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**The First Amendment Rights of
High School Students and Their Student Newspapers**

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**Thesis submitted to the
Perley Isaac Reed School of Journalism
at West Virginia University
in partial fulfillment of the requirements
for the degree of**

**Master of Science
In
Journalism**

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**Morgantown, WV
2005**

Keywords: First Amendment, Free Speech, Censorship

Abstract

THE FIRST AMENDMENT RIGHTS OF HIGH SCHOOL STUDENTS AND THEIR STUDENT NEWSPAPERS

Teresa June Boggs

The greatest of all human rights are the freedoms of speech and expression included within the First Amendment to the Constitution. These allow all Americans to say what they feel, dress as they want, and print opinions that may not always be popular.

Throughout time journalists of all ages have endured criticism for printing questionable and controversial information. In student newspapers, however, rarely does one find a story of consequence, one that sparks criticism and casts a light of upheaval on the school system that supports it.

Student journalists across America have become victims of limited speech, whether by choice, by the hand of their teacher, or the jurisdiction of their administration. Research indicates that students are printing a very limited number of stories with any type of controversial content. All this would suggest a system of gatekeeping and an authority exercising censorship of student newspaper content, a direct violation of the First Amendment rights of high school students.

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Introduction

As Americans, we are so very proud to live in a democratic society, where the framers of our Constitution felt so strongly in the concept of free speech that it was the first freedom mentioned in the First Amendment:

Congress shall make no law....abridging the freedom of speech, or of the press, or of the people peaceably to assemble, and to petition the Government for a redress of grievances.¹

Historically, however, it has been this very amendment which has come under enormous pressure, real or imagined, sometimes in times of national stress, often in times of social upheaval. From the Red Scare of the 1920s, when several were deported for their political views, to the infamous blacklist of McCarthyism, to the popular culture of today, calls for censorship threaten to erode free speech as intended by our forefathers.²

The First Amendment of the Bill of Rights to the United States Constitution guarantees four freedoms: freedom of religion, speech, press and assembly. Those freedoms have been discussed, debated, fought and died for.

The concept of freedom of speech originated in England during the Glorious Revolution of 1688. King James II was overthrown, and William and Mary were installed as joint monarchs. The following year, the English Parliament secured a Bill of Rights from William and Mary that granted “freedom of speech in Parliament.”³

¹ Julian Adams and Kenneth Stratton, “The Constitution of the United States”, *Press Time*, (New Jersey:Englewood Cliffs, 1985,) 50.

²“Free Speech”, American Civil Liberties Union: Defending the Bill of Rights. <http://www.aclu.org/Freespeech.cfm>>. accessed October 31, 2003. 1.

³ Harry White, “Anatomy of Censorship: Why The Censors Have It Wrong,” University Press of America, 1997.

One hundred years later, our founding fathers were wise enough to expand that principle to everyone, not just members of Parliament.

In his 1801 Inaugural address, President Thomas Jefferson reaffirmed the principle of free speech arguing that reason is the tool to use to change opinions, not censorship.

If there be any among us who would wish to dissolve this Union or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it.⁴

For as long as the First Amendment has protected our right to free speech and expression, elements have tried to undermine that right. Censorship often raises its ugly head during trying times when our nation faces difficult problems. That is why Justice Louis Brandeis noted in *Whitney vs. California* in 1927:

Fear of serious injury cannot alone justify suppression of free speech and assembly. Men feared witches and burned women. It is the function of speech to free men from the bondage of irrational fears.⁵

Brandeis knew what Jefferson knew: that free speech, not fear and censorship, should prevail.

Censorship might take various forms, from the very blatant to the subtlest. It has been defined as:

The restriction, absolute or merely to some part of the population (e.g. the unlearned or to children), by the proper authorities of intellectual, literary or artistic material in any format.⁶

⁴ Ibid.

⁵ Ibid.

⁶ Byron L. Stay, *Censorship: Opposing Viewpoints*, (San Diego, CA: Greenhaven Press Inc., 1997), 18.

Some thinkers take the words of the First Amendment literally. It is their view that the government should be absolutely prohibited from censoring or in any other way controlling the freedom of speech and of the press. Others say that there are certain circumstances, such as cases of obscenity, libel or treason, when it is proper to restrain these freedoms.⁷

American courts and political leaders have long struggled with the basic question of censorship. During some periods, such as in times of war, the public mood is inclined toward control and suppression, and censorship is widely practiced and accepted. At other times, the nation is more concerned with protecting individual freedoms, and all attempts at censorship are strongly resisted.

The First Amendment of the Constitution is the very cornerstone of our democracy. That is why the issue of control of expression is of the greatest importance to us all.⁸

Research Question

With the framework of the First Amendment firmly in place, the author intends to outline the historical landmarks affecting the freedom of speech, press and expression in regard to high school journalism education and school publications. Areas of interest include free speech, court cases, discussions of censorship, prior review, and the teaching of ethics affecting school personnel, teachers and student journalists across the nation.

⁷ Melvin Berger, *Censorship*, New York: Franklin Watts, 1982, 13.

⁸Ibid

How have censorship boundaries been established through court cases involving First Amendment rights and freedom of speech and expression in regard to the student press and the teaching of high school journalism?

Literature Review

This review of literature seeks to present information on the aforementioned topic, examining the rights guaranteed in the First Amendment, the impact of court cases involving free speech and expression and the erosion of student press rights. The intent of this review is to center on the concept of censorship and the changing role of journalism education in today's society.

It is the intention of this writer to present the legal issues involving free speech and freedom of expression in a logical pattern, denoting the progression of impact on high school journalism.

The earliest noted court case involving a violation of free speech actually took place prior to the First Amendment, and helped to establish it. In 1734, John Peter Zenger, editor of the *New York Weekly Journal*, allowed criticism of the government to be printed in his newspaper. Concerned that perhaps the public might object to the necessary laws of society, Zenger and his *Weekly Journal* were silenced, and he was imprisoned and brought to trial a year later. In spite of attempts by judges to force punishment, a jury of citizens, aided by the eloquence of his attorney Andrew Hamilton, set him free. This famous trial helped to establish the right of Americans to publish the truth and to criticize public officials. Editorial opinion, previously forbidden, could now

be regularly expressed. Fifty years later, a guarantee of freedom of the press was written into the United States Constitution.⁹

Throughout the remainder of the 18th Century and well into the 19th Century, American newspapers flourished. Quickly, their founders assumed their newly-established rights, and spoke freely on many issues previously unrepresented. This freedom of expression, especially in regard to the government, brought about a new law in 1798, the Sedition Act. It stated that,

If any person shall write, print, utter or publish...writings against the government of the United States, or either house of the Congress of the United States, or the President of the United States...he shall be punished by a fine...and by imprisonment...¹⁰

Fortunately for all American journalists, when Thomas Jefferson became President, he opposed this act and it was allowed to expire.¹¹ As a result and with little fear of repercussion, newspaper owners began to wage a war for readership, speak out against the government, and the full truth was often disregarded.¹² So began the erosion of ethics and the beginnings of yellow journalism.

