Melting Hazelwood’s Chill

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report

STUDENT NEWS
Contents

Cover
- Sounding off reactions to Hazelwood ................................................. 3
- New laws may offer renewed hope .................................................. 5
- Standing up to Hazelwood: students and advisors take the initiative ... 7
- Arizona college insists on a decision's web ...................................... 9
- Sex section creamed at Florida high school ................................. 10
- School districts just say no to censorship .................................... 11

Censorship
- California law closes the road to censorship ................................... 12
- Western Kentucky professors propose a new law ....................... 13
- Libel publications sue University of Iowa ....................................... 15
- Virginia students protest, fight censorship wave ........................... 16

Courts
- Tour De Force loses appellate court decision in Minnesota ............ 17
- Nevada district court judge reverses Pineda freedom decision after Hazelwood .......................................................... 18
- Florida Review staffs have day in court ......................................... 19
- Judge And Answers gets an answer from Pa. B.C. courts .......... 20
- April Fool's spoof backfires in California ...................................... 21
- Lingering ad's refusal exposed in First Amendment suit ........... 22

Open Meetings
- Council meeting challenged by Massachusetts student ............... 23

Distribution
- Long Island literary magazine becomes focus of suit ................... 24
- Shooting story killed at Florida high school .................................. 25
- Ohio school zone redraws line ...................................................... 26
- Oral Roberts V. student district for distributing paper ............ 26

Libel
- New York professor's libel suit dismissed in court ....................... 27

Censorship
- Dartmouth Review in defense of black professor prompts suspensions 27
- KU Kappa radio show dropped in controversy ............................ 28
- Gay support group wins in Wisconsin business ..... 29
- Budgetary woes continue for California's University System .... 30

Confidentiality
- Subpoena of Wash. student reporter's videotape withdrawn ....... 32

Viewpoint
- Confidentiality and subpoena: To concede or not to concede? .... 33

Legal Analysis
- Hazelwood: The path between court and classrooms - a complete guide to the Supreme Court decision ....................................... 35
- Staying aloof in the quicksand of Hazelwood ................................. 39
- Footnote to Freedom: Why Hazelwood doesn't apply to public colleges and universities ................................................. 41

Model Legislation
- SPLC process framework for bills to counteract Hazelwood ....... 42

Model Guidelines
- A suggested policy to protect free student journalism .............. 43
A new license was granted to many school administrators on January 13, 1988.

On that day, the Supreme Court handed down its decision in the Hazelwood School District v. Kuhlmeier case, allowing broader control of student newspapers.

The case, argued before the Court on October 13, 1987, and in litigation processes for almost four years, progressed from a disagreement over administrative censorship of two pages of the Hazelwood East, Mo., High School Spectrum to a decision that could have an effect on virtually every form of school-sponsored student expression.

The Court said it will allow censorship of some student “speech that is inconsistent with [the school's] basic educational mission.”

Constitution issues writer Nat Hentoff says that language “knock[s] out the First Amendment rights of not only student journalists, but also those in drama, music ...[;] if you got up in political science class and said socialism was the best thing in the world, you would be punished for that.”

The Court refused to apply the standard it created in the case Tinker v. Des Moines Independent Community School District. In that case the Court only allowed censorship by school officials when they could demonstrate material and substantial disruption of school activities or invasion of the rights of others. In Hazelwood, the court said censorship will only be prohibited in school-sponsored activities when school officials have “no valid educational purpose” for their action.

The vagueness of the Supreme Court’s language bothered Paul McMasters, chairman of the Society of Professional Journalists, Sigma Delta Chi Freedom of Information Committee.

“It will create cafeteria journalism. Students will choose only the most innocuous subjects to write about and won’t challenge or discuss topics that are important to them, like drugs, sex, AIDS or teacher competency, because of fear of censorship,” McMasters said.

The students at Hazelwood East wanted to discuss topics that were important to them.

When Hazelwood Principal Robert E. Reynolds censored stories about teenage pregnancy and divorce
in May 1983, students Cathy Kuhlmeier, Lee Ann Tippett and Leslie Smart felt strongly enough about an infringement of their First Amendment rights to contact the American Civil Liberties Union.

The students lost their lawsuit in federal district court in November 1984, but in July 1986 the Eighth Circuit Court of Appeals overturned the district court decision. The three judges panel followed the Tinker ruling.

In the fall of 1986, the school’s attorneys asked the Supreme Court to hear the case.

Syndicated columnist James Kilpatrick disagreed with McMasters’ view of the dangers of the wording of the decision. “A great many things in

Philadelphia attorney Marc Abrams, former director of the SPLC.

“It could emasculate education all up and down the line,” said Ball State University professor emeritus Lou Ingelhart.

“At a time when Secretary of Education [William] Bennett is talking about insipid curriculums, this will make education even more insipid.” Ingelhart continued.

From many administrators’ point of view, however, the language of the decision made sense.

Ivan Gluckman, counsel for the National Association of Secondary School Principals, said it would lead to a more responsible student press.

“We were pleased the decision was broader than it needed to be just to reverse the lower court’s decision because of the general principle of responsibility it set down,” he said.

Gwendolyn Gregory of the National School Boards Association said her group had expected the school to win the case, but was still happy with the strength of the decision.

“Responsibility” is what Gluckman repeated he hopes students learn from the decision.

“There’s been a lot of criticism of the decision by civil liberties organizations, but I think it’s good that students have to learn the responsibility of the press and know that they can’t take a careless attitude toward it,” he said.

Dr. Lillian Lodge Kopenhaver, associate chair of the Department of Communication at Florida International University and president of the SPLC board of directors, disagreed with this viewpoint and said the decision “ignores all the good things that are happening in the student press today.”

Green and National Scholastic Press Association executive director Tom Rolnicki agreed that in addition to being detrimental to student journalism, the decision makes a negative statement about American society in general.

“We have now set up a system in the United States that says people only enter into their constitutional rights when they reach a certain age,” said Green.

“It’s a real setback for all Americans when you take away the rights of a certain group of citizens, especially keeping in mind that some of these students are 18 and voters.”

Tom Rolnicki, National Scholastic Press Association executive director
Legislation reversing *Hazelwood’s* effect being considered in several state houses

The Supreme Court’s decision in *Hazelwood School District v. Kuhlmeier* will lose some of its sting if legislation being considered across the country is enacted.

Groups in at least six states are urging consideration of bills that would guarantee freedom of expression for high school students, and in so doing, would effectively nullify the power given to state and school officials by *Hazelwood*.

Legislators in Iowa, Massachusetts, Rhode Island, Wisconsin and Wyoming have already drafted such bills, and Ohio free press advocates are trying to convince the American Civil Liberties Union and other organizations that such legislation is essential to the survival of a free high school press.

“The function of schools is to develop good citizens by affording them the rights and responsibilities that citizens enjoy,” said David Clarenbach, D-Madison, speaker *pro tem* of the Wisconsin state assembly and co-sponsor of Wisconsin’s As-

“I’m less concerned with the abuses of students’ rights than with their timidity in exercising their First Amendment rights.”

David Clarenbach,
speaker *pro tem* Wisconsin state assembly

sembly Bill 629, the first-introduced and most extensive bill of its kind currently under consideration.

The bill, co-sponsored by Rep. Marcia Coggs, D-Milwaukee, was introduced in October 1987, well before the *Hazelwood* decision, and according to Clarenbach, it’s been some 15 years in the making.

“The purpose of this bill is not to combat the Supreme Court decision, but to establish principles and a framework for students’ rights and responsibilities,” said Clarenbach. He also asserted that press freedom is an “important right that we ought to support.”

In addition to student press freedom, the far-reaching bill includes provisions regarding student rights to their choice of symbolic and personal expression, participation in “political and social organizations,” equal access to school facilities, and “due process” in disciplinary actions. The bill also prohibits discrimination based on pregnancy, marital status or ability and prevents discipline for out-of-school activities.

The bill has met with opposition from some educational leaders and others who feel the bill’s elimination of “tracking” systems based on ability would be discriminatory to students of greater or lesser aptitude. But Clarenbach feels the bill will pass despite its opponents.

“The tendency of high school students today is to err on the side of caution,” Clarenbach said, adding that students tend to be “timid” in their coverage of the issues. “I’m less concerned with the abuses of students’ rights than with their timidity in exercising their First Amendment rights.”

The bill has been referred to a committee for further consideration. Because the legislature is close to its adjournment date, Clarenbach said that “no action is anticipated in 1988” on the bill. The legislature reconvenes in January 1989.

The Iowa bill, Senate File 2235, is a “hybrid” of an existing California statute protecting student free expression rights and model legislation drafted by the Student Press Law Center, according to Richard Johns, executive director of Quill and Scroll, a national honorary society for high school students.

The California statute, section 48907 of the state’s Education Code, is one of only two existing laws nationwide specifically guaranteeing “student exercise of freedom of speech and press.”

The Iowa statute is not yet law, but according to state Senator Rich Varn, D-Oelwein, a member of the sponsoring Senate Education Committee and a driving force behind the bill’s progress, the bill has an excellent chance for passage.

“If the Iowa Legislature believes at all in the First Amendment, they’ll pass it,” Varn said.

The bill’s list of supporters includes Sen. Art Ollie, D-Clinton, chairman of the Senate Education Committee; Mary Arnold, executive secretary of the Iowa High School Press Association; and IHSPA president Merle Dielman, adviser at Pleasant Valley High School in Pleasant Valley.

The bill has received the unanimous endorsement of the Iowa Education Association’s Board of Directors, and its supporters are currently seeking a similar endorsement

continued on page 6
from the Iowa Library Association. Johns also added that the bill has been amended to protect students at the state’s three public universities and all public community and vo-tech colleges as a precautionary measure.

The bill passed the senate by a 33-10 vote, but failed to come out of its House committee before the filing deadline in March. Varn said the bill will be considered again when the legislature reconvenes in January 1989.

Arnold expressed disappointment about the bill’s delay, and said its resistance may have come from the state’s powerful school board lobbying group.

“I think it’s important that such legislation be passed not only in Iowa, but in all states, as a result of Hazelwood,” said Mark Lambert of the Iowa Civil Liberties Union.

In Massachusetts, State Representative Nicholas Paleologos, D-Woburn, co-chairman of the Committee on Education and a former high school journalist, has introduced a late file petition to ensure student’s rights to free expression.

“We can’t expect our kids to learn to think critically if we muzzle them whenever they try to do so,” Paleologos said in a press release.

“[The recent] Supreme Court decision put student newspapers into the paper shredder,” he continued. “In our state the message to students should be that though we may disagree with their views and opinions, we value their rights to express themselves.”

The bill is a minor modification of the state’s General Laws. It would make an existing optional clause dealing with student free expression rights into mandatory policy throughout the state.

The bill has received the unanimous support of the Education Committee, but Jeff Cahill, a Paleologos legislative aide, said he could give no indication how soon the bill might become law.

Nancy Murray of the Massachusetts Civil Liberties Union said the bill appears to have the support of teachers, administrators and students across the state.

“This bill could prevent potentially very difficult situations from arising,” Murray said. “We could really make use of this as a teaching tool in light of the bicentennial of the Constitution.”

Rhode Island State Sen. Paul Coffey, D-Providence, is co-sponsoring a bill in the state legislature that is described by ACLU attorney Steve Brown as being “substantially similar” to the SPLC’s Model Legislation.

The bill, RS808, was introduced March 3 and assigned to the Senate Judiciary Committee for further consideration. A hearing on the bill was held in April. John Bevilacqua, D-Providence, the committee’s chairperson, is another co-sponsor of the bill.

“If students are not given elementary First Amendment rights in the schools, it is difficult to expect them to become active, involved and concerned citizens and parents once they leave the school setting,” Coffey said. “My bill would ensure that Rhode Island public schools engender a positive attitude toward the responsible exercise of freedom of speech.”

He added that the bill had to be out of committee by April 8 to be considered in the current legislative session, but that “if the hearing goes smoothly, we shouldn’t have any trouble.”

Wyoming’s student free speech bill has been drafted, but missed the deadline for this session, according to co-sponsor Sen. Nyla Murphy, RNatrona Co.

House Bill 203, which Murphy describes as being taken “almost verbatim” from the California statute, was the last bill on the agenda for the most recent session, and didn’t receive the two-thirds majority approval needed to refer it to a committee for further consideration.

“Freedom of expression is an important issue to students, and also in terms of our own freedom as guaranteed in the Constitution,” Murphy said. “For the state to refuse to re-establish the right the Supreme Court has taken away would be derelict on our part.”

Murphy plans to re-introduce the bill in the next session of the legislature, scheduled to begin in January 1989, and said she hopes the bill is referred to the committee she chairs, the Health, Social Science and Labor Committee, at that time. She warns that the legislation may have some difficulty in the “ultra-conservative” state.

John Bowen, chairperson of the Ohio Scholastic Press Rights Commission and newspaper adviser at Lakewood High School in Lake­wood, Ohio, says that a bill for the Ohio State Legislature is “still being considered.” He added that he has been in contact with the Ohio ACLU regarding the drafting of a bill.

SPLC Executive Director Mark Goodman said the flurry of legislative activity so promptly after Hazelwood is an indication of the widespread outrage about the Supreme Court decision.

“We drafted our Model Legislation for states that want to undo what the Court did in Hazelwood,” said Goodman. “I predict that in the next couple of years we will see many states that will have done just that.”

Editor’s note: The Student Press Law Center learned at press time that Illinois’ state legislature is also considering a similar bill, modeled closely after the California statute.
Students, advisers act after decision

Critics often claim that high school students are apathetic about “the things that matter” and are largely preoccupied with frivolous socializing.

Those claims, however, are not borne out by student reactions to the recent Supreme Court decision limiting student free expression rights.

Response has been swift and, in some cases, very powerful as students and their teachers across the country express concern that the decision in Hazelwood School District v. Kuhlmeier will place undue and unfair restriction on their rights to freedom of speech.

"Not doing anything [in response to the Supreme Court decision] may be construed as indifference," said Sarah Weismiller, a senior at Paint Branch High School in Montgomery County, Md, and editorial page editor of her school newspaper.

Weismiller, who will be attending Michigan State University next fall, cannot be accused of apathy. She organized high school journalists from across the county’s 20 high schools in an effort to enact a district-wide policy stating explicitly that high school newspapers are “public forums” for student debate.

The Court’s majority opinion in Hazelwood stated that student newspapers and other forms of student expression which were not public forums for student expression could be subject to extensive censorship by school administrators.

About 15 students from six high schools in the county attended the first organizational meeting in January, according to Weismiller. The group was addressed by ACLU attorney Anne Olson, who suggested that students negotiate policies with their school boards that say their newspapers are public forums and petition their state legislatures for legislation to prevent censorship of high school newspapers.

Olson added that other ways of expressing student ideas can be used, noting that “underground newspapers are always an alternative.”

At the moment, the effort is confined only to Montgomery County, but Weismiller said that “once we’re organized here, we will try to take it statewide.”

She also said that she would like to include other organizations, such as debate, forensics and theater, in the effort.

Another high school student felt it necessary to stray from his script during a January recreation of Massachusetts’ convention to ratify the United States Constitution 200 years ago, according to the Boston Globe.

Vincent Capone, a senior at Algonquin Regional High School in suburban Boston, was one of 350 area youths participating in the event. However, he decided to depart from his role as Capt. Seth Newton, a delegate to the 1788 convention, to express his views on the Supreme Court decision to an audience of students and teachers in the

continued on page 8
state's House of Representatives chamber.

"I can be called into military service and die defending my country," Capone said. "But because of the Hazelwood case, I can't freely express my views in the school newspaper. I don't call that fair.

"We should all band together and stand up for the rights of free speech that are being denied to us as high school students by our country."

Capone drew applause and cheers for his speech from the other mock delegates before the program returned to its schedule.

At Lincoln Sudbury High School in suburban Boston, the advisers of the school's student publications have taken action on their students' behalf.

Bill Schechter, Leslie Klein, Bambi Burke and Bill Ray, faculty advisers for the school's history magazine, yearbook, newspaper and literary magazine respectively, recognized the district's search for a new superintendent represented an opportunity to make some crucial changes.

