



May 12, 2026

Superintendent Courtney Goode
Tamalpais Union High School District
395 Doherty Drive
Larkspur, California 94939

Sent via U.S. Mail and Electronic Mail (cgoode@tamdistrict.org)

Dear Superintendent Goode:

FIRE¹ appreciates your May 7 response to our May 6 letter² concerning the student press rights of *The Redwood Bark*—specifically, the request to remove its post about the Epstein files and investigation into the February 2026 edition’s cover photo. We appreciate your “commitment to student journalism” and “upholding free expression rights consistent with California law,” but remain concerned about how the district handled these matters. Accordingly, we urge the district to clarify that *The Bark* has not been punished for running the February 2026 cover photo and to commit that the district will not initiate future investigations or takedown requests for *The Bark*’s protected expression based merely of third-party complaints.

Your response stated that, “[r]egarding concerns related to the February cover image, there is no investigation.”³ However, that statement cannot be reconciled with District Senior Director of Student Services Jeanine Evains Robinson’s email to *Bark* adviser Erin Schneider, which had the subject line: “Notification of *Investigation* Regarding ‘Bark Cover Story.’”⁴ Why would senior district leadership inform *The Bark*’s adviser of an investigation if none took place?

You also stated that, “[w]hen concerns are raised through formal complaint processes, the district is required to review them,” and claimed “such review does not limit student editorial decision-making or student press rights.”⁵ But the United States Court of Appeals for the Ninth

¹ As you may recall from our previous correspondence, the Foundation for Individual Rights and Expression (FIRE) has defended freedom of expression on America’s campuses for more than 25 years. FIRE’s Student Press Freedom Initiative (SPFI) defends the rights of student journalists. You can learn more about our mission and activities at fire.org.

² Encl.

³ Email from Courtney Goode, Superintendent, to Marie McMullan, Student Press Counsel (May 7, 2026, 3:38 PM) (on file with author).

⁴ Thomas Peele, *Student journalists’ free press rights tested at Marin County high school*, EDSource (Apr. 27, 2026), <https://edsources.org/2026/high-school-journalists-face-censorship/756721> (emphasis added).

⁵ Email from Goode, *supra* note 2.

Circuit, whose decisions bind the district, has made clear that the relevant question for determining if there is a violation of expressive rights is “whether an official’s act would chill or silence a person of ordinary firmness from future First Amendment activities.”⁶ “Informal measures,” including investigations, can meet this standard.⁷

Nothing in FIRE’s position requires the district to ignore complaints or decline to provide resources to those offended by protected expression. When the district receives a complaint about such expression, like the cover photo here, the correct approach is for administrators to conduct a preliminary, *internal* review—not to announce to speakers that their speech is under investigation. If a complaint lacks merit on its face, the district should close the matter without ever notifying the speakers their protected expression was formally scrutinized. That approach allows the district to handle complaints and offer support to complainants while avoiding the chilling effect that investigations can cast over student speech.

Further, the district should not have ordered *The Bark* to remove the Epstein files post at all. Your email stated the post “was briefly paused and was restored shortly thereafter once it was determined that the information referenced was both factual and publicly available,” and that the matter “was resolved quickly.” Those determinations could and should have occurred without first instructing *The Bark* to take down the post. The loss of First Amendment rights, even for minimal periods of time, constitutes irreparable injury.⁸

We request a substantive response no later than May 26, 2026, expressly confirming *The Bark* has not suffered punishment for running the February 2026 cover photo and committing that the district will not initiate investigations or takedown requests for *The Bark*’s protected expression in the future merely because of third-party complaints.

Sincerely,



Marie McMullan
Student Press Legal Counsel, Campus Rights Advocacy

Cc: Barnaby Payne, Principal

Encl.

⁶ *Mendocino Env’t Ctr. v. Mendocino Cnty.*, 192 F.3d 1283, 1300 (9th Cir. 1999).

⁷ *White v. Lee*, 227 F.3d 1214, 1228 (9th Cir. 2000). See also *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58, 67 (1963).

⁸ *Doe v. San Diego Unified Sch. Dist.*, 22 F.4th 1099, 1108 (9th Cir. 2022).