In the 1890s, Joseph Pulitzer and William Randolph Hearst fiercely competed for greater circulation in their New York publications, and sensationalism began. This yellow, or impure, form of the news paved the way for newspaper publishers, editors, and reporters to print slanted news, all in the name of free speech.¹³

⁹ Adams et al, 49.

¹⁰“First Amendment Online—The Sedition Act of 1798,” <http://1stam.umn.edu/main/historic/Sedition%20Act%20od%201798.htm>, accessed November 23, 2003.

¹¹ Adams et al, 34.

¹² Ibid.

¹³ Ibid.

Throughout the early twentieth century, newspaper journalism flourished, and the genesis of many of the papers thought to be the best yet today were established, including *The New York Times*, *The Wall Street Journal*, *The Washington Post*, and the *Chicago Tribune*.¹⁴ In these venues, freedom of speech, expression, and the press were practiced and appreciated.

While there seemed little question as to the rights of American adults, the first issue of student rights came to the forefront in 1969 in the case of *Tinker vs. Des Moines*. At a meeting in Des Moines, Iowa on Saturday, Dec. 11, 1965, a group of people opposed to the war in Vietnam decided that on the following Thursday, Dec. 16, the public school and college students among them would begin wearing black armbands to classes in service of two goals: “to mourn all the casualties of the Vietnam War, Southeast Asian as well as American; and to support Senator Robert Kennedy’s call for an extension of the anticipated Christmas 1965 truce.”¹⁵

Upon getting wind of this plan, the school district’s central officials and principals of five senior high schools decided by Dec. 14 to ban the wearing of armbands in the secondary schools on the rationale that such a protest would disturb the order and educational mission of these schools. Christopher Eckhardt wore his armband to Roosevelt High School, where he immediately turned himself in to the principal’s office.

Failing to dissuade Eckhardt from his plan, the principal suspended him. Mary Beth Tinker was called out of an afternoon class at Harding Junior High School and suspended, and her brother received the same punishment at North High School. All

¹⁴ Adams, et al, 35.

¹⁵ Dennis Goldford, “The Struggle For Student Rights,” H-Net Reviews in the Humanities & Social Sciences, September 1998, 4.

three were punished for violating, in slightly different ways, the school-district policy that banned the wearing in class of black armbands as a symbol of political protest.

Taking note of these actions, the Iowa Civil Liberties Union filed suit in federal district court on behalf of these students. Deciding against the students on Sept. 1, 1966, the court held that the school district's ban on black armbands was a reasonable means of maintaining the order and discipline necessary for an educational institution to carry out its mission. In later appeals, the decision was overturned, and a new rule was announced in the *Tinker* decision which "provided that student expression was to be protected under the First Amendment unless it 'materially disrupts class work or involves substantial disorder or invasion of the rights of others.'"¹⁶ And so, "materially" became the standard by which disruption was evaluated.

This case involved student rights, precisely the extent of the constitutional rights in the context of public schools. The Supreme Court generally considers such rights, but tends to allow them less breadth in the context of schools, prisons and the military. In addition, *Tinker* involved the relation between speech and expressive conduct. While the Court has always held that speech is protected by the First Amendment whereas conduct is not, the difficulty lay in conduct whose purpose it is to express ideas.¹⁷

This issue of censored student expression is considered suppression by many. The role of the superintendent, principal and even the teacher in schools was then, and still is today, partially one of the gatekeeper. Gatekeeping is a theory that has been in existence for nearly a century, and is one widely studied and accepted. The term was first

¹⁶ Ibid, 207.

¹⁷ Ibid.

used by German Psychologist Kurt Lewin during his research of social changes as a result of World War II. In his studies, Lewin concluded that both ideas and information pass from senders through channels of communication to then be accepted or rejected by various receivers.¹⁸

According to Lewin, and later communications specialist David White, gate keeping happens on many levels. Those in the position of either passing on the information, or acting as the sender, might withhold information. Equally, those on the receiving end of the channel of communication might not receive, or might receive only in part, or might choose to not act up on any information received.¹⁹

In many high schools, school officials have determined to act as gatekeepers, and have the right to prevent high school journalists from publishing offensive or questionable material.²⁰ Joel Kaplan, in his report in *Censorship: Opposing Viewpoints*, noted that:

Many professional editors believe that censorship has had only a marginal impact on high school newspapers. Evidently none of them have been reading any high school newspapers lately.²¹

Student newspapers became recognized as worthy forms of student expression in the Connecticut case of *Eisner v. Stamford* in 1970. Previously considered unprotected by the constitutional right of freedom of the press, a federal judge declared:

¹⁸ Kurt Lewin, "Frontiers in Group Dynamics: Channels of Group Life, Social Planning and Action Research," *Human Relations*, November 1947, 146.

¹⁹ David Manning White, "The Gatekeeper: A Case Study in the Selection of News," *Journalism Quarterly*, Fall, 1950, 383.

²⁰ Joel Kaplan, "The *Hazelwood* Decision Has Resulted in Censorship," In *Censorship: Opposing Viewpoints*, (San Diego, CA: Greenhaven Press Inc., 1997), 98.

²¹ *Ibid.*

Student newspapers are valuable educational tools, and also serve to aid school administrators by providing them with an insight into student thinking and student problems. They are valuable peaceful channels of student protest which should be encouraged, not suppressed.²²

In 1986, the United States Supreme Court decided another case that would have a significant impact on students' rights of expression in the school setting. In *Bethel School District No. 403 v. Fraser*, the Court reversed a lower court ruling and upheld the right of school officials to sanction a high school student for using lewd, vulgar or offensive sexual metaphors during a political speech at a school assembly.²³

In its decision, the Court noted that part of the role of public education is to develop in students the habits and manners of civility. The Court determined that the freedom to display unpopular and controversial views in schools and classrooms must be balanced with society's boundaries and standards of acceptable behavior. In essence, where *Tinker* ruled that student expression could be questioned when it violated the rights of others, *Bethel v. Fraser* allowed school boards and personnel to determine what expression is acceptable.

In 1969, the *Tinker* decision put school officials on notice that they do not possess absolute authority over their students. In addition, it challenged them to have a greater faith in the democratic process. In comparison, in 1988 the *Hazelwood* decision made it clear that the Supreme Court had more faith that school officials will protect students' rights than in students' abilities to act responsibly.²⁴

²²Adams et al, 68.

²³ "Dress Codes and Case Law," College of Education, University of Oregon, http://eric.uoregon.edu/publications/policy_reports/dress_codes/caselaw.html, accessed October 31, 2003.

²⁴ Robert J. Shoop, "A Free Student Press Fosters Responsibility," *Educational Leadership*, November 1990 70.

The principal of Hazelwood East High School outside St. Louis, Missouri, removed from the student newspaper two student-written articles that he found objectionable. The articles on teen pregnancy and the impact of divorce on students were in a special teen issue of the newspaper. As a result of being censored, members of the student newspaper staff sued the school district.

The United States District Court for the Eastern District of Missouri held that students' First Amendment rights were not violated. The students appealed and the district court's decision was reversed, based on the *Tinker* ruling. On an appeal by the school board to the United States Supreme Court, that decision too was reversed, on the premise that school administrators have the right to exercise reasonable control of the school sponsored newspaper produced as part of a class and school curriculum. Consequently, the concept of "reasonable control" then became the measuring stick for administrative control of student expression. At this juncture, principals and teachers became publishers, in full control of the student press and limiting students' rights to free speech and expression in what is considered a closed-forum.²⁵

Hazelwood has far-reaching ramifications.