"We spent all last year celebrating our Constitution, and now we violate it," Schechter said. "By this decision, we are creating the kind of press climate that we criticize in other countries. It's a real contradiction."

The advisers circulated a petition which strongly urged the superintendent search committee to evaluate candidates for the position on the basis of their commitment to the concept of free expression rights of high school students. And although it was impossible to make the policy binding, Schechter felt the effort was a successful one.

The effort garnered some 800 student signatures, out of a student body of 1100, and 60 out of 90 faculty signatures, which Schechter termed a "tremendous outpouring of support."

The petitions were handed over to the selection committee, which later reported that most candidates agreed in spirit with the principle. However, a majority of the candidates claimed they would like to exert their influence over the paper before publication, a stance which Schechter found unacceptable.

"We didn't undertake our effort in order to wring a commitment out of them to [exercise] prior restraint as opposed to [subsequent] censorship," he said. "That would defeat our purpose." He added the group will fight any kind of content control.

Schechter said he feels the petitions will have a significant impact on the committee's decision, and that the drive is not over.

"When students' rights are abridged, we're expected to go on with life as usual," he said. "Any superintendent who tries to interfere with press freedom at our school would face strong criticism from the whole community."

"The ring of faculty adviser seems different after Hazelwood," said Renee Hobbs, who resigned in January from that position with the Free Press at Babson College, a private school in Westwood, Mass.

Hobbs said she resigned the post as a "form of symbolic protest" shortly after hearing of the Supreme Court ruling, and says she is concerned about the decision's implications.

"I fear that Hazelwood will have a much broader impact (on student journalism in the future)," Hobbs said. "Clearly, the courts are no longer discouraging interference."

The editor of the Free Press, sophomore Daniel Getz, says Hobbs still serves the paper as a consultant, and that he agrees with Hobbs' decision.

"There's been an increased awareness about the importance of a free press, Getz said. "She's almost done the paper a service."

Hobbs said she is now focusing on public speaking, encouraging the inclusion of clauses into school board policies to protect student papers, and emphasizing that the danger for the future of student journalism is real.

And Getz said that while the paper is currently operating without a formal adviser, he doesn't want "an adviser that would be a puppet for the administration. I'd rather the paper operate without an adviser."

A Chicago high school newspaper adviser also resigned in the wake of Hazelwood. However, his resignation was not symbolic, but involved differences with the school principal's proposal of publication guidelines for the paper.

George Schmidt, a journalism teacher at Amundsen High School in Chicago, resigned his post as adviser to the Amundsen Log after principal Bruce Brendt included in his proposed guidelines a clause allowing Brendt to review the entire paper before publication.

"I don't believe in prior restraint," said Schmidt in a Youth News Service story after discussing the matter with Brendt. "I believe in debate after publication."

A group of the newspaper's student editors also resigned after hearing of the new guidelines.

Brendt said he "wants to see the paper," because he "can't trust the students to be reasonable."

Student expressions of dissent have not been limited to speeches and newspaper articles.

At Glenbard East High School in Lombard, Ill, junior Dale Heintz and senior Chris Morache decided that their feelings could most effectively be conveyed through their wardrobe.

"The day we heard about [the ruling], we were pretty upset, so we just decided to go out and get these T-shirts made," Chris Morache said. "I was surprised, because everybody seemed to know what it was all about, and they were very supportive."

The shirts carried a slogan evocative of a warning phrase associated with motion pictures — "The Bill of Rights — under 17 not admitted."

The three said the effort was worthwhile and enjoyable, and that they still wear the shirts to school regularly in continued opposition to the ruling.

Similar shirts were printed at Lakewood High School in Lake- wood, Ohio, where student press supporters wore shirts with the slogan "R.I.P. - First Amendment."
Arizona

College official moves to censor

Students at Pima Community College in Tucson, Ariz. have changed the focus of their news coverage to include more stories on controversial campus issues.

And they say that decision does not sit well with some members of the school's Board of Governors, one of whom proposed that the Hazelwood decision could be used to control the content of the campus newspaper.

Edward A. Wagner, newly elected PCC Board chairman, was quoted in a January 28 story as proposing that a report be made on the Aztec Press, saying their coverage had "gone astray."

Wagner is said to have asked that the item be placed on the board's agenda in light of "the recent Supreme Court decision [about] school newspapers," which he claimed said that "we as the Board have the right to edit ... or not to edit ... what am I saying? I don't want to get into the censorship business."

Wagner was later informed by PCC legal counsel Ronald J. Stolkin that the Court's decision in Hazelwood School District v. Kuhlmeier only applied to high school students.

Barb Stafford, the newspaper's editor-in-chief, says that the board's attitude about the paper is a result of increased coverage of board meetings and other topics of controversy in the PCC community.

"I didn't like the paper the first year I was on it," Stafford said. "I didn't read it. There was not much news back then, but there's much more now. And more people have started reading us now, which is wonderful."

Stafford says that the paper had focused on arts and entertainment in the past, and that it was in a magazine format. She decided to change it back into a "newspaper" when she took over as editor-in-chief last fall.

"[Board members] are concerned that we're now covering them and how they're running the college, and the whole administration," she said. "That upsets them."

Wagner, however, claims that his remarks at the January board meeting were taken out of context, that he repeatedly expressed his desire not to censor the paper, and that he feels some people have a "vendetta" against him.

"I've always felt that the paper should be allowed to cover whatever they want, as long as we're not legally liable for what they write," Wagner said. "But there are some positive things they could cover, too. They paint a picture of gloom and doom here, and it just isn't so."

The paper wrote a story in its September 10 issue about Wagner's bid for a seat on the Tucson city council, including references to his past private life, such as a court order to stay away from a Tucson woman, two bankruptcies and his prior ownership of a bar employing nude dancers.

At the January meeting, board member Janet Vasilius asked that Stolkin draft a legal opinion concerning the legal liability of the college for potential suits against the paper. She later charged that the paper had misquoted her in the past and that corrections had never been published.

Stolkin's legal opinion, addressed to the board, stated that "in a situation like the Aztec Press, where editorial freedom and autonomy is the rule, the PCC board ... will not be held liable for defamatory articles published in the Aztec."

Wagner and Vasilius praised the opinion, saying that it absolved the BOG of responsibility for the paper's content.

"[The legal opinion] really defines our role in regards to liability, and it answers all the questions we had," Wagner said. He also added that he felt the paper was unnecessarily obsessed with the issue of censorship, that they were "flogging a dead horse."

"The use of implied threats of censorship should positively not be tolerated by the community or the students," an Aztec Press editorial stated. "Students have always managed to find a way to let the public know what their opinions were ... [We] can only hope that the students at Pima will positively continue to do so."
Florida

Teen sex stories pulled; Hazelwood cited

Ingrid Sloth did not think her newspaper had overstepped the bounds of good taste, but administration officials at Stanton College Preparatory School in Florida apparently thought otherwise. And in the wake of the Hazelwood decision, the school’s principal used her authority to censor stories from the paper.

Newspaper staffers at the magnet high school had been researching and writing a two-page section on teenage sexuality for their paper, the Devil’s Advocate, since early January. The articles were scheduled to appear in the February issue.

To the student’s dismay the school’s principal, Dr. Veronica Valentine, deemed the articles inappropriate for a portion of the paper’s audience, and demanded that the articles be pulled. The school has students in grades seven through 12.

“As my kids were working on the articles, I couldn’t see anything truly offensive in [them],” Sloth said.

The articles dealt with sexually transmitted diseases, counseling and sex education, and quoted statistics from Newsweek and Seventeen magazines on unplanned pregnancies and the U.S. pregnancy rate as compared with other nations.

Sloth says she was called into Valentine’s office for a conference February 8, and that she told Valentine about the articles. Valentine then asked whether she considered the articles controversial, and when Sloth admitted that they could be so interpreted, Valentine responded she would need to review all controversial articles before publication in the future.

A week later, Dr. Valentine sent Sloth a letter criticizing her performance as newspaper sponsor, in part because of her failure to follow a November request to “refrain from publishing the articles in question until the Hazelwood case was decided and procedures could be developed...pertinent to the inclusion of these controversial topics in school newspapers.” The two had discussed publication of sexually related articles in a November meeting.

She was also criticized for failing to notify Valentine before she and managing editor Susan Loftin were interviewed by local media for their reactions to Hazelwood.

Valentine cited a Duval County School Board policy that expressly forbids discussion of abortion, homosexuality and masturbation in the school curriculum, although none of these topics was addressed in the stories. In addition, the policy requires written parental consent for discussion of human reproduction in health classes.

The letter also set forth specific procedures Sloth was to follow for the remainder of the year, including the submission of “all copy pertinent to controversial topics” for review and the development of adequate procedures.
CENSORSHIP

At least three school systems around the country have reaffirmed a commitment to a free student press as a result of the Hazelwood decision.

In Baltimore County, Md., Dade County, Fla., and Clear Creek County, Colo., administrators have rejected the Supreme Court's offer of a license to censor because they say it will be detrimental to both education and the quality of student publications.

"Basically, our feeling is that we don't want to set up a situation where students learn at the secondary level what their First Amendment rights will be later on," said Clear Creek School District Superintendent Dan Johnson.

Dade County Superintendent Joseph A. Fernandez said the board is happy with the results of their free-speech promoting policy, which has been in place since 1980.

"We, if anything, have given more responsibility to our students and in return have gotten more mature decisions from them and certainly haven't had any difficulty that is perhaps implied in the Supreme Court decision," Fernandez said.

"We ought to ... encourage student expression wherever it might be," he continued.

Dade County was the only school system to file a friend-of-the-court brief before the Supreme Court in the Hazelwood case. Its brief described the policy and the resulting success of student publications. Dade County is the fourth largest school district in the country.

Although Baltimore County operates under a board policy established by a 1977 federal court decision that allows censorship of materials that may be obscene, libelous or materially disruptive, Superintendent Robert Y. Dubel said he does not see any reason to extend this power after the Supreme Court's decision.

"We do not want to chill criticism of school personnel, school board policies, school administration or the superintendent of schools," he said.

In early March, the Clear Creek School Board unanimously passed a policy which stated that any student newspaper, whether curricular or co-curricular, will be viewed as a forum for public expression. Thus, no article can be censored just on the basis of potential controversy or sensitivity of content.

The policy also states that the student press should refrain from printing obscenities, libel and the advocacy of material disruption.

School board vice president Todd Lowther, author of the policy and a former journalism teacher said, "I believe a lot more in kids. Students ought to be given freedom, even to make mistakes."
California

State statute prevents censorship, gives student press stronger voice

Because of Hazelwood, two censorship incidents reported in California high schools might not have been contestable had they happened anywhere else.

In California, students are protected by a state statute, Education Code section 48907, which prohibits censorship of student expression unless that expression is libelous, obscene or materially disruptive.

In contrast, the Supreme Court ruling in the Hazelwood case held that the First Amendment only protects high school student journalists on school-sponsored publications when the censorship has "no valid educational purpose."

In Cupertino, Calif., it only took a few hours after the Hazelwood decision for problems to start.

Homestead High School Epitaph reporter Kathryn Pallakoff had been working on a story about living with the AIDS virus for over two months.

In the story, she included anonymous quotes from a Homestead student who is a carrier of the AIDS virus, but who has not been diagnosed with the disease. The student had approached Pallakoff about having his story told in the newspaper.

On January 12, the editorial board held a meeting to inform the faculty that they might be running the story. That evening, the staff was finally convinced of its factual accuracy, and decided to publish the story.

The next day, the Supreme Court issued the Hazelwood decision.

Principal Jim Warren was unaware of the California statute and claimed he was not sure if he was required to censor under the Hazelwood decision. He ordered the Epitaph to "hold" the story.

"The principal expected we would 'hold' the story forever, even though [editor] Mike Calcagno had asked if he could still run it," said Epitaph adviser Nick Ferentinos. "We didn't know this was what he expected and so we talked to lawyers on our own."

In the meantime, Calcagno resigned in protest of the censorship before he learned through a bulletin from the state department of education that the Hazelwood decision does not strip California students of free press rights, because of Education Code section 48907.

The American Civil Liberties Union of Northern California confirmed this bulletin, and Calcagno withdrew his resignation.

"I thought that I had no legal action to block Warren's action. I wanted to show I wasn't going to accept what he was doing, and I wasn't going to work for a paper under a principal's control," said Calcagno.

The story was run on January 15.

"The principal doesn't believe what he did was censorship," Ferentinos said.

"He thinks he was just asking for a favor," he continued.

The Epitaph surveyed Homestead students after the story was run, and according to Ferentinos, got a positive reaction to the story, with many wondering why it was held back.

On February 12, the Epitaph ran "The story behind the AIDS story," explaining the conflict and since then has had no censorship problems.

Ferentinos has a lasting thought from the occurrence, however.

"Before Hazelwood, we would have said we would never be censored. We are a responsible paper that covers sensitive topics in a mature way."

"Now, any paper can be censored by any principal for any reason."

Evergreen High School in Sylmar, outside of Los Angeles, is another school to experience the California censorship bug, and one whose problems may not end as simply.

The problems at Evergreen may lead to a test case of the Hazelwood decision as it applies to California, with consideration of the state education code.

The newspaper at this alternative high school, located on the campus of comprehensive Sylmar High School, has been experiencing censorship-related problems since the fall of 1987.

In October, principal Robert Beck ordered the sentence "he who comes in the face of the government shall be castrated" removed from an article about music censorship.

The passage was taken from the Bible, with the word "Lord" being changed to "government."

Author of the story Karin Vanderwal said she told Beck "if he changed the story, it wouldn't be my story, it would be his and my conscience wouldn't permit me to put my name on it."

The story ran without a byline in the October 28 issue of Off the Press.

This incident piqued the interest of Los Angeles Daily News reporters when the students attended a workshop at the Daily News on November 14 and explained the situation at Evergreen.

A story about Off the Press ran in the Daily News on January 10, just before the Hazelwood decision was released, and just before more problems began.

Adviser Judy Gerson and the students say that on Wednesday, January 20, a week after the Hazelwood decision, Beck told Gerson he wanted to be co-adviser.
Beck denies the allegation.  
"He said he wanted to edit the paper and have me keep it a secret from the students, so they would think I made the changes.

"I told him he didn't need a co-adviser, because I was stepping down," Gerson said.

Although Beck maintains that he didn't ask to be co-adviser, he says Evergreen's design would make this practice acceptable.

"This is a continuation school. Teachers usually teach more than one subject, and often teach out of their subject area.

"In fact, I teach horticulture and physical education as well as being principal," Beck said.

After Gerson stepped down, there was no longer an official student newspaper.

Because of this, the students started an underground publication on their own.

On the same day Beck allegedly asked to be co-adviser, the first edition of an underground newspaper, Off the Press goes Off the Record, came out.

In Off the Record, students, without a faculty sponsor, explained the situation and the reasons there would no longer be an official student newspaper.

The next day, the students held a press conference and a second similar edition of Off the Record came out.

In light of the Hazelwood decision, Evergreen's situation was covered extensively by area newspapers, radio and television.

"After today's decision, I am sure I am on the right track. It gives principals a wider range of opportunity to censor," said Beck to the Los Angeles Times.

Despite California Education Code section 48907, which only allows censorship in cases of libel, obscenity or material disruption, the district policy states that anything which the Los Angeles Times or the Herald Examiner will not print can be censored.

In late March, the students were working on a third issue of Off the Record.

They have consulted George Keesio, volunteer attorney for the American Civil Liberties Union in California, and are considering a suit.

"It's a matter of strategy, since this will be a test case," Keesio said.

Kenkey

WKU president's proposals assailed

A potentially volatile situation at Western Kentucky University has been partially defused after WKU president Kern Alexander said that parts of his proposal for expanded faculty and administrative involvement in the school's student newspaper and yearbook were misinterpreted and "blown out of proportion."

Alexander made national headlines in March when he directed a subcommittee on publications to consider proposals for implementing faculty editors for both publications, requiring student staff members to receive academic credit for their work and expanding the existing publications committee, giving it the power to appoint faculty editors who in turn would choose student editors.

