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Hazelwood School District v. Kuhlmeier: The Battle for First Amendment Freedom

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ACKNOWLEDGMENTS

**HAZELWOOD SCHOOL DISTRICT V KUHLMEIER
THE BATTLE FOR FIRST AMENDMENT FREEDOM**

There were many people and organizations who so graciously and kindly
in the gathering of information for this project. I want to give credit to all of
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DEDICATION

This project is dedicated to the family and friends who have supported me throughout the extensive time that I have devoted to completing this thesis. I especially want to thank my sister, Kathie, Barb and Drew, and Cecilia for their encouragement, and Sherry for her inspiration.

COMMITTEE IN CHARGE OF CANDIDACY

Professor Michael Castro, Ph. D
Chairperson and Advisor

Adjunct Professor Carolyn Scott

Adjunct Professor Carolyn Olson

LEGAL CITATIONS

Court cases are listed as follows: the name of the case, followed by the volume number of the series and the page number. For example, *Tinker v Des Moines Independent School District*, 393 U.S. 503 (1969), means this case begins on page 503 of volume 393 of U.S. Reports, indicating that this case is a Supreme Court case. The year is listed after in parentheses.

Federal circuit cases are listed in the Federal Reporter, 2nd Series, which is abbreviated F.2d., for example: *Hazelwood School District v Kuhlmeier*, 795 F.2d. 1368 (8th Cir. 1986), means that Hazelwood was decided by the Eighth Circuit in 1986, and begins on page 1368 of volume 795 of the Federal Reporter.

U.S. District Court cases are listed in the Federal Supplement, with the state and district listed in parentheses at the end of the citation. For example: *Hazelwood School District v Kuhlmeier* 607 F. Supp. 1450 (E.D. Mo. 1985) means this case was decided in the eastern district of Missouri and begins on page 1450 of volume 607 of the Federal Supplement.

Specific passages from court cases are listed as follows: the footnote lists the page it is from, with a comma to separate the page on which the case begins: therefore 450 U.S. 37, 46, means the case begins on page 37 and the passage to which the footnote is referring to is on page 46.

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By David J. Culson, B.A.

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College of Letters and Physical Sciences at

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1986

HAZELWOOD SCHOOL DISTRICT V KUHLMEIER
THE BATTLE FOR FIRST AMENDMENT FREEDOM

Robert J. Dirksen, B.A.

An Abstract Project Presented to the Faculty of the
Graduate School of Lindenwood College in
Partial Fulfillment of the Requirements
for the Degree of Master of Science

1996

Abstract

Hazelwood School District v Kuhlmeier The Battle for First Amendment Freedom

The *Spectrum*, the student newspaper of Hazelwood East High School, St. Louis, Missouri, was censored on May 13, 1983, by Principal Robert Reynolds. Reynolds deemed two articles unsuitable for the younger students, especially fourteen year old freshmen: one an article describing the experiences of three teenage pregnant students at Hazelwood East, which did not in Reynolds' view sufficiently disguise the identity of the three students; and a second article, which identified by name (later deleted pre-publication) students who had made derogatory remarks concerning their parents' divorce and alcohol problems. The staff of the *Spectrum* was not apprised of the deletion of the two pages until the printed copies were delivered to Hazelwood East for distribution.

Spectrum staff members Cathy Kuhlmeier, Leann Tippett and Leslie Smart, filed suit in Federal District Court alleging their First Amendment rights had been violated. After a trial in 1985, the court denied an injunction, stating no First Amendment violation had occurred. An appeal was filed and a second trial was held in the Eighth Circuit Court, where the decision was overturned in favor of the students. The court that ruled the *Spectrum* was a public forum and was intended to be operated as a conduit for

student expression. Hazelwood School District on appeal to the Supreme Court won a decision in 1988. The ruling stated that the *Spectrum* was part of the curriculum and regular classroom activity and therefore, not a public form. The Hazelwood decision was a serious set back for First Amendment freedom of high school journalists in America.

Through research of literature and interviews with former Hazelwood East High School principal, Robert Reynolds, and former student, Cathy Kuhlmeier-Collins, the study provides an in depth analysis of the events and their impact to the present day.

The legal and journalistic repercussions of the Hazelwood decision are further explained through extensive interviews with attorney and executive director of The Student Press Law Center, Mark Goodman, who also discusses the important role his organization plays in educating student journalists and the results of the Hazelwood decision and the effect on the *Spectrum* are discussed in interviews with present day Hazelwood East High School journalism advisor, Cheryl Stoller, and student and contributing editor, John Combest. The need to reaffirm the First Amendment rights curtailed by the Hazelwood decision is explored in an interview with Missouri State Representative Joan Bray, who is sponsoring a law in the Missouri legislature that would protect student journalists.

CHAPTER 1

Introduction

Free speech is a right guaranteed in the Constitution and the First Amendment; however, in a 1988 decision the Supreme Court ruled high school students do not have the same rights as other Americans, thus giving high school officials broad power to censor "school sponsored expressive activities" including newspapers, plays and speeches.

Schools are the training ground for our future journalists, politicians, teachers, and other members of society with the power to influence the masses. The message being sent to these future leaders is one of censorship and repression of thoughts, ideas, facts and individualism. The core of the Constitution is for all rights guaranteed under this document to be protected and enforced. In the case of *Hazelwood School District v Kuhlmeier*, the students' rights were clearly violated.

Hazelwood East High School students Leslie Smart, Leann Tippett and Cathy Kuhlmeier were Journalism 2 students and staff members of *Spectrum*, the school newspaper, in the spring of 1983. Under the guidance of Bob Stergos, the journalism teacher, the students were learning the skills to become good writers even when the subject was controversial.

Steve Visser, in an article published October 24, 1987 in *The Nation*, titled "A Civics Lesson at Hazelwood East," Steve Visser writes, "Stergos believed that teaching journalism required that students examine school issues and expose problems. The semester before, students had written a series of articles on grading inconsistencies and fairness regarding ratings of class participation, as well as comparisons of coaches' salaries (coaches of women's sports were paid less)" (442).

Hazelwood School District associate superintendent, Francis Huss, warned Stergos not to allow students to question board policy again. Stergos felt that by steering students away from controversy he was not doing his job and a standoff ensued. Hazelwood East principal Robert Reynolds ended the deadlock by ordering Stergos to forego any controversial articles and submit copy of articles to prior review.

The stage was now set for a series of events that would change the lives of many people and adversely affect the way high school publications were written.

Realizing that his days were probably numbered as a teacher, Stergos failed to submit for prior review two articles in an upcoming *Spectrum*: one article on teen pregnancy and another on divorce.

The advisor correctly discerned that his free-press and probably his teaching days were over. Reynolds planned to offer Stergos a choice: no

controversy or no contract. "I was going to make him an offer he couldn't refuse," the principal joked. Stergos soon began interviewing for other jobs and found one as a consultant. The district released him from his contract and he left Hazelwood East two weeks before the articles were to appear. "I just felt there was no use fighting City Hall," Stergos said (442).

When Stergos left, Reynolds recruited Howard Emerson, a teacher from Hazelwood Central High School, to oversee the last two issues of *Spectrum*. Emerson and others sympathetic to Stergos' plight had witnessed past journalism advisors meet the same fate as Stergos.

"Some of the bitterest people I've met have been advisors of school newspapers," said a Hazelwood East teacher who knew three former advisors. "They are some of the most conscientious, hard working, well intentioned people as far as I can observe, but they are caught in so many tensions. All the school wanted was good show, good image, and for them not to make waves" (442).

The April 29 departure of Bob Stergos left little time for Emerson to prepare the galley proofs for the May 10 meeting with Reynolds to approve the paper. When the principal saw proofs, he ordered the entire paper killed. Emerson knew the stories were too controversial for the conservative administrators and, choosing not to fight, suggested deleting only the two pages containing the controversial articles Reynolds approved.

One of the articles in question described three Hazelwood East students' experiences with pregnancy. All three accounts were similar, and though this factor was not a subject of specific comment in the decision, each gave a rather positive report of the experience. The articles contained no sexually explicit language.

Lowell C. Rose wrote a verbatim account of one student's experience in *Phi Delta Kappan*, April 1988, "Reasonableness' - The High Court's New Standard for Cases Involving Student Rights." Here is an excerpt.

I didn't think it could happen to me, but I knew I had to start making plans for me and my little one. I think Steven (my boyfriend) was more scared than me. He was away at college and when he came home we cried together and then accepted it. At first both families were disappointed, but the third or fourth month when the baby started to kick and move around, my boyfriend and I felt like expecting parents and we were very excited! . . .

. . . This experience has made me a more responsible person. I feel that now I am a woman. If I could go back to last year, I would not get pregnant, but I have no regrets. We love our baby more than anything else in the world (my boyfriend and I) because we created him! How could we not love him?? He's so cute and innocent . . . (592).

Principal Reynolds was concerned even though the pregnancy story used false names that the pregnant students still might be identifiable from the text." He also believed that the article's references to sexual activity and birth control were inappropriate for some of the younger students at the school.

The second article Reynolds objected to dealt with the impact of divorce on teenagers.

Among comments attributed to the students in the school were the following:

- "My dad didn't make any money so my mother divorced him."
- "My father was an alcoholic and he always came home drunk and my mom really couldn't stand it any longer."
- "My dad wasn't spending enough time with my mom, sister and I. He was always out of town on business or out playing cards with the guys. My parents always argued about everything."
- "It stinks! They can, afterwards, remarry and start their lives over again, but their kids will always be caught in between." (592).

The last two quotes were linked by name to a specific student, and Reynolds was concerned that the student identified by name didn't give her parents an opportunity to respond to these remarks or to consent to their publication.

The decision to delete these two articles was the rationale for cutting two entire pages from the *Spectrum*.

Reynolds felt there was not time to make the necessary changes in the articles before the scheduled press run and that the newspaper would not appear before the end of the school year if printing were delayed to any

significant extent. He concluded that his only options under the circumstances were to publish a four-page newspaper instead of the planned six-page newspaper, eliminating the two pages on which the offending stories appeared, or to publish no newspaper at all.

He directed Emerson to withhold from publication the two pages containing the stories on pregnancy and divorce. Reynolds informed his superiors of the decision and they agreed.

Two interesting twists in the story are: 1. Emerson had deleted the students' names from the final version of the article, although Reynolds was unaware of the fact; and, 2. The two pages deleted from the newspaper also contained articles on teenage marriage, runaways, and juvenile delinquents, as well as a general article on teenage pregnancy, that outlined the dismal consequences facing sexually active teens who shunned birth control and high failure rate of teenage marriages. Reynolds later testified he had no objection to these articles and deleted them only because they appeared on the same pages as the objectionable articles.

The *Spectrum* staff members were not informed about the missing pages of the newspaper. They discovered the deletion when the paper was delivered to Hazelwood East on May 13 for release.

In an article in *The Phi Delta Kappan*, April 1988 titled, "Narrowing the Spectrum of Student Expression," author Perry A. Zirkel wrote:

In two subsequent meetings with Reynolds, requested by Cathy Kuhlmeier and six other students, the principal did not give his specific reasons for deleting the pages but responded generally that the two articles were "too sensitive (for) our immature audience of readers" and "inappropriate, personal, sensitive, and unsuitable for the newspaper. . ." (Zirkel 609).

Unable to convince the administrators of Hazelwood East to print the stories at a later time, three *Spectrum* staff members, Cathy Kuhlmeier, Leslie Smart, and Leann Tippett filed suit in the United States District Court for the Eastern District of Missouri seeking a declaration that their First Amendment rights had been violated, injunctive relief, and monetary damages.

In a 1985 decision *Hazelwood School District v Kuhlmeier*, 607 F. SUPP. 1450, 1466 (E.D.MO. 1985), District Court Judge John Nangle, denied an injunction holding that no First Amendment violation had occurred. (See Listing of Court Cases.) The District Court ruled on *Hazelwood School District v Kuhlmeier*, citing *Frasca v Andrews* 463 F. Supp 1043, 1052 (EDNY), concluding that school officials may impose restraints on students' speech in activities that are, as written in *Congressional Research Servicer, CRS Report for Congress* by Rita Ann Reimer. "An integral part of the school's educational function." Such activities could include the publication of a school sponsored newspaper by a journalism class -- so long as their decision has a "substantial and reasonable basis" (CRS 4).

The court found that Principal Reynolds' concern that the pregnant students' anonymity would be lost and their privacy invaded was "legitimate and reasonable" given "the small number of pregnant students at Hazelwood East and several identifying characteristics that were disclosed in the article."

The court held that Reynolds action was also justified "to avoid the impression that (the school) endorses the sexual norms of the subjects" and to shield younger students from exposure to unsuitable material.

The deletion of the article on divorce was seen by the court as a reasonable response to the invasion of privacy concerns raised by the students' remarks.

The court concluded that Reynolds was justified in deleting two full pages of the newspaper, instead of deleting only the pregnancy and divorce stories or requiring that those stories be modified to address his concerns, based on his belief that he had to make an immediate decision and that there was no time to make modifications to the articles in question, Reimer wrote.

The three students filed for appeal of the decision and in 1986, the Court of Appeals for the Eighth Circuit reversed the decision. In the Congressional Research Service January 20, 1988, Attorney Rita Ann Reimer wrote, citing the decision *Hazelwood School District v Kuhlmeier* 795 F.2d 1368, 1372 (8th Cir 1986):

On appeal to the Eighth Circuit, however, that court reversed, holding that *Spectrum* was not only a part of the school's curriculum but also a public forum intended to be operated as a conduit for student based viewpoint (Reimer CRS, 4-5).

The decision was based on the landmark case, *Tinker v Des Moines Independent Community School District* Case 393 U.S. 503, 511 (1969), which stated that "neither students nor teachers shed their constitutional rights to freedom of speech at the schoolhouse gate", thus asserting that students are persons under the Constitution. The court concluded that *Spectrum's* status as a public forum precluded school officials from censoring its contents except when "necessary to avoid material and substantial interference with school work or discipline . . . or the rights of others" (Reimer CRS-5).

Hazelwood officials, on appeal, brought the case to the Supreme Court, and school attorney, Robert P. Baine, argued and won the case for the Hazelwood School District in the Supreme Court. Attorney Leslie D. Edwards defended Cathy Kuhlmeier, Leslie Smart, and Leann Tippett.

The Supreme Court rule citing *Perry Education Ass'n v Perry Local Educators Ass'n* 460-U.S. 37, 46, that school facilities can be deemed to be public forums "only if school authorities have by policy or practice opened them for indiscriminate use by the general public(;) or by some segment of the public, such as student organization" (Reimer CRS, 5). In this situation,

every indication was that *Spectrum* was to be part of the educational curriculum and a regular classroom activity, and not a public forum.

In addition, since the class met during regular school hours, grades were assigned, the journalism teacher selected editors and made publication decisions and made final approval before submission to the principal, the Supreme Court said school officials were entitled to regulate the contents of the newspaper in any reasonable manner," thus the core of this 1988 decision (460 U.S., 37 at 46; Reimer CRS-5).

The decision was a 5-3 vote with Justice White writing the majority decision, and joined by Chief Justice Rehnquist and Justices Stevens, O'Connor, and Scalia. Justice Brennan authored a strong and stern dissent, and was joined by Justices Marshall and Blackmun.

The printing of the truth, and the struggle to do so is not a new concept. The case of John Peter Zenger in 1735 was about the first newspaper to openly criticize the government. Zenger did not write the attacks in *The Weekly Journal* about Governor William Cosby, he merely printed them. In that time only the printer's name appeared in the paper, and so Zenger was the person singled out by Cosby for reprisal.

Philadelphia lawyer Andrew Hamilton argued that the truth should be a defense and that a jury of one's peers rather than a judge should assess the criminality of the publication. Hamilton argued to the Zenger jurors that they

should declare what they knew to be the truth: that Zenger had correctly described the Cosby regime under which they had all suffered. The jury returned a not guilty verdict in record time.

The Zenger case was influential in that American's thinking about free speech was forever changed, as Rodney A. Smolla wrote in a book titled *Free Speech, In An Open Society* (29-30).

Zenger's victory was famous in the colonies. The account of the trial, James Alexander's A Brief Narrative of the Case and Tryal of John Peter Zenger, Printer of the *New York Weekly Journal* (published in 1736 by none other than the Zenger Press) was widely disseminated. Since the case ended simply with a jury verdict of acquittal, it never became a legal precedent in any technical sense, but the outcome was absorbed by the culture and became accepted as part of the legal status quo in America.

Some 250 years later, the struggle continues. The Hazelwood Decision was a major setback for all high school journalists. The focus of this paper is to investigate the effects of the Hazelwood decision and to reach a conclusion that defines avenues for change.

Chapter 2 (Review of Literature) will focus on writers and legal experts in the field who have written articles, legal opinions and books commenting on the issue of free speech and the Hazelwood Decision.

Chapter 3 (Method) consists of personal interviews with former Hazelwood Principal Robert Reynolds, and former student and *Spectrum* staff member Cathy Kuhlmeier-Collins.

Chapter 4 explores free speech issues and solutions based on an interview with attorney Mark Goodman, Executive Director of The Student Press Law Center.

Chapter 5 draws conclusions on the current state of the student publication, *Spectrum*, at Hazelwood East High School and focuses on interviews with current journalism advisor Cheryl Stoller and student and former managing editor of *Spectrum*, John Combest. This chapter will also look in depth at students rights in an interview with Missouri State Representative Joan Bray, who is sponsoring House Bill 953 in the Missouri Legislature.

