also thought it might even be obscene. The school administration didn't want such a message picked up by the media and associated with Middlefield. When Taylor refused to take down the banner and stop chanting, the Principal confiscated the banner and the microphone and suspended him on the spot for three days. Taylor decided to sue the Principal and the Middlefield School District in federal court on First Amendment grounds. Taylor's position was that the Principal violated the students' free speech rights. There was nothing threatening or obscene in the messages. Principal Francini took the position that the banner made a reference that could have been perceived as a physical threat or an obscene insult to the other team. She had to act without hesitation to halt the offensive messages that could, again, touch off violence at the game.

In your legal brief you must include reference to at **least two of the five precedent cases listed below.** Your purpose is to convince the Justice you clerk for that your position is the strongest and that your legal reasoning should be followed in their official opinion when writing for the court.

**1st Amendment Precedent Cases:**

Schenck v. United States (1919)

Engle v. Vitale (1962):

Wisconsin v. Yoder (1972):

Tinker v. Des Moines Independent Community School District (1969):

New York Times Company v. United States (1971):

**A good response should:**

* Identify a similarity or difference between the two Supreme court cases, as specified in the question (0-1 point)
* Provide prompted a factual information from the specified required Supreme Court case (0-1 point) and explain how or why that information from the specified required Supreme Court case is relevant to the non-required Supreme Court case described in the question (0-1 point)
* Describe or explain an interaction between the holding in the non-required Supreme court case a relevant political institution, behavior, or process (0-1 point)