Jo-Ann Huff Albers, head of WKU's journalism department, said Alexander now claims that his use of the word "editor" was interchangeable with the paper's use of "adviser," and that he never intended his proposal to be interpreted as a desire to censor the publications.

Carla Harris, the paper's editor, said student objections to Alexander's credit proposal centered on accreditation requirements that not more than 40 percent of total graduation credit may be from courses within a given student's major. In effect, she added, students would have been restricted to 3 semesters' work for the paper, unless they wanted to increase their outside class load to balance the equation.

Alexander had convened a subcommittee on publications in November, instructing them to review the operations of student publications, and their recommendation was that no substantial changes be made in the operations of either the College Heights Herald or the Talisman, the school's yearbook.

Alexander claims, as he did in November, that the changes are being proposed to insure better fiscal control over the publications and to implement a stronger controlling organization for them.

Albers said she could not attribute Alexander's motives directly to newspaper content, but noted that the paper recently ran a story concerning the finalization of his divorce.

"I'm sure he felt that his divorce was none of the paper's business," Albers added.

Other stories critical of the WKU administration included coverage of
CENSORSHIP

continued from page 13

The controversial plans for a new campus in neighboring Glasgow and of faculty dissent concerning his appointment of administrators.

Alexander received the full support of the state Board of Regents for his proposals after a special meeting called to "stop the censorship rumors."

"I don't see any problems with the newspaper right now at all," Alexander said.

The committee's charge in March was to address continuity of leadership in publications, concerns of fiscal responsibility and attachment of the paper to the university's hierarchy.

Their report, delivered to Alexander in early April, outlined proposed duties of the student publications director and the advisers for both publications. Written job descriptions for these positions had not existed before, according to Stephen House, Alexander's executive assistant.

The report also recommended that the Director of Student Publications should report only to the Vice President of Academic Affairs, a policy only informally practiced in the past. In addition, the subcommittee proposed that the student publications director become "recombined" with the head of the Department of Journalism and Mass Communication. The same staff member had held both positions before 1984.

Dr. House added that the proposal was to be reviewed by Nancy Green, student publications consultant and publisher of the Palladium-Item in Richmond, Ind., and by a panel of journalists before being submitted for final approval by WKU's Board of Regents. The proposal could be implemented by fall 1988.

"Much of the controversy arose in terms of reactions to what might happen," House said. "[Alexander] wants [the newspaper and yearbook] to be student publications. No one ever wanted to exercise editorial control over our publications."

Albers added that the committee report in April did not recommend that faculty editors be appointed or that credit be offered for working on the paper, and said that the proposal contained little that would change the operations of the newspaper or yearbook.

"The whole idea is to publish, not to suppress," she said. "Nothing with the potential for censorship could make it through the process. [But] I did see potential for censorship in some of the things that were said."

Paul McMasters, chairman of the national Freedom of Information Committee of the Society of Professional Journalists, Sigma Delta Chi, wrote letters to both Alexander and Kentucky Governor Wallace Wilkinson at the height of the controversy, protesting the "rash action" and demanding that the proposal be withdrawn.

In addition, the campus was besieged by demonstrations and leaflets supporting the paper, and alumni from the newspaper and yearbook staffs flocked back to the school to offer their assistance.

"The support of everyone [was] just overwhelming," said Bob Adams, adviser for the Herald and interim publications director for both the paper and yearbook.

"I've never felt it was my job to control the content of this newspaper. It's just not my style," Adams added.

Editor Harris also noted that Alexander's actions may have stemmed from a lack of understanding of newspaper operations.

"We're printing objective stories (now)," Harris said. "The perception is pretty much with the readers. We don't set out to print negative stories. We print news stories."
Iowa
Student group claims sexual bias

A lesbian student group at the University of Iowa is pursuing a suit in Johnson County District Court, charging in part that the refusal of the university's Printing Services to publish their quarterly magazine violated its First Amendment rights.

The university's Lesbian Alliance, a non-profit group which is allowed to use university facilities as a recognized student group, claims that the summer 1986 issue of its arts and literary magazine, Common Lives/Lesbian Lives (CL/LL), was first accepted, then later rejected for publication by a Printing Services employee because of a photographic series depicting females engaged in "sexual activity."

The pictures show nude women in bed, embracing and engaging in other physical contact. University officials initially claimed that the material was legally obscene, but that claim was later retracted.

The university's interim president, Richard Remington, now says he intends to maintain an unwritten school policy preventing Printing Services from publishing "sexually explicit photographs."

Remington assigned the matter to the university's Human Rights Committee, which issued a report containing recommended remedies for the Lesbian Alliance's complaints. But when the committee issued its report, Remington ignored its findings, according to CL/LL attorney Duane Rehovit, and referred the matter to UI law professor Arthur Bonfield.

Bonfield was instructed to review the matter and draft a proposed written policy to deal with such issues.

The Human Rights Committee's recommendations included a suggested withdrawal of the unwritten policy; the writing of an official policy concerning content of material printed at Printing Services; the issuance of a written letter of apology to CL/LL; and a recommendation for the payment of monetary damages to CL/LL regarding their complaint.

Remington, however, according to committee chairwoman Debbie Cowherd, rejected the notions of apology or compensation and denied that the university had discriminated against the lesbian group.

Cowherd says she feels that Remington has simply dismissed the matter, and that the unwritten policy may be used unfairly, as in this instance, to violate the school's human rights code.

"I can only assume that much of [the university administrators'] actions were to protect themselves," Cowherd said. "Because there are no standards as to what materials are appropriate, it opens it up to a purely subjective decision."

CL/LL members could not be reached at their offices for comment, but the group's attorney, Rehovit, claims that the homosexual nature of the material was an important factor in its rejection.

"The content played a definite role in the censorship," Rehovit said. "If you don't have to adhere to the First Amendment on lesbian pictures, you won't have to in other instances."

"The First Amendment has no middle ground. Either you publish it or it's censorship," he continued.

He also questioned the university's justification for dismissing the findings of its self-appointed committee, and said that he "fully expect[s] the university to back down" before the case goes to trial next fall.

The issue in question, including both pictures and text, was eventually published by a private firm after a publication delay of two months.

The suit, filed in May 1987, contains three separate counts, including charges of breach of a contractual agreement and a tortious interference with business interests as well as the First Amendment claim.

Julia Mears, assistant to the university president, claims that UI Printing Services has not allowed such material to be published in the past, a claim the Lesbian Alliance and Rehovit deny.

"The issue is not if we were [within legal bounds] in exercising our discretion, but if we were wise in doing so." Mears said. "I wish it would have been a heterosexual issue. I don't think we would have had such a fallout."
**Virginia**

Students protest, ask for free press

For 80 Arlington, Va., students, last December and January were the months of the crusade, the leaflet, the armband — and the compromise.

The leaders of a Yorktown High School group called the Free Press Movement said the crusade came after the censorship of a yearbook survey about drugs and alcohol and the compromise after the *Hazelwood* decision.

The results of the survey were to have appeared in the Student Life section of the *Grenadier*, and contained answers to questions such as “Have you ever experienced a liquid lunch?”

Principal Mark Frankel censored the survey, saying the wording of it was misleading.

The students say their First Amendment rights were violated.

“This is something that goes beyond the legal aspects, even. There is an attitude in schools that is very stifling and repressive,” said senior Ferdinand Hogroian, one of the group’s leaders.

It was this attitude that Hogroian and other leaders, none of whom are involved with the yearbook, said they wanted to protest.

And so they organized.

Hogroian said he and junior Jenny Martinez wrote the philosophy of the movement. Senior Ed Buckler said he organized armbands and protests and the handing out of pamphlets. Senior Larry Halff said he arranged meetings and talked to the principal.

The talking eventually led to a compromise, an idea the principal thought of before the *Hazelwood* decision, and the students agreed to after the decision was handed down.

The compromise involved a publications board, which according to senior Chris McGeehan, editor of the school paper, will consist of the editor of the literary magazine, the editor and managing editor of the newspaper and yearbook, the faculty advisers of the publications and the assistant principal of administration.

McGeehan said the board will make decisions on the coverage of controversial topics, and the principal has agreed to abide by their decisions.

“We have developed a process which will allow for the orderly discussion of publications issues,” Frankel said.

“The collective wisdom of the group will produce the high standards of publications we’ve always held,” he continued.

Two of the leaders of the Free Press Movement agreed that the panel was a positive step.

“It seems like a reasonable idea, because most power is still in the hands of the advisers and students, and that’s where the power of censorship should lie,” Buckler said.

Halff also felt the panel was a “step in the right direction.”

But Hogroian and Martinez disagreed.

Hogroian’s specific disagreement with the workings of the panel was that it had no definite time limit for deciding whether to allow printing of an item under discussion, and could hold items “in limbo” for indefinite amounts of time.

He said this could be effectively used as censorship.

Frankel’s response to this problem was that the panel will decide the “finer nuances” of its procedures as it goes along.

Which led to Martinez’ objection.

“It’s a very bad idea to have a group doing what it wants and making up rules as it goes along. There’s nothing concrete, you can’t count on anything,” she said.

The students were also disunited about what kind of effect their effort had on their school and community.

Halff felt there was a positive effect, the creation of a stronger awareness of the First Amendment at his school and others.

Hogroian and Martinez did not see much of a lasting impression.

“It was largely ineffective, which was unfortunate. It could have done a lot if it hadn’t been for the *Hazelwood* decision,” Hogroian said.

The students’ movement is over, they say, and they have no plans, at the moment, to bring it back.
Minnesota
Suspensions upheld for underground paper's editors

The U.S. Court of Appeals for the Eighth Circuit in April upheld the suspension of three Minnesota high school students found "disruptive in their use of profanity and vulgarity on school grounds" when they distributed an underground newspaper in school in June 1986.

In deciding the case, the appeals court turned to a 1986 Supreme Court ruling, Bethel School District No. 403 v. Fraser, 106 S.Ct. 3159 (1986), which said that a student who used sexual puns in a school-sponsored assembly speech was not protected from school disciplinary action.

The Minnesota case began in a separate 1986 court action when student editors of the underground newspaper Tour de Farce challenged the right of Fridley High School administrators to review the paper before distribution.

In Bystrom v. Fridley High School, 882 F.2d 747 (8th cir. 1987) (Bystrom I), the appeals court upheld the policy of prior review, but before that decision was made, the same students brought a second lawsuit to question the right of school officials to discipline them for distributing a newspaper the school considered disruptive.

The edition of Tour de Farce in question was distributed in the high school's cafeteria for about 15 minutes in the morning. Its contents included editorials about recent senior wills the paper considered in poor taste and commentary on several of the high school's teachers. The paper included language the school considered offensive.

At the federal district court level, the students argued that the case required a jury to determine if the publication did in fact disrupt the school's educational routine. The court determined that no facts were in question and granted a motion of summary judgment in favor of the school. The court then dismissed the case.

Appealing to the Eighth Circuit Court, the students argued that it was not clear that a disruption occurred in the school because of Tour de Farce's distribution. But the appeals court said in Bystrom v. Fridley High School, No. 87-5353 (April 13, 1988) (Bystrom II), that the school's rules of conduct were "ample justification for the dismissal of the students who are disruptive in their use of profanity and vulgarity on school grounds."

That interpretation is the first time that Bethel has been applied to specific student written material. The students have not decided if they will ask the U.S. Supreme Court to hear the case.
Nevada

Court: *Hazelwood* allows ad ban

In the first court case to apply the Supreme Court’s decision in *Hazelwood School District v. Kuhlmeier*, a federal district judge ruled in April that Planned Parenthood advertisements could be refused from a school newspaper. However, attorneys say that court’s ruling may overlook an important aspect of the High Court’s decision which limits school censorship.

Nevada federal district Judge Roger Foley reversed his July 1987 ruling which had required the Clark County School District (CCSD) to allow advertising from Planned Parenthood of Southern Nevada (PPSN) in high school publications. But the April decision, which favors the school board, reads in part, “High school newspapers and other student publications are not public fora. Therefore, CCSD may reject PPSN’s tendered advertising so long as there exists reasonable and valid educational grounds to do so.” *Planned Parenthood of Southern Nevada v. Clark County School District*, CV S-84-765 (D. Nev. April 5, 1988).

Although student journalists were not parties to the case, the district court turned to *Hazelwood* to determine what control school administrators have over student publications. It ruled that *Hazelwood* allowed administrators to control content and advertising of student publications for legitimate educational concerns.

However, according to SPLC executive director Mark Goodman, *Hazelwood* does not apply to a publication which is a public forum for student expression. The court in *Planned Parenthood* did not review the student publications in Clark County to see if they could be classified as public forums.

The case began in 1984 when PPSN brought a lawsuit against CCSD after the school district created a policy banning certain types of advertisements from school publications, including ads for birth control products and information.

PPSN argued that the district policy, which prompted most schools to refuse the Planned Parenthood advertising, violated the First and Fourteenth Amendments because school administrators were unconstitutionally deciding what should and should not appear in a public forum.

The school district responded that the school newspapers and other publications were not public forums. In addition, the district argued that the Planned Parenthood ad opposed the school district’s policy on sex education. Under that policy, only approved instructors are allowed to teach material about the human reproductive system. In addition, the policy stated that such materials had to have school board approval before distribution.

Interpreting the law last summer, before *Hazelwood*, the federal district court ruled in favor of PPSN, stating in part that school publications were in fact public forums and that the school district’s control over sex education curriculum did not extend to the advertisements.

Furthermore, the court ordered the school district to accept the advertisements for publication. It instructed PPSN and the CCSD to decide on appropriate advertisements to appear in the newspapers, but the school board refused four possible ads that Planned Parenthood offered after the decision.

“We are frustrated to no end,” Mark Brandenburg, an attorney for Planned Parenthood said after the initial decision, “because it seems that no one is happy with unplanned pregnancy. . . . So why are they keeping information out of the news that might address a critical problem?”

In the April reversal of the initial July opinion, the federal district court said that the school board had a legitimate educational concern in refusing the advertisements because of a school board policy which gave the board control of all sex education curriculum in the schools.

PPSN has not decided if it will appeal the decision.
Florida

Staff pleased about university sentence for newspaper thieves

The incident has been called "an outrageous attempt to squelch a voice on campus," and now the Florida criminal courts will decide if laws have been broken.

Criminal charges have been filed against four students at the University of Florida in Gainesville in connection with the confiscation of large quantities of the Florida Review, a conservative monthly distributed free of charge to UF students.

Believed to be one of the first cases involving the theft of a "free" newspaper ever to go to a court of law, legal opinion on the issue is lacking. (See Legal Analysis, "Stolen Words," Winter 1987-88 Report.)

John Stephenson of the Florida state attorney's office, who filed the theft charges February 9 on behalf of the paper, believes the case can stand on its own.

"If we can establish any value (of the papers) whatsoever, we have a basis for a criminal suit," Stephenson said.

Paul Paffe, the Review's editor, agrees, and claims that if nothing else, the papers have intrinsic value to the people that produced them.

"Despite something being free, it's free in a limited quantity," said Paffe, "and that quantity is generally known."

According to Review executive editor John Cornelius, the incidents of theft are nothing new, and center around a long-standing feud involving conservative activists on campus.

The feud began when Paffe, then President-elect of UF's College Republicans, and Andreas Nechyla, then-acting President and current Review editor, accused Joe Saviak of vote fraud in his bid to defeat Paffe. Review staff members exposed them, according to Cornelius, and reported their actions to the Independent Florida Alligator, UF's student newspaper. The Alligator reported the allegations, but Cornelius says the Review never ran any stories about them.

The club then split into factions, with Saviak and his supporters forming a new College Republicans group and Paffe and Nechyla founding the Student Republicans, which Cornelius claims is the "legitimate conservative organization at the University of Florida."

Review staffers had reason to believe their papers had been stolen before, so in July 1987, Paffe and Review associate editor John Cserop set up vigilance near one of the Review's distribution boxes, which had recently been filled.

According to Paffe's written account, four men drove up, emptied the boxes, ripped off its display cover, then proceeded to two other boxes, which they also destroyed, emptying their contents into a plastic bag from a nearby trash can.

Paffe took photographs of the incident, then called UF police, who returned the stolen papers to him, took the names of the four students and released them.