In September 1999, a Colorado high school student newspaper wanted to publish two editorials—one in favor of a proposed administration plan to make study halls mandatory for underclassmen and one against the plan. But when the principal reviewed the paper, he decided to censor the editorial opposing the study hall plan while leaving the one that supported the administration's proposal intact. The actions of the principal in this case represent viewpoint discrimination, which is the practice of censoring one point

²⁵ Ibid.

of view of a subject while allowing others. Most courts have said that viewpoint discrimination violates the First Amendment when engaged by officials, even in a non-public forum such as a school, where First Amendment protection is most limited.²⁶

For example, an administrative body may not open a forum to permit discussion of a subject and then prevent people from speaking on that subject just because they disagree with the viewpoint. However, a June 2002 decision by the United States Court of Appeals for the Tenth Circuit casts doubt on whether school officials must permit a student to express opposing views. Under this ruling, a principal's censorship of one viewpoint but not another does not necessarily violate the First Amendment because the *Hazelwood* decision allows school-sponsored expression to be censored.²⁷

In *Hazelwood*, the Supreme Court ruled that a high school principal did not violate the First Amendment when he censored articles because his actions were related to legitimate educational concerns. In other words, if an administrator can present a reasonable educational justification for its censorship, that censorship will be allowed.²⁸ In these cases, the principal has become the publisher, and has exercised prior review of the material. He is also functioning as a gatekeeper, determining what material his students will be permitted to read, discuss and publish.

The principal never said he disagreed with the opinions expressed in the articles; in fact, the school district felt that the principal's control over the newspaper had to be viewpoint neutral to be constitutional. This resulted in administrators and educators

²⁶ "Differing Opinions: Appellate courts disagree on whether *Hazelwood* allows viewpoint suppression," Student Press Law Center Legal Research, <http://www.splc.org/legal> research, accessed October 28, 2003.

²⁷ *Ibid.*

gaining greater control over school-sponsored speech, allowing them to determine the issues and messages a school chooses to associate with itself.²⁹

In sharp disagreement of *Hazelwood*, Supreme Court Justice Brennan was noted as saying he found the school newspaper to be a “forum established to give students an opportunity to express their views.” He went on to add that the Court should have applied the *Tinker* standard, and:

Such unthinking contempt for individual rights is intolerable from a state official. It is particularly insidious from one to whom the public entrusts the task of inculcating in its youth an appreciation for the cherished democratic liberties that our Constitution guarantees.³⁰

The Supreme Court’s decision in *Hazelwood School District v. Kuhlmeier* struck a potentially devastating blow for scholastic journalism. The ruling has significantly cut back the First Amendment protections public high school students have been afforded. Even those who are not facing censorship problems today should be concerned about the implications of this decision for current and future student journalists. At some schools, censorship has become standard operating procedure; at other schools, it is a threat.³¹

In the fall of 1993, students at Ithaca High School in New York discovered that one of their teachers had been arrested for allegedly growing marijuana. The students, two freshmen, did what any good journalists would do. They examined police and court records relating to the arrest and then asked some students at the school their reaction.³²

²⁸ “Hazelwood School District v. Kuhlmeier: A Complete Guide to the Supreme Court Decision,” Student Press Law Center, <http://www.splc.org/legal> research, accessed October 28 2003.

²⁹ Ibid.

³⁰ Ibid.

³¹ Ibid.

³² Kaplan, 99.

School principal, Mark Piechota, pulled the article the reporters had prepared for their student paper, the *Tattler*. While the newspaper's adviser conceded that it was legitimate news from a journalistic perspective and of interest to the students, she wasn't comfortable printing it. Both the principal and the adviser noted *Hazelwood* as a guide in making their decisions.³³ Piechota used *Hazelwood* to kill a legitimate news story. But, he is not by far the only high school principal to censor high school journalists.

A Fort Wayne, IN principal killed an article that meticulously detailed how the girls' tennis coach improperly pocketed \$1,400 that team members had paid for court time. The principal told the students that the article was factual, accurate and not libelous. He then made a deal with the tennis coach that if the coach resigned, the article would not run in the student paper.³⁴

After a high school senior in Gahanna, OH passed out and nearly died from alcohol poisoning in an early morning math class, the high school newspaper wanted to print a story about teen drinking without mentioning the girl's name. The vice-principal killed the generic story because it might be traumatic to the girl.³⁵

In Rockford, IL the high school paper was barred from reporting about the arrest of the high school football coach on charges of sexual assault. The local newspaper wrote details of the arrest and subsequent guilty plea, but the principal said the topic was off limits to the school paper because the teacher's wife continued to work at the school.³⁶

³³Ibid, 100.

³⁴Ibid, 101.

³⁵Ibid.

³⁶Ibid.

In Manchester, NH, the high school principal shut down the paper after it printed an editorial questioning a decision by a teacher not to release vote totals in a student election. In each of these cases, administrators used as the basis for their restrictions on the student press the *Hazelwood* decision.³⁷

While the Constitution says that Congress (and the states) may not abridge the right to free speech, it is important to note that the Constitution does not say that this right is absolute. As the Supreme Court interpreted it, the guarantee against the abridgement of the right to free speech does permit “reasonable regulation of speech-connected activities in carefully restricted circumstances.”³⁸

While students have the right to express their opinions on any subject, they may lose that right if their action is clearly disruptive or might be considered disruptive. They may have to go to court to prove that the action was not disruptive. In some cases, students have been prevented from wearing clothing or from distributing newspapers that might be considered a disruption to the educational process.³⁹

Consequently, because elements of free speech are always open to interpretation, school officials may censor certain items of interest. This can happen if, and only if, the information materially and substantially disrupts school activities, and if the authorities can prove this is the case. In other words, there still must be discipline and order in the schools.⁴⁰

³⁷ Ibid.

³⁸ Gerald S. Snyder, *The Right To Be Informed: Censorship In The United States*, (New York: Julian Messner, a Division of Simon & Schuster, Inc., A Gulf & Western Company, 1976), 132-133.

³⁹ Ibid.

⁴⁰ Ibid.

When Katie Sierra, a 15-year-old student in Sissonville, WV wore anti-war shirts to school in protest of American bombing in Afghanistan, she was suspended for disrupting the educational process. Her clothing was said to incite a violent reaction from her peers, namely those who wore red, white, and blue pins, and shirts opposing Osama bin Laden.⁴¹ School officials wouldn't allow Sierra to criticize the American government or express her statements for peace.⁴²

Comparing this West Virginia case to the *Tinker* decision 35 years earlier, John Johnson, the author of *The Struggle for Student Rights: Tinker v. Des Moines and the 1960s*, noted that:

It doesn't make a difference that Tinker's armbands were "symbolic speech" and Sierra's tee-shirts spouted written messages. If the purpose is to convey a message, then it's speech.⁴³

In 1965 John Tinker wore a black armband in protest; in 2001 he pledged his support for Sierra. He stated:

It's the issue of the importance of protecting the unpopular view. That's what makes the First Amendment what it is. Otherwise, it would just be meaningless.⁴⁴

Despite the perceived encroachment on Sierra's freedom of expression, the West Virginia's Supreme Court refused to intervene in the case.⁴⁵ Sierra did, however, sue the school board and administration. A jury ruled in her favor, citing *Tinker* as support. School personnel maintained their decision was based on the safety of their students, and

⁴¹ The Associated Press, "John Tinker pledges support for pro-anarchy teen," December 4, 2001. <http://www.freedomforum.org/templates/document.asp?documentID=1546>, accessed November 22, 2003.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Ibid.

the disruption of Sierra's non-verbal protests.⁴⁶ Sierra's case aided in the goal for free expression of all American high school students. Regardless, to maintain a semblance of order, some administrators make decisions based on personal opinions and morals, or utilize the concept of prior review or restraint.