CHAPTER 2

Literature Review

This chapter will incorporate sources covering early First Amendment issues, will progress to current discussion of public forum boundaries, and will conclude with opinions relating directly to the Hazelwood case.

Amendment One (1791): Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or the press; or the right of the people peaceably to assemble and to petition the Government for a redress of grievances.

Freedom of the press became part of the Constitution on December 15, 1791, when the Bill of Rights was added to the Constitution. In a book about rights for students and press law, *Press Law and Press Freedom for High School Publications*, by Louis E. Inglehart, the origins of the free press are discussed in detail.

In America, freedom of the press was a principal slogan and goal of the American Revolution. But when the war ended in 1783 and the time came to structure the new government in 1787, freedom of the press and other freedoms were taken for granted. The Constitutional Convention started to establish the form of government and ignored guaranteeing rights for citizens. This failure almost kept the Constitution from being ratified.

A compromise was devised that included a promise of a Bill of Rights, which became the first 10 Amendments. Thus, the body of the Constitution created America's

democratic method of government. Indeed the Bill of Rights was devised as a safeguard against the federal government becoming as oppressive and tyrannical as the British monarch and Parliament had been. The First Amendment denied the Federal Congress any authority to pass laws infringing on the exercise of freedom (5-6).

Early attempts to stop the freedom of the press were successful when President John Adams persuaded the Congress to pass the Alien and Sedition Acts of 1798. Adams was especially sensitive to press criticism and used the laws to punish his press critics.

Thomas Jefferson used the considerable opposition to this restraint of freedom as part of his political movement. After Jefferson won the presidency, he pardoned jailed journalists and Congress even compensated them for their experience.

By 1868 the nation adopted the Fourteenth Amendment, which in effect, indicated that all of the restraints forbidding Congress to meddle with Constitutional guarantees of rights could be applied to all governmental agencies and officials in all branches and levels of government. "This created the basis for a tremendously significant extension for the free press" (Inglehart, 6).

The Fourteenth Amendment also guaranteed that rights granted in the Constitution cannot be taken away from persons by governmental agencies unless due process is carefully followed, and provides that constitutional,

federal, state, and common law and all governmental regulations must apply to, and protect equally, all persons.

Inglehart further discussed the Fourteenth Amendment by saying:

Federal, state, county, municipal, or other local officials are forbidden to take any actions to abridge the freedom of the press which is a right guaranteed to all residents of the United States without regard to sex, age, race, citizenship, educational background, or social or political standing under provisions of the Fourteenth Amendment. Teachers, school administrators, school board members, and even publications advisors of public schools are public officials when serving in their official duties or capacities and cannot by law abridge the press rights of high school students (15).

An in depth discussion of student rights is presented in a book by Nicholas D. Kristoff, titled *Freedom of the High School Press*. The book covers a wide spectrum of censorship issues, including history, surveys, critiques, laws, and socialization and censorship.

Citing the first known court case in the United States on freedom of expression for public school students, Kristoff wrote about *Lander v Seaver*, 32 VT 114 at 121 a case typical in that time.

An eleven year student had referred to his school master as "old Jack Seaver" while walking with some friends after school in front of the schoolmaster's house. The schoolmaster overheard the remark and whipped the student at school the next day. The student sued, and the Vermont Superior Court ruled for the schoolmaster, reasoning that the student's comment had "a direct and immediate tendency to injure the school or subvert the master's authority and to beget disorder and insubordination. The court continued: All such or similar acts tend to impair the usefulness of the school, the

welfare of the scholars and the authority of the master. By common consent and by the universal custom in our New England schools, the master has always been deemed to have the right to punish such offenses. Such power is essential to the preservation of order, decency, decorum, and good government in the schools (32 Vt. 114, 121) (49-50).

Kristoff referred to this decision as a part of the conservative authoritarian tradition, which reflected a tradition in education that sought to imbue youngsters with respect for their elders as a moral value. This conservative view extends to not only the age and inexperience of the student but also what they see as the special setting of the school. The mandate of the school, they say, is not to rear debaters' or sophists, but to educate students. This role of educating, as they see it, may be best fulfilled by maintaining order in the schools and authority in the teacher. Because students are in school for the specific purpose of learning from their teachers, the school should not be seen as a microcosm of society where students have the same individual rights as adults.

Rather, from this point of view, public schools are a special case where constraints on expression are necessary to allow schools to fulfill their special purposes of educating the young. Order and censorship are necessary in the schools because a calm and respectful climate is most conducive to learning.

The conservative argument is one for promoting learning not bickering and the issue of freedom of expression is illusory. The school newspaper is seen as a teaching

tool, an opportunity for hands-on experience so that students may learn journalism skills. As in any other class the authority is the teacher and ultimately the principal and school board. The school is supposed to teach the students good journalism, not allow them to indulge in whatever journalism they choose (39-40).

The liberal platform began to emerge in the twentieth century due in part to the writings of John Dewey. Kristoff had this to say about Dewey's theories.

Although Dewey's focus was not specifically student rights, his arguments provided a philosophical base upon which claims for student rights would grow. Dewey stressed that learning should be dynamic, able to cope with change and that an education should be an intellectual process of exploration by each student. With Dewey, the individual student eclipsed the teacher as the focal point of the educational process, and the scope of an education came to be conceived in far broader terms than before, encompassing preparation for a role in a democracy as well as the three R's. Dewey's writings subverted some of the time-honored precepts of the conservatives. Teachers no longer were seen as the guardians of all truth and society began to recognize the intellect and activism and sometimes the rights of individual students. By presenting students as active and self-motivating, Dewey conceived of students in adult, rather than child-like terms (41).

He emphasized the maturity of students who are eighteen years old by the time they graduate from high school, and old enough to drive, vote, go to war, marry, etc. and concluded that they should be treated as adults, who in a democratic society should be given the opportunity to discuss and write about their views. The liberal theory also encompassed the belief while

students need guidance and advice, these should not be disguises for intimidation and coercion. A school newspaper adviser may advise but the advice should not be binding, Kristoff indicated.

While there are dangers in entrusting the power of the press to young, inexperienced, journalists, the solution is not to take and hold the key to the press.

Kristoff wrote:

Liberals also protest the dichotomy between rights in society and rights in school. Stressing the interrelationship between a society and its educational system, liberals argue that schools should give students freedom so they can learn to function in a democratic society. Liberals distinguish school newspapers from other teaching tools because the newspaper becomes a forum for ideas -- and a democratic institution -- in a way that an English class or biology experiment cannot. According to John Stuart Mill's classic analysis, members of society always lose from censorship. (43)

When attitudes began to change, the rights for students began to take precedence in the courts. In *Meyer v. Nebraska*, 262 U.S. 390 (1923) the Supreme Court recognized a Fourteenth Amendment right of students to acquire knowledge, thus striking down a state statute prohibiting the teaching of foreign language to children. In another case, *Pierce v. Society of Sister*, 268 U.S. 510 (1925) the court restricted the educational authority of the state, but relied upon the parent's rights not the student's.

Kristoff brought into focus major causes for students and their rights:

Freedom of expression was explicitly extended into the schools in 1943 in *West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (1943). A majority of the justices ruled in this case that students have a First Amendment right not to salute the flag. Eleven years later in *Brown v. Board of Education*, 347 U.S. 483 (1954), the Supreme Court focused on the rights of students in finding that segregated schooling violated the equal protection clause of the Fourteenth Amendment. Together these cases show that the courts were chipping away at the traditional, conservative approach to education well before the explosion of the legally mandated student rights under the Warren Court (51-52).

The monumental case of legal rights for students under the Warren Court was *Tinker v. Des Moines Independent School District* 393 U.S. 503 (1969). This case extended First Amendment rights of expression to public school students, in clear and precise language. *Tinker v. Des Moines* began in March 1965 and involved John Tinker, 15, his sister Mary Beth, 13, and Christopher Eckhart, 16. The students wore black arm bands to school to protest the Vietnam War and were suspended from school for doing so. The students sued and lost at the District Court and Appellate Court levels. The Iowa Civil Liberties argued the case before the Supreme Court and Justice Abe Fortas reversed the lower court decision and, in writing the majority decision, stated that the students had a Constitutional right of free expression within the schools.

First Amendment rights, applied in the light of the special characteristics of the school environment, are available to teachers and students. It can hardly be argued that either students or teachers shed their constitutional rights to freedom

of speech or expression at the school house gate. In our system state operated schools may not be enclaves of totalitarianism. School officials do not possess absolute authority over their students. Students in school as well as out of school are "persons" under our constitution. They are possessed of fundamental rights which the state must respect, just as they themselves must respect their obligations to the state (393, U.S. 503; Kristoff, 52-53).

The decision encompassed legal language stating that no compelling state interest justified prohibition of expression. This was based on the fact that no disruption had occurred at the school, and the court expressly stated that expression need not be tolerated where "school authorities forecast substantial or material interference with school activities (393 U.S. 303, 514; Kristoff, 53).

In defending the students' **First Amendment** rights, Fortas still acknowledged the special characteristics of the school environment and approved of censorship if it could be justified as preventing substantial disruption. If the Des Moines principal had had a good reason to believe the arm bands would have caused a disturbance, the court would have approved the suspensions. Fortas said the arm bands were almost "pure speech", and thus entitled to special protection.

Tinker viewed the school as a public forum where expression must be tolerated. According to forum theory once the government opens a public forum be it a park, street, plaza or a school, it cannot regulate the debate

therein, unless the debate threatens the primary purpose of the forum (Edwards v South Carolina 372 U.S. 229, [1963]; Kristoff, 54). The lower courts applied forum theory to school newspapers ruling that advisors and administrators can censor only copy that is libelous, obscene, or "materially and substantially" disruptive of school operations. To understand the public forum theory it is necessary to first explain the right-privilege distinction. In a book titled *Free Speech In An Open Society*, Rodney A. Smolla, Professor of Law at William and Mary, Marshall-Whyte School of Law, explains:

One of the oldest doctrines of American constitutional law is the right-privilege distinction. The distinction is grounded in a dichotomy between "rights" and mere "privileges". In their classic conception, rights are interests held by individuals independent of the state. Right exists prior to the state; individuals possess rights from birth, by virtue of their humanity, as entitlements of natural law, as endowments from the Creator, or as liberties enjoyed by man in his natural condition before the creation of government. In contrast to "rights", "privileges" are interests created by the grace of the state and dependent for their existence on the state's sufferance. Privileges may virtually take any form. They may be economic interests, such as public jobs, welfare benefits, or offers of admission to a state university. Privileges may be non-economic also, such as permission to an alien to enter the country, early release from prison, or permission for an attorney to argue a case in the court other than in the state of his or her admission.

The "right privilege" distinction in American constitutional law operated on the simple premise that government is normally not entitled to restrict the enjoyment of "rights" and whenever it attempts to do so, it must justify its efforts with the strongest of reasons. In the official parlance of constitutional law, the curtailment of fundamental

The law provides that in every city in a democracy at least one public forum must exist, and governments own a large amount of space in which the public forum exists; public parks, streets, sidewalks, plazas, stadiums, etc. therefore most public forums are in open places literally, places without roofs.

"For unless we think of these spaces as containing a perpetual public 'easement' for free speech, government could dramatically curtail much of the speech vital to the general marketplace, such as mass peace demonstrations" (Smolla, 208-209).

The government is not allowed to avoid the reach of this law by privatizing its traditional open forums, such as selling a public park in a downtown shopping district that has always been an open forum for free speech to a private developer who will keep the physical appearance of the park, but attempt to limit free speech in the party.

The second category in modern public forum law is the "designated" public forum.

This category consists of public property opened by the state for indiscriminate use as a place for expressive activity. If the government treats a piece of public property as if it were a traditional public forum, intentionally opening it up to the public at large for assembly and speech, then it will be bound by the same standards applicable to a traditional public forum. Content based regulation of speech in a designated open public forum must thus satisfy the strict scrutiny test, *Cornelius v. NAACP Legal Defense and Education Fund* 473 U.S. 788, 803 (1985). A state is not required to indefinitely

retain the open character of the facility, but as long as it does so the strict scrutiny test applies. (Smolla, 210)

The same legal standards for regulating speech apply to Category 1 "traditional" forums and Category 2 "designated" forums. The difference in the two categories is that the government has no control over the status of a traditional forum, "the United States could not take the Washington Mall "out of circulation" as a traditional forum - but government may by designation move a public facility in or out of Category 2 status (Smolla, 210).

The third category is the non-public forum. Category 3 forums consists of publicly owned facilities that have been dedicated to use for either communicative or noncommunicative purposes, but that have never been designated for indiscriminate expressive activity by the general public. The "First Amendment does not guarantee access to property simply because it is owned or controlled by the government" (*United States Postal Service v. Council of Greenburgh Civic Assns.* 453, U.S. 114, 129 [1981]; Smolla, 210).

The content-based regulation of speech in Category 3 forums is not governed by the strict scrutiny test, but by a "reasonable nexus" standard. The government "may reserve the forum for its intended purposes communicative or otherwise as long as the regulation on speech is reasonable and not an effort to suppress expression merely because public officials oppose the speaker's view" (Smolla, 210).

Entire classes of speech can be excluded from the non-public forum. Those classes may be identified by their content, providing the exclusion is reasonable in light of the purpose of the forum and no discrimination exists among viewpoints within a class. Control over access to a non-public forum can be based on subject matter and speaker identity so long as the distinctions drawn are reasonable in light of the purpose served by the forum and are viewpoint neutral, Smolla said.

The main problem in modern public forum law is deciding whether a facility falls within Category 2 and is subject to strict scrutiny, or Category 3, and is subject to the significantly more demanding law reasonable nexus test. Although First Amendment rights are not shed "at the school house gate" as ruled in *Tinker*, a specialized set of rules governs public secondary schools and elementary schools. Students do not relinquish their rights to free speech as a condition of free education, but "free speech" does not mean the same thing for children in public schools as it means for adults in the general community.

In *Hazelwood School District v. Kuhlmeier* the Supreme Court upheld content-based restrictions on a high school newspaper that clearly would have been impermissible if applied to a privately owned newspaper outside the school context.

Rejecting the argument that the Hazelwood East High School was a public forum, the court refused to apply strict scrutiny to the school's actions. The public schools do not possess all the attributes of streets, parks, and other traditional public forums" (484-U.S. 260, 108 [1988]; Smolla, 214). If public school facilities are open public forums, the court reasoned they become so . . .

only if school authorities have by "policy or practice" opened those facilities "for indiscriminate use by the general public" or by some segment of the public, such as student organizations. But "if the facilities have instead been reserved for other intended purposes "communicative or otherwise", then no public forum has been created and school officials may impose reasonable restrictions on the speech of students, teachers, and other members of the school community, Hazelwood School District v Kuhlmeier 484 U.S. 260, 108 S. Ct. 562 at 567 (Smolla 214).

The court held that when the school has not created an open Category 2 public forum, the school may "disassociate itself" from speech for almost any reasonable purpose, including the maintenance of neutrality, even when the speech concerns core First Amendment issues. The school may therefore disassociate itself from any position other than neutrality on matters of political controversy. In essence, the public school First Amendment law gives government much greater latitude in the regulation of speech on school property than it has in most other First Amendment issues.

This different standard seems to support the governmental belief that schools are the transmitters of public values, and the government, and the schools, working together are within their rights when they insist on adhering to values and content based decisions by school authorities that would be inappropriate outside the educational environment. This belief is also an extension of the conservative authoritarian belief that schools are the authority and what schools teach is best for students not to question.

An article in *Newsweek*, January 26, 1988, by Jean Seligmann and Tessa Namuth, titled, "A Limit on the Student Press: Now it's all the News that Fits the Principal," talks about the Hazelwood case and the blow to student journalists:

Abortion, teen suicide, aids, runaway kids. They're standard fare on local television news shows and the stuff about which teenagers endlessly chatter. But when these topics begin making headlines in high school newspapers, local school boards and high school principals often feel compelled to ban them. Such juvenile prior restraints are not rare: last year the Student Press Law Center in Washington received more than 500 reports of censorship battles from student editors around the country. Now these youthful editorialists have few weapons left. Last week in a 5-3 ruling the U.S. Supreme Court gave school administrators broad latitude to suppress controversial stories. A school need not tolerate student speech that is inconsistent with its "basic educational mission". School officials may impose reasonable restrictions on the speech of students, teachers, and other members of the school community. (60)

The article goes on to talk about the lawsuit by three Hazelwood East high School students, and the decision by Hazelwood principal, Robert Reynolds, to censor the newspaper.

The article refers to Justice William Brennan (joined by Justices Thurgood Marshall, and Harry Blackmun) and his dissent from the decision, charging that "Reynolds had violated the First Amendment's prohibitions against censorship of any student expression that neither disrupts nor invades the rights of others." Citing *Tinker v. Des Moines Independent Community School District* 393 U.S. 503 (1969). Brennan said the decision "could convert public schools into enclaves of totalitarianism that strangle the free mind at its source" (60).

Reactions to the ruling were voiced by *Spectrum* editor Kathy Kuhlmeier who felt the decision might "turn kids off to journalism." But Principal Robert Reynolds felt vindicated observing, "We're glad the court gave us local control over the curriculum."