The police filed a report on the incident, and disciplinary proceedings were undertaken against the students by the administration. Formal charges were not pressed at the time by UF police because of what Paffe referred to as "a lack of precedent."

"These people truly have used theft to censor us," Cornelius said.

"We expect people to read our articles," Paffe asserted, "They are spending their time, if not their money. They're paying for the paper in a different way. And we expect readers to patronize our advertisers as well."

Paffe claims that at least 1,500 papers have been stolen in this and other incidents, including a theft as recently as January 1988, and that the Alligator has been very supportive during the crisis.

Ed Barber, president and general manager of the Alligator, said that their support was due at least in part to a similar incident years ago, when the Alligator faced a similar theft problem. That case never went to court, explained Barber, because it would have required revealing the identity of a confidential source.

"We, having been stung before [with theft], not only felt outraged for the principle of the matter, but we want the Review to win so that this wouldn't happen here or at other campuses across the country," Barber said.

Richard Ovalman, staff counsel for the Miami Herald and a specialist in "distribution law," also believes that the case could be very important.

"The law must recognize that just
Illinois, Pennsylvania

Mixed signals emerge from I&A decisions

At schools in both Illinois and Pennsylvania, lawsuits on the part of students who wished to distribute the Christian-oriented teen magazine Issues and Answers have led to new publications policies for the schools.

In Illinois, Round Lake High School student Charlie Johnson was suspended in May 1987 for distributing copies of the magazine.

Although the suspension was eventually lifted from Johnson’s record, he sued for $200,000.

In addition to infringement of his First Amendment rights, Johnson charged emotional trauma due to harassment and assault and battery, alleging that his principal shoved him in an attempt to make copies of the magazine.

Charles Hervas, Johnson’s attorney, said the school is settling out of court.

“It’s partially a financial settlement and partly a consent decree, specifying rules on distribution,” he said.

Todd Faulkner, the attorney representing the school in the case, said he could not comment specifically on the settlement at this point, but that “each side gives up something and each side gains something.”

“Any characterization in regard of making it a victory for either side would be inappropriate,” he said.

In Pennsylvania, however, settlement had to be made by the district court.

Three Antietam Junior High School students sued the Waynesboro Area School District because their school limited distribution of Issues and Answers to before school and in front of the main school building.

The students had originally distributed the magazine at these locations but later attempted to distribute in the school building.

Larry Crain, attorney for the students, said it was clear the school was discriminating in this case because of the religious content of the magazine.

“It was obvious they had set up content-based discrimination at the schoolhouse gate,” Crain said.

The students filed suit on several counts, including violation of freedom of speech, freedom to congregate and the Equal Access Act, a federal statute which states that once a school permits an open forum or limited open forum for the exchange of ideas, they must allow it to continue.

In this case, the students were asserting that because the school allowed some clubs to exist, they had to allow all student organizations to flourish.

In December, the court said school officials had violated the free speech rights of Bryan Thompson, Marc Shunk and Christopher Eakle, the three students named in the suit.

The court said the school had not violated the Equal Access Act. The other counts were deemed moot.

Under Judge Sylvia Rambo’s decision, the school can no longer prohibit the students from distributing Issues and Answers in the school. However, it may impose restrictions on the time, place and manner of distribution, providing the restrictions are content neutral.

After the decision, the school revised its distribution policy, which Larry Thompson, father of plaintiff Bryan Thompson, says he is not satisfied with.

He said under the new policy, the students must turn the magazines over to the school office, where other students can pick up copies.

“Part of the free speech issue was that the school said they’d be endorsing religion if they allowed students to distribute the magazine. Now, I think they’re violating their own argument by placing the religious paper in the office.”

Thompson said the plaintiffs have sent the policy to the Rutherford Institute for approval.

As the prevailing party in the case, the students were also awarded attorney’s fees.


The case involves four Moline High School students who are seeking declaratory and injunctive relief and damages of one dollar each for regulations which prohibit distribution of Issues and Answers except at the entry and exit areas of the school immediately before and after school and at a designated station during lunch hour.

The students, David Nelson, Katie Nelson, Matthew Rogerson and Lisa Ward, contend that these restrictions are discriminatory in that they have only been used in this particular case.

The students’ attorney, Charles Hervas, also attorney in the Round Lake case, said he could not comment on the case because it is still in the discovery period.
California
Court rejects parody issue, revision of California law

A case that could have revised California law so that prior restraint of student publications would not be legal even in cases of libel, obscenity or disruption has been lost on the appellate level and will not be appealed again.

The case, Leeb v. Delong, involved student editor David Leeb, who sued his school principal James Delong for Delong’s confiscation of a 1984 April Fool’s day issue of La Voz del Vaquero, Rancho Alamitos High School’s student newspaper.

The paper had contained a photo of five fully dressed female RAHS students with an article that said they were a few of many prospective Playboy playmates for a nude photo spread to be entitled “The Girls of Rancho.”

Delong confiscated the papers because he said this material was “potentially libelous,” although the girls, who had not known how the photo was to be used, did not complain.

Leeb initially went to court with the complaint that California Education Code section 48907, which permits prior restraint in the three limited areas, and a district regulation were unconstitutional.

With the aid of the American Civil Liberties Union, he filed a complaint in California Superior Court, saying the restraint violated “the right to speak freely and the right to freedom of the press.”

Attorney for the school Ron Wenkart said the school needs to have some measure of control because of the possibility of lawsuits against the school for material in the student newspaper.

In June of 1984 Superior Court Judge Robert Polis ruled that Leeb should have informed the girls how the picture would be used, thus upholding the administration’s decision.

The judge did not, however, rule that the original article was libelous, a point hindsight tells ACLU attorney Gary Williams, who represented Leeb, perhaps should have been brought up in the subsequent and unsuccessful appeal.

In their appeal, Williams and Leeb argued that the statute was unconstitutional, but the court ruled that as long as libel, obscenity and disruption are completely defined, there is no constitutional violation by the school.

The decision, which will affect all California public high school students, also stated that California students do still have more freedom than those students operating solely under the protections of the First Amendment as defined by the Supreme Court in the Hazelwood case.

Under the California law, censorship can only occur in the three limited areas of libel, obscenity and material disruption.

Williams and Leeb decided not to appeal the appellate court’s decision for two reasons, Williams said.

“First, we don’t think this is the ideal case for testing the issue, and also, the opinion was favorable in the sense that the court said Hazelwood doesn’t apply in California.”

He also said it is not possible to now attempt the case on the question of whether the original story was, in fact, libelous.

“The problem is that when we first decided not to do that, we closed the avenue. We didn’t raise it on appeal, which was a strategic decision we made.

“There are other cases in the state better suited for testing the constitutionality of the statute,” Williams concluded.
Texas

Glamour photographer wins out-of-court settlement

A suit filed against Texas Tech University's student newspaper, the University Daily, by a local "glamour photographer" was settled out of court in November, to the disappointment of the paper's staff and university administrators.

Bobby Cannon, owner of Covergirls, Inc., a modeling agency in Lubbock, filed suit in U.S. district court in May 1987, claiming that his First Amendment right to freedom of expression had been violated when the advertising manager of the University Daily refused to run an ad for his agency.

The ad, created as part of a Valentine's Day promotion by Cannon, depicted a young woman in lingerie. The newspaper claimed that rights to freedom of expression had nothing to do with the ad's rejection.

"We determined that the ad was done in poor taste and simply decided not to run it for that reason," said Jan Childress, director of student publications, who also served as advertising manager for the paper when the ad was refused in 1983.

Cannon claimed in his suit, which named Childress, then-editor Laura Terault, and current ad manager Susan Peterson as defendants, that the paper had denied him access to "his photographic opportunities which are limited almost exclusively to" the Texas Tech population.

The issue in dispute in the case was the hierarchy of decision-making at the paper, according to Linda Burke, current editor-in-chief of the University Daily. The ad's propriety was originally questioned by Todd Polk, a student ad representative, who then took it to Childress for consultation.

Cannon claimed, and it was agreed in the settlement, that because Childress was a professional employee of Texas Tech, and therefore an employee of the state of Texas, her decision to reject the ad was a state action and thus a denial of his First Amendment rights.

"By having a professional ad manager as opposed to a student, reject the ad, we were opening ourselves up to a lawsuit," Burke admitted.

The out-of-court settlement reached by Lou Bright of the Texas attorney general's office and Cannon's attorney, Tom Griffith, stipulated that the paper would run Cannon's ad once in its original size, and that all legal fees would be the responsibility of the school.

Cannon, who claims he's "photographed over 8000 women" since his company was formed in 1981 specializing in glamour, lingerie and semi-nude photography, expressed great satisfaction with the settlement, asserting that he "felt it was something personal" when the staff first rejected his ad.

Childress, however, said she was "very disappointed" with the legal counsel for not pursuing the case.

"We felt it was an important issue and needed to be decided in court," Childress said. "However, the lawyers didn't want it to.

Peterson also said that Cannon had come to her and to others on numerous occasions repeating his request that the ad be allowed to run, but that she also refused it for the same reasons the ad representative had originally cited.

Childress requested that Bright come and explain to the paper's disappointed staff why the settlement was reached out of court in this manner, and Bright complied with this request, claiming that the settlement was the best possible solution.

"Neither Mr. Griffith nor I were prepared to concede anything," Bright said later in an interview. "Our views of the law were different, and we eventually found it possible to reach an accord that made everybody happy.

"The matter at issue here was a difficult point of law," Bright added. "On the one side we had a student paper, which claims it should be allowed to run like a 'real' paper, making its own decisions about what does and doesn't appear in that paper. On the other side was someone submitting something for publication, claiming he has a right of equal access to the paper."

Bright also cited time and expense factors in deciding not to pursue the case in court.

Both Childress and Peterson said that Cannon had submitted many other ads for publication in the past, both photographic and classified, and that this was the first time any difficulty had arisen.

"We ran everything of his in the past with no problems. This was the first photo of his that we had ever objected to," Childress said. She added that the paper had never had this type of difficulty with refusing to run an ad in the past.

The paper has now created a full-time student ad manager to deal with these situations if they arise in the future. According to Childress, all questionable ads will now be brought to the new manager, and if there is a reasonable question, he or she would be responsible for convening an ad hoc committee from a list of students and staff in the Texas Tech community. This committee will make the final decision as to whether or not the ad will run.

Cannon continues to run classified ads in the paper, and says he will resubmit the ad, probably "around November or December" of this year.

"I wanted to run the ad to show people how tasteful lingerie ads can be," Cannon said. "Anytime a newspaper starts advocating censorship, we're in big trouble.

Burke, however, voiced the disappointment of many involved regarding the suit's resolution.

"[Childress] felt she was acting in the best interests of journalism, and not as an employee of the state.

"We're not particularly satisfied with the decision. Even having to run the ad is not good, but we understand their position."
Massachusetts

High school student files open meeting suit

A 17-year-old Weston, Mass., high school newspaper editor has gone to court to prove that the local school committee violated the state’s open meetings law when interviewing job applicants for school superintendent.

Joshua Gerstein, editor of Weston High School’s Viewpoint, claims that a school system screening committee incorrectly followed the provisions of a recent amendment to the Massachusetts Open Meeting Law. The amendment allows meetings to be held in private only if no “preliminary screenings” of prospective candidates have been held.

Gerstein, who filed a civil complaint in February, argues that when the committee interviewed 13 candidates earlier in the month for the superintendent’s job in private, it violated that amendment to the open meetings law because two screenings of applicants had already occurred.

He was recently removed from the case because he is not a registered voter, a decision which is on appeal. Gerstein originally filed with three registered voters because the statute states that three registered voters must bring a court action under the open meeting law.

Recently, the Massachusetts Newspaper Publisher's Association filed a friend-of-the-court memorandum arguing that Gerstein should be allowed to remain with the case.

"Even if he is removed, he is still a citizen and he can still be vocal," said Wendy Murphy, an assistant district attorney for Middlesex County. The district attorney's office brought a separate lawsuit in March against the school committee, claiming it violated the open meetings law.

Murphy said her office decided to intervene because the case presented an important legal question. The district attorney's office brings about two such lawsuits a year.

"Governmental bodies usually don’t intentionally violate the law," she said. "The good thing about this case is that every other governmental body will benefit. They won’t have to go through this court battle."

Even though the case has attracted attention from The Boston Globe and local newspapers, Gerstein said he is indifferent about the way the case has proceeded. "It’s been educational for me, but I wish things could have moved more quickly," he said.

Weston High School Principal Bruce MacDonald, who funds Viewpoint from petty cash, said he thought Gerstein approached issues carefully.

"I think a lot of adults have been scandalized by a student holding the school committee's feet to the fire," MacDonald said. "He's our local Ralph Nader."

Gerstein said that students and faculty at the high school have been supportive of his legal fight, but that community reaction is harder to determine. Some people, he said, tell him to fight on and say that the court action is a noble thing to do.

Although both Gerstein’s and the district attorney’s action are awaiting decisions by lower courts, Murphy said she thought the case would likely be decided at the appeals level because both sides think they are correctly interpreting the law.

"No one is disputing what happened," she said. "Only if it was right or wrong."
Student tests Court decision

A Long Island teenager has given the New York State Commissioner of Education the opportunity to decide if censorship of a literary magazine is allowable under Hazelwood. For Eric Brenner, freedom of speech meant the opportunity to publish creative writing in his school's literary magazine, the Northport-East Northport High School Arts Focus.

And for the Long Island teen, obstruction of this freedom came in the form of confiscation of 500 copies of the magazine. The magazines, only a small portion of the total number printed, were confiscated in May 1987 by Northport-East Northport superintendent Dr. William Brosnan, who said portions of Brenner's story were "obscene."

Brosnan said he objected to a song sung by teenage characters in the story using the words "dick" and "pee." Brenner had received an "A" grade on the story in a writing class. Brosnan said he confiscated the group of magazines which were to be distributed at a district-wide arts festival, because the language in Brenner's story would be inappropriate for younger students who would be present at the festival. The entire literary magazine had already appeared, however, as a supplement to a local community newspaper.

Brenner said he thinks Brosnan would have censored the story earlier, if he had known about it.

Brosnan said he could not comment on the case at this point, on the advice of the school district's attorney.

William Streitweiser, educational ombudsman for the school district, who works with students who have problems with other students, teachers or administrators, said he felt there was "a strong element of moral grandstanding in the censorship."

Brenner went to Streitweiser for help in June 1987. They first had a meeting with the superintendent, who refused to change his position about distribution of the magazine. Streitweiser next helped Brenner appeal the decision to the school board, who supported the superintendent's decision.

Brenner then appealed the censorship to the New York Commissioner of Education.

Brenner was represented at the hearing by former director of the New York Civil Liberties Union student rights project, Allen Levine, who is handling the case as a volunteer attorney for the NYCLU.

"We will be asking the Commissioner to decline the Supreme Court's invitation to set up a system of censorship," Levine said.

He is supported by the National Coalition Against Censorship, who filed a petition with the Commissioner.

"It was a great case before the Hazelwood decision," said the NCAC's director for education and public affairs Roz Uдов.

This was a view shared by others involved with the case, including Eric's father, an attorney who was originally representing Eric.

"I was terribly disappointed about the Hazelwood decision, and Eric was even more," Brenner said.

William Hall, of the Northport-East Northport school district teachers' union, who has supported Brenner, said the Hazelwood decision "has us concerned, that's for sure."

Streitweiser said Hazelwood may not necessarily have an effect on the Brenner case.

"It depends on whether the commissioner wants to come forward and be his own man and follow the New York State tradition of being more liberal about student expression," he said.

A decision from the commissioner is expected soon.

Levine said he was disinclined to predict the outcome of the case, but that he hoped the New York Commissioner, as the chief educational officer of the state, will decide it is in the best educational interests to allow students control over student publications.
Florida

Shooting story stopped after principal objects

The students of the Pinellas Park, Fla., High School newspaper thought "they were going to be praised for the good job they did" in covering a shooting and murder incident at their school, according to adviser Susan Earley.

Instead, they were censored.

The shooting incident involved two students who had brought guns to school at lunch one day in February. One student’s gun was confiscated by an assistant principal while the other student attempted to run away. The second student was then tackled by another assistant principal, and two shots were fired.