When the student newspaper at a Reynoldsburg, OH high school criticized athletic coaches for allowing players to drink and smoke, and also commented negatively on the Columbus police for their handling of a rock concert, the principal halted the distribution of the edition containing the offending items. The edition should be burned, he said. The school board backed him, and later the principal ordered that the newspaper would have to submit all copy to him for prior approval before it could print again.⁴⁷

The ACLU brought suit on behalf of the students and lost. Later, Judge Rubin, who tried the earlier case, reversed his stand and asserted that if material published in high school student newspapers does not substantially interfere with school discipline, the papers cannot be censored. In addition, he ordered administrators at the high school to produce guidelines that spelled out what would be considered disruptive or interfering with the educational process.⁴⁸ Again, the definition of "substantially" or "materially" is open for personal interpretation.

The relationship between the editors of a student newspaper, the principal and school board is that of the relationship between the editors of any newspaper and their publisher. Consequently, the publisher of the student newspaper—that is the school

⁴⁵ Ibid.

⁴⁶ Chuck Munson, "US, Sissonville, Media, Katie Sierra Won," July 13, 2002, <http://www.ainfos.ca/02/jul/ainfos00262.html>, accessed November 22, 2003.

⁴⁷ Snyder, 134-135

board and the principal—may override the editorial decisions of the student editors, just as the publishers of our major daily newspapers may override the editorial judgments of their employees.⁴⁹ As school officials consider prior review and censorship of school newspapers, they must first look at the policies governing a publication to determine if it is a public or nonpublic forum.⁵⁰

The issue of public or nonpublic forum student newspapers is important, as noted by Judge James Gwin, noted judge in cases involving student press law. He wrote that because nonpublic forum student newspapers could be censored under the very broad *Hazelwood* standard, that the First Amendment protections available to most high school student journalists were significantly reduced. However, public forum newspapers, the judge said, could be censored only when school officials provided much more compelling reasons to justify their actions.⁵¹

The judge identified nine factors that courts should look to in analyzing the forum status of student media. They were:

“(1) whether the student media is part of the high school curriculum; (2) whether student staff receive grades; (3) whether the program is supervised by a faculty member; (4) whether the school deviated from its policy of producing the paper as part of its educational curriculum; (5) the degree of control the administration and faculty adviser exercised; (6) the applicable written policy statements of the school board; (7) the school’s policy with respect to the forum; (8) the school’s practice with respect to the forum and (9) the nature of the student media at issue and its compatibility with expressive activity.”⁵²

⁴⁸ Ibid., 136

⁴⁹ R. Baird Shuman, Editor and Haven Bradford Gow, “U.S. Supreme Court Curbs Student Press Rights,” *Clearing House*, Feb 90, Vol.63, Issue 6 p244.

⁵⁰ Mike Hiestand, Student Press Law Center, “Wooster decision clarifies censorship guidelines,” *Trends in High School Media*, National Scholastic Press Association, <http://www.studentpress.org/nspa/trends>, accessed October 29, 2003.

⁵¹ Ibid.

⁵² Ibid.

The legal analysis used by Judge Gwin is essentially the same one that the Student Press Law Center has argued should be used by courts to determine when censorship of high school publications is legal and when it is not. The standards make clear that school officials should know the forum status of student media before they decide to censor it.⁵³ The discrepancy lies in determining if the standards must be met in part or in whole for the forum of the publication to be determined.

While school administrators are often the ones making the publishing decisions in these cases, newspaper advisers and journalism teachers are also in risky positions. In Gresham, OR, teacher Marilyn Schultz refused to endorse the newspaper code of ethics at Centennial High School, calling it unconstitutional and unworkable. She didn't see it as her duty to teach or enforce ethics, or to suppress the thoughts of her students. As a result, she was relieved of her journalism responsibilities.⁵⁴

Two district journalism advisors had prepared the code, and it had been accepted by the school's administration. Mrs. Schultz said that because the code stated that the newspaper would "refrain from printing any unkind references about individuals," it prevented students from making constructive criticism in editorials and letters to the editor. She felt that the code placed restrictions on her abilities to teach her students in the public educational system to be well-rounded, responsible journalists.⁵⁵

In public education, the *Fraser* and *Hazelwood* cases have now sent the very important signal that schools can actually foster and nourish the underlying values of the

⁵³ Ibid.

⁵⁴ Snyder, 140.

First Amendment, such as free inquiry, personal expression and democracy.⁵⁶ For this to take place, the values must be directed as part of the educational processes, not just by staying out of the students' way. This is because students who lack education also lack the capacity for meaningful participation in the experiment. They must be guided for the values of the First Amendment to work.⁵⁷

Freedom of expression has two meanings—freedom from restraints, and the capacity for self-expression. Schools can heighten students' capacity for self-expression by providing them with effective educational tools which, experience shows, must often be imposed by an authority. Teachers and school officials may and should also elect methods that lack direct authority but rely highly on student initiative.⁵⁸ In this manner, students are made responsible for their own actions, but are led by example not direct command.

According to *Hazelwood*, the methods chosen for instruction in ethics and values are matters of educational philosophy, not matters of constitutional law. All of this suggests that a child's right to be educated, and school officials' right to instruct, in what ever manner they see conducive, can be more substantial than a child's right to be left alone to make his or her own decisions and receive the repercussions of those actions, if any.⁵⁹ So what of the teaching of values and ethics?

⁵⁵Ibid, 143-145.

⁵⁶Bruce C. Hafen, "Schools as Intellectual and Moral Associations," *Brigham Young University Law Review*, 1993, Vol. 1993, Issue 2.

⁵⁷Ibid.

⁵⁸ Ibid.

⁵⁹ Ibid.

According to *Quill*, published by the Society of Professional Journalists, nearly all journalism courses taught in secondary and post secondary schools offer instruction in mass media ethics.⁶⁰ Despite the instruction, abuses of journalistic privilege and situations of questionable ethical conduct in news gathering and reporting continue. Journalism ethics educators hope their students will become ethical practitioners, of course. But, making journalists into good people is not necessarily the goal of journalism instruction. Most educators say they focus on teaching students to make sound decisions.⁶¹

Ralph Barney of Brigham Young University stated that stand-alone ethics classes are essential to training good journalists, on any level. He noted:

Ethics instruction should begin with a discussion of the role and function of the media in society and proceed from there, with all decisions relating back to that function or role, and all principles serving the function rather than the form.⁶²

For Barney, an appropriate course in journalism ethics should teach journalists how to maintain their independence but to recognize ethical questions and use reason and principle to make ethical decisions.⁶³ Many educators agree, and feel that a relatively new focus on ethics instruction has resulted in a greater awareness as well as better classroom discussions.⁶⁴

Journalism educators may ask themselves how they can best teach future high school journalism teachers and advisers to find the proper balance between good

⁶⁰ Wendy Berger and Deni Elliott, "Journalism Ethics Classes: Do They Make Better Journalists?" *Quill*, Aug. 2000, Vol. 88, Issue 7.