A final comment is attributed to Ivan B. Gluckman, legal council for the National Association of Secondary School Principals. "The school could be considered the newspaper's publisher and thus has the authority to veto articles on subjects it doesn't approve of. But I don't think the court means for the principals to have absolute rights to censor," he says. "The rights they

do have are meant to be exercised within reason: for example, when something is obscene or just bad journalism. (60)

An article in *The Village Voice*, February 16, 1988, by Nat Hentoff, titled, "The Real World of High School Journalists," describes what Hentoff was feeling as he sat in court on October 13, 1987, and heard attorney, Leslie Edwards, argue the "most important student press case in the history of the republic." Hentoff described the feeling of despair as Edwards began her oral argument, "I knew the students and the First Amendment were in trouble" (42).

Hentoff cited Tony Mauro from the *Legal Times* as saying

At no point did Edwards make a spirited First Amendment argument for her clients rights. She fumbled, stumbled, fell into traps set for her by the master trapper, Antonin Scalia. In the corridor after it was over, some First Amendment lawyers and I looked as if we had just come from a funeral. . . (42)

The question is, why the fear of freedom for student journalists? asked Hentoff. Not only the Supreme Court, but most of the so-called adult newspaper editorial writers around the country shuddered at the thought of teenage journalists set free.

One fear is the threat of libel suits in the real world, Hentoff said. But, he explains:

Libel suits against the student press are as rare as a quill pen. The expert archivist in these matters is Mark Goodman, director of The Student press Law Center in

Washington D.C. He tells me that no more than one or two libel suits a year have been filed across the country against school papers. And most of those have been dropped. In rare instances there has been a small settlement (like an accurate caption on a yearbook picture). (42)

Hentoff cited another fear: that the school board and principal would be associated in the minds of the tax payers with opinions in the paper that do not reflect the views of the school. "Justice White's solution to enabling school administrators to disassociate themselves from student publications was to give them the power to censor the hell out of any student expression. That way there will be nothing controversial left for the authorities to disassociate themselves from." (42)

In a dissent, Justice William Brennan wrote "the administration could require the student activity to publish a disclaimer . . . or it could simply issue its own response clarifying the official position on the matter and explaining why the student position is wrong." Hentoff wrote that plenty of other schools do just that and even quoted a principal from Central High School in Elkhart, Indiana, as saying after the Hazelwood decision, "We'll go on as before. We'll keep working under the Tinker guidelines." The article closes with the discussion that before Hazelwood and under Tinker, student journalists never had the same rights as adult journalists under the First Amendment. Because of the Hazelwood decision, the burden of proof has

shifted from the principal being in the hot seat to the students, who must prove that their stories are worth printing.

An article that focuses on the plight of former journalism advisor Bob Stergos was written by Steve Visser for *The Nation*, October 24, 1987. The article titled, "A Civics Lesson at Hazelwood East: Students and Free Speech," begins by summarizing the Hazelwood decision, and later cites Principal Reynolds as affirming his basic right to control the paper stating, "that he had 'edited' in order to protect innocent students and families whose identities hadn't been effectively concealed" (441).

Bob Stergos had been advisor on the *Spectrum* from September 1981 to April 1983 and approved the articles on teen problems, but left before they were due to be published. Stergos believed teaching journalism required students to examine school issues and problems. The semester before, students had written about grading inconsistencies and fairness ratings of class participation, as well as coaches' salaries being unfair for women coaches.

Superintendent Francis Huss pressured Stergos to "not allow students to question board policy again", and he was ordered to submit any controversial articles for prior review. Knowing his time was over as a teacher, Stergos looked for another job and was hired as a consultant and left two weeks before the paper was published.

Stergos wasn't the first advisor to be pushed out. All the school wanted was "good show, good image, and not for them to make any waves" said a Hazelwood teacher. Visser wrote that even after leaving Hazelwood, the long arm of administration still was able to grasp Stergos. "After Reynolds censored the articles, the students called Stergos. He advised them to go to the American Civil Liberties Union, which took their case. Reynolds threatened to get Stergos' teaching certificate revoked unless he 'stopped coaching the kids'. The school board declined to pursue the action." (442)

Reynolds told Visser that he went after the teaching certificate because he suspected that Stergos was using the students as pawns to settle his grudge with the school. He may have been right. In any event, Stergos believed scholastic journalism meant more than profiles of prom-queens. He taught the values of a free press.

"Narrowing the *Spectrum* of Student Expression" by Perry A Zirkel in the April, 1988 *Phi Delta Kappan* covers legal language that pertains to the Hazelwood decision and how the Supreme Court ruled for the school.

After the Eighth Circuit Court had ruled in favor of the students, judging the *Spectrum* to be a public forum, based on its record of dealing with controversial issues, the school filed an appeal and the U.S. Supreme Court ruled that: "Educators do not offend the First Amendment by exercising editorial control over the style and content of student speech in school-

sponsored expressive activities so long as their actions are related to legitimate pedagogical concerns" (Zirkel, 610).

Zirkel wrote that the Supreme Court's decision also included language: "These varied educational purposes include, for example, speech that is ungrammatical, poorly written, inadequately researched, biased or prejudiced, vulgar or profane or unsuitable for immature audiences" (609). The court cited the Fraser decision *Bethel School District No 43 v Fraser* 106 S. Ct. 3159 (1986) in drawing a line between punishing a student for "personal expression that happens to occur on the school premises" and censoring "expressive activities that students, parents and members of the public might reasonably perceive to bear the imprimatur of the school". The court's majority also rejected the application of the "public forum" doctrine in this case, concluding that the *Spectrum* had not been opened by policy or practice for the indiscriminate use of its student, reporters, and editors, or the student body generally.

Zirkel wrote:

Rather than accept the traditional criterion for what constitutes the curriculum as what takes place within the classroom setting, the Court used the following boundary for activities that are part of the curriculum: "as long as they are supervised by faculty members and designed to impart particular knowledge or skills to student participants and audiences." Second, the Court did not limit its ruling to curriculum-related student newspapers. It specifically targeted "school sponsored expressive activity" or more specifically,

"school sponsored publications", theatrical productions, and other expressive activities that students, parents, and members of the community might reasonably perceive to bear the imprimatur of the school (Zirkel, 609).

If freedom of speech is to be decided, one must be clear on whether the activity is school sponsored, the odds clearly favor school authorities and when censorship accompanies sponsorship who must have a reasonable justification for their actions. Outside the board boundary of school sponsorship, the courts will apply strict scrutiny which will require a compelling justification, such as substantial disruption of the educational process or a threat to the safety of the students. Zirkel closes with some questions about complications: Do the courts consider the expression to be protected by the First Amendment? Have the school authorities taken disciplinary action against the students, or have they merely censored student expression? Finally, have the school authorities created a public forum according to the definition above?

Richard Layco wrote an article in *Time Magazine* titled "Stop The Student Presses: The Supreme Court Says Educators Can Censor School Newspapers," January 25, 1988. The two articles that were censored are discussed along with Principal Robert Reynolds's feelings about the content. "Reynolds believed that though the girls in the first piece were given pseudonyms, they were identifiable, that the article was too frank for younger

students and its overall picture of teenage pregnancy was too positive" (Layco, p. 54). A sample quote from the article reads "This experience has made me a more responsible person. I now feel that I am a woman" (Layco, p. 54). The second article on divorce stated, "My father was always on business or out late playing cards with the guys" (Layco, pg. 54). Reynolds objected that this piece failed to give the father's viewpoint.

Andrew Callow, the student who wrote the article on teenage pregnancy was concerned that "if student journalists want to write about a subject like teen pregnancy, they are going to be hesitant," even though Principal Reynolds says he has no plans to increase his oversight of the *Spectrum* and the paper would not shy away from sensitive issues, wrote Layco.

The article also noted how the ruling is troubling to Steven Shapiro of the American Civil Liberties Union, because there was nothing vulgar about the censored articles. Shapiro believed the article represented clearly serious and responsible student speech (Layco, 54).

A second article by Village Voice writer, *Nat Hentoff*, February 9, 1988, titled "The Hazelwood Case: 'Brutal Censorship,'" opens with this quote from Justice William Brennan:

Such unthinking contempt for individual rights is intolerable from any state official. It is particularly insidious (for a high school principal) to whom the public entrusts the

task of inculcating in its youth an appreciation for the cherished democratic liberties that our Constitution guarantees (46).

The shock of the decision by Justice Byron White, giving principals nearly total power to censor not only school newspapers, but all student speech written or oral that is sponsored in any way by the school, has Hentoff wondering if American students may, in its wake, be forbidden to write opinion pieces on George Bush, Jesse Jackson, the politics of Aids, the Contras or local candidates for office, and comparing the impact of the ruling to training for citizenship in Syria.

Hentoff discusses a landmark case for student rights, the 1943 case, *West Virginia State Board of Education v. Barrette*. The case involved the children of Jehovah's Witnesses who would not salute the flag. Jehovah's Witnesses believe the flag, any flag, is an image and the Old Testament forbids making "any graven images" or bowing down to one. Under West Virginia law, any student who refused to salute the flag would be expelled and the parents held responsible for these "delinquent children".

Justice Robert Jackson ruled for the children saying that these children had the First Amendment right not to be forced to violate their beliefs, and Jackson also said that boards of education and educating the young for citizenship is reason for scrupulous protection of constitutional freedoms of the individual (student) if we are not to strangle the free mind at its source

and teach youth to discount principles of our government as mere platitudes. A judge later commented on the case by saying "that our Constitution is a living reality, not parchment preserved under glass."

Hentoff reminds the reader of the Tinker decision and how it contrasts with the Hazelwood decision. In our system, he suggests, state operated schools may not be enclaves of totalitarianism. School officials do not possess absolute authority over their students. Students in school as well as out of school are "persons" under our constitution. They are possessed of fundamental rights which the state must respect, just as they themselves must respect their obligation to the state. (Hentoff, 46)

A final opinion was written in the *Brooklyn Law Review*, v. 55, Spring 89 edition, titled, "Lesson in School Censorship; Hazelwood v. Kuhlmeier" 108 S. Ct. 562 (1988) by Helen Byrks.

In a discussion about public forum traits of *Spectrum*, Byrks wrote,

Analytically, the Court erected a categorical wall separating public forum aspects from curricular. This is not an honest approach, because a student-run school publication by its very nature has elements of both categories. On the one hand, a newspaper is inherently a channel of communication or expression, thereby linking it to a public forum. However, a school newspaper that is published as part of a structured class exercise does embody curricular characteristics. The Court's artificial distinction obscured the most important inquiry in this case, the purpose of the First Amendment values at stake. (307)

Byrks also said, although the Court purported to rely on (*Cornelius v. NAACP Legal Defense Fund Inc.* 473, U.S. at 802) for guidance in the context of the limited forum, the Court handled the complex issue in a superficial way. According to the Court, *Cornelius* represents the proposition that government only created a limited forum "by intentionally opening a non-traditional forum for public discourse," however, deeper investigation of *Cornelius* reveals that the case actually presents important guidelines to aid courts in making a determination of whether a particular property can be deemed a limited forum, Byrks related.

Although the *Hazelwood* Court was correct in citing *Cornelius* for the notion that a government must intentionally open a nontraditional forum, the Court was remiss in its analysis because it failed to be true to the remainder of the *Cornelius* analysis. *Cornelius* proceeded to state that the Court should look to the policy and practice of the government to ascertain whether it intended to designate a "public forum". The *Cornelius* Court then provided that there must be clear evidence to support the government's intent and that the property must be consistent with the expressive activity (Byrks, 307-308).

The article also stated that the policies and practices at *Hazelwood* indicated that the school had intended *Spectrum* as a forum for student expression. Students who were not part of the Journalism 2 class could submit work for publication and a "letter to the editor" column was open to students not enrolled in the class and who did not receive credit for their entries. Board Policy 348.5 stated "students are entitled to express in writing

their personal opinions," Board Policy 348.51 also provided that "school sponsored student publications will not restrict free expression or diverse viewpoints within the rules of responsible journalism," Byrks reflected.

In recounting the Hazelwood case, many of the articles show that for the *Spectrum* to be a forum for student expression. Students had in fact published articles on drug and alcohol use and teen problems. Hentoff of *Village Voice* and Helene Byrks writing for the *Brooklyn Law Review* both take this position and give a more in depth look at the issues and people involved in the Hazelwood case. Byrks' legal opinion is factual and gives the reader a broader base on which to dissect the main issues not covered in other articles. Nat Hentoff also gives hard facts, yet intersperses his articles, "The Real World of High School Journalists," and "The Hazelwood Case: Brutal Censorship" with real feelings and emotions from personal reactions to the Hazelwood Decision. Chapter 3 presents a reflective look back to 1983 and then moves forward to 1996 with interviews with former Hazelwood East High School principal Robert Reynolds and Cathy Kuhlmeier-Collins, 1983 Hazelwood East student and *Spectrum* staff member who filed suit in U.S. District Court against Hazelwood School District in 1983.

CHAPTER 3

This chapter contains interviews with the participants in the 1983 Hazelwood East High School censorship case of the student newspaper, the *Spectrum*. Interviews include those with Dr. Robert Reynolds on March 18, 1996, [former Hazelwood East High School principal] during and after the 1983 *Spectrum* incident, who is presently the Assistant Superintendent of Administration Instruction for Hazelwood School District; and Cathy Kuhlmeier-Collins April 8, 1996, student and *Spectrum* staff member in 1983, and one of the three students who filed a lawsuit against Hazelwood School District. Legal comments on the case are provided by Attorney Mark Goodman, Executive Director of the Student Press Law Center.

During the interview, Dr. Reynolds was asked about restrictions ordered in January 1983, to force Journalism Advisor, Bob Stergos to submit to prior review before publication.

The main restriction was budgetary, and that was that we had spent all the money in printing in the first semester, because the papers were typically longer than four pages, they were six and eight. The superintendent informed me that we had a four page paper and that was all we could afford and we had already spent our money. It was not fair to the kids in the second semester to not have a paper to produce. Therefore we went ahead to print, but I also told Bob that I would have to use the galley proofs and it had to be four pages.

When questioned about the budgetary restrictions referred to by Dr. Reynolds, Kuhlmeier-Collins responded:

No there had been no mention of budgetary cuts whatsoever. His concern once we confronted him when the pages disappeared was that he was afraid of what we had written, that it would cause problems for himself or parents in the district and their reaction. There had never been any talk about four pages, it had always been planned for a six page paper.

When asked about a memo posted in the high school newspaper room that said divorce was an inappropriate topic for high school newspapers, Dr. Reynolds commented that he was unsure who had written the memo. He suggested that possibly an assistant principal had written the memo; however, this was not anything he had written. Reynolds indicated that he had no objection to an article on divorce, but in the article submitted he had a problem with the fact that the students were identified, and the comments that were made about the reasons for those divorces. Dr. Reynolds said, "I didn't feel that it was the place for the *Spectrum* lying on coffee tables in our attendance area to be the conveyance for that kind of information. That I did object to."

When this mystery memo question was asked of Kuhlmeier-Collins, she responded without hesitation:

Oh yeah, it's from him. I'm quite certain of it. Why would it become such a big issue and be an anonymous letter? None of the other principals or vice principals I should say

really get involved in it. It was just Reynolds and us. It was from him, no question.

Kuhlmeier-Collins further related an interesting side to the divorce article issue concerning articles the *Spectrum* had published in the past on the same subject. Under Dr. Negri, the students were given ideas to do the stories on divorce and teen pregnancy, and that was why Dr. Reynolds' refusal to print the articles in 1983 was confusing to Kuhlmeier-Collins and the other students. Because the articles had been printed in the past and they were acceptable, Kuhlmeier-Collins wondered why later, in 1983, when attitudes were more understanding, were not OK?

Additionally, Kuhlmeier-Collins commented on her perception that the main objection of Dr. Reynolds was the divorce article. As her mother was one of the people interviewed about divorce, she knew that the parents interviewed had to sign a form and initial that it was alright to use the information, and the students had to quote the parents correctly.

Dr. Reynolds' reasons for the stories not being printed have changed over time. Attorney Mark Goodman, Executive Director of the Student Press Law Center, an organization dedicated to fighting for journalistic freedom for students has spoken to Dr. Reynolds on several occasions. They have also been on several panels together.

During an interview with Goodman, the writer asked Goodman about an article written by Steve Visser in *The Nation*, in 1987, in which Dr. Reynolds talked about pressure coming from associate superintendent Francis Huss. According to the article, Huss was critical of Reynolds because he was having trouble with journalism advisor, Bob Stergos, whose journalism students previously published articles the administration disliked. Visser quoted Reynolds as saying:

I knew darn well those articles weren't going to fly, I didn't have to look at them twice. The board and administration, even though they're good law abiding citizens, want things run in their way. They hire people who can do that and when they can't do it any longer, they get rid of them (Visser 441).

The divorce article and the positive article on teen pregnancy were not in accordance with the image Hazelwood School District wanted to project.

Goodman thought that what Dr. Reynolds said was probably true and commented that he found Reynolds' statements have changed over time. Initially, when the students confronted Reynolds, his response was he felt the topics (the impact of divorce and teen pregnancy) were too sensitive for an immature audience of readers like high school students. Goodman also commented on the memo in the high school newspaper room by saying, "He felt that divorce was a topic inappropriate for high school newspapers. I think

he said that a memo was posted in the newspaper room or something like that."

