



# Harvard Model Congress Europe 2009

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## United States District Court Randi Rebel v. Robin Edwards, et al. By Rachel Endick

UNITED STATES DISTRICT COURT

**RANDI REBEL** )  
Plaintiff )  
 )  
v. ) No. HMCE-DC-09-03  
 )  
**ROBIN EDWARDS AND THE SCHOOL** )  
**DISTRICT OF WHITE RIVER** )  
Defendant )

### SUMMARY OF THE FACTS STIPULATED

On the morning of April 3, 2008, Ian/Ina Rebel, a 17 year old student at White River High School in Pleasantville, Arkansas distributed flyers announcing a demonstration to be held the following morning. The demonstration planned by Rebel was in protest to proposed state legislation to limit the right to an abortion. At approximately 7 a.m. Rebel affixed flyers to the walls of White River before the school day officially began. Robin Edwards, principal of White River was notified by a student about Rebel's actions. Principal Edwards informed the school's custodians to remove the flyers. On the basis of unruly conduct and inciting violence, Ian/Ina Rebel was suspended from White River High School indefinitely until he/she agrees to refrain from distributing flyers and organizing a demonstration on school property.

## **COMPLAINT BY PLAINTIFF**

Plaintiff, Randi Rebel, parent of Ian/Ina Rebel, in his/her complaint against the defendant alleges:

The defendant, Robin Edwards, on April 3, 2008, in his/her capacity as principal of White River High School, violated the freedom of speech guaranteed to Ian/Ina Rebel under the First Amendment to the United States Constitution. Removing the flyers denied Ian/Ina and the students of White River the right to assemble afforded by the First Amendment. Ian/Ina was suspended unfairly and with blatant disregard to his/her right to distribute the flyers (*Papish v. Board of Curators*) and organize a protest, regardless of the content. Additionally, both the flyer distribution and the demonstration took place/ were scheduled to take place before the school day began so as to avoid interfering with the school day. Furthermore, the punishment handed down by Robin Edwards was far more severe than the alleged infraction, and the conditions under which Ian/Ina Rebel will be permitted to return to White River further violate Ian/Ina's rights.

The plaintiff requires immediate reinstatement of Ian/Ina to White River High School with the opportunity to make up any and all missed assignments, as well as \$100,000 in punitive damages for the emotional suffering and educational disadvantage incurred by Ian/Ina.

## **ANSWER BY DEFENDANT**

The defendant submits the following answer to the complaint:

Robin Edwards, in his/her capacity as principal of White River High School, did not violate the United States Constitution in suspending Ian/Ina Rebel on April 3, 2008. Instead, Edwards utilized his/her discretion to deal with Rebel as he/she saw fit, given that Rebel distracted the student body, interfered with the educational objectives of the school (*Bethel School District No. 403 v. Fraser*) and placed his/her peers in potential danger should the planned demonstration turn violent.

## APPLICABLE LAW

### *First Amendment*

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

*Papish v. Board of Curators of the University of Missouri, et al.* (1973)

The University of Missouri expelled a journalism student who distributed a controversial leaflet on campus. The United States Supreme Court held the expulsion violated Papish's First Amendment rights.

*Bethel School District No. 403 et al. v. Fraser et al.*, (1986)

A Washington state high school student was expelled after delivering a speech during a school assembly that contained sexual content. The United States Supreme Court upheld that administrators ought to have the discretion to punish student speech that violates school rules and has the tendency to interfere with legitimate educational and disciplinary objectives.

## INSTRUCTIONS TO THE JURY

The plaintiff has the burden of proof in this case. The plaintiff must prove his/her version of the facts by a preponderance of evidence. A preponderance of evidence is not proof beyond a reasonable doubt. It is just enough evidence to make it more likely than not that the defendant committed those actions alleged by the plaintiff, and that those actions constitute a breach of the law. This is less evidence than is needed to prove something beyond a reasonable doubt. The

plaintiff must prove by a preponderance of evidence that the defendant violated the regulations set forth in the First Amendment to the United States Constitution and that the plaintiff is therefore entitled to appropriate relief.

## WITNESS LIST

### **Plaintiff**

Ian/Ina Rebel  
Randi Rebel  
Terry Smith

### **Defendant**

Robin Edwards  
Sal Cross  
Billy Stanton

### **NOTE ON THE WITNESSES**

The order in which the prosecution and the defense call their witnesses is up to each side's discretion. That is, witnesses may be called in any order that a team finds advantageous. Furthermore, the witnesses' names are all intended to be gender neutral and may be portrayed as either a male or a female.