⁶¹ Ibid.

⁶² Ibid.

⁶³ Ibid.

journalism and free expression. Since *Hazelwood*, several studies have been conducted to determine if the educational level of the teacher or adviser has a direct impact on the amount of censorship or self-censorship in the high school newspaper newsroom.⁶⁵

Thomas V. Dickson, associate professor of journalism at Southwest Missouri State University, described the results of a study he conducted on the effects of the *Hazelwood* decision on high school journalists. He asked questions of editors and advisers on issues of prior review, prior restraint, censorship, self-censorship, adviser pressure, student deference, self-restraint and the impact of the training and experience of the adviser.⁶⁶

In the cases of prior review and prior restraint, editors showed little knowledge of their publication being reviewed or restrained, while advisers, for the most part, admitted to reviewing the pages regularly. Rarely did the editors or advisers acknowledge prior restraint. It would appear, though, that both editors and advisers regularly practiced self-censorship. About half the editors surveyed stated that they would get into trouble if they wanted to print something about a controversial topic. Most of them thought the problem would be with the school officials, however, and not with their adviser.

Most student editors stated that it was very important to them whether the adviser would find a story to be objectionable. On the other hand, most advisers stated that they did not worry much or at all that the newspaper might include controversial stories.⁶⁷

⁶⁴ Ibid.

⁶⁵ Thomas V. Dickson, "The *Hazelwood* Decision Has Not Resulted in Censorship," *Censorship: Opposing Viewpoints*, (San Diego, CA: Greenhaven Press, Inc. 1997), 103.

⁶⁶ Ibid. 106-109.

⁶⁷ Ibid. 107.

Advisers with more college hours in journalism were more likely to state that student reporters avoided controversial stories because the adviser might object, and that editors self-censored, making the adviser's prior restraint unnecessary.⁶⁸ This would suggest that advisers with more training and experience guided their students in making ethical decisions, necessitating less censorship, or that students fear censorship and do not push the boundaries.

The results of this study and others present a challenge. Conflicting views surrounding the limitations of the First Amendment in regard to the *Tinker*, *Fraser* and *Hazelwood* decisions compel the author, a journalism educator, to further study.

Why consider opposing viewpoints? As so aptly stated by 17th Century Philosopher John Stuart Mill:

The only way in which a human being can make some approach to knowing the whole of a subject is by hearing what can be said about it by persons of every variety of opinion and studying all modes in which it can be looked at by every character of mind. No wise man every acquired his wisdom in any mode but this.⁶⁹

Hypotheses

This writer suggests that within the various types of stories being printed in high school newspapers across the country, that limitations are being placed. Hypothesis 1 stated: Is it possible that students are not being encouraged to delve into topics of social awareness? Hypothesis 2 questioned: Are students being limited to daily and weekly news events? Hypothesis 3 asked: Are students aware of and then writing about their rights as students and as student journalists?

⁶⁸ Ibid, 110.

⁶⁹ Ibid. 9.

Methods

In an effort to explore the various types of stories being printed and possible regional differences in those story types a study was completed involving a content analysis of eighty editions of various high school publications from across the United States. In order to complete the study, the United States was divided into ten geographic areas. Throughout this study, these designations will be referred to as their coded region number. The newspapers used were a convenient sample whose dates range from 2003-2005.

Included in the Northeast, coded Region 1, are Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, New York and Pennsylvania. Region 2, the Mid East, contains Tennessee, Kentucky, South Carolina, North Carolina, Virginia and West Virginia. Region 3, the South, includes Arkansas, Alabama, Louisiana, Mississippi, Georgia and Florida. The Great Lakes Region, coded 4, includes Wisconsin, Illinois, Indiana, Ohio and Michigan. The North Central area, coded Region 5, contains Montana, North Dakota, South Dakota and Minnesota.

The Central area, Region 6, includes Nebraska, Kansas, Missouri and Iowa. The West Central area, Region 7, contains Colorado, Wyoming, Idaho and Utah. The North West, Region 8, includes Alaska, Washington, and Oregon. Region 9, the West, includes Hawaii, California and Nevada. Region 10, the South West, contains Arizona, New Mexico, Texas and Oklahoma. Chosen from each of these ten regions are two high school publications. It is this writer's purpose to check for regional differences in the story types.

In order to begin determining the type of stories being printed it was important to create operational definitions of the various types. The first type of story, the one most applicable to the First Amendment rights issue, has been named enterprise. An enterprise

story is in depth and investigative. It has potential for either freedom or censorship. It focuses on the topics that promote social awareness.

The second type of story is considered breaking news. Breaking news stories include up-to-the minute activities. The coverage of these issues could either be censored, or printed without limitation.

Event and daily news stories, those responding to guest speakers and rallies, both scheduled and unplanned coverage as well as daily events, are the third type. These stories are generally printed freely, without restraint, since they are predominantly factual. Most stories of a curricular nature are event and daily news stories.

The fourth type of story printed in student publications is the human-interest piece. The topics of the human-interest stories deal primarily with life experiences and emotions. These are typically unquestioned and therefore printed without censor. The final type of content considered for this study is the editorial/opinion piece. This type of story involves student views based on the writer's perspective. It is generally presented as opinion, although fact-based.

The next level of distinction for story types is determining the topics covered. These topics are important for determining the framework for this study. The first level is the social/cultural one. It includes societal feelings, events and activities that impact the community. Social and cultural activities and coverage of these activities involve decisions that affect individuals and society. These stories may center around issues of teenage sex, pregnancy, drug use, date rape and other issues related to these life-style choices. The numbers of stories printed will spark discussion of the potential restraints or freedoms for student writings on these topics.

The next level of distinction for story types includes legal topics. The legal issues for this study are those that support or violate the freedoms within the school

system and namely the student publications. These stories could involve limitations to the First Amendment rights of students, including their freedoms of speech and expression. It is within this level that issues of prior review and censorship might fall, which will be part of further study.

The third level of distinction in story types is curricular. This type of story involves anything that has to do with or has impact on the structure and foundation of the educational system. This type of story might be printed in support of in argument of educational standards and programs mandated. It is within this level that stories related to the social/cultural life-style choices might be covered as curricular programs.

The final story topic is most prevalent in high school newspapers. These stories are the news brief and filler. Important to the daily functioning of the high school, it is relatively insignificant to this study because of its imperviousness to limitations and censorship.

Results and Discussion

Much insight was gained from this study which suggested that the stories covered in high school newspapers primarily focus on human interest and event stories. In dissecting 80 student newspapers, nearly 88 percent of all stories printed were human interest and event stories. Several of these focused on things of importance to teenagers including dating, dances, fashion and music.