Goodman dismissed both reasons Dr. Reynolds gave for the censorship. First, his explanation that the paper had spent all of the available funds and there was not enough money to print the two pages with the controversial articles. And second, the legal argument that the school found there were privacy concerns about the individuals involved. When asked what he felt about the different versions, Goodman replied:

The fact that they have changed their justification for why they censored, this frequently, is a pretty clear indication that there is more to this than any of them are saying. It is not hard, when you read the stories, to realize that the real reason, with the pregnancy story at least, that they were uncomfortable with it. The fact was that you have three students who were pregnant or had children who were not making their lives seem dismal enough.

The message the school wanted to convey is your life will be ruined if you get pregnant, so do everything to avoid getting pregnant. Should a school or any government agency decide that because this information does not reflect the view we agree with, that the information should be excluded from the newspaper? The reason why the story was censored was because the students' views were in conflict with the view of the school, Goodman concluded. If there had been one explanation throughout the course of the incident, one would tend to believe the school had felt firmly about their

position and stood behind that reason. However, with the changing versions, one begins to wonder, is there a file folder of reasons that the school uses, pulling one out to use at the appropriate time with the right version to fit the circumstance?

Goodman seems to feel that is the exact position the school has taken. But in doing so, Goodman points out, they also take a position whose implication is that they want to control what the public has the right to read, and this raises fundamental questions about truth and the free press. Goodman said he would like to hear Reynolds explain one more time what really was the motivation involved for censoring the articles.

Dr. Reynolds told the writer that the reason for the two articles being deleted was because the stories needed more work, and there was only room for four pages. If the divorce and the teen pregnancy stories had been written better, the decision to delete those two articles would have been more difficult. Since they were not well written, they were left out. See Appendix A.

Later in the interview, Dr. Reynolds related that he felt the articles were not bad.

As far as the stories being bad, no they weren't bad, and where that came from I don't know. That could be reaction, at the time. They're pablum stories, by the 1983 standard and the same standard in 1996. When you get into a First Amendment case, you can not fight it on budgetary

restraint. You can't go into a First Amendment contest and say, well, it's because it was \$1,400.00 short. You have to defend it on something else; we chose the curricular.

When questioned about the funding being the main reason all along that the pages were eliminated, Dr. Reynolds responded:

From the get go. But you can also see and this is what I wrote in the margins of the galley proofs, was that there was a violation of privacy in the divorce article and that was my justification of pulling that, and I took the whole page with it. Then on the pregnancy thing, there wasn't a balance. They told the story up to the point where we told our folks and they didn't kill us [so everything was going to be fine].

Dr. Reynolds felt the story was not balanced because the students didn't convey how tough it can get when teens get pregnant. Yet one story that was considered printable was about the dismal side of teen pregnancy and was only deleted because the two pages were left out.

When asked about wanting to kill the entire May 13, 1983 edition of the *Spectrum*, Dr. Reynolds responded that he didn't recall ever wanting to kill the entire paper and said: "We needed to get back to four pages and there were six there. That was one of the options, and they had already missed one deadline, and if they didn't make this deadline, then they were already into the next printing. So I asked Howard (Emerson) what would be a reasonable solution and one option was to take two pages out and renumber the remaining four."

Later in the interview, Dr. Reynolds said he was the only principal to review the galley proofs and that was only one time. He also said that he had reviewed proofs in January, February, March, and April. When he counted and there were four pages, he didn't read the articles. In May of 1983, Emerson called Reynolds about the paper. Reynolds' account of that is as follows:

In May when Howard called me and the galley proofs were on my desk, I said 'Oh, we have a problem' because when I got to four, there were still two more pages left. So I took them out and read them, and gave Howard my thoughts about it. I may have said we could kill the paper, or what do you think? You could take the opportunity to renumber, and that's what we decided to do.

Remembering that this was supposedly a budgetary decision, there seems to be a number of conflicting statements concerning the divorce and pregnancy stories. Another area of confusion is Bob Stergos leaving the teaching profession, a job he truly loved. He supposedly left the district two weeks before the May 13th edition of *Spectrum* was published because he found a different job, but it seems he was leaving under pressure.

As mentioned earlier, The *Spectrum* had published stories about grading inconsistencies and coaching salaries for women being lower than men's. This caused a standoff between Stergos and associate superintendent Francis Huss. Then Reynolds informed Stergos that the paper would first be

approved by Reynolds before printing. Knowing that the option was no controversy or no contract, Stergos, grudgingly approved.

When questioned concerning the pressure from above, mainly Francis Huss, and if there was pressure to resolve the problem with Stergos quietly, Reynolds said he didn't feel any pressure, and the basic issue was over money and that Stergos complied most of the time, then added this:

There were controversies in the first semester as there is from time to time in any school newspaper. The one that raised the greatest eye as far as I was concerned was over pig guts stretching. One of our faculty members was pretty offended that "light" had been made of what he felt to be innovative teaching of the dissection of fetal pigs. I asked Stergos why that made the front page and he said just as a filler. Well I don't consider that very good journalism when you only have four pages to deal with anyway. But that's not a reason to give a guy no contract, no controversy kind of ultimatum. The thing that we wanted was for him to stay within a four page format.

When questioned about the possibility of Stergos backing off, and thus avoiding the whole situation surrounding the censorship, Dr. Reynolds responded by saying, "Oh well, gosh, he wasn't even here. He was the one who abandoned the kids."

When the author explained that he was referring to Stergos' problem with Francis Huss, Reynolds stated: "He would have continued to do three or four pages per paper as long as he was the journalism teacher and that was something he did not want to do. That is the reason I said it was his attitude."

I said that I didn't think he was going to comply with that demand and he was going to have to do it."

When presented with the statement about Stergos abandoning the students, Kuhlmeier-Collins said that Stergos had not abandoned the students, instead she commented:

I think he found something else that was better suited for him. Maybe if Reynolds had been more involved, rather than sitting in his office and seeing people in that manner, then maybe he would have had a better understanding of what the journalism class was up to. The whole time he could have given us input if there was a problem, and foreseen this before it ever happened. It was really coincidental that several years before Dr. Reynolds came along, under Dr. Negri, that is where we had gotten our ideas. The *Spectrum* had published articles along the same topics a few years earlier, exactly the same thing.

Stergos was a "real good guy," said Kuhlmeier-Collins. She also said that they had a "real good teacher/student relationship," and that she was "real close" to Stergos and thought that is why we [the students] felt pretty strongly we should do what he said, "and we all really believed in him." She is referring to advice given to her by Stergos after his departure. He advised the students to contact the A.C.L.U. (American Civil Liberties Union) for legal help on the censorship.

The outcome of that call almost cost Stergos his teaching certificate. Reynolds threatened to have Stergos' certificate pulled, but the school board declined to pursue the action. As Steve Visser wrote:



Reynolds suspected Stergos was using the students as pawns to settle his grudge with the school. Maybe he was right. In any event, Stergos believed scholastic journalism meant more than profiles of prom queens. He taught the values of a free press (442).

Kuhlmeier-Collins felt that Stergos was treated badly by the administration and that Dr. Reynolds was "pretty nasty towards everybody. I think that if things would have been different earlier, that he (Stergos) would have kept his job, but I guess he didn't know what was going on."

Her testimony seems to point to a personal grudge against Bob Stergos and the addition of yet-another variable in the reasons for the censorship. Some notable statements came from Kuhlmeier-Collins concerning the *Spectrum* in 1983.

When queried as to the amount of freedom the *Spectrum* had in 1983 in terms of what was printed, Kuhlmeier-Collins commented, "At the time we didn't have any problems. We could pretty much do what we wanted. Our advisor always OK'd everything for us. To my knowledge, there wasn't a problem."

The author inquired if Stergos had to battle for continued rights for the newspaper and she (Kuhlmeier-Collins) again responded:

To the best of my knowledge, I thought everything was fine. We didn't know until the censorship came up that there had been any problems with Stergos against Reynolds or whoever.

A four page paper had never been planned. It had always been planned for six pages, nor was there any talk of a smaller paper.

I wondered about Dr. Reynolds' views before the censorship or the memo on divorce posted in the newspaper room and asked Kuhlmeier-Collins if she had any idea how Reynolds felt about free speech. She said: "Dr. Reynolds was never in our class until after this happened. We knew that he was principal and that was all that was really known of him. He pretty much stayed in his office, so I don't honestly know what his opinions were."

The reaction to the censorship on the staff of *Spectrum* was one of frustration. Everyone was very upset; the staff had put so much time into preparing the issue, making sure everything was done right. The day the paper came out the students went right to Reynolds and asked him what happened. He told the students he couldn't take care of it right then. He basically brushed them off. Dr. Reynolds said he was too busy and couldn't talk about it.

The *Spectrum* staff received no help from interim journalism advisor, Howard Emerson, who not only knew about the censorship, he also was in on the cover up. Kuhlmeier-Collins said, "He had no input at all, he just did what he was told." Howard Emerson also declined to be interviewed.

Kuhlmeier-Collins felt Reynolds avoided the issue because she thought:

he was kind of afraid as to what was going to happen to him because it was his first year as a new principal in the school. I don't know if he was afraid of us or what would happen to him personally or parents of the school district, but, he was real negative towards us; when I graduated the next year, he wouldn't even look at me when I got my diploma. He just handed it to me and looked away.

Conflict exists about whether the supposed opportunity to rewrite the divorce article and the pregnancy article at a later date was a realistic option. Dr. Reynolds said that the students were offered a chance to rewrite the articles for the senior "superlative issue" for the school year, which was dedicated to the graduating senior class. The students chose not to exercise that option because they didn't want to delete material highlighting the seniors in order to run the articles. With the May 13th edition already out, there was no alternative. Dr. Reynolds reported that the A.C.L.U. wrote a letter in May 1983, which he said:

[They] Threatened our board. They said there were five demands, I think, and one of them was that those stories would be printed in the *Spectrum* in the following year in September. We said nothing doing. Those kids should not have to run stories that the kids from the semester before [had written], and most of those kids had graduated. So that was really kind of an unreasonable demand.

Kuhlmeier-Collins said no offer existed to rewrite the stories. The journalism students were told if they ran the paper with all the articles in it, no senior superlative would be printed. "And that was pretty much a tribute to

them, so we didn't feel that it was fair to do that to the seniors. We really didn't have a choice."

Why wouldn't the school let board members see the articles until two years later, when they were printed in the *Globe-Democrat*? Dr. Reynolds explained: "The thing you have got to understand is that the galley proofs I had went straight to the attorney, so they had never been printed. So you can't print something that doesn't exist."

Kuhlmeier-Collins felt that probably the school was just afraid that there would be more controversy caused by printing the stories. "There were so many girls that were pregnant in the school, it wasn't like you could hide the fact. The articles were informative and hopefully helpful. Maybe they were afraid the teachers could have done some good."

One area where Kuhlmeier-Collins and Dr. Reynolds agree is about the A.C.L.U. attorney, Leslie D. Edwards. Both felt she was out to enhance her career. Dr. Reynolds felt the A.C.L.U. was ready to drop the case after the 8th Circuit court ruled in favor of the district. "It was largely Edwards who wanted to take it on to the Appeals Court. I think she wanted to enhance her career by pursuing this." Reynolds said.

Kuhlmeier-Collins felt that the A.C.L.U. treated the students very well, and they were supportive of their cause. The only area of concern was attorney Leslie D. Edwards. "I do wish they would have had another

attorney other than Leslie Edwards." When I asked what would she do if she could change anything, Kuhlmeier-Collins responded, "Get a different attorney." Kuhlmeier-Collins also said:

Edwards wasn't concerned with the pre-trial. They had kind of like a mock trial the night before. She thought she was too good for that, so she wouldn't do that. I think it hurt her a lot because she went in and had no clue, although I didn't get to go and see it myself. She had some kind of vengeance against me or something, because I was away at school, and it was costing her too much to communicate with me as I was in Cape (Southeast Missouri State University). So she didn't want to make the phone calls to me, and didn't even tell me when the trial date was. I just happened to find out because of someone calling me to do another interview.

She referred to the Supreme Court trial in October, 1987, where she was not informed of the trial date. This is especially shocking because her name is on the case. Clearly, a communication problem between lawyer and client did not help the Hazelwood students' cause.

The last topic to discuss is the public forum issue in the Hazelwood East *Spectrum* newspaper, where contrary to Dr. Reynolds' opinion, a public forum was definitely present in 1983 because even though Dr. Reynolds had reviewed the paper, he did not control the content; the students had total journalistic freedom. Dr. Reynolds' views on the newspaper and the control the school has over the content of the paper are also important to consider.

The author asked if a high school or any government agency should decide that because the information does not reflect the view the organization agrees with, should that information be excluded from the student newspaper.

Dr. Reynolds replied:

What I think was established by the court, that the board owns the newspaper, and I still believe that. I believed it then. The high school newspaper is paid for by the board, by the taxpayers. The teachers are hired, the equipment is purchased, and all things including the printing, all things that go into the newspaper are a by-product of that class. The thing before and even more after this case, that I would warn students is that I didn't object to what they wrote, but the hotter the topic, the better they better do it. Because it is going to be in the eyes of public scrutiny, administration scrutiny, faculty scrutiny, in other words, you can't take a faculty member and separate them and be critical of them in an unfair way, or a board member or any member of our school district. And I think what I learned from this case is that whatever is said in the newspaper is the same thing that the board thinks.

Reynolds indicated that in the commercial press, the editor has the last word on publishing, and the school board has the same right. If the stories had been in the four page guideline, there would not have been a problem.

Dr. Reynolds was asked whether he thought there was a problem when students learn about First Amendment values on press freedom and free expression in Civics class and then go to journalism class and there is a problem where the freedom is not given. Reynolds responded by saying that people who take that position feel that in the press you can write anything you

want, which we know is not the case. Reynolds also said that the people who pay the bills do not have to subject themselves to liability. He cited a case in California which was decided after Hazelwood (he thought the case was Lee v. Dalont) in which the judge ruled that kids can't write anything they want, period. Reynolds reiterated,

The First Amendment right guarantees you the right, but the paper belongs to the guy who owns it. That's the bottom line, and the one who pays the bills. I might go on to say that I learned a lot about the newspaper and journalism and publishing process, as we went through this, and I found out that David Lipmann of the *Post Dispatch* said that he is second under William Woo (editor of the St. Louis *Post Dispatch*) and he said that when an article comes in, it will go through 14 editors before it gets printed, if it gets printed. Now I don't see anybody at the *Post Dispatch* screaming and yelling about their articles being changed or not making it.

As far as allowing press freedom, the author wanted Dr. Reynolds' thoughts on whether or not schools should have the ability to control the content of student publications. Reynolds felt that there should be some control, within reason. He said:

When you say control of the content, if it's going to advocate the use of drugs and alcohol, if it's going to advocate revolution, yes, I think we ought to control that. If they want to come up with an article opposed to date rape or some of the things as our own newspaper at Hazelwood, I would just say be accurate, be on target, do your homework, and do a good job of it.

Obviously, Dr. Reynolds advocates the Category 3 forum, where the content-based regulation of speech is governed by a "reasonable nexus"

standard. Under this standard, entire classes of speech may be excluded from a non-public forum. Those classes may be identified by content as long as the exclusion is reasonable in light of the purpose of the forum. Hazelwood was deemed to be a non-public forum because the school did not "possess all the attributes of streets, parks, and other traditional public forums" (Smolla 214). The Supreme Court also ruled that it is a public forum, only if by "policy or practice," the school opened those facilities "for indiscriminate use by the general public" or by some segment of the public, such as student organizations; but if the facilities have instead been reserved for other intended purposes "communicative or otherwise" then no public forum has been created and school officials may impose reasonable restrictions on the speech of students, teachers, and other members of the school community (Smolla 214). Dr. Reynolds and the Hazelwood School District used this standard before the 1988 decision, thereby clearly violating the students' rights.

When asked about the existence of a public forum at the *Spectrum* in 1983, Goodman said:

I believed at the time it was, yes, and it's interesting, because whether the *Spectrum* was or was not a public forum was an issue of factual determination. It's interesting to note how the Court of Appeals and the Supreme Court reach very different conclusions based on the same facts. It was largely because they emphasized different things. I think the Court of Appeals reached a much wiser conclusion and the more

realistic one. I think, in fact, that despite if Principal Reynolds had been reviewing the publication, what former advisor Stergos would say is that he had not been controlling the content of the publication and that this was really a student publication. The Supreme Court disagreed with that, but I think the facts just as easily could have been used to argue the opposing viewpoint.

When questioned about the *Spectrum* being a public forum Kuhlmeier-Collins commented, "We all believed that the *Spectrum* was a public forum, and Bob Stergos told us that the *Spectrum* was a student publication." As stated earlier, Kuhlmeier-Collins told the author this in reference to the *Spectrum* before the censorship: "At the time, we didn't have any problems. We could pretty much do what we wanted. Our advisor always OK'd everything for us. To my knowledge there wasn't a problem."

Dr. Reynolds indicated that the administration would react the same way today. "Hazelwood hasn't changed," he said. In fact, if he were able to go back to 1983, would he make the same decision? "Yes, no doubt," Reynolds replied. He feels that as much opposition as he received, there was an equal number who supported him and in the reality of journalism, "You do have the right to write and express yourself as long as whoever owns the paper agrees with it."

