

You Are the Judge

Hazelwood School District v. Kuhlmeier

Setting the Scene:

It's been a crazy month. It's the end of the school year and, in addition to studying for finals, you're putting out the final edition of the school newspaper. You've worked harder on it than you have ever worked on anything.

Today is the day you will see your hard work in print. But when you arrive at school, you see that something has changed. There are only four pages in this issue. There are supposed to be six! The school lunch menu is there and so are the baseball scores, but none of your stories are included.

The student editor tells you what happened: you've been censored. The principal purposefully cut your stories because he thought they were too controversial. Is this fair? More important, is it legal?

The Issue: Freedom of the Press

Are students protected by the First Amendment right to free expression? In October 1987 the U.S. Supreme Court heard arguments in a case that decided whether student reporters are protected by the same First Amendment rights as are adult

reporters. The case, *Hazelwood School District v. Kuhlmeier*, involved the principal and three student reporters from Hazelwood East High School, in Hazelwood, Missouri.

A Special Edition of the Spectrum

In 1983 Cathy Kuhlmeier, Leslie Smart, and Leanne Tippet were reporters for the *Spectrum*, Hazelwood East's weekly student newspaper. In May of that year the three students devoted a two-page special section of the *Spectrum* to articles on problems facing high school students. Issues such as parental divorce, teenage pregnancy, and runaway teens were featured.

The stories were researched and written entirely by the students and submitted by their journalism teacher to the school principal. Nothing in the stories was sexually explicit. Names were changed to protect the identity of the pregnant girls who were interviewed for the story.

Dr. Reynolds Responds

The *Spectrum* already had a reputation for publishing controversial articles, and Hazelwood's principal, Dr. Robert Reynolds, kept a close watch on the kinds of articles students were writing. When Dr. Reynolds read early versions of some of the articles scheduled for the May issue, he decided they were too controversial.

One story was about a student whose family was going through a painful divorce. The reporter interviewed a student who explained her views of the causes of her parents' problems. Although the reporter had removed the student's name

from the final version of the story, her name appeared in the earlier version that the principal read. Dr. Reynolds felt that the story was an invasion of the student's and her family's privacy. Dr. Reynolds also objected to a story about three pregnant Hazelwood students. He thought that the story presented teenage pregnancy in a positive light and, therefore, would not permit its publication. The students working on the newspaper had written other articles for the special section discussing the difficulties of teen pregnancy. One article discussed the high failure rate of teenage marriages. Still, Dr. Reynolds felt that the material was inappropriate. He decided that the entire two-page supplement should not be published. Thus, when the May issue of *Spectrum* came out, none of the articles on teenage problems appeared.

The Students Respond

Believing that their First Amendment rights of free speech and press had been violated, the three reporters—Kuhlmeier, Smart, and Tippett—filed a lawsuit in 1983 against their principal. They claimed that the *Spectrum* was a public forum—a place where people could express their views freely.

The first court to hear the case, the U.S. District Court in St. Louis, ruled in 1985 that the principal and the school had a right to control what was published in the school newspaper. The court explained that the *Spectrum* was part of the school curriculum and that journalism students received course credit for their work. The principal, then, was exercising his responsibility for the students' education.

Exercising their constitutional right to appeal a court's verdict, the student reporters asked the U.S. Court of Appeals in 1985 to reconsider the case. In July 1986 the Court of Appeals overturned the lower district court ruling. Two of the three justices agreed with the students that the *Spectrum* was a public forum. As such, the student newspaper was protected by the First Amendment.

The Hazelwood School District then appealed the case to the U.S. Supreme Court. On October

13, 1987, the Supreme Court heard arguments from both sides in the dispute.

Arguments for the School District

1. The school district had the right to control a student newspaper published with the public's money if the school had a stated policy to do so.
2. The district should have broad control over the newspaper's content because it was part of the journalism curriculum. Students wrote articles for academic credit in a course.

Arguments for the Student Reporters

1. The *Spectrum* is a public forum and as such is protected by the First Amendment right to freedom of expression.
2. Public school officials should not be able to censor school-financed newspapers simply because they disagree with the paper's viewpoint.

Conclusion

In January 1988 the Supreme Court issued a ruling in this case. What are the constitutional and legal issues raised by this case? Suppose you were writing the Court's opinion. In whose favor would you decide—for the school district or for the student reporters?