The study also suggested that when enterprise stories *are* [emphasis added] represented in high school newspapers, they will be written to cover issues of free speech and freedom of expression, not stories to create social and cultural awareness. Of the 20 stories in the sampling, nearly one half of the content, nine stories, concerned student freedoms. The remainder of the enterprise stories, more than expected by this writer,

concerned content regarding social awareness. Please note that in three of the ten geographic regions, there were no enterprise stories represented.

TABLE 1: TYPES OF STORIES Categorized geographically, then by types of stories, the 717 stories contained in 80 newspapers are shown numerically. Percentages of the total are indicated at the bottom.

Region	A. Enterprise	B. Breaking News	C. Events/School News	D. Human Interest	E. Ed/Op
1	3	2	20	39	5
2	4	0	25	52	2
3	1	1	33	22	8
4	6	3	35	54	7
5	3	0	18	24	2
6	2	1	18	49	7
7	0	1	37	45	13
8	0	1	22	46	3
9	1	2	32	17	6
10	0	0	23	20	2
%	20=3%	11=2%	263=37%	368=51%	55=8%

A preliminary study suggested that event and human-interest stories that could bring forth issues of censorship, including such topics as abortion, drug use, tobacco use and abuse and teenage sex, would be minimally represented. Among the 717 stories in this content analysis, a total of 263 were event stories, and 368 were human interest, for a total 631 stories. Within these 631 stories, a scant 2 percent, or 15 stories, involved topics of a social nature. In today's society where the images of sex, drugs, and abuses of

all sorts are so apparent, it would seem our students are not covering these issues in their high school newspapers.

Additionally, the majority of the stories in both the events and human-interest divisions fall into the news brief category. An overwhelming amount, approximately 90 percent of these 631 stories, 563 of the total 717 of the content analysis, are basic news and information regarding the workings of the school and the events happening within. It was also suggested that any time the topics of abortion, drugs, tobacco or sex do appear, the coverage is written as a news story, directly connected to curriculum and instruction, and not written for social awareness.

TABLE 2 : STORY TOPICS Categorized geographically, then by types of stories, the topical distinctions of the 631 **Events and Human Interest stories** contained in 80 newspapers are indicated.

Region	C. Event/School News (263 stories)				D. Human Interest (368 stories)			
	Social/Cultural	Legal	Curricular	Brief	Social/Cultural	Legal	Curricular	Brief
1	1	1	6	12	2	0	1	36
2	3	1	3	18	2	0	0	50
3	1	0	5	27	0	0	0	22
4	2	0	5	28	0	0	0	54
5	0	1	0	7	0	0	1	23
6	0	0	2	16	1	1	2	45
7	0	0	5	32	2	0	3	40
8	0	0	3	19	0	0	5	41
9	1	1	2	28	0	0	0	17
10	0	0	3	20	0	0	2	18
	8=3%	4=2%	34=13%	217=83%	7=2%	1=0%	14=4%	346=94%

It is apparent from the types of stories written regarding the aforementioned topics, that employees of school systems are concerned with the life-style choices their students are making; however, it is remarkable that the extent to which the topics are covered is limited to the reporting of the facts, or the appearance of a guest speaker who gave statistical information.

Data concluded that students and student newspapers are covering events of social importance. The different ways in which they are covering the issues are most interesting. In many cases, the stories are covered as event and news pieces. They are designed to be instructional as opposed to commentary on the human situation and the decisions being made by the students and society at large.

TABLE 3: STORY TYPES BY PERCENTAGES Categorized geographically, then by types of stories, the 717 stories contained in 80 newspapers are shown totaled by region, with percentages of each type.

Region	Enterprise 20		Breaking News 11		Event/School News 263		Human Interest 368		Ed/Op 55		Total 717
1	3	15%	2	18%	20	8%	39	11%	5	9%	69
2	4	20%	0	0%	25	9%	52	14%	2	4%	83
3	1	5%	1	9%	33	13%	22	6%	8	14%	65
4	6	30%	3	27%	35	13%	54	15%	7	13%	105
5	3	15%	0	0%	18	7%	24	7%	2	4%	47
6	2	10%	1	9%	18	7%	49	13%	7	13%	77
7	0	0%	1	9%	37	14%	45	12%	13	24%	96
8	0	0%	1	9%	22	8%	46	13%	3	5%	72
9	1	5%	2	18%	32	12%	17	4%	6	11%	58
10	0	0%	0	0%	23	9%	20	5%	2	4%	45

Research suggested that the content of student newspapers would be found to be more school-related news and less social and substantive news, therefore less likely to be

considered issues for censorship. It was discovered that an overwhelming number of stories in the content analysis of 717 stories within 80 newspapers, precisely 563, were written in news brief or inverted pyramid straight news format. With little or no opinion expressed, there could be limited room for controversy.

Additionally, according to the geographical regions, the same types of stories are being printed in student newspapers across the nation. Research supports this, as the story types most widely covered in high school newspapers are event/school news and human interest, an overwhelming 37% and 51% respectively.

According to the geographical regions, the same topics are being covered by the human interest and event/school news stories printed in student newspapers stories from across the nation. Research supports this hypothesis. This writer determined from story samples that topics of interest to teenagers were primarily covered. These topics include dating, fashion, dances, music, student awards and sports. These topics were represented in all papers analyzed.

While this study has been most interesting at face value, let us first see what these results suggest. The content analysis completed for this study would seemingly imply that student newspapers are not printing stories involving issues that could warrant censorship, and potentially cause upheaval and *materially disrupt* [emphasis added] public education.

This concept of materially disrupting education in our public schools is not a new one. The phrase was coined as part of a court case involving student freedom of expression decades ago. In 1969, the Supreme Court announced the rule providing for the protection of student expression in the *Tinker Decision*. What is not certain is a

specific definition of what is considered materially disruptive. It is this phrase that can be used at will by those in the positions of authority to limit students freedom of expression and the freedom of speech of high school journalists.

It was noted in earlier studies that students were being stripped of their right to freedom of expression in cases where the educational process would be affected. Has this now bled into their publications as well? With the increasing numbers of news stories, human interest stories, and what scholars would consider fluff pieces, it would seem that students across America are tending to withhold stories containing issues that might be controversial. Why is this? Who is making the decision for the printed content? Who is determining what information is processed and presented to the public? On what level is the editorial content of a high school newspaper determined? And, on what set of guidelines is this content selected?

Within the nature of this study, student First Amendment rights would appear to be limited, in regard to the printing of particularly controversial issues, ones of social awareness. Students are writing an abundance of news and human interest stories. Is this because their interest lay in those areas? Or is it more, as this author would suggest, that on some level prior review and censorship is occurring. Perhaps the students are censoring their own thoughts. Perhaps the advisers of the student newspapers are acting as gatekeepers and withholding pieces they deem not necessary for public scrutiny, or even student discussion. On a higher level still, perhaps administrators and even superintendents are exercising control of the student newspapers. Has this cultural push toward being politically correct stifled the investigative reporting training and practices our students?