Kuhlmeier-Collins, who went on to graduate from Southeast Missouri State University in 1988 with a degree in Advertising and Commercial Art,

currently works in retail management. She felt the negative effects of the experience were the aggravation she felt and that:

my senior life couldn't be normal. Reynolds was always looking over my shoulder, making sure that I was in my class. He followed me around. I was absent for a day, I went up to tape the Donahue show. My mom gave me a written note, but I was still threatened to be expelled over that. I don't think I really led that normal fun senior life the way it should have been for me because of Reynolds.

On the positive side, Kuhlmeier-Collins feels that she has a lot more determination and "always stands behind something if I believe in it." She is most proud of having done what she and others did, "that we had the nerve to actually go through with it." Kuhlmeier-Collins had the full support of her single-parent mother and said this about how the experience was beneficial.

She said:

That I made the right decision to do it. That I didn't have the thought that my mom was questioning me, and I think it also helped that she knew that I was learning. So she was just kind of a comfort, that I had somebody that was supporting me." The best part for her was the fact that because of the media attention she had not only good experiences, she also has something to show her two year old daughter when "she's bigger, that mom's name is in some history books.

On Dr. Reynolds, Kuhlmeier-Collins felt that a little more compassion and understanding would have helped the students' and principal's communication to solve the real problems concerning the students, not what people would think. She said:

I wish he would have put a little more thought into trying to help the other students in the school, because there were a lot of problems in the school and they were probably worse ten or eleven years down the road. We were trying to make a statement about the kids in the school and do something. I think it was a big opportunity. There were so many girls in the school that were pregnant, it probably messed up a lot of their lives. He should have let us try to make it better for them [pregnant students]. If we could have made a difference, at least one person would have been helped.

In concluding this chapter, both stories in full text are presented.

***"When Parents Split
Kids Can't Bear the Scars"***

by Shari Gordon

In the United States one marriage ends for every two that begin. The North County percentage of divorce is three marriages end out of four marriages that start. There are more than two central characters in the painful drama of divorce. Children of divorced parents, literally millions of them are torn by the end of their parents' marriage. What causes a divorce? According to Mr. Ken Kerkhoff, social studies teacher, some of the causes are:

- * Poor dating habits that lead to marriage
- * Not enough things in common
- * Lack of communication
- * Lack of desire or effort to make the relationship work

Figures aren't the whole story. The fact is that divorce brings a psychological and sociological change to the child. One junior commented on how the divorce occurred, "My dad didn't make any money, so my mother divorce him." "My father was an alcoholic and he always came home drunk, and my mom really couldn't stand it any longer," said another junior.

One freshman said, "My dad wasn't spending enough time with my mom, my sister and I. He was always out of town on business or out late playing cards with the guys. My parents always argued about everything. In the beginning I thought I caused the problem, but now I realize it wasn't me." she added.

"I was only five when my parents got divorced," said Susan Kiefer, junior. "I didn't quite understand what the divorce between my parents really meant until about the age of 7. I understood that divorce meant my mother and father wouldn't be together again."

"It stinks," exclaimed Jill Viola, junior. "They can afterwards, remarry and start their lives over again, but their kids will always be caught in between."

Out of the twenty-five students interviewed, seventeen of them have parents that have remarried.

The feelings of divorce affect the kids for the rest of their lives, according to Mr. Kerckhoff. The effects of divorce on the kids lead to the following:

- * High rate of absenteeism in school
- * High rate of trouble with school, officials, and police

- * Higher rate of depression and insecurity
- * A higher risk of divorce when they themselves get married

All of these are the latest findings in research on single parent homes.

***"Student Pregnancy
Three Personal Accounts"***

"We love our baby more than anything in the world. How could we not love him? He's so cute and innocent."

by Christine DeHass

These stories are the personal accounts of three Hazelwood East students who became pregnant. All names have been changed to keep the identity of these girls a secret.

Terri: I am 5 months pregnant and very excited about having my baby. My husband is excited too. We can't wait until it's born.

After the baby is born, which is in July, we are planning to move out of his house, when we save enough money. I am not going to be coming back to school right away (September) because the baby will only be two months old, I plan on coming back in January when the second semester begins.

When I first found out I was pregnant, I really was kind of shocked because I kept thinking about how I was going to tell my parents. I was also real happy. I just couldn't believe I was going to have a baby. When I told Paul about the situation, he was really happy. At first, I didn't think he would be because I wasn't sure if he really would want to take the responsibility of being a father, but he was very happy.

We talked about the baby and what we were going to do and we both wanted to get married. We had talked about marriage before so we were both sure of what we were doing.

I had no pressures (to have sex). I was my own decision. We were going out four or five months before we had sex. I was on no kind of birth control pills. I really didn't want to get them, not just so I could get pregnant. I don't think I'd feel right taking them. At first my parents were upset, especially my father, but now they're both happy for me. I don't have any regrets because I'm happy about the baby, and I hope everything works out.

Patti: I didn't think it could happen to me, but I knew I had to start making plans for me and my little one. I think Steven (my boyfriend) was more scared than me. He was away at college and when he came home, we cried together and then accepted it. At first both families were disappointed but the third or fourth month, when the baby started to kick and move around, my boyfriend and I felt like expecting parents and we were excited.

My parents really like my boyfriend. At first, we all felt sort of uncomfortable around each other. Now my boyfriend supports our baby totally (except for housing) and my parents know he really does love us, so they're happy. After I graduate next year, we're getting married.

My boyfriend and I have a beautiful relationship and it's been that way ever since three years ago. Therefore, I really do think the future looks good for baby Steven.

I want to say to others that it isn't easy and it takes a strong, willing person to handle it, because it does mean giving up a lot of things. If you're not willing to give your child all the love and affection around, you can't be a good parent. Lastly, be careful because the pill doesn't always work. I know, because it didn't work for me.

This experience has made me a more responsible person. I feel that now I am a woman. If I could go back to

last year, I would not get pregnant, but I have no regrets. We love our baby more than anything in the world (my boyfriend and I) because we created him. How could we not love him? He's so cute and innocent . . .

Julie: At first I was shocked. You always think "It won't happen to me." I was so scared I did not know how everyone was going to handle it. But, then I started getting excited.

There was never really any pressure (to have sex) it was more of a mutual agreement. I think I was more curious than anything.

I had always planned on continuing school. There was never any doubt about that. I found that it wasn't as hard as I thought it would be. I was fairly open about it and people seemed to accept it. Greg and I did not get married. We figured those were not the best circumstances, so we decided to wait and see how things go.

We are still planning on getting married when we are financially ready. I also am planning on going to college, at least part-time.

My parents have been great. They could not have been more supportive and helpful. They are doing everything they can for us and enjoy being "grandma and grandpa."

They have also made it clear it was my responsibility.

These two articles were censored in the May 13, 1983 edition of *Spectrum* but printed in the Weekend Magazine of the St. Louis *Globe Democrat*, February 9, 1985. This was the first the general public, and school board members and teachers at Hazelwood East had seen these articles. After

reading them, many board members and teachers did not know why the articles were censored because they did not feel they were anything to get upset over.

Two other articles, acceptable to Reynolds, were intended to go on the deleted pages. One was another article on teen pregnancy headlined, "Teen Marriages: A Bleak Outlook: 75% end up on the rocks," that explored the negative side of teen marriage and pregnancy. The second article that was accepted for print was entitled, "Sex and the Teenager: Two Thirds Don't Use Birth Control," and was intended to show the risk and negative consequences of teen pregnancy and the foregoing of birth control devices by teens. The intended inclusion of these articles by the student journalists weakens Reynolds' rationale that he deleted the teen pregnancy article because of a lack of "balance," as it only depicted students who seemed to be coping well with their situation. These approved articles, by appearing on the same page with the other article, would have provided the balance he felt lacking. They suggest that the student journalists were more responsible than Reynolds gave them credit for. As the names of parents objected to by Reynolds in the article on divorce were deleted voluntarily by the students prior to date of publication, Reynolds' other objection was also addressed prior to his lifting of the two pages that all of the articles were to appear on. These factors suggest a reason why Reynolds changed his reason for censoring the material

to one based on economics, and deemed bogus by Kuhlmeier-Collins and the others. See Appendix A.

Dr. Reynolds, when asked about the quality of the *Spectrum* today and the calibre of the staff, said:

I think they are excellent. Our kids win journalism awards all the time. Yes, we're proud of the publications, and we put a lot of money into it, a lot of pride. We've got good teachers teaching them and responsible kids writing. And I would also say that the kids in 1983 in Bob Stergos' class were good kids too; National Honor Society students, class leaders. I think the teacher was away; they had a substitute there; they wanted those stories printed and whether they knew there was a four page limitation I'm not sure, but I think that's the way they got slipped in.

Kuhlmeier-Collins felt the *Spectrum* was a very good paper, and the staff was very well balanced. "Everyone knew their own positions as far as what we were to handle. The paper was well circulated in the school, and we felt we did a decent job. We had several of the editors and the writers that won awards for scholastic achievement."

The articles in the writer's opinion were tame even in 1983. They were well-written and well-researched. The subject matter was certainly related to what the students were experiencing in their own lives, and nothing was presented in a sleazy way nor were there any sexual innuendos. As Kuhlmeier-Collins said, "There were a lot of pregnant girls in the school," and Kuhlmeier-Collins is a child of divorce and was raised by a single-mom.

These stories certainly were not inappropriate for young readers. They may have thought more about the responsibility of getting pregnant or sought help or counseling for their anguish in a divorce.

Chapter 4 will present results of the Hazelwood decision and focus on more from Mark Goodman of The Student Press Law Center and how the organization helps high school journalists survive in the 1990's.

CHAPTER 4

Results

With the restrictions placed on student publications by the Hazelwood decision, freedom that was guaranteed under the Tinker Standard was more difficult to maintain. The Tinker Standard was the Supreme Court ruling that allowed students freedom of expression except in cases where the school could show the expression would disrupt the school environment or invade the rights of others, and create an open forum for student publications.

Perhaps because more censorship opportunities exist, various organizations work to ensure the of First Amendment rights threatened by the Hazelwood decision. One such organization is The Student Press Law Center located in Arlington, Virginia. It was founded in 1974 as a result of *Captive Voices*, a study commissioned by the Robert F. Kennedy Memorial that has been called the "largest single national inquiry into American high school journalism so far conducted" (80). The study lasted fifteen months and cost \$65,000 and included the efforts of twenty-two educators, lawyers, and civic activists. Senator Edward Kennedy responded by announcing plans to produce a comprehensive study of the problems and potential of high school journalism.

The commission targeted four issues: censorship of the high school press, participation of minority students on high school press staffs, secondary journalism education, and the relationship of professional journalism to high school journalism.

In *Captive Voices*, the findings were disturbing: "Censorship and the systematic lack of freedom to engage in open, responsible journalism, characterize high school journalism" (80). It concluded that censorship was routinely accepted by students and staff even though the law prohibited the practice.

The second finding was that the professional news media was not taking the First Amendment problems high school journalists were having very seriously and did not try to help protect those rights.

Thirdly, the study observed that when there is a free student press, there is a healthy exchange of ideas and opinions and no signs of disruptive or negative effects on the educational process.

Fourth, it noted that most students of racial, cultural and ethnic minorities have many obstacles to overcome in regard to becoming involved in high school journalism.

Fifth, most high school newspapers analyzed were found to be not much more than a public relations outlet for the school. As the nation, high

schools rated journalism and journalism education low priority. This is reflected in the lack of courses and advisors without skills in the subject area.

Sixth, the study observed that although some school districts are using electronic media to bring minorities effectively into journalism, overall, very little exposure of high school age youth to electronic media instruction or production was being pursued.

Founded soon after *Captive Voices* was published, the Student Press Law Center was a joint Project of the Robert F. Kennedy Memorial and the Reporters Committee for Freedom of the Press, a group dedicated to protecting the First Amendment rights of professional journalists. In 1979 the Center became a non-profit corporation. In an interview with Mark Goodman, Executive Director of the Student Press Law Center on March 8, 1996, he indicated that the staff is very small for an organization that reaches so many. The staff consists of Goodman, Mike Heistan, (staff attorney), an administrative assistant, plus interns, from one to four law students.

The Student Press Law Center has two basic functions. One is offering legal advice. That could be answering questions over the phone or connecting people with lawyers in their area who donate time to help represent them. The other aspect is the educational aspect. The Center tries to teach students and advisors what they need to know about press law to do their jobs better. The Student Press Law Center also publishes a book titled,

Law of the Student Press, as well as magazines and reports and information on a wide variety of topics. There is a summary of copyright law for yearbook journalists and campus crime information for college and university journalists, for example.

Part of the educational component consists of lectures, and workshops and presentations to provide students and teachers with more education opportunities, Goodman related.

The Center also files *amicus curiae* briefs, which means friend of the court brief on behalf of students. Goodman said,

We attempt to, and I would say we have been fairly successful in filing *amicus curiae*, in virtually every federal appellate court case involving the press, at least in the last six or seven years, actually since about Hazelwood. What we want to do is make the court understand that the case they are dealing with and the facts of the case that are before them, are only one example of what is a much broader national issue.

The Center wants to send a message to the courts that thousands of student journalists are affected by the courts' decisions. When the briefs are filed, the idea is to provide a broader perspective to the court.

Goodman indicated that filing the briefs could be considered the Center's advocacy on behalf of the student press, an effort to shape the law in a way that is not only helpful to student journalism, but an effort to ensure press freedom and independence.

According to Goodman, the number of calls to the Center increased following the Hazelwood School District v. Kuhlmeier decision in 1988. The numbers for 1995 were not final. However, in the period of 1988 until 1994, the Center saw a dramatic increase in calls, and over the course of those years, about a 150% increase in the number of requests for legal assistance were received. Goodman felt that in late 1994 and early 1995, there was the beginning of a tapering off, and that the increases were not as dramatic as they were in the past, possibly stabilizing somewhat. The final count of censorship calls for 1995 are anticipated to be close to those of 1994. Goodman also believes that some students and certain teachers have never been involved in student journalism when freedom was a part of the equation, and because of this, never think to complain or call when they are being censored because that is how they think the system works.

Mark Goodman's comments on the lack of knowledge of their rights by student journalists is also reflected by Dr. Reynolds in a recollection of events after the 1986 court ruling that reversed the original decision, and ruled in favor of the students.

People have asked me about what the atmosphere was around the school. Kids didn't even know what was going on. They had no interest. This [incident concerning the student newspaper *Spectrum* in 1983 at Hazelwood East High School] happened after school one day. It was at the end of the school year, proms going on, graduation going on, we were trying to hire staff, and finalize budget. There were a lot more

important things going on in the lives of everyone connected with school than whether two pages get pulled from the newspaper or not. . . . Then the story, well we got the letter in May from the A.C.L.U. It didn't hit the newspapers until maybe May 24; a Saturday morning is the first time I saw it. Then the suit was filed, it seems like around August, and if the kids read about this, they didn't say much about it. There was no disruption in the school. There was no curiosity among the staff, I was principal all the while so there was no disruption and no problem as a result of it. The only time of interest was when the Supreme Court was going to hear it, October 13, 1987. We had a full camera crew there from all major networks, so there was a little bit of curiosity there and they tried to interview the kids and they didn't even know what they were talking about. They were sixth graders when this happened. Then in January 1988, we had everybody [from the media] there for one in particular, January 13th, and then a couple of days later we had some more. That was when it was brought to the kids' attention and explained to them what it was all about. Then during social studies classes and journalism classes, I am sure, that the teachers explained to them what it was all about. So as far as me getting on the intercom and making an announcement, no, this was something long past. These kids, like I said, were in elementary school when this happened, and I didn't want to interrupt their educational process by going over something they could read on their own.

Reynolds' comments reinforce Mark Goodman's feelings. Both agree that there are many students and teachers who do not realize what their freedoms are as high school advisors and student journalists. Dr. Reynolds' statements were centered around a discussion concerning student views in 1988 at Hazelwood East, in the aftermath of the Court of Appeals ruling in 1986 and the Supreme Court ruling in 1988.

Unlike Reynolds, Goodman said his biggest reaction to the Hazelwood decision was that the message had to get out and be heard, that no matter what the Supreme Court said,

We still believed that educationally, this was just plain wrong. That was a message that could have some impact, and that certainly our job was going to be a lot harder from that point on and it has been. But we stand by our position as an organization, made up primarily of journalism educators and professional journalists, that press freedom was a crucial aspect of teaching students to be responsible journalists.

To show how the Hazelwood decision was flawed, Goodman summarized Justice Brennan's dissenting opinion. The Tinker Standard had been applied, for nearly twenty years in the courts throughout the country, to censorship of student publications and censorship of any student expression. In the Hazelwood decision, the Court gave no rational justification for creating a new standard concerning school sponsored publications. Goodman insisted the Court presumed that school sponsorship should justify more latitude for school control and that rationale was completely wrong. The main problem created by Hazelwood, Goodman said, is the problem of complicating student press law and student First Amendment rights, which was unnecessary and no Court before that time had recognized.