One of the shots wounded assistant principal Nancy Blackwelder and the other killed assistant principal Richard Allen.

Following the shooting, all students were released to go home which gave the newspaper staff time to cover the incident.

Because the Powder Horn Press was to go to press that day, Thursday, the staff decided they would work together and re-do their front page to include a story and photo about the incident and design a graphic for the last page.

Earley said two reporters, a photographer and editor Brad Young, worked on the project so they were able to take the paper to the printer between 11 and 12 p.m. that night. The newspaper was printed by the next day.

Pinellas Park has a policy that states that anything disruptive, potentially libelous or obscene has to be shown to the principal before being distributed.

Earley decided they should do this.

"I can’t tell you how stressful the situation was, and how horrible it was. There were kids crying, psychologists all over and things were very unsure."

Friday the newspaper staff took the paper to principal Marilyn Hemminger in the afternoon when it came back from the printer. She was having a meeting with a number of school and district administrators, so Earley discussed the issue with all of them.

The administrators decided they did not want the papers distributed that day, which under board policy meant they had 48 hours to come to a final decision about distributing them at all.

According to Earley, Hemminger took from Friday afternoon until the following Wednesday to announce her decision to not allow the papers to be distributed.

"We went to the principal’s office on Wednesday asking if it was OK, thinking we were being especially cooperative under very trying circumstances.

"Instead of them also being rational and cooperative, they yelled at us."

Earley especially remembers Verle Davis, an area superintendent, describing as "erroneous" the graphic in which they had slightly misplaced the surviving assistant principal.

The students included only material that the professional press had already covered, according to Earley. They did not use the names of students, or show blood in the picture.

Earley said the students were told they could appeal the principals’ decision, but Davis said he would support whatever Hemminger decided.

They decided not to appeal.

"It was a decision my adviser and I talked about," said editor Brad Young.

"I went home and sat down and thought about the pros and cons and wrote about three pages of feelings. I decided I didn’t have the strength to go through an appeals process.

"I needed to connect with my friends who had been present when it happened and help them," Young continued.

Ultimately, the first and last pages were reprinted without any coverage of the shooting, and the rest of the paper was distributed the same as before.

Earley said the paper was supported in its decision by the professional press, but quoted a college editorial which called them “the powder puff press and milk toast media."

"I cried all day the day we decided not to appeal," she said.

"We are not afraid to cover things like this, and we have appealed other administrative decisions this year, and won, but under the circumstances we felt this was the best thing to do."

Young said some students felt the newspaper not appealing the decision was the first concrete thing done to pull the school back together.

"We expected to be complimented on a good job, not reprimanded for one imperfection, which still made us more accurate than a lot of the professional media," he concluded.
Ohio

School nurse criticism results in censorship

The staff of the Woodward Tattler in Toledo, Ohio, wanted to protest what they said was unprofessional conduct of their school nurse. Instead, they ended up protesting the administrative confiscation of the majority of their papers.

The problem at Toledo Woodward High School began with complaints about school nurse Judith Breese-Gebrich the journalism students had been making to their adviser, Dale Price.

"I said, 'Kids, I'm only a math teacher; if you have a real problem, write a story on it,'" Price said.

In November, the students then wrote a column and an editorial and drew an editorial cartoon about Breese-Gebrich which asserted that she thinks all medical problems can be cured with "an ice-pack and baking soda," and gave specific examples of ways she said she had acted unprofessionally, such as making students suffer long delays before giving them treatment.

"The papers contained potentially libelous material that we felt the students were not properly advised of," said assistant superintendent Robert Romans.

Assistant principal Rebecca Johnson, who had received her copy of the paper the night before they were scheduled for distribution, consulted school attorneys after reading the pieces about the nurse.

"He said I was right to worry, and should prevent the papers from being distributed," Johnson said.

All the papers except those that had gone in the mail or been distributed to faculty were then confiscated and put in a closet at the Board of Education. The Tattler staff maintained that all facts reported in the story were accurate.

Price said when he told the students about the confiscation during journalism class, they were incensed.

As a result of the incident, a policy has been implemented which requires Johnson to read all copy before it goes to the Tattler's printer.

The students were less concerned about this policy, however, than about recovering the printing costs of the confiscated issue, over $350, from the school, according to Price.

"That's a large chunk of their budget, so we presented the principal with a bill, and she told Romans," Price said.

He said Romans refused to compensate the newspaper.

In an interview, Romans said because the Board subsidizes the newspaper, "It's really our own loss."

Price said he and his students decided to drop the matter after the Hazelwood decision.

Oklahoma

ISN-related suspension revoked

Oral Roberts University student John Lovell was placed on disciplinary probation in March after school officials observed him distributing copies of the Independent Student News to his friends on campus.

Lovell, executive vice president of ORU's Student Association, claims that his actions did not violate an ORU "Code of Honor" regulation prohibiting distribution of material on campus not approved by the administration.

"I was not standing on a corner giving copies to everyone," Lovell said in an interview with the Independent Student News. "I gave a few people I knew copies..."

The probation was withdrawn two days after it was imposed, according to Lovell, due to press coverage in the ISN. Lovell added that he never actually served any time on probation, since it was lifted before it was to take effect.

The issue in question contained an interview with ORU medical students, headlined "ORU Lied & Betrayed Us." The story concerned the cancellation of an $8 million scholarship program for the students, and quoted anonymous students who expressed dissatisfaction.

The $8 million had been raised in Roberts' evangelical campaign, in which he said God would "call him back" if the money were not raised. The money had been earmarked for a scholarship fund for incoming medical students.

Lovell met with ORU Dean of Students Clarence Boyd to discuss the probation, and it was later decided that the probation be withdrawn.

The Independent Student News is published by David Arnett, winner of last year's Scholastic Press Freedom Award. Arnett founded the ISN after becoming dissatisfied with Tulsa Junior College's student newspaper, and his paper now has a circulation of 35,000. It is distributed throughout the Tulsa area, and recently opened a news bureau at Oral Roberts.
Libel suit against Lion's Voice dismissed

New Hampshire

Review staffers punished for alleged attack
Kansas

University radio show with Klan cancelled

Weeks of controversy at the University of Kansas involving the Ku Klux Klan left open the question — whose constitutional rights were infringed?

Russ Ptacek, host and producer of JayTalk 91, a weekly radio news show on KU radio station KJHK says his were.

After hearing of KKK attempts to broadcast their view on a local public access cable channel, Ptacek decided to invite two members of the Missouri Knights, the local chapter of the Klan, to do a live, phone-in show as part of his class requirement for a broadcasting course.

At the same time, journalism professor Harry Jones had invited the Klan to speak to one of his reporting classes, to give them experience in dealing with extremist groups. Jones was not aware of Ptacek's invitation.

News of the Klan's visit to the Lawrence, Kan., campus met with strong opposition from members of the black community and the controversy that erupted involved protests, meetings, media coverage and marches that eventually led to Jones canceling the visit and holding an optional class with the Klan off campus in an airport hanger.

With the campus up in arms about the issue, Ptacek's journalism professor, Adrian Rivers-Waribagha, who supervised his work, said she decided she needed to keep a more careful watch over the program.

"When Russ first began the program, I had little input because that's what I was comfortable with. Since the controversy, however, I felt other guidelines were needed," Rivers-Waribagha said.

For example, she told Ptacek the interview could not be done live on campus, but would have to be taped or broadcast from a live remote at a spot off campus.

She also said she made Ptacek get her approval for future interview subjects.

According to Ptacek, these guidelines meant taking "final editorial control" away from students.

"In the past, the faculty members never knew what was going to be on the show. Now, before even organizing, I have to show my ideas to the faculty members," he said.

Rivers-Waribagha said in this in-
Wisconsin

Local business protests over gay, lesbian ad

The newspaper staff and adviser at Stoughton High School in Wisconsin say that a potentially explosive situation has turned into a positive learning experience — and a model for the future.

The Norse Star's November issue carried an advertisement for a gay and lesbian support group for teenagers. The paper's staff members say the First Amendment allows them the freedom to accept or reject any ads, and David Wallner, the faculty adviser, said the topic of homosexuality is a sensitive one in the town of 5600.

"It was probably the first really open discussion of the issue in the community," Wallner said. "Not only was it a debate on the freedom of the press, but about homosexuality as well, and you can't be afraid to deal with those issues."

Bob Hill, owner of the Buggy Scrub Car Wash in Stoughton, was offended enough by the ad that he decided to pull his own ad as well as circulating a petition of protest among other local businessmen.

The petition stated in part, "We, the undersigned, strongly object to the ad for 'Gay and Lesbian' teens that appears in issues of the Norse Star... We ask you to consider the elimination of the above-mentioned ad from further issues. If you are unable to do this, consider this document as authorization to discontinue our business ads...."

It was signed by Hill and 13 other local businessmen, and delivered to Wallner just before a school board meeting. Board member Larry Roberts had suggested in a December memo that the issue should be placed on the board's agenda for discussion.

Because of extensive media coverage of all the events surrounding the KKK on campus, Pteek eventually dropped his plans for the radio show interview. He has no plans for litigation, but does feel his rights were violated.

"Any time you put restrictions on the press, there is a definite question of injuring First Amendment rights. In this case, the faculty definitely got very involved with editorial and content decisions," he said.

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"As a taxpayer and a sponsor supporting the ad, I felt it was important," Hill said later.

He also said he felt the school's counselors and staff psychologist were hired to assist students, claiming that "I think that we can handle these problems through these people, not by an outside group."

At the board meeting, discussion focused on the paper's right to print any ads they chose and the need to address the homosexuality issue. About 20 speakers, mostly current and former newspaper staffers, spoke on the need for tolerance, according to Norse Star editor Megan Moriarty.

Only one local farmer spoke in favor of Roberts' proposal to cut the board's $1,800 annual support if the paper ran such ads again, and that proposal was later dismissed by the board.

The ad was sponsored by the United and paid for by the 10% Society. Both are gay/lesbian support groups in nearby Madison, and receive funding from both the city and the University of Wisconsin.

Hill claims that he objected to the ad because he didn't know enough about the group or its mission, and said he still feels that the group was set up for "out-and-out recruitment of gays."

Moriarty said the group's homosexual focus was not the issue.

"We're pro-First Amendment rights, not pro-gay. That's what we're

continued on page 30
Censorship

continued from page 29

trying to get across," she said. "The purpose of the group was not important to us."

The ad had appeared at least twice in previous issues, and although Wallner said that its impact was discussed at length by the paper's staff, it ran with little protest from the community. It received such protest this time, he said, because Hill had not advertised in the paper when the ads first ran.

"It's sort of a quintessential learning experience for kids," adviser Wallner said. "They have an outlet for expression here, and it has to be treated fairly, professionally and accurately."

He added that the controversy erupted just as students were returning from their Christmas break, and that it may have evolved differently had the board meeting been held just 10 days later, after the Hazelwood decision.

He also said that only Hill has decided to pull his advertising from the paper, and that he was refunded a percentage of the rest of the year's payment.

Moriarty claims the controversy came about due to "homophobia," and that the paper should maintain its right to print, or not print, any advertisements, regardless of subject matter.

Wallner said the ad has been offered again for publication by the groups, and that according to preliminary staff votes, "it's very likely the ad will run again."

"It'll be a real test of the kids' convictions, to see if they'll be brave enough to weather the storm," he added.

Moriarty said she would have defended the paper's rights in court, if it had been necessary.

"It was a great learning experience," she said. "No matter where you go, there are going to be people who don't like what you think, and they'll fight you. But I think we won, and the support we received was very encouraging."

California

At University Times, money clock is ticking; Students fight finance-related close of paper

Staff members of the University Times, Cal State-Los Angeles' student newspaper, have been fighting a battle for survival on three different fronts. And after the firing of the paper's publisher, they fear their struggle may ultimately end in defeat — and the closure of the paper.

The UT has collided with administration officials and the school's Associated Students and Communications Board, and while the threat of extinction is as prevalent as ever, managing editor Peggy Taonnaia says "we'll fight like hell" for survival.

In a February memo to the Department of Communications Studies' chairman Keith Henning, Dean of the College of Arts and Letters Bobby Patton offered two major restructuring proposals for the paper.

One of these proposals, the replacing of faculty member Joan Zyda, defined as the paper's "publisher," with a "laboratory supervisor" who would assume publishing responsibilities, has already taken place, and Zyda has now lost her job with the university. The dismissal was effective April 15.

The paper's editors claim that administration officials are motivated by a desire to silence editorial criticism of their actions.

Zyda, who has herself written memos to administration officials protesting the actions, says although her $33,000 annual salary has been cut, she plans to continue fighting for the paper's freedom.

"[Henning and Patton] know nothing about journalism, but they think they know what's best for the paper," Zyda said. "We know, because we work here every day."

The paper's publication schedule was cut at a December meeting of school officials to three days a week, and summer publication was suspended. The UT had published daily for the previous 23 years.

The decision angered the staff, according to Zyda, not only because of its feared impact on circulation and advertising revenues but also because no official UT representatives, including editor-in-chief Keith Jordan, were allowed to attend the meeting.

"Your continued policy of holding meetings and making decisions about the newspaper's operations with no input whatsoever from those directly affected is unethical at best and probably illegal," said UT associate editor Laura Brown in a March letter to Patton and Henning.

Other proposals made by the school and under consideration include a 25-cent per copy charge for the UT and reduction of its circulation from 8,000 copies to 1,000, as part of CSLA's effort to reclassify the paper, in Zyda's view, as a "laboratory experience."

Zyda maintains that such a classification would severely curtail the paper's function as a public forum, and noted that the university's proposals come at a time when UT editors have been especially critical of...
the administration.

"What appalls me is just really how few people here know what the First Amendment is, I mean from the top guy [CSLA president James Rosser] all the way down," Zyda said.

The paper also received a financial setback when the Associated Students, CSLA's student government, voted to withdraw $12,000 in funding traditionally earmarked for UT advertising and use the funds to begin publishing its own newspaper, The Eagle's Eye. The paper's first issue maintained it was "not just an A.S. newsletter," but a UT editorial termed the publication "an official propagandist organ for a small clique of students leaders."

That paper has appeared only twice since September, and UT editors claim that the funds spent to purchase equipment and supplies for The Eagle's Eye could have been used to lessen their financial woes.

In addition, a recent emergency funding request was cut in half by the Associated Students, and the UT's editors claim that student government members have opposed the paper ever since last spring, when the paper editorially opposed their proposal for student fee increases.

Former Associated Students president Eric Peacock, a frequent target of UT editorial criticism, also served until recently on the university's Communications Board, which monitors all campus media for compliance with the school's communications code.

The board is made up of three Associated Students members (including Peacock's executive assistant Ernie Ariza, its newly elected chairman), three faculty members and public affairs spokesperson Ruth Goldway, who represents the president. The board also makes preliminary funding recommendations for the UT and has the power to reject the paper's chosen editor.

Zyda says she sees an inherent conflict of interest in having the potential subject of news stories serving on a board that has so much control over the paper's funding and thus its editorial decisions.

She also says her removal is both a violation of the communications code and of her employment contract, and plans to file a grievance with the California Faculty Association in connection with the dismiss-
al. The CFA also staged a protest vigil in early April on the paper's behalf.

Two budget-related layoffs of UT staffers have further strained the paper's resources and in a January memo, Patton warned that if the paper's financial situation did not improve, closure of the paper may be warranted.

"We're committed to having a quality newspaper and a quality journalism program here," said Patton.

Peacock says he has no interest in shutting down the UT.

"What's important here is that the university is not going to let the University Times die," he said.

Repeated efforts to contact Henning at his office were unsuccessful.

The situation has not improved, according to Zyda, but she says she'll stay with the paper as an assistant as long as necessary.

"The principles are worth fighting for," she said. "If I throw in the towel now, who knows what will happen to the paper?"

Just after Ariza was elected as the new Communications Board chairman, according to UT stories, he said that "the newspaper should be a tool for the students and the administration," and editors say they feel his view is similar to that of other campus officials.