To teachers of journalism, advisers of student publications, and to student journalists across the nation, this study could prove to be quite interesting and valuable. It is, however, most important to note that what was uncovered initially was just the beginning. What remained to be seen was why these more controversial and predominantly social stories weren't abundant in high school newspapers across the country.

To better grasp the severity of the limited types of stories being published by high school journalists, a series of qualitative interviews and surveys were completed as further methodology. The writer interviewed approximately 100 journalism students and teachers, as well as school administrators from across the country. The interviews were guided, and the interviewer prepared additional methods as focus for those qualitative studies. As a result of these interviews, more questions arose and necessitated the designing of an electronic survey that was administered, based on the data gathered from the qualitative studies. The sample for this project was approximately 250 high school newspaper advisers from across the nation, as listed by JEA (Journalism Education Association) and NSPA (National Scholastic Press Association). Of the 248 surveys administered on two separate occasions, only 52 were used in the final analysis.

The focus of the final portion of the study was to determine who was the decision-maker for the school publications and what limiting decisions were being made. The questions were framed to lead to information on what kind of training, guidance and guidelines for school newspapers are in place, and what are the freedoms or limitations placed on the school administration, teacher and ultimately the students in the printing of their stories. Information regarding the type of journalism program the school has in

place, if any, and the educational levels and experience levels of the instructor and students. In addition, the author has gained insight into the workings of the parental and community support system, the power of the local Board of Education, and the working relationship among the administration, faculty sponsor and student newspaper staff.

As this study unfolded, the information gained became more and more intriguing. As a teacher of journalism and an adviser of high school publications, this writer has firsthand knowledge of the inner workings of the school system, and the power of the administration and superintendent. It was of great interest to determine the similarities and differences among the high schools throughout the nation. Even more important were the issues regarding students' rights. To determine the levels of the limitations for student freedom of speech and the depth of any censorship in their stories was the aim of this study.

The results of the electronic survey were quite telling. Of the 52 surveys completed and returned, the range geographically was quite wide, as were the years of experience for the newspaper adviser. It was, however, surprising that the responses were so varied.

Most advisers, 94% of those responding, were in agreement that the guiding of students in appreciating the value of journalistic ethics is an important topic. In accordance, many utilized this ethical study to aid in the student choices for newspaper content. In regard to the selection of story ideas and coverage, all of the respondents disagreed that the adviser alone should determine the content of the paper. Many specified that the ethical discussion went hand-in-hand with the content selections, and that the students were encouraged to make wise content and development decisions based

on sound ethical principals. It was surprising, however, that 3 of the 52, a mere 5% of respondents, indicated that they chose to not discuss the responsible handling of controversial subjects. These 3 also disagreed that guiding their students in journalistic ethics was important. Not surprisingly, however, the same 3 advisers also noted prior restraint being exercised by their administrators. One adviser noted that if she allowed her administrator to make content decisions for her, then she would not have to fear repercussions and risk her livelihood. As this might suggest, job security for newspaper advisers has become a more serious issue than ever before.

According to the Indianapolis Star, the faculty advisor of Franklin Central High School's student newspaper was suspended because of a published story. The story dealt with the violent behavior and subsequent arrest of a student, deemed by the principal too sensitive for a student newspaper. Prior to the publishing of the story, Adviser Chad Tuley had been advised to not print the story, a certain case of prior restraint. Following his suspension, Tuley returned to work. This is not the only incident involving administrative control within our nation's high schools.⁷⁰

At Ithaca High School in New York, the principal ordered the adviser to approve all newspaper content prior to publication. In this case, the paper is an extra-curricular, non-school associated publication. One week later, the adviser removed a cartoon the principal said was "obscene and not suitable for immature audiences." The cartoon was to accompany an article entitled "How is sex being taught in our health classes?"⁷¹

Additionally, the principal of Wellington High School in Palm Beach, FL didn't want her students to read a story about sex. In this case, however, the paper, which had already gone to print, was withheld from distribution. In fact, Principal Cheryl Alligood

⁷⁰ "Teacher Suspended Over Crime Story," Indianapolis Star, Feb. 2, 2005.

⁷¹ "Adviser Removes Illustration From High School Newspaper," Student Press Law Center, Feb. 18, 2005.

sequestered the copies stating, “Anytime you do a topic that could be somewhat controversial, I have to step back and say, ‘What are the possible reactions to this?’”⁷² Local newspaper professionals were quick to point to Alligood as a censor, stating that “Anything capable of generating even just a couple of parental phone calls is enough to overshadow any notion of free speech.” It would appear that Frank Cerabino of the Palm Beach Post was correct, as the story was indeed censored.⁷³ This writer fears that more and more cases of prior review and censorship will surface as advisers step back from their positions and allow administrators to exercise control.

As the survey indicated, nearly all students want to cover issues of social awareness, with 48 of the 52 strongly agreeing. This desire would necessitate advisers taking the challenge to teach journalistic ethics. They must also become more knowledgeable in student press rights and then teach those rights to their students, and perhaps even their administrators. They cannot allow fear of punishment be a factor.

According to the study, many advisers feel that the geographic location and widely-accepted community standards often dictate acceptable newspaper content (47 of 52). However, few, in fact only 2 advisers, sited funding, or the removal of funding, as a viable concern. This led the writer to believe that community moral and ethics were largely conservative, and the fear of printing something controversial a source for tension of public upheaval. But what of the students? Do they not have a right to research, develop and write stories of interest to their generation? Do advisers not have the right and the responsibility of teaching those students the appropriate means of covering such a topic?

While the survey indicated that nearly all advisers and students agree in student press rights (only 1 adviser disagreed), not all advisers are willing to blatantly speak

⁷² “Florida High School Principal Pulls Newspaper Over Sex Article,” The Palm Beach Post, Feb. 22, 2005.

⁷³ “High School Principals Notorious For Knee-Jerk Censorship,” The Palm Beach Post, Feb. 23, 2005.

against censorship to their administration. In fact, 5 of the 52 surveyed indicated that they would pull an item if deemed questionable by the principal. Notes revealed that these 5 were fearful of losing credibility in the community or suffering uncomfortable circumstances in the workplace if they didn't comply.

Conclusion

As this writer suspected, there is an obvious system of gatekeeping evident in many American high schools. According to the content of high school newspapers, students simply are not covering the issues that could pose objection from their parents, administrators and community members. The reason for this lack of content lies with the gatekeeper, who varies from school to school. In some cases the teacher/adviser is the one who makes the decisions regarding what is printed. In other schools, members of the administration are the decision makers.

It is apparent from the interviews and surveys that while some students are not aware that their rights are being restricted, many are quite concerned with the limitations being placed upon them. Most surveys indicated a desire on behalf of the students to select their own story topics. Advisers, while in support of their students, often allowed professional and personal concerns to dictate the final story selections. This would suggest that when story ideas become restricted, students are not being encouraged to be free-thinking members of society. Advisers, in part, are not always fighting for the rights of their students, as they are generally the ones penalized by their employers for covering stories of social awareness and encouraging controversial discussion. In essence, high school newspaper advisers are being reprimanded and suspended for encouraging and upholding the First Amendment rights of their students.