**AFFIDAVIT OF INA/INA REBEL  
WITNESS FOR THE PLAINTIFF**

Hello, my name is Ian/Ina Rebel, and I'm 17 years old. I live here in Pleasantville on Orchard Street with my parents and my cat, Rosie. I named her after Rosie the Riveter, the icon of female empowerment from World War II. Anyway, I'm a junior at White River High School, and I'm looking at colleges now. Well, I should say I was a junior. I've been suspended from school. Even the sound of that is ridiculous. I'm the last person anyone would ever guess would be suspended. Look, I'm not one to brag, but I was at the top of my class at White River, and my parents and I toured all of the Ivy League schools. Now I don't know what will happen when college application time rolls around.

This whole mess started on April 2<sup>nd</sup>. I read in the paper that the state was looking to pass a law placing restrictions on abortions for minors. The legislators wanted to force any girl who was under the age of 18 to notify her parents before having an abortion. Obviously it's some conservative's brainchild, but how naïve can you be? That sure won't stop a desperate 16 year old; she'll just go some place that's illegal and unsafe. First and foremost we should be ensuring women's health and safety when undergoing an abortion, right?

Anyway, my parent, Randi, and I talked about what was going on. I was fuming, and so was my mom/dad. I know I can't vote yet, but it doesn't mean I'm uninformed. On the contrary, I'm probably more up on current events than a lot of people who are over the age of 18. In any case, that's when (s)he suggested I organize a student demonstration. It seemed like a great way for me to get my peers informed and to do something. Plus, I figured it would make a killer college application essay. So, I made flyers and set my alarm to get to school extra early.

The next morning I got to White River High at about 7 a.m. First period doesn't start until 7:35, so I figured I'd have plenty of time to put up flyers. I finished right before the first bell, went to my locker, and got to first period. I went to all of my classes that morning like I usually do, but once I got to history class, everything started to unravel. Miss/Mr. Smith, my history teacher, called me up to the front of the class, and then quietly told me I had been called down to the

main office. I figured it was probably because I had gotten the Student of the Month award again. It never even crossed my mind that this could be related to the flyers.

When I got to the office Mr(s). Edwards was standing in the doorway with his/her arms folded. (S)he did not look happy. Then (s)he called me into his/her office, and told me I was in big trouble. That's when (s)he started screaming at me for the flyers. (S)he said that I had no right to broadcast my ignorant views and spread that sort of garbage around in his/her high school. I wish I would have had the nerve to say something then, but I was completely flabbergasted. I couldn't believe my ears when (s)he told me that I'd been suspended. I felt like I was going to cry, but I managed to hold it in. My parent arrived and tried to reason with Mr(s). Edwards, but it was no use.

This whole thing is ridiculous. Mr(s). Edwards wants to know what right I have to broadcast my views. Well, (s)he should spend some time in Miss/Mr. Smith's history class, and (s)he'll see the First Amendment is what gives me the right.

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Ian/Ina Rebel

Subscribed and sworn to me on this, the 23<sup>rd</sup> day of May, 2008.

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Casey Novak, Notary Public

**AFFIDAVIT OF RANDI REBEL  
WITNESS FOR THE PLAINTIFF**

Good afternoon, I'm Randi Rebel. Yes, *the* Randi Rebel, best-selling mystery author. Perhaps you've read some of my work? My novels are quite popular, and there's been some talk of turning one of them into a movie. After the incident at White River High, however, most of the reporters' attention has turned from my books to my child, Ian/Ina.

As is the case with telling any story, it's best to start at the beginning. This entire ruckus began on the evening of April 2<sup>nd</sup> when Ian/Ina and I were looking at the White River Journal. Normally we get through the newspaper in the morning, but I had an early meeting with my publisher that day, so we didn't get around to it until Ian/Ina and I finished with the dinner dishes. I find that reading with my child has been an invaluable part of raising Ian/Ina and cultivating his/her intellectual abilities. The proof is certainly in the pudding. (S)he has top marks in all his/her classes, and is bound for greatness. I can only hope that this matter is settled as quickly as possible. It certainly will be a challenge for Ian/Ina to explain her suspension on her college applications if this isn't cleared up.