"We have consistently refused to yield," said Jordan, "but what we have gotten for our adamance is a reduction of our funding - and our freedom."
Washington

Reporter’s video tape subpoena withdrawn

A Washington State University student reporter’s taped interview of a murder witness was subpoenaed in December, but the school refused to hand over the tape and the subpoena was eventually withdrawn.

Vanessa Windsor, a senior journalism student at Washington State and a reporter for student-run Cable 8 News in Pullman, interviewed Zephyr Strandy. Strandy was a witness in a murder case in which James Robert Dinehart was accused of stabbing and killing Strandy’s roommate. When Michael Pettit, Dinehart’s lawyer, saw part of the interview on television, he was surprised at what he heard Strandy say. Mr. Pettit said the tape contained a “very accusative statement” which he had not heard before. He wanted to view the entire videotape to see if there were any other accusations in the interview.

Pettit asked Washington State University to release the tape, but the school refused without first receiving a court order. Pettit filed for a subpoena and the court granted his request.

Windsor, however, refused to turn over the tape. Attorneys for Washington State University filed a motion to quash the subpoena, to prevent Pettit from viewing the un-air portions of the interview. The motion to quash was based on the Washington “shield” law that protects the confidentiality of journalists’ sources.

Windsor says she refused to release the unedited version of the tape because of a promise of confidentiality she had made to Strandy in order to get the interview. Windsor promised Strandy she would not release the unaired portions of the interview. Windsor said she did not expect to be subpoenaed. She said, however, that when she was subpoenaed, she “[I] really had to do some serious thinking about [her promise of confidentiality.] It was not to be taken lightly.”

Alex Tan, the head of the Communications Department at Washington State University, backed Windsor in her decision not to release the tape. He said that Pettit was merely on a “fishing expedition” and that both Tan and Windsor were prepared to take the case as far as necessary to protect her rights.

Pettit claimed, however, that he needed the tape in order to defend his client. He said that because Strandy’s girlfriend had been present during the taping, the reporter could not claim the interview was confidential.

Pettit eventually dropped the subpoena after he was assured by a member of the Washington attorney general’s office, who had viewed the entire tape, that there was no information on it which would help his client.

This case was the subject of an annual symposium held by lawyers and members of the press from around Pullman in February. Journalists and lawyers discussed ways to solve the problems involved with promises of confidentiality and policies which could be adopted to prevent further problems.
Call the shots: Don’t be a gun for hire

By Jane Kirtley

Imagine that you are staffing your newspaper’s desk one evening. You receive a call from someone who says he can give you the inside story on corruption in the athletic department. Your caller says the coaches are giving team members steroids and other controlled drugs without a doctor’s prescription. The caller would love to meet with you and tell you all the gory details.

But there’s one catch. You must promise not to reveal his name. Ever.

Or, suppose your campus television station decides to cover an anti-nuclear weapons rally. You shoot plenty of videotape, including footage of the arrests of several demonstrators. You air less than two minutes of the tape. A couple of days later, the lawyer for the demonstrators calls you. The demonstrators were charged with resisting arrest and with harassing police officers, and the lawyer wants you to give her your outtakes so that she can use them to impeach the testimony of the police officers at trial.

What do you do?

Both of these situations raise legal and ethical questions about your role as a newsgatherer. And, as a student journalist, you can expect to face dilemmas like these at least once in your career.

How will you reconcile your desire to get a beat on a hot story when the price is a promise of anonymity to your source? How do you feel about supplying unbroadcast footage to assist a defendant in a criminal case?

The answers to these questions are not easy for many journalists. All over the country, professional journalists are routinely subpoenaed by the government, by criminal defendants, and by private litigants in civil cases. They are being asked, and in some cases, ordered by a court, to reveal sources who talked to them under a promise of confidentiality, to give up unpublished photo negatives, or to disclose the contents of an off-the-record confession that was not included in a published jailhouse interview. Some of them have gone to jail for refusing to do so.

Would your state allow a court to find you in contempt for defying such a court order? Would you be prepared to go to jail to protect your First Amendment rights to gather and disseminate the news without government interference — and to keep a promise of confidentiality made to a source?

The answer to the first question will depend upon a number of factors. First, is the proceeding a state or federal matter?

If it is purely a state matter, the law of your state will
probably be controlling. Twenty-six states have enacted legislation, known as shield laws, which provide varying degrees of protection for journalists. Some laws, called "absolute," protect you from compelled disclosure of sources or information obtained in the course of news-gathering, no matter what the circumstances. Others are "qualified," and may limit protection depending upon what type of news organization you work for, whether the underlying case is criminal or civil, or whether your news organization is a party to the case, such as a defendant in a libel suit. They may permit you to protect confidential sources, but not unpublished information. Or, they may divest you of the privilege if the party seeking your testimony or documents can demonstrate that your information is relevant and material to the case and cannot be obtained from other sources. And, several state courts have ruled that their shield laws do not protect student journalists.

Many of the states that have no shield laws nevertheless recognize some type of reporters' privileges, based upon the state or U.S. Constitution, or on judge-made common law. You should find out what protections have been recognized for journalists in your state.

If the underlying action involves a federal investigation or litigation in a federal court, your privileges will be limited by rulings by the U.S. Supreme Court and other federal courts, because there is no federal shield law. Most of these courts have acknowledged at least a qualified privilege to protect sources and information based on the First Amendment, and the federal court may also give some deference to state statutory or common law.

If you are served with a subpoena or a request for your notes, outtakes, or other unpublished information, you should talk to a lawyer at once. He or she can advise you about what protection is recognized by the courts in your state.

Once you know where you stand legally, your next step will be to decide what to do. From a practical standpoint, you will probably agree to comply with requests for information that has been broadcast or published, because very seldom do states recognize any privilege to withhold copies — although you can ask for your reproduction costs. Many news organizations insist on a subpoena in any event, so that they can produce the information in response to legal process, and not because of any perceived bias for one side or the other in a dispute.

If served with a subpoena for confidential or unpublished information, will you ask a lawyer to file a motion to quash it? At this point you probably have a fairly good idea of whether you can expect to succeed in a legal challenge. But you may have conflicting feelings about other aspects of the question.

Going back to the second example above, suppose your camera operator knows the police roughed up the demonstrators. He thinks the police clearly used excessive force and that the demonstrators should be acquitted. He wants to help them get off — after all, they were just exercising their First Amendment rights of freedom of speech and assembly. Why not turn over the outtakes?

Before you answer that question, consider another scenario. Suppose you have the same demonstration, same incident, same footage, only this time, the county prosecutor asks for the outtakes. She believes they will conclusively prove that the demonstrators struck the first blows. Will you give them to her?

If your answers to these two versions are different, ask yourself why. Are you allowing your sympathy for the demonstrators to affect your objectivity as a reporter? Are you allowing your hostility to authority to dictate whether or not you will help make the government's case? Will you allow yourself to be turned into something other than a newsgatherer: into a private investigator, or an agent of the government?

And what about the anonymous caller in the first example? Are you willing to promise anything to get a juicy story? Have you asked why the caller wants anonymity? Is he really reliable, or does he just have an ax to grind? Have you considered how believable your story will be to your readers if it appears with only an unnamed person as the source? What if one of the coaches sues you for libel? How will you defend yourself?

If after weighing all these factors, you still think you should go with the anonymous source, ask yourself one last question: are you prepared to defend your promise to keep the source's name confidential, even if it means paying a stiff fine or going to jail for doing so?

If your answer to the last question is no, you have no business promising confidentiality to the source. A reporter should not make a promise he or she does not intend to keep. If you habitually reveal sources you've promised to keep secret, word will get around that you cannot be trusted. Your sources will dry up, and you might as well start selling insurance.

Second, and more important, the reporters' privilege to protect sources and unpublished information is a fragile one. Law enforcement agencies and many legislators think that reporters already enjoy too many privileges, and that they, like any other citizen, should be willing to "do their duty" and testify. During the past year, the highest courts in Pennsylvania and New York have narrowly interpreted their states' shield laws — laws previously considered to be virtually absolute — on public policy grounds.

But many reporters over the years have gone to jail to defend the principle that journalists are special, and that the public is best served by permitting them to do their jobs without fear of retribution or intimidation. The news media serve a vital and unique role in our society as watchdogs of the government and as independent observers and reporters of news. A reporter can only do that job credibly if he or she is non-partisan and objective, and is allowed to function free of government and other outside influences. Compelled disclosure of information obtained through newsgathering destroys that credibility, because unless objectivity and independence can be maintained, a journalist is just another hired gun.

Which do you want to be? Viewpoint is an occasional series written by those who have a special perspective on problems faced by the student press.

Jane Kirtley is an attorney and executive director of the Reporters Committee for Freedom of the Press in Washington, D.C. She also serves on the Student Press Law Center's board of directors. Kirtley has a bachelor's and a master's degree in journalism from Northwestern University and a law degree from Vanderbilt University. She was an editor of her high school newspaper, the Northern Lights, at North Central High School in Indianapolis, Ind., and was on the staff of Byline, the student magazine at Northwestern University.
LEGAL ANALYSIS

Hazelwood:
A Complete Guide
to the Supreme Court Decision

On January 13, 1988, the United States Supreme Court handed down its decision in the case Hazelwood School District v. Kuhlmeier. The decision upheld the right of public high school administrators at Hazelwood East High School in suburban St. Louis, Mo., to censor stories concerning teen pregnancy and the effects of divorce on children from a school-sponsored student newspaper.

The Hazelwood decision was in dramatic contrast to the decisions of courts across the country handed down over the last 15 years that have given student journalists extensive First Amendment protections. As a result, many students and advisers now ask, "After Hazelwood, what are our rights today?" This article is intended to help answer that question.

Although the Supreme Court was only dealing with a student newspaper in this case, it seems clear that all student news and information media will be considered in the same light. Whether you are involved with a newspaper, yearbook, literary magazine or radio/TV program, you can use this information as a guide.

The most significant aspect of the Hazelwood decision is its change in determining when a student publication is or is not a "public forum" for student expression. Some student publications that may have formerly been considered public forums will not be after Hazelwood. The determination of forum status may not always be clear, but this article describes how that determination will likely be made.

Please note one thing above all else. All public high school students still have some First Amendment protections that limit the ability of school officials to censor student publications. No student or adviser should be willing to give up the battle against censorship. The Student Press Law Center remains a source of legal advice and assistance for students who are facing censorship from school officials. Please, write or call if you need our assistance. In addition, now more than ever we need to keep track of the censorship of student publications across the country. If you are involved with a public or private high school or college publication, let the Student Press Law Center know when you have a problem with censorship.

What the decision says
Hazelwood School District v. Kuhlmeier was decided on January 13, 1988. Justice Byron White wrote the Court's majority opinion, which was joined by Justices Rehnquist, Stevens, O'Connor and Scalia. Justice William Brennan filed a dissenting opinion that was joined by Justices Marshall and Blackmun. The 5-3 vote reversed the decision of the United States Court of Appeals for the Eighth Circuit in St. Louis, which had upheld the rights of the students.

In essence, the majority opinion of the Supreme Court said that the rights of public school students are not necessarily the same as those of adults in other settings. The student newspaper at Hazelwood East High School, it said, was not a "forum for public expression" by students, and thus the censored students were not entitled to broad First Amendment protection. Therefore, the Court held that the school was not required to follow the standard established in Tinker v. Des Moines Independent Community School District, a case where students were suspended from school for wearing black armbands in protest of the Vietnam War. In that 1969 case, the Supreme Court said school officials could only limit student free expression when they could demonstrate that the expression in question would cause a material and substantial disruption of school activities or an invasion of the rights of others.

In the case of censorship by school officials of student expression in a non-forum, school-sponsored activity such as a student newspaper, the Court now said a different test would apply. When a school's decision to censor is "reasonably related to legitimate pedagogical concerns," it will be permissible. In other words, if a school can present a reasonable educational justification for its censorship, that censorship will be allowed.

The Court went on to say that the Hazelwood East principal had acted reasonably in removing the stories in question. The Court found that it was "not unreasonable" for the principal to have concluded that "frank talk" by students about their sexual history and use of birth control, even though the comments were not graphic, was "inappropriate in a school-sponsored publication distrib-
that you may no longer have the character of the high school press," the Report said.

The Supreme Court's decision left some important legal protections against censorship intact. The following questions and answers will try to point out what those protections are.

Does the Hazelwood decision apply to all high school publications?

No. It only applies to those school-sponsored student publications that are not public forums for expression by students. Underground, alternative or unofficial student publications still retain much stronger First Amendment protections.

The Court's opinion mentions three different criteria that it might look to for determining if a publication is school-sponsored: 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? The first two criteria seem to be the most important. If you answer yes to any of these three questions, the Hazelwood opinion suggests that your publication will be considered school-sponsored. The fact that you may not be tied to a class but rather are an extracurricular activity will not ultimately matter.

But even those student publications that could be considered "school-sponsored" under this analysis may still be entitled to strong First Amendment protection 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 adviser to the newspaper had acted as "the final authority with respect to almost every aspect of the production and publication...including its content." (The dissenting justices said they thought the facts indicated otherwise.) That finding by the majority, combined with the fact that the school never explicitly labeled the student newspaper as a "forum" in its written policies or gave other explicit evidence of an intent to designate the newspaper as a forum, prompted the Court to say a forum did not exist.

Hazelwood was the first case ever in which a court found a student newspaper not to be a forum for student expression. In the past, courts had said that any student publication that was more than an "activity time and place sheet" would be considered. They recognized that a student newspaper, by its nature, is an outlet for student expression. The Supreme Court in Hazelwood significantly changed the method for determining when a student publication is or is not a forum.

However, the Court did not rule out altogether the possibility of student newspapers being public forums for student expression. It simply said the Spectrum at Hazelwood East was not one. If at your school student editors have clearly been given final authority over con-
tent decisions or where the school has explicitly designated a student publication as a forum, the Hazelwood decision will not apply. School officials will only be allowed to censor when they can meet the Tinker decision, which offers much broader protections of student rights.

When is censorship by school officials now allowed?

When a student publication is school-sponsored and not a forum, as the Court found the newspaper at Hazelwood East High School to be, school officials will be allowed to censor when they can show that their censorship is "reasonably related to legitimate pedagogical [educational] concerns." Only when the censorship has "no valid educational purpose" will a court act to protect students' rights. School officials were not given limitless authority to censor in Hazelwood. They still have the burden of demonstrating that they have met this standard set by the Supreme Court.

So when will censorship be considered "reasonably related to legitimate pedagogical concerns?" Considering that every major national organization of journalism educators in the country has said that censorship in and of itself is an educationally unsound practice, one might think that schools could never get away with censorship. However, the Supreme Court has indicated otherwise.

The Court gave several examples in its decision of what could be censored: material that is "ungrammatical, poorly written, inadequately researched, biased or prejudiced, vulgar or profane, or unsuitable for immature audiences." Potentially sensitive topics, such as "the existence of Santa Claus in an elementary school setting," "the particulars of teenage sexual activity in a high school setting," "speech that might reasonably be perceived to advocate drug or alcohol use, irresponsible sex, or conduct otherwise inconsistent with the 'shared values of a civilized social order'" may also be censored. In addition, the Court said school officials can censor material that would "associate the school with anything other than neutrality on matters of political controversy." As these examples make obvious, the school might be allowed to censor a great number of things simply because it disapproves of them. In fact, the Court said schools can demand of their student publications standards "higher than those demanded by some newspaper publishers ... in the 'real' world." The list of examples, frightening in its breadth and vagueness, makes clear just how far a school official might attempt to go in censoring student publications after Hazelwood. If a student newspaper were to editorially criticize a school policy, could a principal censor that editorial claiming it was "biased?" Presumably, an editorial is by its nature biased, in that it takes a position on a particular issue. One would hope that the courts applying Hazelwood in the future will not be too willing to accept a principal's determination of bias in that context. Ultimately, a school still must demonstrate that its decision is "reasonably related to legitimate pedagogical concerns." If a school cannot do that, their censorship will be impermissible.

continued on page 38

BOB STAAKE

Personally (comma) I applaud the Supreme Court for their decision to uphold the censorship at Hazelwood High (period) Just because we students are taught the fundamentals of democracy in high school (comma) that's no reason to extend to us the same First Amendment rights as an adult (period)

MIND-MANAGING EDITOR
The Court also makes clear that after Hazelwood, a school official can review non-forum, school-sponsored student publications before they go to press, and can do so without specific written regulations. Prior review by school administrators has long been one of the most problematic and insidious forms of censorship. If your publication falls into the criteria set out in Hazelwood, you now would probably have to submit to such review if it was demanded by school officials.