Goodman noted how today a large number of students are not aware of their rights or are complacent about administrative censorship of student publications. But, he suggested, another counter force has emerged in recent

years made up of students who are more willing to stand up for their rights in situations where they feel justified in defending their rights to freedom of the press. Many of these students are those who have access to computers, and access to the Internet where they have gotten a taste of freedom they didn't have for a long time. Goodman said:

They have got the ability to write something themselves and to distribute it without anybody preventing them from doing so. For the first time, some of them are realizing this is something that is a fundamental right, whether the Supreme Court believes it is in the context of a school sponsored newspaper or not. I believe it is a fundamental right. I think when students go through that process, they tend to become stronger advocates for student press freedom and more willing to fight censorship when it happens.

Before Hazelwood, about 80% to 85% of the situations of censorship received some assistance or relief because the law was clearly on the side of the students. However, the percentage is much less today, and is probably closer to 50% or less for those who receive some kind of relief from the censorship they are experiencing, because of Hazelwood.

Because of legal restrictions of the Hazelwood decision, The Student Press Law Center has "come to terms with the fact that legally there is not the ability to fight censorship in many situations as there once was." To respond to "legal censorship," and at the same time promote freedom of expression, The Center informs students of two things: First of all, to remember that even if this is something that you cannot legally fight, it doesn't make it right. They

encourage students to operate with the thought that what they are experiencing is wrong, educationally unfounded, and shouldn't be happening, even if it is. Students are urged not accept it as appropriate or justified. The second thing the Center is doing, is giving students alternatives -- options other than the school sponsored publications. These include by producing underground newspapers, producing their own WEBB publication on the Internet via their own computer and their own access. The school does not have any control, or they possess very little control in terms of the underground newspapers that, increasingly, students are distributing at school. Schools have limited ability to control them, and students have much stronger freedom of expression. The Center is able to give students some assistance in this way, but as far as actually stopping censorship of their own publication, the percentage of successful challenges is much smaller today than prior to the Hazelwood decision, as indicated by Goodman.

With Cyberspace, Internet connectability, every student has a potential to be a publisher, but students' totally free access on the Internet is under threat because Congress passed a law that the President signed, restricting distribution of certain materials to minors on the Internet. If the law stands, this will dramatically restrict minors access to the Internet altogether. The law, however, is being contested and is not enforced presently, and many feel will probably be declared unconstitutional, Goodman said.

Nevertheless, the advances in technology have opened new avenues for students' expression, and what school administrators are failing to realize, Goodman said, is the fact that the school cannot stop them from utilizing these outlets. If technology advances farther and the students are censored, they will just move to another forum of expression. Eventually when the students have their own WEBB page, the school is going to lose the opportunity to teach them journalism. "I think there definitely is some pretty dramatic potential for positive change, based on how technology changes," Goodman concluded.

Goodman believes that two positive aspects of what could happen in reaction to Hazelwood are:

1. High school journalism teachers, at least as far as their organizations go, are more strongly committed to student press freedom and independence today than they ever have been, more so than at the time of Hazelwood, when it was not something that a lot of their organizations thought of on a "direct basis." Today you would have a difficult time finding any state scholastic press association or any of the two or three national journalism educational groups that interact with high school journalism that don't have a very strong position statement on why student journalists must be allowed their press freedom and independence. Goodman also indicated that he thought

that this factor has a much bigger impact than people sometimes imagine. The fact is that school officials don't have the time or inclination to micromanage what goes on with their student publication, their student media. If they have a teacher who is doing a good job, and who is teaching students the value of press freedom and giving the students that freedom as well, that makes a good journalism program. Goodman thinks that the number of journalism teachers are going to increase again because of the journalism and education groups and their commitment.

2. Goodman also believes there are going to be more states (like Iowa, Kansas and Arkansas now) that will have and pass state laws protecting student free expression rights and basically counteracting the Hazelwood position through state legislation. Although the process is slower and is not happening very quickly today, Goodman feels that there is a possibility of this happening.

The Student Press Law Center publishes a packet titled "Hazelwood School District v. Kuhlmeier, A Complete Guide to the Supreme Court Decision." The focus is that the most "significant aspect of the Hazelwood decision is the emphasis it gives to determining whether a student publication is or is not a 'public forum' for the student expression. Some student

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publications that formerly may have been presumed public forums may not be after Hazelwood" (1).

The packet helps the student or advisor determine forum status and describes how it will likely be made. The Hazelwood decision only applies to school-sponsored student publications that are not public forums for expression by students, and the packet stresses that. Underground alternative and even extracurricular student publications still retain much stronger First Amendment protections.

A checklist for determining if a publication is school-sponsored and covered by the Hazelwood decision is provided.

1. Is it supervised by a faculty member?
2. Was the publication designed to impart particular knowledge or skills to student participants or audiences? and
3. Does the publication use the school's name or resources?

Even curricular school-sponsored student publications may be entitled to strong First Amendment protection and are exempt from Hazelwood if they are "public forums" for student expression. A public forum is created when school officials have "by policy or practice" opened a publication for unrestricted use by students. In the Hazelwood case, the Court said that it believed that the advisor to the newspaper had acted as "the final authority

with respect to almost every aspect of the production and publication, including its content." (2)

The issue of prior review is also a focus of the pamphlet and the Court clearly said that after Hazelwood, a school official can review non-forum, curricular student publications before they go to press, and probably can do so without specific written regulations. Prior review had long been a major problem and the most devious form of censorship. Public forum, extracurricular and underground publications are still protected from prior review, unless elaborate procedural safeguards in written policies are present.

The Student Press Law Center's pamphlet gives some guidelines for students and advisors to fight censorship:

1. Don't begin censoring yourself in fear of what might happen at your school.
2. Establish your publication as a forum for student expression by policy.
3. Establish your publication as a forum for student expression by practice.
4. If you are censored, appeal.
5. Use public pressure to your advantage.
6. Call the Student Press Law Center or some other legal authority on student press issues if you are censored.
7. Remember alternative publications.

8. Make a push for legislation in your state to protect free press rights (Student Press Law Center Pamphlet).

Without organizations like the Student Press Law Center, student journalists would have no avenues of assistance. As stated earlier, the Hazelwood decision does not give the school total control. Possibilities do exist for change within the individual school. The court still left open the possibility that an individual school could by "practice or policy," open up a student publication as a forum for student expression. By doing so, the Hazelwood decision would not apply in that context, and the Tinker standard would be the guideline by which the student publication would operate. Under the Tinker Standard, the school is considered a public forum, and once the public forum is opened, free speech cannot be regulated, only copy that is libelous, slanderous or "materially or substantially disruptive." Under this standard, student editors make the decisions by reinforcing the Tinker Standard and ensuring the public forum is able to exist.

Underground newspapers which the school has limited control over are an option to any student newspaper currently operating under the Hazelwood decision. Usually produced off-campus, no restrictions can be put on what can be printed, the only legal restrictions are those that apply to any

journalism. The paper can be distributed on campus, and there is limited or no interference from the administration, Goodman said.

The electronic age has opened up a vast frontier for student journalism. The Internet, initially financed in part by the National Science Foundation, is not yet active in many high school classrooms, but its presence is inevitable and through it students can access the system with classroom computers and dedicated phone lines. The opportunity exists for students to pioneer a new landscape of high school journalism through telecommunications.

The Student Press Law Center is a necessary organization. The main reason is the current need for such a resource for students with censorship problems. As a student, standing up for your rights against administrators can be intimidating. Knowing there is help available can ease the fear.

As Mark Goodman related, the two main functions of the Student Press Law Center are offering legal advice, either over the phone or by referring students to lawyers in their local area; and the second is the educational aspect, teaching student journalists and advisors what their rights are. The educational aspect reaches many with the Center's book, *Law of the Student Press*, and various publications.

As Goodman said, his reaction to the Hazelwood decision was that the word must be spread and everyone needs to know that no matter what the

Supreme Court decided, the Center felt educationally, the decision was wrong. The Center stood by their position as an organization made up of journalism educators and professional journalists, that the press freedom was a crucial aspect of teaching students to be responsible journalists.

With education, student journalists and advisors can become more knowledgeable and more independent, and be able to defend their First Amendment rights of freedom of the press. The teacher is the lifeline to journalism education student needs. If there is a journalism teacher who is dedicated to teaching the values of freedom of the press, and allowing press freedom, then as Mark Goodman said, "That makes all the difference. I think those numbers of teachers are going to increase again, because of the journalism and education groups and their commitment."

Chapter 4 has explored the impact of the Hazelwood decision on high school journalism along with several responses to it. Chapter 5 will feature interviews with current Hazelwood East High School journalism advisor, Cheryl Stoller, and student and contributing editor of the *Spectrum*, John Combest. It will explore their views on the state of journalistic freedom at Hazelwood and their thoughts about high school journalism at Hazelwood East today. It will present some of the thoughts of Joan Bray, a Missouri State Representative, who is responding to the Hazelwood decision's impact by sponsoring a student rights bill, House Bill 953.

CHAPTER 5

Cheryl Stoller, who began teaching in the Hazelwood School District in the early 1970's, related that after refusing to back off an article she (Stoller) did on a then, a very controversial topic; "The principal was very much opposed to me presenting this. I felt strongly that the students needed to be aware that VD was the issue then [the 70's] as AIDS is now. The principal said, 'I think you're going to regret this,' but I was never stopped from doing it." Stoller said. She left the district to raise a family and returned to Hazelwood in 1985 and has been involved as a journalism advisor ever since.

Student, John Combest, is the contributing editor of *Spectrum*, and last semester (1995) he was managing editor in charge of developing most of the stories and had jurisdiction over what was published (with approval from a department chair and the principal). Combest also writes for the *North County Journal* (a Suburban Journal newspaper published weekly).

When asked what kind of publication is the *Spectrum* today, is the paper controversial or more on the conservative side? Stoller remarked:

I never want to put a tag on it. I don't set out with the concept, and I don't think that is the means to the end for the purpose of our paper to be conservative or to be exploitative. It is an English class. Our focus is on writing and writing skills. I really individualize everything according to the level

of the student and what they are capable of doing, and stress responsibility. It's a conservative community and whether someone likes it or not, these students are products of the community and they more often than not reflect what we have.

Combest further replied to the same question:

I don't think we're really a controversial newspaper. I know our history would seem to convey that. I wrote a story on the student loan program. I wrote about Representative William Clay. I spoke off the record to some members of the administration, and I asked them if they thought what I was doing was a good idea, how I should word things, and go about things just for their advice and input. I took their considerations. I kinda did my own thing and I wrote a pretty strong story about the student loan program and there weren't any repercussions or anything like that. We are not any more controversial than your local high school newspaper.

According to Stoller, the type of articles the *Spectrum* publishes are:

Confined to the dictates of the curriculum, because it is for credit and the curriculum is written so that we cover straight newswriting, we cover editorial writing, feature writing and sports writing. So the newspaper is organized as such...and advertising is not part of our curriculum, so there is no advertising in our newspaper. The focus is primarily on writing.

Combest said that, "95% of the stories that we have done are ideas that have come, not just from us, but from what people say. And I don't think the stories we write are written to please the administration. I think what we do is very reflective of what our population wants to read."

Stoller indicated when asked if there were articles too "hot" to print that due to time constraints (only Journalism II students actually write;

Journalism I is strictly classroom, so there is only one semester for actual writing of stories) students couldn't be trained to do in depth investigative reporting. Also, there is a major focus on Homecoming and Prom Court. She did say that of what has been brought to her, she had no knowledge of anything too "hot" to print. "I'm sure there might be. I would say that probably, for example, if we did something on teenagers in porno movies, that would probably be considered," replied Stoller.

When asked about the subject of articles being turned down, Stoller indicated that an article she didn't feel was worth printing was a story on condoms written in the second semester. The students' piece was not up to standard, so it was rejected. The student was not willing to improve the story. There have been other stories that have also been rejected, Stoller noted, because they were not well written.

When asked about the effects of the Supreme Court decision on the quality of journalism at *Spectrum*, Stoller reflected:

Nothing has changed for me as an advisor, since the ruling and prior to the ruling. I started work in the fall of 1985, so in essence I had two and one-half years under the belt before the ruling, and nothing has changed. I have operated the same. I have never been subject to prior review. . . . I don't think the ruling has had any effect whatsoever on the strength and weakness of the publication.

Stoller refused to comment on the 1988 Supreme Court ruling for Hazelwood East, by relating, "In 1988 I took the position, and I will continue to take the position, 'No comment.' I'm employed by the school district and that's it."

Combest's feeling on the Supreme Court decision is that he doesn't feel stifled. He felt it was a good decision.

I know there is a movement for a free expression bill in Jeff City. Had I been a legislator, I don't think I would have voted for it. I think the administration is using their discretion, looking out to use their best taste, and I think they are really looking out for us. I don't think it's a situation of they disagree with what we say politically, and we can't print it. I think it's a situation where they have good taste in mind. Hazelwood has people to report to, and I think it's a good decision.

Both Combest and Stoller are very positive in their responses concerning freedom to print and do not seem to feel any restrictions from the administration. The atmosphere at Hazelwood East's *Spectrum* is one of cooperation with each other and the administration.

Writing and responsible journalism are the two main goals Stoller strives for and this is apparent in her comments on those subjects. For example, Stoller indicated that a student's piece was not up to standard so it was not printed. "The focus is primarily on writing," Stoller said. She indicated that the paper has never been censored in her eleven years with Hazelwood East, and there are no limitations on what the paper prints. There

is no written agreement that the advisor has to submit copy or photos that might be controversial before publication. Controversial material would be shown to the principal out of respect, and respect for the school. "I think I am doing myself a favor by that. I'm not all knowing," Stoller said.

On her reaction to the deletion of the article in the May 13, 1983, edition of *Spectrum*, Stoller recalled thinking there was more to the story, that there wasn't a balance in the way things were being presented and initially thought the situation was being "blown out of proportion." Stoller sat down and discussed the situation with Dr. Reynolds and, "...my reaction still remains to this day, I don't think it should have gone to court," Stoller concluded.

When questioned about taking a risk to get something printed if there were consequences involved, Stoller expressed that she would first have to consider her two children at the University of Missouri (Columbia) and "check to see if it was worth it or not" (laughs).

I see myself as a common sense type of person, and this is not fair to make this statement, but I have understood that hearsay is that [Bob] Stergos was a crusader type of thing. I'm more concerned about these kids and their communication and their organization, their life skills. . . I want to know what's working for you. Are we doing this correctly by focusing on your writing and then when you get to college that your ideas are starting to gel a tad more, and you are becoming more adventuresome. Or should I be challenging you?

When asked the same question, Combest said that he would push as far as going to the principal. If he wrote a story, and he thought the story was in good taste or felt the piece was fit to print and the principals did not agree, he would sit down with the principals and argue his case, but if they disagreed, he would take their word. He accepts the Supreme Court decision and accepts that in the public school setting, students "only have so many rights. I think the principals have a right to step in on behalf of all the parents in the district and say what we can and cannot read," said Combest.

On alternative publications such as an underground newspaper, Combest indicated he did not oppose them, however he didn't think they were necessary at Hazelwood East. "There are plenty of places to get the word out." he said.

On the subject of student journalists Cathy Kuhlmeier [Kuhlmeier-Collins], Leslie Smart and Leann Tippett, and their actions in 1983, Combest replied, "I disagree as far as my view on it, but I have respect that they took it as far as they did. At least now we have a definitive decision to work with, and I'm sure there are some gray areas, but since the Supreme Court decision, we know what the law is, what we can and cannot do."

Combest concluded that he disagreed with their fundamental idea, that students should be able to print what they want. He believes that principals

have a "right to review and censor it, I wouldn't say censor, but I would say they have the right to review and use their best discretion."

When questioned about First Amendment rights and the students' knowledge, Stoller replied that they should be aware of the decision because in order to be on the staff, they have to take a class called Journalism I, or prior to this year was known as Introduction to Journalism and she teaches a section on that.

We have discussions and if they are not aware of it, they were either asleep that day or not in class. I don't think that they ever think in terms that their rights are being restricted; that's not the way we do things around here. Everything always comes back to responsibility, and if it is a responsible piece or responsible action or issue, then there will be no restrictions.

Combest saw his freedom of expression existing within limits. He said *Spectrum* journalists can "say anything that is not libelous and slanderous, but as far as the *Spectrum*, which is set up by the Hazelwood School District, we have to go by their rules, and sometimes we are going to disagree with them, but we have to live with them."

Combest's comment about not printing anything libelous and slanderous is important and it represents a genuine fear of high school administrators. A high school's current liability to libel and slander is among the issues addressed by Missouri State Representative Joan Bray and the focus of Bray's bill, House Bill 953. This bill could open new avenues of First

Amendment rights and is designed to give students responsibility to make journalistic decisions in the learning environment. The bill also absolves school administrators from liability to suits for libel, slander and inciting unrest. Representative Bray is in her second term in the House of Representatives. She is a former professional journalist, having previously worked for the *St. Louis Post-Dispatch*, and other newspapers.

Although she did not cover the Hazelwood story, she was aware of the on-going events. Bray said the Hazelwood decision is a major setback for student rights and that the Court at the time of the decision was not friendly to these kinds of issues. When asked what the bill encompassed, Bray replied:

Well, I have to believe that what this bill does, in only a small way, is that it trains, or educates student journalists. What it does is really teach more students about their rights and responsibilities. You know, there are a lot of kids involved in school newspapers who are not going to become professional journalists, but they learn really valuable lessons about taking responsibility for their First Amendment rights as citizens. It's an incredible civics class for them. So I worry about the real classical lessons in citizenship, and being responsible citizens, voters, whatever, without, it becomes worse and worse how kids don't have any First Amendment rights.