Well, as I was saying, that night Ian/Ina and I were perusing the local goings-on when we stumbled upon an article about abortion. In my teen years I was a bit of an activist myself, and even though I don't attend rallies any more, I still become impassioned by those types of things. How could I not find restricting the rights of women to be a flagrant injustice? Now, a typical teenager might not find these issues as pressing as Ian/Ina does, but (s)he is anything but a typical teen. Truth be told, the demonstration was my idea, and looking back I regret mentioning it to him/her. If I hadn't said anything to my child, (s)he would never have been suspended.

The next morning I dropped Ian/Ina off at school between 7 and 7:15 so (s)he could put up the flyers we had made the evening before. Ian/Ina got out of the car, and I drove away. I got home, and I began to make some revision on my novel. Writing is such a laborious process. Unless you're a writer you really wouldn't understand. All of a sudden the phone rang; it was Principal Edwards. (S)he told me that Ian/Ina had caused a

complete uproar at school and that I needed to get to White River High immediately. Before I had a chance to say anything, Principal Edwards hung up.

When I got to the school, Ian/Ina was sitting in Principal Edwards's office. I know my child, and I could tell that (s)he was upset. I asked Principal Edwards to explain him/herself, and that's when I learned that the flyers and demonstration were at the bottom of all of this. I tried to assure Principal Edwards that Ian/Ina had the best intentions, and that (s)he was in violation of no school rule, but Principal Edwards was completely unreasonable. When it got to the point that I needed to raise my voice to simply get him/her to listen, (s)he said, "Well, I see where Ian/Ina gets it from," and called security. Imagine me carried out of the school by a security guard! It was mortifying.

Sure, one might ask why we don't relent and give up on the idea of organizing the student body. Without a doubt it would make this mess disappear, and certainly Ian/Ina would be able to start putting his/her academic life back on track. But this isn't something that I, I mean, Ian/Ina is willing to give up on. This goes beyond one demonstration; this marks a clear violation by Principal Edwards of the rights of all the students at White River High School.

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Randi Rebel

Subscribed and sworn to me on this, the 26th day of May, 2008.

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Casey Novak, Notary Public

**AFFIDAVIT OF TERRY SMITH  
WITNESS FOR THE PLAINTIFF**

Hello, my name is Terry Smith, and I've been teaching American and European history at White River High School for the past eight years. Ever since I was little I've been an avid reader, especially of historical novels. When I'm not reading about the Crusades, the Federalist Papers, or Victory Gardens, I love getting lost in Randi Rebel's mystery books. *Murder on the Midnight Train* has to be my favorite. I've been a fan long before I ever had Ian/Ina as a student, so you can imagine my sheer joy when Mr./Mrs. Rebel turned up at a parent/teacher conference. I barely was able to get a sentence out. Plain and simple, I was star-struck.

Not only is it fantastic dealing with Mr./Mrs. Rebel, having Ian/Ina for a student has been a pleasure. It's not too often that students are as excited about a topic as the teacher is. Don't get me wrong, I'm good at what I do, but sometimes students have a hard time understanding why they have to learn about events that occurred before the advent of the internet, let alone centuries ago. Ian/Ina is certainly an exception. Not only does (s)he excel in history, she leads the pack in just about every class. I think the key to his/her success is that (s)he is a critical thinker and a natural leader. Ian/Ina clearly has some strong opinions. When we studied women's suffrage, (s)he took a particular interest. In fact, (s)he wrote his/her term paper on the Seneca Falls Convention, an early gathering of women who fought for their right to vote, and (s)he gave one of the best presentations in the class. Some of the students found him/her to be a bit over-the-top to the point of being dogmatic about his/her ideas, but I was impressed with his/her work.

On April 3<sup>rd</sup> I was about to begin my lesson on The Treaty of Versailles when the phone in my classroom rang. Recently the technology in the school has been updated, and each classroom is equipped with a telephone that connects to the main office. Usually I get calls from Principal Edwards requesting, or rather yelling, that I need to send down a student who has been suspected of cutting a class or causing some trouble. Generally the calls are for the same few trouble-makers, which is why I was so surprised when Principal Edwards asked me to send Ian/Ina

to his/her office. I asked Principal Edwards if (s)he was sure, and he/she told me to just do my job and let him/her do his/hers. I know when to stop talking, so I hung up and wrote Ian/Ina a hallway pass to the main office. I could tell (s)he was just as surprised as I was.