So did the Supreme Court overrule its decision in the Tinker case?

No. Once again, the Court reaffirmed Tinker and the notion that neither students nor teachers lose their free expression rights at the schoolhouse gate. But the Court did seriously cut back on the application of Tinker. By refusing to apply that decision to any situation in a public high school involving a non-forum, school-sponsored activity, the justices made Tinker a shadow of the protective shield for students it had once been.

For all the school-sponsored student news media that are forums for student expression or for those alternative, underground or non-school sponsored publications, the Tinker standard is still the law. School officials can only censor those student publications when they can demonstrate a material and substantial disruption of school activities or an invasion of the rights of others.

Does the Hazelwood decision only apply to student publications?

No. Any school-sponsored, non-forum student activity that involves student expression could be affected. The Court specifically mentions theatrical productions, and art shows, science fairs, debates, research projects and cheerleading or pep squads could be among the other activities censored under the new Hazelwood standard. All students in public high schools should be concerned about the effect this decision could have on their right to express their opinions in school-sponsored activities or in the classroom.

Are there any other legal protections to keep school officials from censoring?

An important caveat goes along with all of this information about the Hazelwood decision: the Supreme Court was only ruling on the protections the First Amendment to the United States Constitution offers to public high school students. They left open the possibility that other avenues of protection, including everything from state constitutional provision or statutory laws to school board regulations, might still prevent school officials from censoring.

California has a state law that protects the free expression rights of students. California Education Code section 48907 says school officials can only censor student expression when they can demonstrate that the material in question is libelous or slanderous, obscene or will incite students to commit unlawful acts on school premises or violate lawful school regulations or will result in substantial disruption of the orderly operation of the school. Although this statute is unique, you can read elsewhere in the Report how the move is afoot in other states to enact similar legislation. In addition, some states have regulations established by their departments of education that protect student press rights.

Some final words.

The SPLC answered over 500 calls from students, teachers and professional journalists about the Hazelwood case in the first three weeks after it was decided. Even now, after several months have passed, we cannot begin to tell you the full implications of the decision. Much of the impact of this case will only be made clear when the courts are confronted with the first post-Hazelwood censorship cases and begin the process of interpreting and applying what the Supreme Court has said. Keep reading the Report and we will keep you informed of court decisions and expert analysis as it develops.

The SPLC is not about to give up the fight for student press rights and quality student journalism. We hope that you will not either.

Id. at 567-69.
Hazelwood, 108 S. Ct. at 571.
Id. at 571-72.
Id. at 573.
Id. at 578.
Id. at 580.
Hazelwood, 108 S. Ct. at 569-570.
Id. at 568.
Hazelwood, 108 S. Ct. at 571.
Id.
Id. at 570.
Id.
Id. at 571 n. 6.
Id. at 570.
California Education Code section 48907 (West 1984).
What to do if it happens to you

Fighting censorship after Hazelwood

For those student publications that are affected by the Hazelwood School District v. Kuhlmeier decision, First Amendment protections have been significantly reduced. But there are still avenues for fighting the censorship that interferes with your ability to produce quality publications and to become well-trained student journalists. What follows are some pointers on where students and advisers should go from here.

1) Don't begin censoring yourself in fear of what might happen at your school! Within days of the Supreme Court's decision, the Student Press Law Center had calls from students and advisers telling us they were pulling stories about teen pregnancy, AIDS and other timely topics because they did not know how their principal would react to them. That response is exactly what many feared a pro-censorship decision might bring, a true "chilling effect." Nevertheless, it is precisely the wrong response.

If your publication has prepared a well-written, accurate story on any topic of interest to you and your readers, do not drop it because of Hazelwood. Now, more than ever, you should strive to produce the highest quality work you can. But when you have done that, you should not hesitate to publish it. If your principal or some other school official wants to censor, let them do it. Do not try to guess what they might not like and censor yourselves as a result. If you head down the road of self-censorship, it will not be long until your publication is as superficial and unchallenging as many student publications once were. It is up to you not to let that happen.

2) Urge your school to adopt a policy for student publications. If one is not already in existence, push your principal, superintendent or school board to adopt a policy protecting the right of student journalists to make their own content decisions. Many schools across the country have adopted such policies over the years, and those that have find that high quality publications and students with a greater sense of responsibility for their work result. Elsewhere in this Report you can read how school districts from rural Colorado to urban Miami have set fine examples.

The SPLC's Model Guidelines for Student Publications have since 1978 been a pattern for schools of all sizes. Our Model Guidelines set reasonable limitations on the material that students can include in their publications. Plus, they protect the rights of students to be free from arbitrary censorship by school officials. Gather the support of students, teachers, parents and community members, and urge your school to adopt a policy that protects press freedom for students.

3) If your are censored, appeal. If a school administrator raises objections to a story, graphic or advertisement you want to publish, be prepared to respond. Ask for specific objections to the material in question, in writing if possible. If the problem is poor grammar or style, see if you can improve your work. If the official complains of factual inaccuracies, check the facts again and show why you believe the story to be true. If the complaint is simply the "sensitive" nature of the topic, make sure the material does not fall into one of the areas of "unprotected" speech such as libel. Be willing to sit down with your administrator and talk with a cool head about why the material in question is important for your student publication.

If the day comes when, despite all your efforts, your principal tells you not to run that story about date rape or drug abuse in your publication, do not accept that decision as the last word. Remember, a principal can only censor if a school district allows him or her to do so. Your school district might not. If you are convinced that the principal's concerns are not valid and no changes in the story are appropriate, appeal the principal's decision to the school superintendent. Present the superintendent with your well thought-out reasons why the story should run. If the superintendent sides with the principal, go to the school board. Ultimately, the school board has the final decision on what your school officials will be allowed to censor. Your job is to persuade them why your reasons for running the story in question are good ones. If you accept a principal's decision as final, you may be giving up too early.

4) Use public pressure to your advantage. If you are appealing a decision by school officials to censor or trying to get your school district to adopt a free expression policy, get as many people on your side as you can. Drama and debate groups as well as librarians might be especially interested in joining in this effort. The support of your fellow students, faculty members and parents can have a big influence. Petitions, armbands and buttons all might be appropriate measures when talking about the problem gets no results.

Also, do not be afraid to go to the local media with your situation. They can help publicize your problem and let the community know how serious you are about your student publications and may offer editorial support. Call the local newspaper or television station and tell them that your story on AIDS was censored from your student newspaper and that you are appealing the decision to the school board. The chances are good that the media will take notice and so will your school board. No school wants to be known as a censor. Many will listen more carefully to your concerns if they know the risk of being so labeled exists.

continued on page 40
continued from page 19

At the same time, if your school officials do not censor, reward them for that. Write an editorial in your own publications and at year end give them an award for their support and commitment to high quality student journalism and the free press rights of students. Be sure to let the local media know about your award. Tell them how lucky you are not to be students at Hazelwood East High School. If you reinforce the positive behavior of your school officials, you are much more likely to see them repeating it.

5) Call the Student Press Law Center or some other legal authority on student press issues if you are censored. The SPLC can help you make a plan of action for fighting censorship in your school and can help explain what your rights are under state law as well as the First Amendment. If your rights have been infringed and you want to go to court to defend them, we can also help you find an attorney in your area that will be willing to offer assistance. Please, if you are involved in a censorship controversy, let us know about it.

6) Remember alternative publications. If all the public pressure you can bring to bear does not stop the censorship, remember that you still have the right to create and distribute your own alternative (sometimes called “underground”) publications. Alternative publications are not an ideal answer because they seldom provide the important training offered by a professional journalism adviser. But if you are not allowed to express your views or write about the topics that you think are important anywhere else, an alternative publication may be your last resort.

An alternative publication does not have to be expensive to produce. If a small student group is willing to pool money, they can type one up at home or in the public library and photocopy it for pennies a copy. It also may be possible to get money through advertising from members of the community who are supportive of your initiative and perseverance.

Do not take an alternative publication lightly. If you use such a publication only to make fun of people or to explore the boundaries of good taste, you will likely find yourself with minimal support, only reinforcing the notion that the school should never give students control over their school-sponsored publications. But with an alternative publication, the content decisions, for better or worse, will be yours.

7) Make a push for legislation in your state to protect student free press rights. Within a week of the Supreme Court decision in Hazelwood, the Student Press Law Center had been approached by those working with three different state legislatures who were preparing to introduce bills on a state level to “undo what the Supreme Court has done.” As mentioned above, California already has a state statute on the books that protects student freedom of speech and press.

Your state could pass similar protections for students, but it will only do so if it gets an indication of support from students, teachers, parents or other concerned individuals. At the request of some of our callers, the Student Press Law Center has prepared Model Legislation for protecting student free expression rights. The text of that Model Legislation appears elsewhere in this Report. If you would like to see such a law exist in your state, you need to contact a state legislator. (Many states have legislative filing deadlines that will have already passed for 1988, but if you begin your efforts now, you can prompt some action early in 1989.) Key people to approach are those legislators from your community, those who have demonstrated a special concern for the problems of young people or individual rights or those who chair the legislature’s education committees.

The SPLC’s Model Legislation is intended to return the law to the place it was before Hazelwood. It sets the Tinker standard as the basis for censorship for all student expression in the schools.

As the Rev. Steven K. Brown of Lakewood, Ohio, has said, the Supreme Court in Hazelwood “may have unintentionally taught America’s youth an important lesson about the precariousness of our constitutional freedoms: ... even in America ... freedom of the press cannot be taken for granted.” A sad and cynical lesson perhaps, but one that if taken to heart can prompt us all to fight to make student journalism’s enormous potential a reality.

If you would like a copy of the full text of the Supreme Court’s opinion in Hazelwood School District v. Kuhlmeier including the dissenting opinion, send $1 to the Quill & Scroll Society, School of Journalism and Mass Communication, University of Iowa, Iowa City, IA 52242.
LEGAL ANALYSIS

Colleges unaffected by Hazelwood

Within days of the Supreme Court’s decision in Hazelwood School District v. Kuhlmeier,1 the Student Press Law Center was receiving calls from students and advisers at colleges and universities concerned about the impact the decision would have on them. Some reported actual threats from administrators that saw Hazelwood as an excuse to begin censoring.

Those threats, however, deserve one firm response. The Supreme Court’s decision of January 13 had no effect on the legal rights of college student journalists. Furthermore, the Supreme Court has indicated in the past that it would never allow such restrictions on the free expression of students at our colleges and universities.

In a footnote to the opinion in Hazelwood, the Court said, “We need not now decide whether the same degree of deference [to content controls by school officials] is appropriate with respect to school-sponsored expressive activities at the college and university level.” 2 Thus it left intact the numerous court decisions from around the country that protect the free press rights of college journalists. As one federal court of appeals has said, “Censorship ... cannot be imposed at a college or university by suspending editors of student newspapers, suppressing circulation, requiring imprimitur of controversial articles, excising repugnant material, withdrawing financial support or asserting any other form of censorship oversight based on an institution’s power of the purse.”3

It is of some significance that the Supreme Court said it need not rule “now” on the rights of college students. One could infer that the Court might be willing to examine the extent of college students’ rights in the future and perhaps even extend the Hazelwood ruling to them. For the court to do that, however, it would have to ignore or overrule some important decisions it has handed down in the past 20 years.

One of the first and most important cases involving college student free expression rights is called Healy v. James.4 In Healy, the Court was confronted with a situation where a state college in Connecticut refused to recognize a radical student group as an official student organization. The Court said the school’s action was an infringement of the First Amendment rights of the students.

In siding with the students, the Court noted that “the college classroom and its surrounding environs is peculiarly the ‘marketplace of ideas.’” 5 Its own precedents, the Court said, “leave no room for the view that, because of the acknowledged need for order, First Amendment protections should apply with less force on college campuses than in the community at large.”6 This statement is in stark contrast to the Court’s words in Hazelwood that the First Amendment rights of high school students “are not automatically coextensive with the rights of adults in other settings.”7

The court went on to note in Healy and in Papish v. Board of Curators8 that even offensive student expression could not be censored. “[T]he mere dissemination of ideas — no matter how offensive to good taste — on a state university campus may not be shut off in the name alone of ‘conventions of decency.’”9

The Papish case involved a student at the University of Missouri who was suspended from school for distributing a radical underground newspaper. Thus the Supreme Court does have some track record of supporting college press freedom. But because Papish involved an underground newspaper, it left open the possibility that a school-sponsored publication could be treated differently.

Nevertheless, the Supreme Court and other courts have echoed a similar notion. “The university setting of college-age students being exposed to a wide range of intellectual experience creates a relatively mature marketplace for the interchange of ideas so that the free speech clause of the First Amendment with its underlying assumption that there is positive social value in an open forum seems particularly appropriate.”10

Ultimately, it will be up to the courts to decide if they want to expand the application of Hazelwood to college and university publications. But the existing law as well as common sense indicate that this is something they should not do.

5. Id. at 180.
6. Id.
9. Id. at 670.
SPLC devises legislative response

Many students, advisers and civil rights organizations from across the country called the Student Press Law Center early this year to express their dismay at the Supreme Court's decision in Hazelwood School District v. Kuhlmeier. Many were surprised to find that California had a legislative enactment passed in 1976 that continued to offer protection for the rights of student journalists in that state.

At the request of these individuals and organizations, the SPLC drafted its own Model Legislation concerning freedom of expression for students. The Model Legislation was drafted to give state legislatures the opportunity to reinstate for students some of the important protections the Supreme Court took away in Hazelwood. It embodies the standard developed by the Supreme Court in its earlier decision, Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969), that is, school officials can only limit student expression when they can demonstrate material and substantial disruption of school activities or invasion of the rights of others.

Until Hazelwood, every court in the country that had been confronted with an instance of censorship of high school student publications had applied the Tinker standard. Cases such as Gambino v. Fairfax County School Board, 429 F. Supp. 731 (E.D. Va.), aff'd, 564 F.2d 157 (4th Cir. 1977); Bayer v. Kintzer, 383 F. Supp. 1164 (E.D.N.Y. 1974), aff'd, 515 F.2d 504 (2d Cir. 1975); and Fujishima v. Board of Education, 460 F.2d 1355 (7th Cir. 1972), all applied Tinker to student publications.

The Model Legislation is based in large part on California Education Code section 48907 and the Student Press Law Center's Model Guidelines for Student Publications. Some language was taken from Massachusetts Code chapter 71, section 82, which allows school districts to adopt policies for protecting student free expression rights.

To respond to the breadth of the Hazelwood decision, the Model Legislation offers protections for more than student journalists working on school-sponsored student publications. The distribution of alternative newspapers, the performance of theatrical and musical productions and the wearing of buttons or badges are all protected. In addition, the right of a publications adviser not to be removed for refusing to censor student publications is protected as well.

The Model Legislation gives students the authority to make all content decisions. However, it spells out the limitations enumerated by courts following the Tinker standard. Students are not allowed to publish or distribute material that is obscene as to minors or libelous as defined by state law or material that will result in substantial disruption of the orderly operation of the school. School officials are prohibited from exercising any form of prior review of student publications.

The Model Legislation goes on to offer some protections for school officials as well. As long as they are not exercising control over the content of their student publications, they will not be held responsible for what the students publish. As two cases dealing with college publications establish, a school that does not censor need have no fear of legal blame for material in a student newspaper. See Milliner v. Turner, 436 So. 2d 1300 (La. Ct. App. 1983); Mazzart v. State, 441 N.Y.S.2d 600 (N.Y. Ct. Cl. 1981). Students who make the content decisions will bear the legal responsibility for their actions and as a result learn the important ethical responsibility that goes along with their position.

Every school district is required by the Model Legislation to adopt a policy relating to student publications that follows the terms of the statute and that will be distributed to all students. This provision involves schools in the process of letting students know exactly what their rights and responsibilities are instead of keeping them in the dark.