While gatekeeping often implies censorship and constitutes a violation of the First Amendment rights of our students, this violation is not inevitable. It is the responsibility

of each high school newspaper adviser to reevaluate his or her situation. It is the opinion of this writer and an overwhelming number of surveyed advisers that students must be taught journalistic ethics and the importance of handling potentially controversial topics, ones of social awareness and so necessary in today's society. When students are informed and educated, there is no topic that cannot be appropriately addressed. Advisers must determine who is selecting the content of the newspaper and must refrain from allowing the administration to police the paper or manage the content. It would appear that in some cases advisers have become their own worst enemy. They must stand for their rights and the rights of their students.

The very premise of our country is based on the First Amendment, and this liberty lay in being free to speak the truth without prejudice. Fear of repercussion cannot overshadow this right and our obligation to uphold it. We cannot allow it to be limited or taken away. It's time we all take a stand for our students, their rights, and the future of free speech and press in our country.

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Appendix 1

NEWSPAPER ADVISER SURVEY

Please copy and paste the following survey into an email and Reply to: TBOGGS01@aol.com.

Next, answer each of the following questions as honestly as possible. The first portion requires your typed answers. For the next section, please select a number from 1-5, with 1=strongly agree, 2= agree, 3=neutral, 4= disagree, and 5=strongly disagree. Your answers are confidential, and are to be used in conjunction with a study on the First Amendment Rights of High School Students and Their Student Newspapers. Thank you in advance for your participation.

High School Name

School Address

Years of Experience in Publications Advising

1. The guiding of students in the value of journalist ethics is important.

___1 ___2 ___3 ___4 ___5

2. I often stress the responsible handling of controversial subjects.

___1 ___2 ___3 ___4 ___5

3. The adviser should always determine the content of the school publication.

___1 ___2 ___3 ___4 ___5

4. My students often want to cover issues of social awareness.

___1 ___2 ___3 ___4 ___5

5. My publication has a firm policy regarding the coverage of potentially controversial subjects.

___1 ___2 ___3 ___4 ___5

6. I believe that the geographic location of my school and attitudes of the community often influence the coverage of social and/or controversial issues.

____1 ____2 ____3 ____4 ____5

7. I believe that community standards play a role in what is considered acceptable content for our school's newspaper.

____1 ____2 ____3 ____4 ____5

8. I am concerned that funding from the school board plays a role in what is considered acceptable content for our school publication.

____1 ____2 ____3 ____4 ____5

9. I believe in the exercising of censorship.

____1 ____2 ____3 ____4 ____5

10. My students agree with the exercising of censorship.

____1 ____2 ____3 ____4 ____5

11. My educational training and experience have impacted my views on censorship.

____1 ____2 ____3 ____4 ____5

12. My administrator exercises prior review.

____1 ____2 ____3 ____4 ____5

13. I have told a student journalist that a story's content violates acceptable policy and would not be printed as written.

____1 ____2 ____3 ____4 ____5

14. My administrator has asked me, or my students, to either pull a story or change it.

____1 ____2 ____3 ____4 ____5

15. If my administrator asks for content to be changed or not printed, I always comply.

___1 ___2 ___3 ___4 ___5

16. The First Amendment Rights of High School Students are equal to the rights of all journalists.

___1 ___2 ___3 ___4 ___5

Appendix 2: Selected Papers

- Bark.* (Meadville, PA). February 2004.
- Bird's Eye View.* (Cumberland, RI). March 2004.
- Bluffer.* (Poplar Bluff). November 2004.
- Brightonian.* (Brighton, CO). December 2004.
- B-Town's Breeze.* (Anchorage, AK). April 2003; December 2003.
- Bulldog's Bark.* (Lyons, GA). October 2004.
- Budget.* (Galesburg, IL). November 2004.
- Bzzzness.* (Stevensville, MT). February 2004; May, 2004.
- Carroll Chronicle.* (Carrollton, KY). January 2004.
- Catalyst.* (Baltimore, MD). March 2004.
- Cat Connection.* (Hamlet, IN). September 2004.
- Communique.* (Creskill, NJ). November 2004.
- Constitution.* (Little Rock, AR). September 2004.
- Cougar Clause.* (Wentworth, NC). November 2004.
- Cougar Trax.* (Jackson, TN). January 2004.
- Crimson Aviator.* (De Pere, WI). September 2004.
- Dog Times.* (Waukegan, IL). May 2004.
- Eastside.* (Cherry Hill, NJ). February 2004; December 2004.
- Echo.* (Louisville, KY). November 2004.
- Electric Buzz.* (Salt Lake City, UT). March 2004; October 2004.
- Eye.* (Palm Harbor, FL). December 2004.
- Eye of the Dragon.* (Dallas, OR). December 2004.
- Falcon Flyer.* (Manly, IA). October 2004.

Highlander. (McLean, VA). March 2004.

Highlights. (Coral Gables, FL). October 2004.

Hi-Times. (Keyser, WV). February 2004.

Hi-Times. (Raleigh, NC). February 2004; November 2004.

Hurricane. (Salina, KS). January 2004.

Huskey Herald. (Harrison, NY). November 2004.

Icebox. (Florida, NY). October 2004.

JHS Tiger. (Jackson, MS). March 2004.

Knight Life. (Lake Havasu City, AZ). February 2004.

Lance. (Omaha, NE). March 2004.

Lightning Strike. (Miami, FL). December 2003.

Little Dodge. (Fort Dodge, IA). November 2004.

Longhorn. (Memphis, TN). October 2004.

Maroon Spirit. (Perry, OK). November 2003.

Mustang Mouth. (St. George, KS). October, 2004.

Panther Tales. (Summerville, SC). December 2003.

Panther Press. (Petal, MS). February 2004.

Panther Trax. (Bossier City, LA). October 2004.

The Patriot. (*Leavenworth, KS*). January 2004; November 2004.

Paw Print. (Baker City, OR). March 2003,

Paw Print. (Manzano, NM). March 2004.

Phoenix. (Las Vegas, NV). November 2004.

Plainsman. (Laramie WY). March 2003.

Raider Generation. (Rapid City, SD). February 2004, November 2004.

Rambling Ram. (Bastrop, LA) November 2004.

Ram Press. (Big Horn, WY). March 2004.

Sandpoint High Cedar Post. (Sandpoint, ID). April 2004.

Scarlet Letter. (Martinsburg, PA). November 2004

Scout. (St. John, IN). November 2004.

Scratch Post. (Huntsville, AL). September 2003.

Senator Scene. (Campbellsburg, IN). November 2004.

Smoke Signal. (Burbank, CA). February 2004.

Smoke Signal. (Hartland, WI). December 2004.

Spray. (Fairhaven, MA). February 2004.

Stinger. (Columbia, SC). November 2004.

Sun Devil's Advocate. (Englewood, CO). November 2004.

Switch. (Lihue, HI). November 2004.

Talon. (Clover, SC). December 2003.

Tomahawk Times. (Chesterfield, VA). November 2004.

Trailblazer. (Chillicothe, OH). October 2004.

View. (Vancouver, WA). May 2004.

Visor. (Akron, OH). March 2004; November 2004.

Wave. (Wellington, FL). March 2004.

Wired Baron. (San Diego, CA). December 2004.

Wolf Howl. (Chandler, AZ). November 2004.

Writer's Edge. (Jackson, MI). March 2004