I thought it must have been some sort of mistake when I read Ian/Ina's name on the list of suspensions the following day. I just don't understand this. Education should be the top priority in a school district, specifically preparing students to be thoughtful and responsible members of society. If I were Principal Edwards I would have applauded Ian/Ina for his/her efforts. Sure, Principal Edwards may not agree with the viewpoint of Ian/Ina, but this is blatant content-based censorship. That is, Principal Edwards is punishing Ian/Ina for his/her ideas, not his/her actions. The fact of the matter is that Ian/Ina learned about a pressing issue, felt strongly about it, and planned to take reasonable action, and that's something that deserves commendation, not punishment.

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Terry Smith

Subscribed and sworn to me on this, the 28th day of May, 2008.

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Casey Novak, Notary Public

**AFFIDAVIT OF ROBIN EDWARDS  
WITNESS FOR THE DEFENSE**

Yes, hello, I'm Robin Edwards, principal of White River High School. I've been in the field of education for over twenty years. First, I taught algebra at White River High School for seven years, then I was promoted to the position of vice-principal, and I've held the title of principal for the past five years. I don't want to toot my own horn or anything, but White River High School has a reputation of excellence. We are often featured in the White River Journal for various sports and academic achievements. Fortunately, the attention we do receive is generally positive, and I make it my business to keep it that way.

This whole incident with Mr./Ms. Rebel is truly an unfortunate one. I regret that it's gotten this far, but in my opinion his/her parent is being downright unreasonable. If it were my child, (s)he'd be back in school by now.

On April 3<sup>rd</sup> I was in my office working on plans for an assembly. I heard a student knock on my door, and I informed the student that (s)he may enter. I pride myself on maintaining open lines of communication with the student body. In any event, Miss/Mr. Smith came into my office and told me about some posters that he/she had come across that morning. Apparently Miss/Mr. Rebel had affixed flyers to the hallways announcing some sort of abortion rally for the following day.

Look, I like to think that I'm a reasonable individual, but I nearly hit the roof. I could not believe a student would be so brazen as to use school property for disseminating propoganda, and about abortion of all things. No high school student could possibly know what he or she is talking about when it comes to such a serious issue, and one pupil spouting off can have consequences that are detrimental to the entire student body. I personally took offense to the flyers. As a conservative individual and a parent of three girls, I would want to be informed if one of my daughters were about to make such a life-altering decision. Yes, I support the legislation that Miss/Mr. Rebel was planning to protest, but that's beside the point; I assessed the situation from an objective administrative position.

Immediately I informed the head custodian to remove the flyers. I phoned Randi Rebel and requested that she come to the school. Next, I called Miss/Mr. Rebel down to my office. When (s)he got there, I asked him/her what (s)he was thinking. Miss/Mr. Rebel immediately became heated and informed me that (s)he had rights. Quite frankly (s)he was downright disrespectful. I thought the tone would change when his/her parent arrived, but Randi Rebel was no better.

There is no reason in the world why Miss/Mr. Rebel couldn't be in school right now if (s)he agrees to desist with this nonsense. Considering how disruptive and offensive (s)he was to the rest of the student body, prohibiting him/her from creating a further commotion is certainly reasonable.

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Robin Edwards

Subscribed and sworn to me on this, the 29th day of May, 2008.

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Casey Novak, Notary Public

**AFFIDAVIT OF SAL CROSS  
WITNESS FOR THE DEFENSE**

Hi, my name is Sal Cross. I'm a junior at White River High School. I wouldn't say that school is my life exactly, but it is very important to me. I work hard, and it shows. Next year I hope to get into Williams College. The admissions rate at Williams is very competitive, but I don't think I'll have a problem. My grades are great, I'm involved in a bunch of activities, and I'm at the top of my class. Well, I'm either number one or number two. Ian/Ina Rebel and I are neck in neck, and we have been for years.

Speaking of Ian/Ina, I guess I better tell you about what happened on April 3<sup>rd</sup>, 2008. I'm president of the Student Council, and we had a meeting that morning at 7 to plan a dance for that Friday night. Anyway, I was running a bit behind, and I rolled into the parking lot at about 7:15. After the meeting I raced to my locker, and that's when I noticed the flyers all along the corridors. I didn't read them at first; the only thing on my mind initially was that Student Council needed that space to hang our advertisements for the dance. I knew I would need to speak to whomever had affixed them to the wall.