And finally, the SPLC Model Legislation allows a student, individually or through a parent, or a publications adviser to go to court to enforce the law when school officials violate it. As past court cases make clear, some school administrators will ignore existing law if they know that no one will stop them from doing so. A legal cause of action is necessary to give the law some "teeth."

If you have questions about the Model Legislation, call or write the Student Press Law Center.
LEGAL ANALYSIS

Model legislation:
freedom of expression for students

A. Students of the public schools shall have the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletins boards, the distribution of printed materials or petitions, the wearing of buttons, badges, and other insignia, the performance of theatrical and musical events, and the publication of expression in school-sponsored publications, whether or not such publications or other means of expression are supported financially by the school or by use of school facilities or are produced in conjunction with a class, except that student expression shall be prohibited as described in section B.

B. Students are prohibited from expressing, publishing or distributing material that,
1) is obscene as to minors as defined by state law,
2) is libelous or slanderous as defined by state law,
3) so incites students as to create a clear and present danger of the commission of unlawful acts on school regulations, or the material and substantial disruption of the orderly operation of the school. School officials must base a forecast of material and substantial disruption on specific facts, including past experience in the school and current events influencing student behavior, and not on undifferentiated fear or apprehension.

C. Student editors of school-sponsored publications shall be responsible for determining the news, opinion and advertising content of their publications subject to the limitations of this section. It shall be the responsibility of a journalism adviser or advisers of student publications within each school to supervise the production of the school-sponsored publication and to teach professional standards of English and journalism to the student staff. No journalism adviser will be fired, transferred, or removed from his or her position for refusing to suppress the protected free expression rights of student journalists.

D. No student publication, whether school-sponsored or non-school-sponsored, will be subject to prior review by school administrators.

E. No expression made by students in the exercise of free speech or free press rights shall be deemed to be an expression of school policy, and no school officials shall be held responsible in any civil or criminal action for any expression made or published by students provided they have not interfered with the content decisions of the students.

F. Each governing board of a school district shall adopt rules and regulations in the form of a written student freedom of expression policy in accordance with this section, which shall include reasonable provisions for the time, place, and manner of student expression and which shall be distributed to all students at the beginning of each school year.

G. Any student, individually or through parent or guardian, or publications adviser may institute proceedings for injunctive or declaratory relief in any court of competent jurisdiction to enforce the rights provided in this section.

For further information contact: Student Press Law Center, 800 18th St., NW, Suite 300, Washington, DC 20006. (202) 446-5242.

Model guidelines have new importance

Since 1974, the Student Press Law Center has been providing legal information, advice and assistance to student journalists, their advisers and school administrators. In 1987 alone, we responded to legal requests from over 600 of you.

Of all the information the SPLC provides, our Model Guidelines for Student Publications continue to be among the most requested. First published in the Winter 1978-79 Report, the guidelines have been adopted by high schools across the country as is or have been used as a starting point for creating new policies.

After the Supreme Court’s decision in Hazelwood School District v. Kuhlmeier, policies relating to student publications take on a new importance. The Supreme Court indicated in its decision that if the Hazelwood School District had been operating under a policy that described its student publications as forums for student expression, it would not have allowed non-disruptive stories about teen pregnancy and divorce to be censored. Thus a publication policy can be an opportunity for clarifying for both students and school officials their respective rights and responsibilities.

The SPLC’s Model Publications Guidelines were drafted with the intention of creating the highest quality student publications and the most responsible student journalists. We have reprinted them again in this issue of the Report on pages 44 and 45. We hope that they will help you and your school create and support a positive educational environment that recognizes the First Amendment rights of the student press. Let us know if you adopt them for your student publications.

Preamble: The following guidelines are based on state and federal court decisions that have determined the First Amendment rights of students, including the Supreme Court’s decision in Hazelwood School District v. Kuhlmeier (1988). These guidelines do not provide a legal basis for school officials or employees to exercise prior restraint or prior review of student publications. The Student Press Law Center cautions that court rulings indicate that policies which provide for prior review and restraint and meet constitutional requirements of precision, narrow scope and protection of speech are almost impossible to develop for forum publications. In addition, schools that adopt a prior review and/or prior restraint policy assume legal liability for the content of the publications, whether they are school-sponsored or non-school-sponsored. Court decisions indicate that a school likely will be protected from liability if by written policy it rejects prior review and prior restraint.
I. STATEMENT OF POLICY

It is undeniable that students are protected in their exercise of freedom of expression by the First Amendment to the Constitution of the United States. Accordingly, school officials are responsible for ensuring freedom of expression for all students.

It is the policy of the [School Name] Board of Education that [newspaper], [yearbook] and [literary magazine], the official, school-sponsored publications of [School Name], High School have been established as forums for student expression and as voices in the uninhibited, robust, free and open discussion of issues. Each publication should provide a full opportunity for students to inquire, question and exchange ideas. Content should reflect all areas of student interest, including topics about which there may be dissent or controversy.

It is the policy of the [School Name] Board of Education that student journalists shall have the right to determine the content of official student publications. Accordingly, the following guidelines relate only to establishing grounds for disciplinary actions subsequent to publication.

II. OFFICIAL SCHOOL PUBLICATIONS

A. Responsibilities of Student Journalists

Students who work on official student publications determine the content of those publications and are responsible for that content. These students should:

- Determine the content of the student publication;
- Strive to produce a publication based upon professional standards of accuracy, objectivity and fair play;
- Review material to improve sentence structure, grammar, spelling and punctuation;
- Check and verify all facts and verify the accuracy of all quotations; and
- In the case of editorials or letters to the editor concerning controversial issues, determine the need for rebuttal comments and opinions and provide space therefore if appropriate.

B. Prohibited Material

1. Students cannot publish or distribute material that is "obscene as to minors." "Minor" means any person under the age of 18. Obscene as to minors is defined as material that meets all three of the following requirements:

   (a) the average person, applying contemporary community standards, would find that the publication, taken as a whole, appeals to a minor's prurient interest in sex; and

   (b) the publication depicts or describes, in a patently offensive way, sexual conduct such as ultimate sexual acts (normal or perverted), masturbation and lewd exhibition of the genitals; and

   (c) the work, taken as a whole, lacks serious literary, artistic, political or scientific value.

   Indecent or vulgar language is not obscene.

   [Note: Many statutes exist defining what is "obscene as to minors." If such a statute is in force in your state, it should be substituted in place of Section II (B)(1).]

2. Students cannot publish or distribute libelous material. Libelous statements are provably false and unprivileged statements that do demonstrated injury to an individual's or business's reputation in the community. If the allegedly libeled party is a "public figure" or "public official" as defined below, then school officials must show that the false statement was published "with actual malice," i.e., that the student journalists knew that the statement was false or that they published it with reckless disregard for the truth—without trying to verify the truthfulness of the statement.

   (a) A public official is a person who holds an elected or appointed public office.

   (b) A public figure either seeks the public's attention or is well known because of personal achievements.

   (c) School employees are public officials or public figures in articles concerning their school-related activities.

   (d) When an allegedly libelous statement concerns a private individual, school officials must show that the false statement was published willfully or negligently, i.e., the student journalist who wrote or published the statement has failed to exercise reasonably prudent care.

   (e) Under the "fair comment rule," a student is free to express an opinion on a matter of public interest. Specifically, a student may criticize school policy or the performance of teachers, administrators, school officials and other school employees.

3. Students cannot publish or distribute material that will cause "a material and substantial disruption of school activities."

   (a) Disruption is defined as student rioting; unlawful seizures of property; destruction of property; or substantial student participation in a school boycott, sit-in, walk-out or other related form of activity. Material such as racial, religious or ethnic slurs, however distasteful, are not in and of themselves disruptive under these guidelines. Threats of violence are not materially disruptive without some act in furtherance of that threat or a reasonable belief and expectation that the author of the threat has the capability and intent of carrying through on that threat in a fashion not permitting acts other than suppression of speech to mitigate the threat in a timely manner. Material that stimulates heated discussion or debate does not constitute the type of disruption prohibited.

   (b) For a student publication to be considered disruptive, specific facts must exist upon which one could reasonably forecast that a likelihood of immediate, substantial material disruption to normal school activity would occur if the material were further distributed or has occurred as a result of the material's distribution. Mere undifferentiated fear or apprehension of disturbance is not enough; school administrators must be able affirmatively to show substantial facts that reasonably support a forecast of likely disruption.

   (c) In determining whether a student publication is disruptive, consideration must be given to the context of this distribution as well as the content of the material. In this regard, consideration should be given to past experience in the school with similar

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44 SPLC Report  Spring 1988
MODEL GUIDELINES

material, past experience in the school in dealing with and supervising the students in the school, current events influencing student attitudes and behavior and whether there have been any instances of actual or threatened disruption prior to or contemporaneously with the dissemination of the student publication in question.
(d) School officials must protect advocates of unpopular viewpoints.
(e) "School activity" means educational student activity sponsored by the school and includes, by way of example and not by way of limitation, classroom work, library activities, physical education classes, official assemblies and other similar gatherings, school athletic contests, band concerts, school plays and scheduled in-school lunch periods.

C. Legal Advice
1. If, in the opinion of a student editor, student editorial staff or faculty adviser, material proposed for publication may be "obscene," "libelous" or would cause an "immediate, material and substantial disruption of school activities," the legal opinion of a practicing attorney should be sought. The services of the attorney for the local newspaper or the free legal services of the Student Press Law Center (202-466-5242) are recommended.
2. Legal fees charged in connection with the consultation will be paid by the board of education.
3. The final decision of whether the material is to be published will be left to the student editor or student editorial staff.

III. NON-SCHOOL SPONSORED PUBLICATIONS
School officials may not ban the distribution of non-school sponsored publications on school grounds. However, students who violate any rule listed under II(B) may be disciplined after distribution.
1. School officials may regulate the time, place and manner of distribution.
(a) Non-school-sponsored publications will have the same rights of distribution as official school publications;
(b) "Distribution" means dissemination of a publication to students at a time and place of normal school activity, or immediately prior or subsequent thereto, by means of handing out free copies, selling or offering copies for sale, accepting donations for copies of the publication or displaying the student publication in areas of the school which are generally frequented by students.

2. School officials cannot:
(a) Prohibit the distribution of anonymous literature or require that literature bear the name of the sponsoring organization or author;
(b) Ban the distribution of literature because it contains advertising;
(c) Ban the sale of literature; or
(d) Create regulations that discriminate against non-school sponsored publications or interfere with the effective distribution of sponsored or non-sponsored publications.

IV. PROTECTED SPEECH
School officials cannot:
1. Ban speech solely because it is controversial, takes extreme, "fringe" or minority opinions, or is distasteful, unpopular or unpleasant;
2. Ban the publication or distribution of material relating to sexual issues including, but not limited to, virginity, birth control and sexually-transmitted diseases (including AIDS);
3. Censor or punish the occasional use of indecent, vulgar or so called "four-letter" words in student publications;
4. Prohibit criticism of the policies, practices or performance of teachers, school officials, the school itself or of any public officials;
5. Cut off funds to official student publications because of disagreement over editorial policy;
6. Ban speech that merely advocates illegal conduct without proving that such speech is directed toward and will actually cause imminent unlawful action;
7. Ban the publication or distribution of material written by nonstudents;
8. Prohibit the school newspaper from accepting advertising;
or
9. Prohibit the endorsement of candidates for student office or for public office at any level.

V. COMMERCIAL SPEECH
Advertising is constitutionally protected expression. School publications may accept advertising. Acceptance or rejection of advertising is within the purview of the publication staff, who may accept any ads except for those for products or services that are illegal for all students. Political ads may be accepted. The publication should not accept ads only on one side of an issue of election.

VI. ADVISER JOB SECURITY
The adviser is not a censor. No teacher who advises a student publication will be fired, transferred or removed from the advisership by reason of his or her refusal to exercise editorial control over the student publication or to otherwise suppress the protected free expression of student journalists.

VII. PRIOR RESTRAINT
No student publication, whether nonschool-sponsored or official, will be reviewed by school administrators prior to distribution or withheld from distribution. The school assumes no liability for the content of any student publication, and urges all student journalists to recognize that with editorial control comes responsibility, including the responsibility to follow professional journalism standards.

VIII. CIRCULATION
These guidelines will be included in the handbook on student rights and responsibilities and circulated to all students.
The Student Press Law Center is here when you need it. If you are facing a legal problem or have a question about your rights as a student journalist or faculty adviser, call our attorney at (202) 466-5242. All services are provided cost-free to students and teachers.

Internship opportunities with the SPLC are available during each school semester and the summer for college and law students with an interest in student journalism. Interns write and produce the SPLC Report, handle requests for information on student press rights and assist the Executive Director by providing research and paralegal support. Interested individuals are encouraged to write for more information.

Drawings, cartoons and news tips are welcome and needed. Help us inform the scholastic journalism community by contributing your skills and information to the SPLC Report.

Write or call us at:
Student Press Law Center
Suite 300, 800 18th Street NW
Washington, DC 20006
(202) 466-5242

The Report staff

This SPLC Report was produced entirely by a team of student interns working out of offices in Washington, D.C.

Naomi Annandale, the Journalism Education Association's High School Journalist of the Year, is an almost-freshman journalism major at Kent State University. Naomi is looking forward to college and receiving a key to the city of Lakewood, Ohio.

Richard Pratt, a senior journalism major at the University of Iowa, almost missed the boat at the SPLC when he didn't know how to use Federal Express. Someday, he'll be pleased at punch to accept his Pulitzer Prize.

John Rothwell is a graduate of the Scripps School of Journalism at Ohio University and a soon-to-be law student in Kentucky. This future attorney enjoys the law, and is pleased with the prospect of wearing a tie for the rest of his life.

Martha Andrews is currently a senior at Yorktown High School in Arlington, Virginia. Next year she is going to attend Washington and Lee University, where she will finally master the art of typing and major in journalism. She wants to spend the majority of her life writing great news articles for a grubby editor.

The book worth reading.

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Law of the Student Press, a four-year project of the Student Press Law Center, is the first book ever to offer an examination of legal issues confronting America's student journalists, advisers and education administrators on both the high school and college levels.

The book is understandable and readable without giving up the essential material needed for an in-depth understanding of the legal relationships involved in the production of student newspapers, yearbooks and electronic media. Topics covered include libel, obscenity, copyright, prior review, censorship and model publications guidelines.

Law of the Student Press is available now. Copies are only $5 each until June 1. After June 1 the price will be $7.50. To order, send a check for that amount, payable to "Quill and Scroll," to:

Law of the Student Press
Quill and Scroll
School of Journalism and Mass Communication
University of Iowa
Iowa City, IA 52242

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SPLC gratefully acknowledges the generous support of the following institutions and people, without whom there might not be an SPLC, and without whose support defending the First Amendment rights of the student press would be a far more difficult task.

(Contributions from December 1 to April 13)

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Help support the SPLC!
Don't face the law alone.

Your subscription supports the work of the Student Press Law Center.

The Student Press Law Center is the only national organization devoted exclusively to protecting the First Amendment rights of this nation's high school and college journalists.

The Center serves as a national legal aid agency providing legal assistance and information to students and faculty advisers experiencing censorship or other legal problems.

Three times a year (Winter, Spring, and Fall), the Center publishes a comprehensive Report summarizing current controversies over student press rights. In addition, the Reports explain and analyze complex legal issues most often confronted by student journalists. Major court and legislative actions are highlighted.

Defending your rights isn't cheap. Subscription dollars form a large part of our budget.

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The Scholastic Press Freedom Award is given each year to the high school or college student or student medium that has demonstrated outstanding support for the First Amendment rights of students. The award is sponsored by the Student Press Law Center and the National Scholastic Press Association/Associated Collegiate Press.

Nominations for the award are accepted until August 1 of each year and should clearly explain why the nominee deserves the Scholastic Press Freedom award and provide supporting material. A nominee should demonstrate a responsible representation of press freedom through writing or actions and the ability to raise difficult and necessary issues in news coverage.

Send nominations to:
Scholastic Press Freedom Award
Student Press Law Center
800 18th Street, NW
Suite 300
Washington, DC 20006