



*Douglass v Londonderry School District (2005)*

The yearbook staff at Londonderry High School in New Hampshire voted against running the photograph Blake Douglass submitted as his senior picture, though they did offer to include it in the community sports section. The photograph showed him kneeling, a broken (open) shotgun across his shoulder, dressed in trap shooting clothing. Shotgun shells appeared to be in his pocket.

Douglass and his father sued the school district, claiming his First Amendment rights were being violated. He also claimed the school was using “unconstitutional viewpoint discrimination” by refusing to run a picture of him with his shotgun. Douglass claimed the school could not “lawfully refuse to publish [the photograph] because they disapproved of the ‘message’ they think the readers will take from it.”

The federal judge disagreed. It was not the school district that rejected the photo. It was the student yearbook editors. “The state has not, it seems, suppressed Blake’s speech his fellow students have done so,” the judge wrote. “The First Amendment does not restrict the conduct of private citizens, nor is violated when one private actor ‘suppresses’ the speech of another.”

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