Bray indicated the main factor in getting the bill started was the Hazelwood decision, and that student rights are in danger of becoming an issue for the school boards and principals to decide. "Well, I think that is what

happens now. The administration and the school board decides what their audience is like," Bray said.

She said roadblocks existed to passage of the bill. Although the bill has gotten passed out of committee each year for four years, the bill has only been voted on once, on the House floor by being attached to a another bill, and then debated and voted on, but defeated. Resistance comes from the School Board Association, the School Administrators Association, and anyone who represents superintendents, school boards or administrators, oppose the bill. "Lobbyists just hate it. Those school administrators think it is the worst thing in the world to give students responsibility," Bray said.

What could the possible repercussion be from student journalists being responsible for the content of their student publication? Who could possibly fear a high school newspaper's content and why? Bray responded:

It just blows me away, because every year I say, they bring up these extreme 'what if' and I just have to say you can't legislate on 'what ifs'. The Student Press Law Center does not have any examples of students running around libeling anybody in the newspapers. It just doesn't happen. The legislature is fearful of what doesn't happen. What does happen is that students try to take on responsible stories, like the Blue Springs (Missouri) case, where they tried to let their colleagues know about unscrupulous businesses selling, against the law, selling cigarettes to minors, and the administration whacked them for it and pulled the story. That's outrageous. It's the exact reason this bill is needed, when administrators don't have enough sense to not let their students do that story.

Support for the bill comes from the National Education Association, social studies and journalism teachers, student organizations, A.C.L.U., the Student Press Law Center, and Mark Goodman who was very helpful on the bill. Also Franklin McCallie, principal of Kirkwood High School, spoke "eloquently for the bill," Bray related.

The language in the bill has been compromised somewhat by including language that allows teachers to tell students if stories are libelous or slanderous, although Bray felt that in responsible classrooms that takes place anyway. She describes the teacher as responsible for teaching high standards of journalism and English, and that high standards of journalism include ethics and responsibility. Bray hopes the bill will send a message to the Department of Elementary and Secondary Education and also to the school districts around the state (Missouri). No journalism program should exist if the school cannot have a qualified teacher.

Bray adamantly said:

And if they're not going to have a journalism program with a qualified teacher, if they're going to put out a 'house organ', that glorifies the school district, then say, 'We're teaching Public Relations 101 and we're going to put out this thing that glorifies the school district.' Don't say we are teaching journalism. They're not teaching journalism. They are teaching P.R. Say it, that's OK, just say it. Don't say it's journalism.

Bray's comment reflects similar comments by Mark Goodman, of The Student Press Law Center. Both say the foundation for the education of future journalists is in the schools. The Student Press Law Center's continuing education program, including lectures and information in the form of pamphlets or the book, *Law of the Student Press*, and other tools to get the message out that students do have rights. Journalism teachers can play an important role in promoting First Amendment awareness through their teaching and the newspapers their students publish.

Goodman said;

High school journalism teachers, at least as far as their organizations go, I think are more strongly committed to student press freedom and independence today than they ever have been, certainly more than they were at the time of Hazelwood when it was not something that a lot of their organizations thought of on a very direct basis.

Bray related the importance of the bill to students and the noted significant support and involvement of students and their teachers. She also indicated that the legislators' favorite testimony on the bill comes from students, and these students are really dedicated to doing their best.

The students who are involved with this (the school newspaper) are students who know how to discriminate, think and make judgements; and they learn about doing that in a journalistic setting. It's just ludicrous to think that the students who get involved in these kinds of efforts are not able to take responsibility. A lot of these students are 18; they're seniors when they get into this. We tell them to go vote and

do all these things, but we tell them they can't decide what kind of stories they can put in the newspaper.

Though she suggested the bill was playing a role in raising consciousness about the issue, Bray does not see the bill passing in the immediate future. At this time, she observed, there isn't enough support and it will not come up for a vote. The system controls whether or not the bill comes to the floor. Bray said the "chair of the committee doesn't like the bill, and the guy has been the chair of the Judiciary Committee for the past three years, on this bill, is leaving. So we will have a new judiciary chair next year, but I don't know what will happen."

Nevertheless, the bill is a positive step for student First Amendment rights in the writer's opinion. The premise that students need to be led by administrators in making decisions about what to print does not seem reasonable. The articles involve real life issues most that students need information on. Should high school journalists ignore divorce, teen pregnancy, A.I.D.S., racial problems, and the myriad of drug and alcohol problems and abuse issues because the district feels a good image is utmost for public relations? Although the bill would take the pressure off the administration in terms of libel and slander liability, school boards still oppose House Bill 953. The school boards' position on the bill suggests this is more of a control issue, whereby the administrators feel authority should rest in the

hands of the educators and the student should respect authority without question.

When asked his view of House Bill 953, Combest responded that the bill was a move to politicize the *Hazelwood v Kuhlmeier* decision. He added that when it comes to censorship and banning books or the principals' review of literature, he felt principals should have the authority, along with the school board to decide what is appropriate. If there is a problem, Combest said, there are steps to be taken to resolve the problem. As far as the bill is concerned having not read the fine print, but knowing what it is about, he still believes that any attempts to infringe on a principal's right to review is unwarranted.

Both Combest and Stoller were clearly comfortable with the administration's oversight now in place. When asked how she would have handled the 1983 *Spectrum* issue, Stoller said; "I don't think it would have happened. It happened because there were no lines of communication. I don't think it would have happened because I have always had good communication."

Stoller was positive about her job and the quality of her students. The most enjoyable aspect of her job, is the students, Stoller said. "...The ideas, the innocence of high school students is refreshing to me. You develop a relationship with almost every student. Fortunately that relationship

continues. I am still hearing from kids ten years ago when I started. It is absolutely unbelievable to see the growth. That to me is the whole ball of wax; to see the growth."

Combest feels he has the "freedom to write what he wants," and that is within the limits of good taste. "It's the ability to have something that you feel strongly about and have some sort of vehicle to get it out to your friends and I guess, to an extent, the public. Having something that really is important to you, and being able to have a forum to express that. That's the best part for me." Combest said:

Despite their testimonies, the original censorship at Hazelwood East High School in 1983 seems, in the writer's opinion, unjustified. There was no Supreme Court ruling stating that Hazelwood East's *Spectrum* was not a public forum and this assumption was the basis of the Hazelwood opinion. At the time of the articles, the Tinker Standard applied. This gave students full First Amendment protections. The Tinker Standard stated that First Amendment protection must apply to students. It had established that a school ban against wearing black arm bands in protest of the Vietnam War violated students' rights to free speech and in so doing created a standard for examining the constitutionality of high school regulations. Tinker concluded that in the area of speech, student expression may be restricted only when it "materially disrupts classroom work or involves substantial disorder or

invasion of the rights of others" (313 Byrks). Therefore, the substantial disruption standard in *Tinker* created the foundation for judging students' free speech rights in the school setting and the benchmark from which all other student/school free expression cases have begun. School administrators can only deny student expression when it is necessary to protect the substantial governmental interest of maintaining an orderly learning environment.

In the *Hazelwood* case, there was no disruption or invasion of the rights of others. All the names had been changed in the divorce story. As Kuhlmeier-Collins stated, "We followed up on everything real good. His (Reynolds) big objection, he said, was the divorce story (parents were not given a chance to respond). But the parents were aware of it. My mom was one of those we talked to about divorce. They had to sign and initial that this was OK, and we had to quote them correctly. What was the problem?" On the pregnancy issue, "...There were so many girls in the school that were pregnant, it probably messed up a lot of lives."

Yet, the administration, especially Dr. Reynolds, who according to Kuhlmeier-Collins sent the memo that in essence said that divorce was a topic inappropriate for high school newspapers, felt that the girls could be identified. The students in the story agreed to be interviewed for the *Spectrum*; they were not forced to submit to the interview. It seems that the Hazelwood East administrators, including Dr. Reynolds, felt they could stop

the stories because they were against the pregnancy issue being presented in a positive way.

On Bob Stergos leaving Hazelwood East, there seems to be a case of getting a troublemaker out of the way for good. Stergos' problems with Francis Huss, as reported in the *Nation* by Steve Visser, that said:

The semester before, a student had written a series of articles on grading inconsistencies and fairness regarding ratings of class participation, as well as comparisons of coaches' salaries (coaches of women's sports were paid less). They were not stories Huss liked, so he came over to browbeat the journalism advisor. I walked in and the first thing he said to me was, "Do you want to keep your job", Stergos told me; a statement Reynolds later collaborated. "He said, I don't care how you do it, but you will not allow those students to question board policy again." (442)

The article goes on to say that Stergos basically told Huss to go to hell and this was the beginning of prior review, in January 1983. Later in court, Huss claimed, "Stergos has been reprimanded for only violating the curriculum." The district curriculum guide for journalism states "students will be able to research a subject in depth to write a documented analysis of a school problem or issue," and Reynolds later admitted to Visser that the administration possibly had been closer to violating the curriculum than the advisor. That information is strong evidence in the writer's opinion that Stergos was forced out.

The Hazelwood East High School newspaper, *Spectrum*, is a perfect example of the effects of the decision. The paper is operating correctly under the guidelines of the Hazelwood / Supreme Court decision of 1988. Cheryl Stoller, a dedicated advisor and teacher, completely abides by the ruling and does not have a problem with the system, and John Combest, student journalist, is satisfied and feels the newspaper is operating in a free environment. Cheryl Stoller and John Combest give a detailed and accurate account of the workings of the *Spectrum*. Both Stoller and Combest answered all questions in an honest and direct manner. They did not seem to be operating out of fear of reprisal because as Stoller said; "Oh, I've never been fearful of the administration. I go back to, and I believe the strength of any newspaper / high school publication is in the lines of communication between the advisor / staff and the administrator." Combest as a student and as a writer does not feel his freedom is being controlled and said; "I know that we have the right to say and do anything that is not libelous or slanderous." Statements made to the writer indicate that those representing the *Spectrum* in this interview are comfortable operating in the atmosphere at Hazelwood's *Spectrum* newspaper.

The Hazelwood East newspaper environment, however, seems to be complacent and the attitude is one of conformity to administration wishes and the Hazelwood decision. If the administration does not agree, students

change the story or possibly do not print it. There seems little passion for taking a stand if need be and printing the article as students write, not as someone feels is more tasteful? Students are responsible people too, able to vote, get married, go to war for their country, and shoulder many other grown up responsibilities at eighteen. Should one person looking out for an institution's image control the media, and the type of information students receive? Certainly in the adult publishing world, the publisher has the last word. However, if journalists had recoiled from pressure when trying to get *The Pentagon Papers* published or break *The Watergate Case*, those cover ups would have set back journalistic freedom and the long term outcome would have been increased censorship. Because of those journalists who chose to fight, press freedom and the continued fight to insure First Amendment rights is alive, not only in the adult world but in the high schools as well.

A new example of the fight for student rights was highlighted in a recent article in the *St. Louis Post Dispatch*, April 10, 1996. The article, "Smoked Out, Principal Pulls High School Newspaper Story," centered around a Blue Springs, Missouri school. Blue Springs South High School, where students wanted to include a story on how easy or difficult it was for minors to purchase cigarettes. Two students from the paper went undercover to buy cigarettes. They were fifteen and sixteen years old, under age to

purchase cigarettes. Two out of eight businesses sold the underage students cigarettes. The investigative student reporters decided to run the story, with the names of the businesses, and their owners.

The administration intervened by saying the names of the businesses must be deleted. Paul Kinder, the district's Deputy Superintendent, felt that the students should not cover issues off campus by saying, "I think that's a bad practice" (*Post Dispatch*).

The newspaper editor of the Blue Springs High School *Jaguar Journal*, Dennis Littrell said, "We thought that defeated the whole purpose of the article." The article was not run; instead, the white space containing the article was utilized.

Mark Goodman of The Student Press Law Center is quoted as saying, "There is no reasonable educational concerns of censorship. We're going to do everything is our power to help get this published" (*Post Dispatch*).

On April 11, 1996, the *Post Dispatch* ran a story, "Going to Press, Newspaper Gets OK to Run Story," after a local newspaper in Blue Springs, Missouri, *The Examiner*, ran an article about the controversy using the names of HY-Vee Food and Drug Store, and Price Chopper South. Responding to the publicity, Paul Kinder, District Deputy Superintendent, said, "We're going to publish the article as it was originally written." Pressure from local and national media caused the district to reverse their decision.

The rights of high school students are our investment in the future. What students learn in school about First Amendment freedom and values are the attitudes that carry into the adult world. Students are the people who have the job of continuing the legacy of freedom, and educating them is a responsibility that journalism advisors and all teachers must live up to. Student publications train students to be responsible, truthful, discriminating and to make sound judgements. With the enormous task of keeping freedom intact, only the best trained and dedicated teachers should be in charge of such an important mission. Continuing education of the First Amendment must go forward; the future of our continued freedom begins with the students.

In conclusion, reflecting on the landmark case with her name attached, Mary Beth Tinker, commenting on the 1969 decision for student rights said this in an article in the *Riverfront Times*, March 27, April 2, 1996 by Jeanette Batz, "Someone may take a stand today that's unpopular, but 100 years from now, turn out to be right." She also said, "That's what gives me strength. When you look at history, so many things have turned around -- Galileo, germ theory. You never know who's going to have the last laugh." (10)

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APPENDIX A



GLOBE



RICHARD "ONION" HORTON IS STILL MAD AT THE WORLD

St. Louis' most outspoken black commentator says he'll never change until America does. And, by the way, why is he called Onion?



Too hot for Hazelwood

These three young women decided to make a federal case out of it when officials of Hazelwood East High School deleted four articles — dealing with teenage pregnancy, teenage marriage, runaways and the effects of divorce on children — from their student newspaper. The stories were deemed "not appropriate," or "too sensitive," according to court testimony. We thought you'd like to read all about it. So we are publishing the stories for the first time.

Too hot for Hazelwood

During a federal court hearing last November, three former students of Hazelwood East High School claimed their First Amendment rights were violated by censorship of the following articles (beginning at left). The ex-students — Cathy Kuhlmeier, Leanne Tippett and Leslie Smart — were journalism students working on the school's student newspaper, *The Spectrum*, on May 13, 1983, when the articles were withheld by the school administration.

A court decision on the suit, filed against school officials, had not been made at press time.

Sex and the teenager

Two-thirds don't use birth control

By Anita Colburn

SIXTEEN-YEAR-OLD Sue had it all — good looks, good grades, a loving family and a cute boyfriend. She also had a seven pound baby boy. Each year, according to Claire Berman (*Readers Digest* May 1983), close to 1.1 million teenagers — more than one out of every 10 teenage girls — become pregnant. In Missouri alone, 8,208 teens under the age of 18, became pregnant in 1980, according to Reproductive Health Services of St. Louis. That number was 7,363 in 1981.

Unplanned pregnancies can no longer be dismissed as something that only happens to disadvantaged teens from lower social-economic groups. In fact, the highest rate in out-of-wedlock births has been among 15- to 17-year-old whites, according to Claire Berman. Thirty percent of births out of wedlock in Missouri were to young white mothers and 89 percent were to young mothers of other races.

Teenage sexuality:

Other statistics connected with teenage pregnancy are equally noteworthy. The rate of teenage sexual activity in the U.S. is alarmingly high. Of every teenager in the country, between the ages of 13 and 19, 7 million teenage boys and 5 million teenage girls are sexually active, according to a study done by the Alan Guttmacher In-

stitute, which specializes in family planning. According to the national average, teenagers begin sexual activity at about age 16.

Birth control:

Nearly two-thirds of sexually active teenagers do not use birth control. If birth control is used, it is used irregularly. The 62 percent who have never used birth control run a high risk of getting pregnant.

"I've had many a girl tell me she gave her pills to a friend because she wouldn't be needing them herself that week," says a nurse who works with pregnant teens (*Readers Digest*, May 1983). "When sex education is offered, it too often is confined to diagrams of the uterus and ovary. A lot of kids have seen a lot of diagrams. What they don't know is sex can lead to babies!"

Even with the availability of birth control, many teens experiment with sex for months before using contraceptives. "It's as if being prepared makes one immoral," says Linda Nessel, who is associated with the Pregnant Teen, Teen Mother program at New York's YMCA. "These girls believe that if you plan for sex, you're fast or bad. So it's the 'good' girls who get pregnant."

Although peer pressure plays a large role in unintended pregnancies, ignorance seems to play the largest part. "In spite of

their sexual experience, these youngsters lack in information," says Naomi Berman, who is also associated with the YMCA program. "They don't know such basic facts about their bodies as when conception is likely to occur and they're afraid to ask questions for fear of appearing dumb. Moms and dad:

Parents should discuss sex with their children, talking about emotions as well as actions, making their children aware of the parental standing and the reason for them, according to Claire Berman.

However, 98 percent of our country's parents say they feel uncomfortable and need help in discussing sex with their own children, according to Planned Parenthood Affiliates of Missouri. Sex-education specialist Ruth MacDonald urges that parents learn to talk more comfortably about the subject, because their children are surrounded by it. "Parents can't stop kids from listening to music or watching television," she says, "but they have to realize they are still the most important force in their children's lives — and that they have to get equal time with the other influences. This is a whole new society."

Abortions:

Between the years 1970 and 1980 there was a 51 percent increase in teenage abortions, according to Planned Parenthood. In 1980, three out of every 10 abortions were obtained by teenagers.