I grabbed one of the flyers to see if I could identify to whom they belonged, expecting it to be something about ordering yearbooks. Once I realized what the poster was really about, I was horrified. I couldn't believe that someone would plaster something so distasteful in the hallways! The *coup de gras* was when I saw that it was Ian/Ina who had done it.

Well, I have Classical Literature first period, and I pride myself on perfect attendance, but that day I walked straight to the principal's office instead of going to English. I knew this had to be dealt with as soon as possible. I went into Principal Edwards office, and I could tell that (s)he was just as upset as I was. (S)he mumbled, "There shouldn't be any right to choose, especially not for children," or something like that. Then (s)he told me that it would be taken care of, wrote me a hallway pass back to class, and I went back to the tragic love of Catherine and Heathcliff.

Am I proud of what I did? Well, it's a shame for Ian/Ina that (s)he was suspended, but I think I did the right thing. It's just not right to stir the pot like that and cause a

disruption at school, and I think everyone at White River High has learned an important lesson. It also doesn't hurt that now Ian's out of my way and I'm number one in the class.

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Sal Cross

Subscribed and sworn to me on this, the 29th day of May, 2008.

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Casey Novak, Notary Public

**AFFIDAVIT OF BILLY STANTON**  
**WITNESS FOR THE DEFENSE**

Hello, I'm Billy Stanton. I work in the English department at White River High School. I've only been with the school for two years, so tenure is something that's been on my mind lately. That means doing what I'm told and keeping on the administration's good side. I certainly don't want to make waves. I do what I'm told, when I'm told to do it. And, every now and then, I tell Principal Edwards that I like his/her suit that day. It can't hurt, right?

Aside from teaching English I coach the debate team. Now, to be perfectly blunt, I have no interest in debate. Never have, never will. It's just not my cup of tea. What is my cup of tea, however, is staying employed, so I wasn't about to argue when Principal Edwards told me (s)he'd assigned me to be the coach. I wasn't exactly thrilled about the prospect, but I figured it wouldn't take more than an hour a week. Then we had our first meeting, and I met Ian/Ina. Not to be unprofessional or anything, but that kid has to be the biggest loudmouth I've ever met. I thought the debate team should be low key, but Ian/Ina wouldn't have it. When I announced that we'd only practice on Thursday afternoons, Ian/Ina threw a fit. (S)he even went to Principal Edwards to tell him/her that I wasn't running the team properly. Imagine the nerve! No matter how much I lacked a desire to be at debate practice, I had an even stronger aversion to the unemployment line. So I started holding practice three times a week, and that quieted the kid down. I didn't really do much during practice anyway, and Ian/Ina basically ran the meetings him/herself, so it wasn't all that bad. Even so, I knew I had to watch my back when it came to him/her.

Now, coaching debate may be miserable, but teaching my English classes makes up for it. I especially enjoy teaching Classical Literature, my first period class. The day of April 3<sup>rd</sup> I was administering an exam on *Wuthering Heights*. It's one of my favorite novels; I could talk for hours about the similarities between Heathcliff's temperament and the dark moors. Overall, the whole class seemed to enjoy the novel. Well, I suppose Sal Cross was an exception. I thought it was rather out of character for Sal; no matter how much attention

Ian/Ina gets for his/her grades, I firmly believe that Sal is a far superior student. Still, Sal didn't seem to really apply him/herself when it came to the book. I know (s)he was under a lot of pressure with plans for the Student Council dance. When Sal didn't show up at the beginning of first period on April 3<sup>rd</sup>, I half suspected it was because (s)he didn't want to take the test that day.

About twenty minutes into first period, Sal came into the room in a total frenzy. (S)he started shouting about some abortion rally that Ian/Ina was planning. I reminded him/her that his/her classmates were taking a test, but it was no use. (S)he couldn't be quieted. It caused such a stir in my class that none of the students were able to finish the exam on time, and I ended up not counting the grades at all.

Look, I can't say that Ian/Ina and I see eye to eye on many things, but I can't say that I took offense to his/her opinion either. One thing is for certain, however; no matter what the reason was for the flyers or the demonstration, Ian/Ina certainly disrupted my class that day.

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Billy Stanton

Subscribed and sworn to me on this, the 2nd day of June, 2008.

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Casey Novak, Notary Public