A major problem in teenage abortions is teenagers delay having their abortions, thereby increasing risks to health by as much as 100 percent for every week delayed, according to Planned Parenthood. Although most teenagers choose abortion, says Claire Berman, there are still three live births for every five abortions.

Consequences:

The consequences of teenage pregnancy are alarming. The risk of death to babies born of teenage mothers is nearly two times greater than the risk to babies born of women in their 20s, according to Planned Parenthood. Teenagers are more likely to have premature births and 23 percent more likely to suffer complications related to premature births. Teenagers also have a 39 percent greater risk of having a baby of low birth weight, a major cause of infant deaths, illnesses and defects.

Another consequence of teenage childbearing is the interruption of schooling. Teenage mothers who give birth before the age of 18 are only half as likely to graduate from high school as teens who put off childbearing until their 20s. Teenage fathers who are under the age of 18 at the birth of their babies are two-fifths as likely to graduate from high school as those who aren't fathers yet.

Teenage pregnancy is becoming an epidemic. It has become a major health,

social and economic problem for this country. Millions of teens get pregnant each year and millions will in years to come. Could one of them be you?

The Squeal Rule:

The Squeal Rule was proposed by the Health and Human Services Department to help prevent teenage pregnancy and strengthen the communication bond between parents and their daughters, making teenage sexuality a family matter.

The rule would require notification parents within 10 days of the time the daughter, under 18, received birth control pills, a diaphragm or an IUD from a federally funded clinic.

Nationwide, the rule would affect around 5,100 clinics and more than 500,000 minors who receive prescriptions from these clinics each year.

Proponents of the rule have brought figures into focus saying that the use of contraceptives by teenagers is dangerous to their health, but the statistics were caused from women over 30 who smoke.

Planned Parenthood, which could lose \$30 million in federal subsidies by promoting confidentiality to prescribers, introduced facts which prove that not the use of contraceptives, but being pregnant is the riskier for teens. The statistics show that, for every 100,000 teenagers who give birth to live babies, approximately 11 give up, according to Amory Shales of *The New Republic*.

Ms. Shales also pointed out another factor. "In a family where the child is already chosen to have sex without telling her parents, how will a letter in the mail announcing the fact improve family relations?"

Proponents argue that a girl who uses contraceptives and goes to a clinic showing responsible actions. By putting the rule into effect, it would put girls at risk for their actions.

Proponents say that the rule would decrease pregnancies if put into effect. However, experts say that if the rule is put into effect, teenage pregnancies would increase up to 100,000 a year. For example, the rule is out of date in a state where male contraceptives are available at the local drug store.

To the satisfaction of the rule's opponents, a federal judge disallowed government from putting the rule into effect by issuing a permanent injunction against it in early March (1983).

Mrs. Barbara Boghosian, nurse at E. would not agree or disagree with judge's decision. "I can see both sides. There are cases where it would be beneficial. I can't say whether it's right or wrong. It's an individual thing."

The Squeal Rule segment of the story was written by Christine De Haan.

Student pregnancy: Three personal accounts

"We love our baby more than anything in the world..How could we not love him?..He's so cute and innocent."

by **Christine De Haan**

THREE STORIES are the personal accounts of three Hazelwood East students who became pregnant. All names have been changed to keep the identity of these girls a secret.

Tary:

I am five months pregnant and very excited about having my baby. My husband is excited too. We both can't wait until it's born.

After the baby is born, which is in July, we are planning to move out of his house, when we save enough money. I am not going to be coming back to school right away (September) because the baby will only be 2 months old. I plan on coming back in January when the second semester begins.

When I first found out I was pregnant, I really was kind of shocked because I kept thinking about how I was going to tell my parents. I was also real happy. I just couldn't believe I was going to have a baby. When I told Paul about the situation, he was real happy. At first I didn't think he would be because I wasn't sure if he really would want to take on the responsibility of being a father, but he was very happy. We talked about the baby and what we were going to do and we both wanted to get married. We had talked about marriage before so we were both sure of what we were doing.

I had no pressure (to have sex). It was my own decision. We were going out four or five months before we had sex. I was on no kind of birth control pills. I really didn't want to get them, not just so I could get pregnant. I don't think I'd feel right taking them. At first my parents were upset, especially my father, but now they're both happy for me. I don't have any regrets because I'm happy about the baby

PREGNANCIES

from preceding page

and I hope everything works out.

Patti:

I didn't think it could happen to me, but I knew I had to start making plans for me and my little one. I think Steven (my boyfriend) was more scared than me. He was away at college and when he came home we cried together and then accepted it.

At first both families were disappointed, but the third or fourth month, when the baby

started to kick and move around, my boyfriend and I felt like expecting parents and we were excited!

My parents really like my boyfriend. At first we all felt sort of uncomfortable around each other. Now my boyfriend supports our baby totally (except for housing) and my parents know he really does love us, so they're happy. After I graduate next year, we're getting married.

My boyfriend and I have a beautiful relationship and it's been that way ever since three years ago. Therefore, I really do think that the future looks good for baby Steven.

I want to say to others that it isn't easy and it takes a strong, willing person to handle it because it does mean giving up a lot of things. If you're not willing to give your child all the love and affection around, you can't be a good parent. Lastly, be careful because the pill doesn't always work. I know because it didn't work for me.

This experience has made me a more responsible person. I feel that now I am a woman. If I could go back to last year, I would not get pregnant, but I have no regrets. We love our baby more than anything in the world (my boyfriend said I) because we

craved him! How could we not love him?...He's so cute and innocent...

Julie:

At first I was shocked. You always think "It won't happen to me". I was also scared because I did not know how everyone was going to handle it. But, then, I started getting excited.

There was never really any pressure (to have sex), it was more of a mutual agreement. I think I was more curious than anything.

I had always planned on continuing school. There was never any doubt about that. I found that

it wasn't as hard as I thought it would be. I was fairly open about it and people seemed to accept it. Greg and I did not get married. We figured that those were not the best circumstances, so we decided to wait and see how things go. We are still planning on getting married when we are financially ready. I also am planning on going to college at least part time.

My parents have been great. They could not have been more supportive and helpful. They are doing everything they can for us and enjoy being "grandma and grandpa." They have also made it clear it was my responsibility. ■

TEENAGE MARRIAGES

from page 6

Sell, the divorce rate for teen marriages is 75 percent. For adults, one out of every two marriages ends in divorce. Mr. Kerckhoff said, "If you marry your high school sweetheart right after you graduate, you have a 25 percent chance of success. If you wait four years, until you're 21, the odds improve 100 percent to 50 percent."

There are pros as well as cons to getting married young. Alan Beretstein, co-director of Psychological Consultation Association in New York and a clinical instructor of psychiatry at New York Medical College, talked about the advantages of early marriage in an article in Harper's Bazaar. He said that marriage provides young partners with the opportunity to influence each other's development and share in major decisions.

However, Mr. Kerckhoff disagrees. "There are some problems, but in terms of emotion, they are very fleeting," he said.

The disadvantages encompass the advantages—*emotionally*. Increased bonding can have results it's not so impossible for most couples to live on their own, forcing them to live with their families. Jonathan Childs Brink, senior, who got married in November, lives with her husband in her parents' home. "The basement is completely furnished like an apartment. It's just all I got out of school," she said.

Mr. Kerckhoff added, "It (marriage) keeps you with responsibilities that are heavier handed later on. They (the couples) tend to run away from it (the responsibilities)."

Mr. Beretstein concluded, "People who marry young may spend the rest of their lives wondering if they chose the right partner."

There are, however, exceptions to the rule. Dana Payne has been married for two years. She said the success of a marriage "depends on how mature you are. I married a lot older. I got married."

Teen marriages can have the odds. Compromise is the key, according to Ms. Dry. ■

Teen marriages: A bleak outlook 75 percent end up on the rocks

By Beth Coakley

IS GETTING MARRIED young all it's cracked up to be? If it is, then why do three out of four marriages end up in divorce court?

There are several reasons why teen marriages do not last. These include lack of behavioral maturity, early pregnancy, financial difficulties as well as the overemphasis on romantic love instead of realistic love for the basis of the relationship, according to Mr. Ken Kerckhoff, social studies teacher, who teaches Life in Franklin.

He went on to explain that

romantic love reaches a high up-peak of emotion that deteriorates quickly when realistic love is a more rational feeling, however, longer lasting.

"The main reason teens get married is because of pregnancy," said Mr. Kerckhoff. An article in *Serrettes magazine* (Feb. 1982) by Sheila Mary Dry, listed several other reasons which include wanting to escape a troubled home life or wanting to show maturity.

continued on page 1

What do they do to runaways and delinquents?

By Mary Williams

MY dad wouldn't buy me a pair of Jordache jeans. He says they are too expensive. I think I will run away!

Not a very good excuse for leaving, right? Unfortunately for some, this is exactly the excuse they use for escaping to a life out on their own. It is estimated, by the FBI, that 1 million teenagers a year run away looking for something better.

Most runaways leave for more serious reasons than a pair of jeans. For example according to The Globe-Democrat, Becky (a fictitious name) was referred to the Welfare Department by her high school counselor and placed in a foster home at age 14 because of several advances made to her by her father.

Patty (a fictitious name) ran away after an argument with her mother in which she (the mother) showed no anger, "I don't care about you anymore." Patty recalled, "At that time, I took it seriously."

According to Mr. Thomas Bick, guidance counselor, "More girls run away than boys, usually because of a restriction or breakdown with someone." Other reasons for running away include: parental neglect, physical and sexual abuse, discipline problems, pregnancy, marriage, restrictions and failure in school. The average runaway is 16 years old.

According to Detective Michael Williams of the St. Louis County Police Department's Juvenile Bureau, "About 95 percent of runaways in the Hazelwood area leave because of an argument with a parent. The other 5 percent result from physical abuse, emotional abuse, restrictions, or divorced parents' living arrangements.

According to runaway service

organizations, about 35 percent of runaways nationwide leave home because of incest, 53 percent because of physical neglect and the rest are throwaways (children kicked out or simply abandoned by parents who move away.)

Although this is seemingly not a common occurrence in Hazelwood, the truth is that in cities as large as St. Louis, Chicago and Los Angeles, runaways are a very common and rapidly growing problem.

"Everyone thinks the grass is greener on the other side of the fence. It isn't," said Mr. Bick.

Once out on the streets, runaways are easy marks for gangs, drug pushers, pimps and other hardened criminals. Some are beaten, raped or homosexually assaulted or become victims of muggings.

Without adequate shelter and food, runaways are exposed to a whole range of medical illnesses, from respiratory infections to V.D. The use of dangerous drugs, party drinks and especially shoplifting are common to runaways.

Experts offer advice to any parent who is thinking of running away — Don't! Seek help to push up the cause of the suspension.

Help available for runaways

There are many places a prospective runaway can go to receive help: the runaway hotline, friends or relatives, the police department, division of juvenile services or the guidance counselor at school.

School counselors are sometimes thought of as mediators in problem situations, and there is a job which involves a large amount of trust.

Mr. Bick said, "The first priority in a runaway case is to contact the student and make sure he is safe." Although this is very hard to do, it is usually achieved through the student's friends,

parents, teachers, faculty or parents.

After the student has been contacted, a meeting is set between the parents and the student at school to discuss the problem.

According to Mr. Fred Devia, guidance counselor, "Through communication with the family members, we try to discover the hidden real cause of the problem and correct it. In cases of alcoholism and child abuse, I try to get them (the parents) to face the problem and admit their guilt."

In addition to these counseling steps, Mr. Bick said, "I give the student a pamphlet to take home which is associated with the problem (child abuse), to place on a bed or someplace where the parent can see it. It is sort of an eye opener to the parent."

The steps of counseling change depending on the case because each situation is different. These steps are usually continued in cooperation with the family until it is successful, although Mr. Bick said, "It usually takes much more than one session."

Help is also available through court authorities called Deputy Juvenile Officers. DJOs are usually notified of chronic runaway teenagers who have run away four times within one calendar year. They are also notified by parents who come in and report their child as a runaway. Tom Caruso, DJO, said, "Most runaways stay close to home with a friend or relative, but every once in a while they go out of state."

The St. Louis County Police Department comes in contact with runaways on the street (beat officers), parents and teachers.

Detective Williams said, "When a runaway goes out of state, they are automatically put in a computer teletype system which is relayed state to state. When a runaway is found, they are returned to their home state."

Both DJO's and the police department use counseling sessions to work out the family problems which cause the student to run away. If nothing can be worked out or the case involves child abuse, protective action will be taken and a foster home may be provided. They also may be placed in group homes such as Aarygrove, 2705 Mullasphy Lane, a home for girls, and the Lakeside Center for boys, 13044 Larnie Ave.

Juvenile Delinquency

Juvenile delinquency is another problem associated with runaways. A juvenile delinquent, as defined by Mr. Roy Wolverton, guidance counselor, is a child who does not conform to accepted rules or standards imposed by society. According to Mr. Wolverton, "They're usually not bad kids. Basically, we try to straighten up their acts."

Some of the main causes of delinquency are neglect, peer pressure and poor self image. According to the Federal Bureau of Investigation, in 1980, youths under the age of 18 accounted for about one third of all crimes nationally. Also, 20 percent of all those arrested or violent crimes were juveniles. Juveniles

accounted for 9.3 percent of the arrests for murder, 15.9 percent of the arrests for rape, 31.5 percent of the arrests for robbery and 15.5 percent of all those arrested for arson in 1979.

Mr. Devia stated that he has handled cases of runaways, truancy, arson, narcotics, theft, assault, extortion, incest, prostitution, receiving stolen goods, mental depression and behavioral disorders. According to Mr. Devia, the possible symptoms of a problem are depression, divorce, disease, death and family breakup.

Mrs. Patricia Vawter, guidance counselor, said, "We help the student by listening — allowing the young person to talk freely without judgment on the part of the listener. We help explore possible actions and their consequences, and make referrals to outside agencies able to help on a more professional or continuing basis."

Help is sometimes offered through a DJO, who checks up on the student regularly, anywhere from six months to up until they are 17 years old. According to Mr. Tom Caruso, DJO, "We exert our energies wherever necessary according to the problem."

Mr. Caruso stated that juveniles can be brought to juvenile court three ways: by the police department, by the student himself or by the parents, with the charge of incorrigibility (not obeying). "They are then processed for foster care and may never see their parents again."

The Police Department handles juvenile delinquents in different ways according to the nature of the crime. These crimes can range from status offenses such as curfew infractions, incorrigibility, truancy, running away and murder. A status offense is an offense which is not considered a crime when committed by a juvenile.

Detective Williams of the St. Louis County Police Department said, "Juveniles have certain rights. For instance, they cannot be questioned without a parent or guardian present. They are then read their Miranda rights (you have the right to remain silent...) by a DJO and depending on the crime, the number of times it has been committed and on previous offenses, they can be tried as an adult if they are (at least 14 years old. If they are deemed an adult, a juvenile officer is not appointed and they are tried as an adult."

Detective Williams continued, "Either way a court hearing is set up and if the student is found guilty, the court provides the appropriate punishment (such as probation). At age 17, juvenile's record is wiped clean, but the court can have jurisdiction until the age of 21 when juveniles don't fulfill probation."

The courts try to help through social workers, the Division of Family Services, psychiatrists and group homes such as Marygrove, a home for girls, and Lakeside Center for Boys of St. Louis. Other services help the problems of young people including Youth in Need, 946-3771. The Youth Emergency Service (YES) 727-6294, and the Runaway Hotline, 1-800-421-4000.

When parents split

Kids can bear the scars

By Shari Gordon

IN THE United States one marriage ends for every two that begin. The North County percentage of divorce is three marriages end out of four marriages that start.

There are more than two central characters in the painful drama of divorce. Children of divorced parents, literally millions of them, are torn by the end of their parents' marriage.

What causes a divorce? According to Mr. Ken Kerckhoff, social studies teacher, some of the causes are:

- Poor dating habits that lead to marriage.
- Not enough things in common.
- Lack of communication.
- Lack of desire or effort to make the relationship work.

Figures aren't the whole story. The fact is that divorce brings a psychological and sociological change to the child.

One junior commented on how the divorce occurred, "My dad didn't make any money, so my mother divorced him."

"My father was an alcoholic and he always came home drunk and my mom really couldn't stand it any longer," said another junior.

One freshman, said, "My dad wasn't spending enough time with my mom, my sister and I. He was always out of town on business or out late playing cards with the guys. My parents always argued about everything."

"In the beginning I thought I caused the problem, but now I realize it wasn't me," she added.

"I was only 5 when my parents got divorced," said Susan Kiefer, junior. "I didn't quite understand what the divorce between my parents really meant until about the age of 7. I understood that divorce meant my mother and father wouldn't be together again."

"It stinks!" exclaimed Jill Viola, junior. "They can, afterwards, remarry and start their lives over again, but their kids will always be caught in between."

Out of the 25 students interviewed, 17 of them have parents that have remarried.

The feeling of divorce affects the kids for the rest of their lives, according to Mr. Kerckhoff. The effects of divorce on the kids lead to the following:

- Higher rate of absenteeism in school.
- Higher rate of trouble with school, officials and police.
- Higher rate of depression and insecurity.
- A higher risk of divorce when they themselves get married.

All of these are the latest findings in research on single parent homes. ■